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Workaround vs Jerk-Around: Using OSHA to Accomplish a Vaccine Mandate

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MSNBC anchor Stephanie Ruhle tweeted ahead of President Joe Biden's speech in early September that the mandate for two-thirds of all US workers to get the Covid shots is "the ultimate workaround for the Federal govt to require vaccinations" (Ruhle, 2021; Patterson, 2021). Ronald Klain, the Biden Administration's Chief of Staff, retweeted Ruhle's tweet and added, "OSHA, doing this vaxx mandate as an emergency workplace safety rule, is the ultimate workaround for theFederal govt to require vaccines" (Klain, 2021; Patterson, 2021).The tweet caught the attention of Senator Ted Cruz (R-Texas), who shared his screenshot of Klain's retweet and wrote, "Important. Foolish RT from WH chief of staff" (Cruz 2021). "He said the quiet part out loud. Biden admin knows it's likely illegal (like the eviction moratorium), but they don't care"(Patterson, 2021).This paper will consider the implications of using executive decrees to work-around Congress for achieving policy goals. The decisions in the vaccine mandate cases have great significance to future presidential actions and the country. They also define more clearly the powers of Congress and reaffirm Congress' role in administrative actions.

Facts

March 11, 2020, the World Health Organization declared a COVID-19 world pandemic. Shortly after, former President Donald Trump declared a national health emergency. States began to issue stay-at-home orders, mask mandates, spacing guidance between people, and businesses began to close. Life was put on hold for most people while the virus spread around the globe. On May 15, 2020, President Trump announced Operation Warp Speed, which referenced Star Trek's faster-than-light travel (United States Court of Appeals for the Sixth Circuit, 2021). It was designed to encourage public-private partnerships to speed up the development of vaccines. On December 11, 2020, the Food and Drug Administration issued an Emergency Use Authorization for the Pfizer-BioTech Covid-19 vaccine. Moderna's vaccine received approval December 18, 2020, and the Johnson & Johnson/Jannsen vaccine was approved February 27, 2021. Mass vaccinations began on December 17, 2020.

Despite initial waves of people wanting the vaccine as soon as it began to become available, vaccine hesitancy also developed quickly. There were many concerns about the speed in which the vaccine was developed, the safety of the vaccines, whether the vaccines were effective at preventing disease, and whether scientists were even being truthful with people when publicly stated goals of vaccination kept shifting (Paycor, 2021; Reichmann, 2021). Vaccine rates began to drop off, and President Joe Biden's goal of vaccinating 70% of adults by July 4 began to fade (Millhiser, 2021). Also, the effectiveness of the vaccines began to drop off for those vaccinated early on, just as the Delta variant was predicted to move through the country. On September 9, 2021, Biden contradicted his 2020 campaign promise to not make vaccine shots mandatory. He directed the Occupational Safety and Health Administration (OSHA)to impose strict COVID-19 vaccination and testing protocols for businesses with 100-or-moreemployees (Parascandola, 2021). It was estimated that 80 million workers would be affected. As soon as the executive order and OSHA's regulations took effect, groups filed lawsuits to block the orders(The Supreme Court of the United States, 2021; Wall Street Journal Editorial Board, 2021a). The Fifth Circuit stayed, putting OSHA's vaccine mandate on hold, pending further judicial review (Paul, 2021). The court indicated the mandate likely exceeded OSHA's statutory authority and was unlikely to survive the review (Dunkee, 2021). The Sixth Circuit was selected to overseeand consolidate the increasing cases. In their review, theyreached the opposite conclusion as the Fifth Circuit (Harris, 2021; Heritage, 2021), ruling the stay was not justified and the mandates could be imposed.

The Biden Administration, through an executive order, also required federal workers and contractors, as well as healthcare workers who worked in hospitals that received Medicare and Medicaid funding, to be vaccinated. The Centers for Medicare and Medicaid Services (CMS), on November 5, 2021, issued a mandate requiring all CMS-regulated health entities to mandate vaccines for all personnel. Several lawsuits were filed seeking injunctions to stay the mandate and ultimately overturn the mandate. The CMS announced on December 2, 2021, that it would not enforce the mandate pending the results of the lawsuits in federal courts. The injunction had been overturned in about half of the states (Wall Street Journal Editorial Board, 2021b).On December 28, 2020, the CMS issued new compliance dates for hospitals in those states where the injunction was not in effect. The CMS did not regulate the other half of the states where the injunction was still in effect (Sneed & de Vogue, 2021).

<div align="center">Supreme Court's Per Curiam Opinion</div>

The U.S. Supreme Court (Court)heard arguments for almost all injunctions on the CMS and OSHA mandates on January 7, 2022. The issue in the hearing was whether the Court should stay (stop) the vaccine mandate's enforcement, pending a review on the merits. A hearing on the merits would consider whether the federal government could impose vaccine mandates without violating the Constitution. The Court generally considers four factors when deciding whether to issue a stay: (1) whether the party asking for the stay has made a strong argument that is likely to succeed on the merits; (2) whether the one asking for the stay would be irreparably injured without a stay; (3) whether issuing the stay would substantially injure the other party's interests; and (4) what best serves the public's interest (*Federation of Independent Business v. OSHA*, 2022).

Is the federal government likely to succeed in the case of hospital mandates? In *Biden v. Missouri,* the Court, in a 5-4 decision, allowed the CMS vaccine mandate to go into effect (*Biden v. Missouri*, 2022). The Court noted that the CMS, administrated by the Secretary of Health and Human Services, has broad powers to place conditions on facilities' participation in Medicare, which provides health insurance for people 65 years old and older, and Medicaid, which does the same for those with low incomes. The CMS can impose reasonable requirements on participating institutions for health and safety purposes. Conditions can be placed on institutions to participate in the program and receive public funds. The institutions choose to participate and take government money to help run the programs. The Court held that the CMS reasonably concluded that a COVID-19 vaccination mandate was necessary to protect patient health and safety because "Covid-19 is highly contagious, dangerous – and especially for Medicare and Medicaid patients –a deadly disease" (*Biden v. Missouri,* 2022). The Court rejected the challengers' arguments that the statute "authorized [CMS] to impose no more than a list of bureaucratic rules regarding the technical administration of Medicare and Medicaid" (*Biden v. Missouri, 2022*). The Court noted CMS's"longstanding practice" of using its statutory authority to regulate "the safe and effective provision of healthcare, not simply sound accounting." The Court recognized that the CMS vaccine mandate "goes further than what the agency has done in the past to implement infection control." However, the CMS "has never had to address an infection problem of this scale and scope before." Vaccine requirements are common in the healthcare setting. "As the healthcare workers and public-health organizations overwhelmingly support" the mandate, the support "suggests that a vaccine requirement under these circumstances is a straightforward and predictable example of the 'health and safety' regulations that Congress has authorized the agency to impose"(*Biden v. Missouri,* 2022). Finally, the Court rejected a second argument that the mandate was unlawfully issued without public participation and did not adequately address alternatives. The developing winter flu season was a sufficiently good reason to dispense with advance notice and comment. As for alternatives, the Court held the mandate was "within a zone of reasonableness" and should not be second-guessed by the courts (*Biden v. Missouri,* 2022). The Court gave deference to an agency's discretionary action. Thus, the Court recognized that the procedures were proper. The Court did not address whether vaccine mandates were in conflicted with other constitutional principles like privacy. These deeper questions would have to wait for a review on the merits. The preliminary injunctions, imposed by Missouri and Louisiana district courts blocking the mandates, were stayed. CMS could finalize and imposeits vaccine mandate.

Justice Thomas, joined by Justices Alito, Gorsuch, and Barrett, dissented. They expressed doubt that the statutes that the agency invoked allow "broad vaccine-mandating authority" (*Biden v. Missouri,* 2022). They would prefer that Congress directly grant the CMS the power to mandate vaccines. Justice Alito, joined by Justices Thomas, Gorsuch, and Barrett, issued a separate dissenting opinion, stating that the agency improperly bypassed notice-and-comment procedures in promulgating the rule (*Biden v. Missouri,* 2022). This means notice of proposed rules must be made in the Federal Register, and agencies should allow at least 30 days after publication for the public to submit written comments on the proposed rules. Agencies must consider all relevant comments made during that period before adopting the new rules (Hall, 2019).

The Court did not rule the same way for OSHA's vaccine mandate for businesses with over 100 employees in *Federation of Independent Business v. OSHA*. In a 6-3 decision, the Court concludedthat the OSHA vaccine mandate went too far (*NFIB v. OSHA*, 2022). The Court used *the major questions doctrine* when it stated that the Court "expects Congress to speak clearly when authorizing an agency to exercise power of vast economic and political significance" (*NFIB v. OSHA*, 2022).OSHA's vaccine mandate was a major question because it is "a significant encroachment into the lives – and health – of a vast number of employees." The mandate was unprecedented:

> It is telling that OSHA, in its half-century of existence, has never before adopted a broad public health regulation of this kind – addressing a threat that is untethered, in any causal sense, from the workplace. This lack of historical precedent, coupled with the breadth of authority that the Secretary now claims is a telling indication that the mandate extends beyond the agency's legitimate reach (*NFIB v. OSHA*, 2022).

OSHA's mandate from Congress does not authorize a vaccine-or-test mandate (Segal, 2021). OSHA is limited to "workplace safety standards, not broad public health measures." COVID is not an *occupational* hazard. It spreads at home, in schools, at sporting events, and any other places people gather. It is a *universal* risk like dangers from crime, air pollution, and other diseases. If OSHA were allowed to regulate a "universal" risk of COVID, the approval "would significantly expand OSHA's regulatory authority without clear congressional authorization." It is possible that if COVID "posed a special danger because of the particular features of an employee's job or workplace, targeted regulations are plainly permissible," then OSHA could regulate researchers who work with the virus. OSHA could also"regulate risks associated with working in particularly crowded or cramped environments,"but it cannot regulate "the everyday risk of contracting COVID-19 that all face" (*NFIB v. OSHA*, 2022). The Court reimposed the nationwide stay blocking the OSHA vaccine mandate since OSHA did not distinguish between occupational risk and the risk one more generally encounters in public. Congress must specifically give the agency the power to broadly regulate public health. Thus, unlike the CMS, OSHA had no authority to issue the vaccine mandates.

Justice Gorsuch, joined by Justices Thomas and Alito, in a concurring opinion,emphasized that OSHA's rule failed under the "major questions doctrine," which requires Congress to speak clearly when authorizing administrative agency action of vast economic and political significance. Justices Breyer, Sotomayor, and Kagan issued a joint dissent concluding that the Court's decision "undercuts the capacity of the responsible federal officials, acting well within the scope of their authority, to protect American workers from grave danger" (*NFIB v. OSHA*, 2022).

In these two cases, all the Court did was decide whether the mandates could go into effect while the courts of appeals continue to consider challenges on the meritsof the mandates. Shortly after the Court released its decision,on January 13, 2022, the White House issued a statement indicating that they were "disappointed that the Court has chosen to block common-sense, life-saving requirements for employees at large businesses that were grounded squarely in both science and the law"(White House Briefing, 2022).The White House statement indicated that it would now be up to the states and individual employers to decide if requiring vaccines was necessary to make their workplaces and businesses safe for employees and customers. The White House would institute the vaccine requirements for medical facilities receiving government funds to save the lives of patients and workers.

The Shadow Docket

After the Fifth and Sixth Circuit Courts of Appeals split on lifting the stays in the vaccine cases, the cases were fast-tracked to the Supreme Court. The question of whether the stays should be lifted placed the cases on the Court's "shadow docket" of emergency applications. These cases have increased in recent years. Shadow docket cases call on the Court to decide important issues without full briefing and argument. When the Court is called upon to decide things like whether a stay should be lifted, the Court must make a preliminary decision on whether the one asking for the stay is likely to win on the merits (Jacobson, 2021).In recent years, cases placed on the shadow docket have increasingly involved politically charged issues that require merit-type, preliminary decisions, such as the constitutionality of the border wall, Covid restrictions, travel bans, "remain in Mexico" policy, and federal executions. In the vaccine cases, the Court took the unusual step of holding oral arguments on an expedited basis (Howe, 2022).The parties briefed the case for a review of the stay as well as some arguments on the merits (Brown, 2021), but mostly focused on justifying or defeating the injunction. The decision of the Court was also delivered faster than normal.

But, knowing how the justices voted, as well as their reasoning, is very different from what usually happens in a per curium decision. Having an oral argument and more detailed opinions are indispensable to the public's trust in the Court's integrity. There was confusion and a lack of accountability from unsigned orders (Jacobson, 2021). For example, there was a question coming into these cases as to whether a summary order from the shadow docket was even precedential, meaning that it could be used to decide future cases. In Justice Gorsuch's concurring opinion in *Federation of Independent Business v. OSHA*, the justice expressly linked *Alabama Assn. of Realtors v. Department of Health and Human Servs.*with the major questions doctrine, by using the doctrine as precedent to decide the OSHA case (*NFIB v. OSHA*, 2022). Alabama Assn. of Realtors was another per curium opinion. In that case, the justices blockedthe CDC's imposition of a nationwide moratorium on the evictions of any tenants who lived in a county that is experiencing substantial or high levels of Covid transmission and make declarations of financial need (*Alabama Assn. of Realtors v. Dept. of HHS*, 2021). The Biden White House defended the anti-eviction measures on public health grounds during the Covid pandemic.The Court cited the Alabama case for the major question doctrine.The Court emphasized that the case neededa congressionalact that gavethe agencythe power to impose an eviction moratorium because the ability to do this is a power of vast economic and political significance.The act must*plainly* authorize this type of extensivepower (*NFIB v. OSHA*, 2022). Justice Kavanaugh signaled that an attempt to extend the eviction moratorium, without Congress' clear consent, would likely be struck down by a majority of the justices (*NFIB v. OSHA*, 2022). This allowed the Court to require a "clear statement of delegations of authority" in the OSHA case. The Court, in concluding OSHA did not have a clear mandate from Congress to create a vaccine mandate, will now be precedent for the major questions doctrine and citable in other cases.

This writer also believes giving shadow docket cases full hearings is important because the decision in the shadow docket case may be the end ofthe Supreme Court's reviewof these cases. Because OSHA willnow not be making vaccine mandates, the country could lose an opportunity to read cases concerning the federal attempt to mandate vaccines, and maybe a discussion on whether the very act of forcing vaccines could violate the Constitution.Even CMS cases may not come to the Court on the merits. Potential litigants may simply believe the Court agreed all aspects of the case were constitutional since the ability to issue the mandate was preliminarily allowed when the stay was allowed to remain in place.Also, lower courtsmight not use legal rules from summary decisions, or even know they exist, because shadow docket doctrinesare not fully addressed and might even be left out of normal summary per curium decisions. This could cause the White House to believe a summary opinion in one case will not be applicable (precedent)in other cases in which the administration attempts to work around Congress through agencies.

Review of Mandatory Vaccines on the Merits

If the Court were to review, on the merits, whether mandatory vaccines are constitutional, a starting point could be to analyze the federal government's ability to compel vaccines. While a federal agency cannot issue vaccine mandates without a specific grant of power from Congress, can Congress directly issue vaccine mandates? This question was not answered in the OSHA case.In *Federation of*

Independent Business v. OSHA, the Court, on the merits, could address whether the federal government could even be a primary player in compelled vaccines. The Constitution contains the police power of the states. States reserved to themselves the ability to make laws that affect the health, welfare, safety, and morals of citizens.Although the federal government seems to want an equivalent policepowerfor broader federal law-making actions, and a federal police power may be developing,the states certainly have a stronger basis upon which to act.The Tenth Amendment states that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people" (U.S. Constitution, 1787). This implies that the Federal Government does not possess all possible powers, because most of the powers are reserved to the state governments and the people. The federal government does not hold general police power. It may only act where the Constitution enumerates a power or through the Necessary and Proper Clause that gives Congress powers to carry out the listed powers in Article I, Section 8. "Providing for the general welfare" (U.S. Constitution, 1787), is not the same thing as having the power to make laws that also affect health, safety, morals, and welfare. If the founders wanted the federal government to have all those general law-making powers, they would have said so clearly, and listed each, in the Constitution. Therefore, the states have the power to make laws to protect public health, and the federal government might not (Ducat, 2012).

Federal agencies only have the powers Congress can give them. They cannot do more than what Congress could do. Article II of the Constitution says, "The executive power is vested in a President of the United States of America" (U.S. Constitution, 1787).That sentencemight sound like it grants additional powers beyond the listed powers the president has in Article II, Section 2. However, when exercising domestic powers, as opposed to powers of war or foreign affairs, the president is often limited to implementing the laws passed by Congress (Ducat, 2012). The president does not have general law-making powers. Without Congress passing a law on the subject, it is implied that the states may be the ones with the sole power to impose vaccine mandates (Ducat, 2012). The Court, through its interpretation of the Constitution, will be the final authority on the balance of power between the states and the federal government. The Court has not recognized general federal law-making powers.

Articles analyzing the states' vaccine powers usually start with *Jacobson v. Massachusetts*.State law provided that the board of health of a city or town could require and enforce vaccine ordinances. Cambridge, Massachusetts,in 1902, in the middle of a smallpox outbreak, passed an ordinance requiring all adults to be vaccinated, or revaccinated, against smallpox. These vaccines were free. People over 21 who failed to comply, would be fined $5. There was an exception provided for children who had a doctor's certificate stating that they were not fit for vaccination. Jacobson was a resident of Cambridge. He refused to be vaccinated and brought a lawsuit against Massachusetts. He argued that his constitutionally protected liberty right was infringed upon by this mandate. In deciding for the state, the Court recognized the ability of the state to enact reasonable regulations as needed to protect public health. The Court concluded that sometimes an individual's liberty interest must yield to a reasonable state law to protect the health of everyone. Deferring to the state legislature, the Court noted that requiring people with certain health conditions that made a vaccine dangerous to take, would be cruel and inhumane (*Jacobson v. Massachusetts*, 1905). Jacobson did not show that he had any medical condition that would make him unfit for vaccination. The case, though, did indicate that exceptions would have to exist.

But, this privacy case is over 100 years old. It predates *Griswold v. Connecticut*, 1965, where the Court identified a right to marital privacy in the penumbras or spirit of the Constitution. The case was incorporated to the states. This case protected married couples in their use of contraceptives, and it did not allow the state to violate the couple's right to privacy in their marriage (*Griswold v. Connecticut*, 1965). In *Eisenstadt v. Baird*, 1972, the Court struck down a Massachusetts law that banned an unmarried person from using contraceptives. The Court found that treating unmarried people differently from married people violated the Equal Protection Clause of the Constitution (*Eisenstadt v. Baird*, 1972).The case set the stage for the right to privacy to be viewed as an individual right. In *Roe v. Wade*, 1973, the right to privacy was extended to the area of abortions. After *Roe,* the right was applied to other areas such as gay rights and the ability to refuse medical treatment. The right to privacy protects an individual from

unwarranted government interference in intimate personal relationships and activities (*Roe v. Wade*, 1973).

Mandatory vaccines, shelter-in-place orders, and mask mandatescould be analyzed as to whether these activities violate an individual's right to privacy. There is an unsettled question on whether people can be forced to have substances inserted into their bodies, as what is put into a person's body can stay in the person's body and affect the person for life. Getting a shot may be a very intimate activity protected by the right to privacy.

Roe v. Wade could provide a template to analyze vaccine mandate cases on the merits. The Court would first have to decide that the right to privacy extends to the area of mandatory vaccines (*Roe v. Wade*, 1973). Considering the other areas where the right to privacy was extended to protect, it seems possible that the Court could find that the right to privacy extends to unreasonable and unconsentedintrusions by the government into a person's body. The right to privacy and its close association to the Amendments in the Constitution could even be found by the Court to be a fundamental right. The right to privacy may not guarantee a person protection from all government intrusions, as constitutional rights are not absolute.But, if it is a fundamental right, strict scrutiny could be used to analyze vaccine cases.Under strict scrutiny, the government bears the burden of proof, not the one challenging the law. The government has the burden to show a compelling need to regulate. This requires the strongest of reasons. It is stronger than important or substantial. Also, the government must show that the law is passed is the least restrictive method to achieve the compelling need. It cannot be overly broad if a fundamental right is being infringed upon. Strict scrutiny is the most stringent standard used by the Court, in present times, to protect rights (Ducat, 2012). This standard was used in *Roe* when the Court analyzed whether a state could ban abortion. The state identified the health and life of the mother and child as providing the compelling need to regulate. This started the trimester approach to analyzing abortion. In the first three months of pregnancy, there is little danger to the health of the mother, and the baby could not live if born. The state did not have a compelling need to regulate. In the second trimester, the state can show a need to regulate based on protecting the health of the mother. Abortions were considered riskier, so facilities and procedures could be regulated, but abortions could not be banned. There is an interest in protecting the life of the unborn child, but it does not become compelling in the second trimester until the child could live outside of the mother (*Roe v. Wade*, 1973). In 1973, the baby could not live outside of the mother at this point in the pregnancy. During the third trimester, there are more serious health risks to the mother. Also, the baby could live if it were born. Thus, abortions could be banned during the third trimester. The state has a compelling interest in the life and health of the mother and child in this stage (*Roe v. Wade*, 1973). Justice O'Connor was a sharp critic of the trimester system when she came on the Court. She said it was too tied to 1973 medicine. She envisioned the advancement of medical knowledge to the point where unborn children could live if they were born at earlier periods in the pregnancy (*Planned Parenthood v. Casey*, 1992). In *Planned Parenthood v. Casey*, she prevailed, and the court moved to a viability test instead of a rigid trimester system. As babies are born earlier and live, abortions could be banned at earlier periods.

In the case of mandatory vaccines, the government would have to show a compelling need to vaccinate people against their will. If the Court ever analyzes these cases on the merits, the government will probably have to show a compelling need to protect the public. This could prove to be difficult. There were many deaths at the start of the pandemic, but this has changed now. Anti-viral drugs and monoclonal antibodies have proved to be a game-changer for people who get Covid (DeSimone, 2021). The United States has vaccines now for people who wish to use them. They may have provided some protection against the most serious symptoms of Covid for those who were vaccinated. Many people have gotten Covid, with or without a vaccine, and natural immunity may be providing protection against Covid. Natural immunity from exposure to the virus needs to be studied, and may have to be considered in place of vaccines if it proves effective. Also, we may be approaching herd immunity, if the vaccinated and naturally immunized persons are both considered. If there are ways to treat people, and people have immunity, it would be much harder to make a case for mandatory vaccines or boosters. The government may have to test people who have a natural immunity to the virus for antibodies. Those people might have

to be allowed to skip the vaccine. It is harder to argue a compelling need for mandatory vaccines. Even in *Jacobson*, it was understood that the need for exceptions to the mandate, such as health or religion, may be required for a vaccine mandate to be mandatory (*Jacobson v. Massachusetts*, 1905). Under strict scrutiny, laws need to have the least restrictions on rights as possible.

Another, weaker court test that could be used instead of strict scrutiny is a rational basis. If privacy ofone's body is not a fundamental right, this approach could be an option. Here the burden of proof is on the one challenging the law. The challenger would have to show that the law is not rationally related to the achievement of legitimate government interest. Laws are upheld if they are reasonable (Ducat, 2012). There would still be questions concerning how well vaccines work and whether they are considered vaccines. If the mRNA is just a gene-editingor supplementing technique, and not really an effective vaccine, it might not be reasonable to require these shots. The vaccine causes the body to produce the spike protein. If this stays in the body, could this cause disease like an autoimmune disease, say, ten years down the road? This will certainly take more study.But, if the vaccines do not work or, worse, cause future harm, requiring mandatory vaccines would not be reasonable. While this test gives more deference to states, exemptions to vaccine mandates will still have to be available (Segal, 2021). It might remain reasonable to require exempted individuals to prove immunity or a non-infectious condition through antibody tests.

Are the courts the best place to resolve these issues? Courts work best when the scientific community has already reached a consensus on the scientific aspects involved in such cases. Then the courts can do their job and apply the law to the factual consensus. Courts are not designed for factual hearings where scientific research is actively being fought over. Justices had trouble at the oral hearings of *Biden v. Missouri* and *Federation of Independent Business v. OSHA.*At the Supreme Court hearing, Justice Neil Gorsuch claimed that the flu kills "hundreds of thousands annually." He used this argument to question why Covid vaccines should be made mandatory when vaccines for flu are not. Actually, over the past decade, the flu has killed between 12,000 and 52,000 people, according to the CDC (Loe & Datil, 2022). Justice Sonia Sotomayor claimed that there are now "over 100,000 children" who are "in serious condition and many on ventilators" due to Covid. She was trying to show how dangerous Covid is to make the argument that the government is compelled to make vaccines mandatory.According to the CDC, there have been 84,582 total Covid hospital admissions among those aged 17 years and under since August 2020, and the Department of Health and Human Services reports there were only approximately 5,000 children hospitalized with Covid as of the Court hearing (CDC, 2022; Loe & Datil, 2022). How did Justice Sotomayor come up with the figure of 100,000 children? Maybe it was a good thing the hearing focused on federal regulations than whether the government will win on the merits of vaccine mandates, given such factual disputes.

The best place to have hearings is probably state legislatures. Like Congress, they are designed to hold hearings, investigate, and establish factsto make good laws and check how laws are working. Appellate courts can ask for amicus curiae briefs, but they would still have to decide what science in those briefs is the most correct, and they do not call on the people that wrote those briefs to come into court and testify on matters in those briefs. Amicus curiae briefs are friend of the court briefs that provide some information, expertise, or insight on the case to the appellate court that are unlikely to be addressed by the parties in theirbriefs. The courts must weigh the value of these briefs, whichmight not be consistenton the facts. There is no real opportunity to ask the writers additional questions. Law-making bodies like Congress and state legislatures are better suited forgetting questions answeredand legislatures can question large numbers of people. Also, in this country, these are supposed to be our law-making bodies.Justices who see a more restrained role for the court would not want the courts to make laws or policies. They would especially not want courts to decide questions outside of the law, their area of expertise.

A second point that the Court could analyze on the merits is whether administrative agencies, like OSHA, are even empowered to regulate and mandate vaccines. The Court, in recent years, has been cutting back on the deference courts give to agency decisions. Agencies raise problems in our form of government. They may be called The Fourth Branch of Government, but they are not directly created in

the Constitution. Agencies are created by Congress under the *Necessary and Proper Clause* of Article Iofthe Constitution (1787). Article I contains Congress' powers. As the countrydeveloped, the people began to expect the government to do more. The government was expected to become more proactive and solve potential problems before they became mature problems. Congress' job is to make laws. When Congress does not have the time or expertise to tackle some problems, Congress develops an enabling act, which creates an administrative agency. The agency is given some of Congress' law-making power to make regulations to fulfill the job Congress wants done (Hall, 2019). For example, in 1970, Congress passed the Occupational Safety and Health Act that created the Occupational Safety and Health Administration. Its main mission is to prevent workplace illness, injury, or death. Congress delegated some of its law-making powers so the agency can create regulations that all businesses must follow. Congress also delegated enforcement powers to the agency. If a business fails to comply with OSHA standards, the business can face fines and even possible closure.The President then carries out Congress' law,setting up and staffing the agency. In a democracy, the people delegated their law-making powers to Congress, not administrative agencies. The people can control Congress through elections. However, the re-delegation of some lawmaking powers from Congress to an agency makes it extremely difficult for the people to keep control over that re-delegated law-making power (Hall, 2019). No one votes for people in administrative agencies.

In the 1927 case of *Hampton v. the United States,* the Court reviewed agencies in a democratic system*.* In the case, the Court concluded Congress did not violate the separation of powers principles by delegating limited lawmaking powers to the executive branch, provided the enabling act created an intelligible principle to which the agency must conform when exercising that law-making power (*Hampton v. the United States*, 1976).Congress must give agencies legitimate, understandable guidelines that act to limit an agency when exercising delegated authority.If this exists, the agency is limited by the intelligible principle. Congress made the policy and defined what is needed, the agency is simply "filling in the details" to implement Congress' policy. In the early years, Congress and the courts used to scrutinize the use of delegated powers more. Since 1937, and the clash with the executive branch that prompted talk of expanding the Supreme Court so there would be more justices favorable to the president's New Deal legislation, the courts had given more deference to agencies in their efforts to exercise delegated powers (Hall, 2019).

In 1984, the Court decided *Chevron v. Natural Defense Council.* This was a landmark case in which the Court created the Chevron test for judicial review of agency decisions. The first step of the test says, when Congress directly addresses an issue, the courts defer to Congress. If Congress is silent or ambiguous in a statute, then the question is whether the agency's interpretation is reasonable. If it is reasonable, then the agency needs latitude to exercise its delegated authority. Courts presume the agency has the authority to "fill in the gaps" (*Chevron v. Natural Defense Council*, 1984). When an agency is not authorized to interpret the statute, then the courts use the *Skidmore doctrine*. The agency interpretation here is just the power to persuade, and the courts do not automatically defer (*Skidmore v. Swift & Co*., 1944). In the OSHA vaccine mandate case, the Court reaffirmed that it has added a "clear statement of Congressional authority" requirementunder the "major questions doctrine" (*NFIB v. OSHA*, 2022).This requires Congress to speak clearly when authorizing administrative agency action that is of vast economic and political significance. This is a further cutback on an agency's use of discretion.If the Court puts agency cases on the merits docket, rather than the shadow docket, the people, as well as agencies, will be better able to understand the changes the Court is making in agency judicial reviews. These are but a few of the questions likely to come up in a merits decision that would not be addressed in cases in the shadow docket.

<center>Conclusion</center>

Per curiam opinions are the summary opinions of the Court. They do not identify a particular justice as the writer of the majority opinion, and they do not have the same depth of reasoning on the issues as cases that have oral argument and are decided on the merits. The majority in the OSHA case wrote:

It is telling that OSHA, in its half- century of existence, has never before adopted a broad public health regulation of this kind – addressing a threat that is untethered, in any causal sense, from the workplace. This lack of historical precedent coupled with the breath of authority that the Secretary now claims, is a telling indication that the mandate extends beyond the agency's legitimate reach(*NFIB v. OSHA*, 2022).

Using OSHA to enforce a vaccine mandate wasan attempt to knowingly useillegal or dishonestmeans (a jerk-around) by the executive branch. It was more thanovercoming a problem with creative-yet-allowed rule usage (a work-around). If the action was not knowingly illegal or wrong, it was at least a runaround. These terms are not precise, but a runaround is probably between a workaround and a jerk-around. It is engaging in deceptive action. All the branches of government, and the federal agencies, seem to be trying much too hard to get around problemsbe it with work-, run-, or jerk-around.

The White House may have attempted a jerk-around. They may have dealt with vaccines in a knowingly dishonest (and potentially unconstitutional) fashion. On December 4, 2020, President-Elect Biden was asked if he wants vaccines to be mandatory. Biden replied, "No I don't think it should be mandatory, I wouldn't demand it be mandatory" (Jarvis, 2021). He tried to make Covid vaccines mandatory when more citizens than he anticipated refused to get them. He did not get his way, and he could not convince as many of the people as he felt he needed. Undoubtedly, he probably talked to Democrats in the House to pass a vaccine mandate law. Congress was, and still is, toopolitically split on this topic to successfully pass a vaccine mandate law. His administration then turned to OSHA to do what he and Congress could not do. As the executive branch was, at best,knowingly being sneaky, the term jerk-around seems to fit. Sometimes people need to stand down when their vast powers of persuasion and large soapbox do not convince people to do what they want. It causes problems in the other branches of government when illegitimate and extreme methods are attempted. It may not be the powers of persuasion. It may be the message.

Congress should have tried to pass the vaccine mandate directly, or at least debate the ideas. This activity is Congress' job.Congress is the law-making branch. There may still be a problem in that Congress may not even have the constitutional power to impose vaccine mandates. That authority may solely belong to the states.It seems more like a work-around in that they have created agencies before to address problems they could not resolve. Congress can delegate power to agencies, providing Congress legitimately has the power to do what they are trying to delegate to the agency. As the split between state and federal power is not always clear, there may have been no illegal or dishonest congressional motive to try to use OSHA to mandate vaccines.

The agency (in this case OSHA) is responsible for assessing the constitutionality of its actions before deciding to use the agency's power to implement something. The agency knows its history. OSHA should have known its mandate is confined to the workplace. The agency should have known that they have never functioned as broadly as they tried to act in imposing a vaccine mandate. However, the executive branch of government controls an agency. They probably faced incredible pressure from an executive branch that expected the agency to follow their orders. Still, in a democracy, each part of government must decide for itself whether its actions are constitutional. If bureaucrats in the agency knew what they were doing was likely to be contrary to the Constitution, it would certainly be a jerk around to the other branches of government and the people if they continued to impose the vaccine mandate.

The Court has been expanding its shadow docket and resolving more cases through summary judgment rather than by using its merits docket. This is a workaroundbecause there is a need to manage simpler cases in a streamlinedfashion, rather than overly burdening the merits docket. The Court might be trying to remedy the problems that can result from summary decisionsin shadow docket cases by adding oral arguments and writing fuller decisions when resolving questions on stays. It would seem that the Court is also engaging in workarounds. Perhaps this growing trend of government workarounds and jerk-arounds ought to attract more scrutiny.

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Exploring Motivation and Access to Campus Support among First-generation College Students Majoring in Education

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Abstract

First-generation college students face a wide range of challenges that their continuing or second-generation college student peers may not encounter. This qualitative study explores the factors contributing to first-generation college students' enrollment in education degree programs and how they describe their motivation as education majors. Moreover, it examines the campus support groups or support systems that first-generation college students studying in education degree programs utilize. Participants (*n*=19) included first-generation college students studying in the College of Education at a mid-sized public university in the Southeastern United States. Data collection comprised a closed (on demographic and degree program information) and open-ended survey. Open-ended survey data were thematically coded. Primary results center on enrolling in an education degree program to make a difference, having a love of children and the teaching environment, and wanting to promote change. Participants provided various supports used in the College of Education and on campus, but nearly half of the participants were not using any support. The paper concludes with practical implications and recommendations for future studies.

Introduction

Although there are varying definitions of what constitutes a first-generation college student (Toutkoushian et al., 2018), for this study, first-generation college students (FGCSs) are defined as students whose parents did not obtain a 4-year degree (Garriott et al., 2015). FGCSs experiencechallenges that their continuing or second-generation college student peers do not face (McCain et al., 2018). They experience psychological (i.e., shame, conflict, guilt, and confusion), academic (i.e., lack of preparation and uncertainty about how to deal with the academic system), and social challenges (i.e., being isolated and facing discrimination or social stigmas attributed to their classification; Watkins, n.d.)In addition, they tend to have lower grades (Ward et al., 2012), experience other academic challenges (Pascarella et al., 2004), have lower self-efficacy(Young-Jones et al., 2013),and are less likely to complete a bachelor's degree program in comparison to their continuing generation peers (Fry, 2021; Whitley et al., 2018). Continuing or second-generation college students are more likely to complete an advanced degree than their FGCS peers (Fry, 2021). Additionally, they often do not have support in the application process (Knighton & Mirza, 2002). These challenges can present additional roadblocks for FGCSs as they navigate university life without the support of parents who can provide firsthand guidance.

Extensive research has been conducted on the motivation of FGCSs (e.g., Brookover et al., 2021; Irlbeck et al., 2014; Mitchall& Yaeger, 2016); nevertheless, there is a paucity of research on the motivation of FGCSs in specific degree programs including education. Kim et al's narrative study (2014) on FGCSs in preservice teacher education (*n*=8) provides a wealth of knowledge about the experiences of FGCSs specifically enrolled in an education degree program; however, the study explored a vast range of experiences within the participants' lives as FGCSs and did not have a narrow focus. It is important to gain more insight into the motivation of FGCSs majoring in education so that universities and education departments can provide better support during the admission process and throughout their academic career. Additionally, there is a dearth of research on supports being utilized specifically by FGCSs majoring in education. This data can assist in the recruitment and retention of FGCSs studying in education degree programs, which may have different admission, curriculum, testing, and graduation requirements compared to other fields. It can also help universities to focus more specifically on the campus resources and support systems needed to assist FGCSs in specific degree fields, including education. This study explores motivation among first-generation college students (FGCSs) majoring in education. It also examines their access to support on campus. The following research questions guided the study:

Research Question 1: What factors contribute to FGCSs' enrollment in education degree programs?
Research Question 2: How do FGCSs majoring in education describe their motivation?
Research Question 3: What campus support groups or support systems do FGCSs majoring in education utilize?

Literature Review

First-Generation College Students' Motivation

Motivation plays a critical role in the educational experiences of FGCSs who have varying reasons for studying in university andpersisting throughout their academic career. Deci and Ryan's (1985, 2000) theory of self-determination centers on three major forms of motivation: intrinsic academic motivation, extrinsic academic motivation, and amotivation.The theory of self-determination has been

applied to studies on FGCSs (e.g., Próspero& Vohra-Gupta, 2007). Intrinsic motivation is driven by the satisfaction that develops by completing or engaging in specific activities. In contrast, while extrinsic motivation centers on motivation that develops externally to the individual and the activity itself (Deci & Ryan, 2000). For example, extrinsic motivation for a student might focus on the desire to go to university to make more money; alternatively, intrinsic motivation may be the driving force for a student who wants to learn for the sake of learning (Próspero& Vohra-Gupta, 2007). Vansteenkiste et al. (2018) state that learning is generally more meaningful when individuals are intrinsically motivated by the process. Amotivation focuses on individuals who believe their behaviors develop as a result of factors out of their control. Depending on the learning activity, individuals may be influenced by more than one type of motivation (Deci & Ryan, 1985). Deci and Ryan (2000) reiterate that self-determined people need motivation to fulfill their goals. Exploring the role of motivation among FGCSs can paint a better picture of their academic journey and career trajectory. Furthermore, it can shed light on the types of motivation, intrinsic, extrinsic, and amotivation, that may influence their experiences.

Research (e.g., Brookover et al., 2021; Irlbeck et al., 2014) has explored FGCSs' motivation to attend university and general academic motivation (McCain et al., 2018). In a study on FGCSs, Irlbeck et al. (2014) found that parental and family encouragement, teacher encouragement, and self-motivation played a key role in university enrollment. In Brookover et al's (2021) study on FGCSs' college preparedness and readiness, participants highlighted the role of "student agency fostering resilience," which includes both intrinsic and extrinsic motivation (p. 50). Other motivational factors were discussed including cultural values, family and friend involvement, and "synergy in the school community," which includes involvement among school counselors, teachers, and other community members (Brookover et al., 2021, p. 53). These motivational factors of FGCSs are not specific to certain majors, however. Examining the motivation of FGCSs majoring in education can provide a deeper understanding of their desire to study this field and later pursue a career in education.

Campus Support and First-Generation College Students

Universities often provide a wide range of resources to assist students in their transition to university life and have support systems in place to help students throughout their academic journey. In terms of academic support services, academic advising, and health services, FGCSs use these resources less than their continuing or second-generation peers (U.S. Department of Education, National Center for Education Statistics, 2014). Pike and Kuh (2005) found that FGCSs perceived their college environment as less supportive than continuing or second-generation peers. It is critical that FGCSs be equipped with the campus resources and support system needed to adapt to university life and persist in achieving academic goals and eventual graduation.

Campus support includes relationships with the individuals on campus, which includes peers, faculty, and staff. In a case study (*n*=10), Irlbeck et al. (2014) explored the factors that resulted in FGCSs enrollment at a university in the Southeastern United States. The study also examined FGCSs' involvement in campus programs, organizations, and activities as well as the support groups and systems that they used. A major source of support among the participants included their families as well as professors (Irlbeck et al., 2014). Interactions with peers through extracurricular activities on campus can also provide many academic and personal benefits for students (Whitt et al., 2001); furthermore, establishing friendships with classmates is critical for the success of FGCSs (Pascarella et al., 2004). Nevertheless, in comparison to continuing or second-generation students, FGCSs are less likely to interact in peer activities (Moschetti & Hudley, 2015; Pascarella et al., 2004). Irlbeck et al. (2014) highlighted the importance of FGCSs developing relationships with professors and staff, which aids in learning through different perspectives, gaining more insight into the college experience, and how to interact on campus.

Research has highlighted various benefits of being involved in campus activities including academic and personal achievement (Huang & Chang, 2004) as well as promoting a better sense of belonging (Strayhorn, 2012). FGCSs who were involved in campus activities had improved academic experiences (Pascarella et al., 2004). Unfortunately, FGCSs tend to be less involved in social activities on campus (Petty, 2014). According to Checkoway (2018), students have many opportunities to participate in campus activities and events, but for FGCSs, they may feel inadequate and choose not to get involved. Additionally, finances can play a role in the lack of involvement since lower-income students need to use their time to work or catch up on other activities outside of school (Checkoway, 2018). FGCSs may also be less involved in campus activities because they are unaware of the importance of participation in these activities and may not have been given guidance from family members (Pike &Kuh, 2005). Contrary to other studies (e.g., Lohfink& Paulsen, 2005; Mehta et al., 2011), Irlbeck et al. (2014) found that FGCSs were actively involved in campus activities such as a department or college organization, a religious organization, or other campus activity. However, Irlbeck et al. (2014) also found that FGCSs were less likely to use campus support systems, which aligns with other studies (e.g., Pascarella et al., 2004). Exploring the experiences of FGCSs with specific majors may provide a better understanding of their involvement in general campus activities as well as ones that are more aligned with their majors and academic interests.

First-Generation College Students in the Education Field

University major selection has been examined in some studies on FGCSs (e.g. Wright et al., 2021). A study by Wright et al. (2021) found that FGCSs tend to choose more applied majors and focus on a targeted career field. Applied degree fields center on defined training for specific jobs such as education majors learning how to teach (Quadlin, 2017). In Wright et al's (2021) study of 6,240 students, 67% of the FGCSs were enrolled in an applied major field, which includes education, and 33% were enrolled in an academic major field. The applied majors consisted of 14 different fields or areas, while the academic majors consisted of 10 fields or areas. In Wright et al.'s study, 9% of the total participants were enrolled in an education degree program. Although applied majors or fields often provide faster access to certain jobs, they tend to have limited career advancement possibilities (Roksa& Levey, 2010) and lower earnings throughout their careers (Van Noy & Ruder, 2017). Education and liberal arts majors often make significantly less than those in other fields even by mid-career (Winters, 2022). Examining FGCSs' interest in particular majors, including education, can help better understand their past and present experiences and perceptions as well as future ambitions.

Although there is limited research specifically on FGCSs' who are majoring in education or are alumni of education programs, some resources provide insight into their experiences. Kansas State University's College of Education (2014) created a documentary on five preservice teachers and three alumni who shared their experiences as FGCSs. Although this documentary provided a wealth of information on the experiences of FGCSs majoring in education fields or alumni of an education program, this was not a scholarly research study. A study by Kim et al. (2016) examined the experiences of eight preservice teachers who identify as FGCSs. Each narrative painted a picture of the participants and why they chose to become educators. Although this study had a limited number of participants, the deep, narrative design allows for deep insight to be gained from the individual stories of the participants as they continue their journey as teachers. According to Kim et al. (2016), "Their stories reveal that challenging life experiences, extended family support, and their local culture, have become invaluable resources for their motivation to do well, and contributed to developing their funds of knowledge" (p. 100). The participants also highlighted the importance of compassion, empathy, and being able to relate to others in their narratives (Kim et al., 2016). Barriers in life were also perceived through an empathic lens, with the challenges of life being labeled as "funds of knowledge," which allowed the participants to apply their life experiences to educational settings and relate to the setbacks and barriers that their students faced

(Kim et al., 2016, p. 95). Moreover, their stories often centered on their commitment to being educators and making a difference in the lives of students.

Methodology

This qualitative study was carried out in the Summer of 2022 at a mid-sized public university in the Southeastern United States. Participants (*n*=19) included self-identified FGCSs at the undergraduate and graduate levels who are majoring in education. At the university where the study was conducted, approximately 25% of students identify as FGCSs. The university has a database of students who self-identify as FGCSs; this information can be disaggregated based on different criteria including major. The researchers contacted only potential participants from the College of Education. Table 1 includes participant demographic information.

Table 1

Participant Demographic Data

Participant Pseudonym	Age	Identified Gender	Year in University or Degree Program
John	18–24	Male	Sophomore
Angelica	18–24	Female	Freshman
Kelly	18–24	Female	Junior
Gina	18–24	Female	Junior
Stephanie	18–24	Female	Sophomore
Cynthia	18–24	Female	Junior
Jeanine	25–34	Female	EdD (Doctor of Education)
Sarah	25–34	Female	Master's Degree
Carissa	18–24	Female	Senior
Robert	18–24	Male	Senior
Julia	25–34	Female	EdS (Educational Specialist)
Jasmine	18–24	Female	Junior
Theresa	18–24	Female	Freshman
Veronica	18–24	Female	Sophomore
Miranda	25–34	Female	Senior
Abigail	35–44	Female	Senior
Madison	18–24	Female	Junior
Susanna	18–24	Female	Sophomore
Michael	25–34	Male	EdD (Doctor of Education)

Data Collection

Data collection commenced once Institutional Review Board permission was granted. Data collection comprised a closed and open-ended survey (see the Appendix) conducted through Qualtrics. The questions were adapted from Brookover et al's (2021) study on factors influencing FGCSs' readiness and Irlbeck et al.'s (2014) study on FGCSs' motivations and support systems. FGCSs majoring in education were sent a recruitment email through their university email account, which highlighted the purpose of the study and time commitment. The email also included a link to the survey on Qualtrics. A

digital informed consent form was created in Jotform and linked to Qualtrics for potential participants to complete. To proceed to the survey, participants had to read and digitally sign the form. Two reminder emails were sent to potential participants in 1-week intervals.

Data Analysis

Open-ended survey responses were thematically coded (Creswell, 2007). Participant quotes were placed into color-coded categories based on similarities in responses. These categories were narrowed down into broader themes that captured the essence of the participants' perceptions and experiences, which are presented in the findings.

Findings

The following section describes major findings related to the factors that contribute to FGCSs' enrollment in education degree programs, their motivation for studying education, and the campus support groups or support systems that FGCSs majoring in education utilize.

Factors Contributing to Enrollment in Education Degree Programs

Primary factors that led FGCSs to enroll in an education degree program largely center on the following themes: making a difference, having a love of children and the teaching environment, and wanting to promote change. Participants also provided varying reasons for studying in the College of Education at theinstitution where the study was conducted. The most dominant response was the location and proximity of the university to their homes.

Enrolling in an Education Degree Program. Participants discussed the desire to make a difference in the lives of students. Gina, a junior, stated, "Education opened up a lot of doors for me, and I wanted to give back to my community in the same way." Robert, a senior, said, "I want to make a difference in my community. I was inspired by many of my own teachers." Jasmine, who is a junior, said that she wants to help children see their potential. Michael, a student in the Doctor of Education program said, "I've loved my educational experience and wanted to give back to those who have given so much to me." A similar response was noted by Susanna, a sophomore, who wants to give back to her community and help students succeed.

Participants expanded on having a love of children and the teaching environment. For example, John, a sophomore, stated, "I love working with children, and I want to help them." Another sophomore, Stephanie, had a similar response, "I have always wanted to be a teacher for as long as I can remember. Having been in a classroom as an intern for 5 years, I can't see myself doing anything else." Carissa, a senior, said, "I have always wanted to work with children. I want to be a positive light to children who may not have that light at home." Veronica, a sophomore, echoed this by stating, "I've always wanted to be a teacher. I want to be the happy place where kids feel safe." Abigail, a senior, had a similar response and mentioned the role of the teaching environment and working with children in influencing her decision to major in education.

Another dominant theme that was extrapolated from the data was wanting to promote change. Angelica, a freshman, specifically discussed her interest in special education. She said, "I want to be a change for those in the SPED program. My son is autistic and inspired me to pursue SPED." Jeanine, a student enrolled in the Doctor of Education program said, "I want to move away from traditional views of teaching and promote change in schools" A similar response was stated by Julia who is studying in the Educational Specialist program. She wants to be a change for students and stated that the public school system needs a lot of change.

Enrolling in the College of Education. In terms of the factors that led first-generation college students to enroll in the College of Education at theinstitution where the study was conducted, nine participants discussed the location and close proximity to their home, three listed the cost of the program, and two participants mentioned the military since the school is located near a large military base.Other reasons include alignment with goals (n =1), liking the university (n =1), passion for helping children (n=1), entering a program in which I can make a difference (n=1), enjoying the environment and professors (n = 1), wanting to attend this institution rather than a community college (n=1), and easy to transfer to another major within the university (n=1) or from another university (n=1). Some participants provided several reasons. Most participants provided vague responses, but Michael a Doctor of Education student elaborated,

> When I first entered college, I thought I should have majored in something that would make me a lot of money, but I soon realized that I should do something that I am going to love for the rest of my life. Even though my dad wanted me to do something that made me lots of money, I wanted to do what was best for me.

Participants listed varying reasons for wanting to study in the College of Education at the university. The most prevalent response centered on the location and proximity.

Motivations to Study Education

The proceeding section discusses the participants' motivations for studying education. Many of the responses to survey questions asking about motivations to study education mirror those related to the factors to study education. Dominant themesrelating to motivations for studying education include supporting the children and promoting change.

Supporting Children. In terms of supporting children, some participants provided vague answers and said that the children inspire or motivate them, while others provided more depth. John, a sophomore, said, "To help children who don't have the support they need, especially in underfunded schools."Angelica, a freshman, said that she wants to be"the support for students who may need it more than others." Kelly, a junior, had a similar response: "Making effective change and being there for students." Michael, a Doctor of Education student said, "I have questioned this over the last couple of years. My current motivation is to be a force for students and teachers. Education has had such rapid change, and educators need a stable and resilient advocate." Sarah, a master's degree student, said that she wants to deliver "access to education in underserved communities such as low-income, minority, incarcerated, or non-traditional students."

Promoting Change. Some participants discussed promoting change. For example, Kelly, a junior, said, "Making effective change" while Cynthia, a junior, said, "Building a better future for the next generation." Jeanine who is enrolled in the Doctor of Education program wants to "help others be more than a product of their environment." Susanna, a sophomore, stated, "I feel like my calling is to teach children and change their lives."

Influences. Participants discussed various influences in deciding to major in education including teachers, their own children, and professors. Participants elaborated on these influences. For example, Stephanie, a sophomore, said that all of the teachers in her life influenced her decision. Veronica, also a sophomore, said, "All my teachers I have had over the years and all the kids I have taught in the past five years." Six participants indicated that they were not influenced by anyone to study education. Michael, a Doctor of Education studentstated, "No, actually, most people encouraged me to do anything but education. However, I love working with children and have always believed I could make a difference." Jeanine, another Doctor of Education student, said that it was her own life experiences that led her to want to study education.

Support

The next section highlights the support that FGCSs stated that they received. The first section focuses on support obtained in the College of Education. The latter section centers on support received on campus and external to the College of Education.

Support in the College of Education. In terms of support received within the College of Education, eight students responded "N/A" or "None." One indicated "not a lot." Some participants provided vague answers including getting support from "professors and friends," "guidance," "help on homework," "help from professors," and "some help with classes." Several participants provided detailed responses on their support. Michael, a Doctor of Education student said,

> This is an incredible university. Before enrollment, I had heard some negative press about undergraduate education programs. I was very nervous about enrolling in the EdS program and thought I might embark on a difficult journey. However, the COE at this institution (the actual name has been omitted) has been an extension of my family over the last several years. I went through a tough time in my community, and the faculty from the university was first on the scene to help. I cannot say enough positive things about the doctoral staff and faculty from the COE about how I have been supported and encouraged in my professional and personal life.

Sarah, a master's degree student, stated that she did not receive much support as an undergraduate student. She also stated, "I felt really disconnected from the school and the education faculty. However, as a graduate student, I find a lot of support from my faculty and the distance education department. I also am part of the Facebook group for the College of Education."Angelica, a freshman,stated, "Honestly, not much. Mainly from one of my education professors. Even though I'm no longer in his class, I see him in the halls, and he still asks how I am doing." Additionally, Susanna, a sophomore, had a similar response, "I have received lots of support from the College of Education. Anytime I have a problem with classes someone is always there to help me and direct me on the right path."

University Support. Students were also asked if they received any support outside of the College of Education. Eight students responded that they have not received any support outside of the College of Education. One of them indicated, "nothing that I can think of, but I haven't gone out of my way looking for it either." Another said, "To be honest, I really haven't reached out to many other people outside of the College of Education." Examples of supports that students use outside of the College of Education on campus include major advisor support (n=1), support from the honors program leader ($n = 1$), friends (n=1), professors in the math department (n=1), financial aid and scholarships (n=3), LinkedIn and networking with people in the field (n=1), the writing center (n=2), the library (n=1), the adult and nontraditional center (n=1), and the Baptist ministry (n=1). Some participants provided more than one answer.

Discussion

Primary factors that led FGCSs to major in education include making a difference and giving back, having a love of children and the teaching environment, and wanting to promote change. Based on these responses, participants were influenced by intrinsic motivation. Deci and Ryan (2000) state that intrinsic motivation centers on engaging in activities that are stimulating, new, or have inherent value to the individuals. Intrinsic motivation centers on participating in activities that create internal satisfaction (Deci & Ryan, 2000). Motivation plays a critical role in self-determined individuals. Participants in this study would become the first in their families to graduate from university and obtain a degree in education in which they can make a difference in the lives of children and promote change.

Participant responses generally centered on the inherent value of teaching and helping children. In addition, promoting change within the education field is also connected to inherent value since participants have a genuine interest in improving the education field. Some of these factors for wanting to study education may also be new and stimulating for the participants. Although intrinsic motivation played a key role in choosing to study education, extrinsic motivation was connected to participants' decision to enroll in the College of Education at the institution where the study was conducted. Participants discussed the proximity of the institution as well as the cost, which may have saved them time and money in their degree completion process. In terms of motivations to study education, dominant themes include supporting the children and promoting change, which are also connected to intrinsic motivation.Participants discussed individuals who had influenced their decision to study education, with the primary influential people being teachers, children, and professors, while six participants stated that they were not influenced by anyone to study education.

Examining the support systems of FGCSs studying education was a major component of this study. In terms of support received within the College of Education, eight students responded "N/A" or "None," while another stated, "not a lot." FGCSs may not view their college experience as supportive in comparison to peers whose parents graduated from college (Pike &Kuh, 2005). For the participants who did receive support, responses centered on receiving help and guidance from professors and friends as well asgetting help on assignments and in classes. Irlbeck et al. (2014) discussed the importance of FGCSs developing relationships with professors and staff, which affords various social and academic benefits. Although some participants discussed receiving support from professors, nearly half of them stated that they have not received help.

Conclusion

This study examined a small sample of students in a particular context; the purpose was to explore the experiences, perceptions, and motivations of FGCS enrolled in an education program at a university in the Southeastern United States. Learning about this group is critical to better understanding FGCS' access to support on campus. The findings of this research provide practical implications that affect various stakeholders in education. The data are relevant to recruitment and retention, campus resources, campus support systems, and instructor awareness of and for FGCS majoring in education.

Participant responses indicate that eight students did not receive help inside of the College of Education, and eight also indicated that they did not receive assistance on campus but external to the College of Education. Universities can explore the resources they offer students regarding their usefulness to FGCS in education or other programs. Resources and programs offered by the university may require evaluation to discover how they can better serve FCGS in education or other majors.Further examination of the support systems and their development and weight in student experience could also be valuable to universities, as more data could help develop structured ways for students to access such resources.

A limitation of this research was the sample size, as 19 participants is not generalizable to the population. Another limitation was the disproportionate representation of females ($n=16$) and males ($n=3$) in the sample. Additionally, data collection in the form of a survey limited the study's scope to the questions asked on the survey, without an opportunity for clarification or follow-up probing. For future research, it would be valuableto examine a larger population with more diverse backgrounds. This research grouped participants by age, gender, and degree level, but experiential and perception differences among ethnicities as FGCS could provide an additional lens through which data may lead to additional nascent research. Another recommendation would be to continue the research by creating a longitudinal research design: focus groups across semesters or follow-up interviews may allow a deeper understanding of students' intrinsic motivations and what universities can do to offer support. For example, a focusgroup

with participants who have similar motivations. Discussing their motivators in depth in a group setting could provide a clearer understanding of motivational impact.

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Appendix

Survey Questions

      1.Are you a first-generation college student (definition: neither of your parents graduated from college)?

      2.What is your year or program in university?

      3.What is your gender?

      4.What is your age?

      5.What is your major or specific field for graduate programs?

      6.Why did you decide to major in education?

      7.What factors led to your enrollment in the College of Education at this university?

      8.What motivates you as an education major?

      9.Did anyone influence your decision to major in education?

      10.What support have you received in the College of Education at this university?

      11.What other support have you received at this university (outside of the College of Education)?

*Note: In the actual survey, the name of the university was included.

Field Exploration: Economic Impact of COVID-19 on Small businesses within Select Regions in the United States

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Abstract

Drawing on field exploration and surveying small businesses on May 31 and August 13, 2021, this paper provides insight into the economic impact of COVID-19 on small businesses within the Maryland, Virginia, Tennessee, and Texas markets in the United States. Several themes emerged from the exploratory primary research—first, evidence of massive business closures—second small businesses' financial distress. Third, small business closure directly correlates with the pandemic's longevity. Fourth, small businesses plan to utilize effective recovery strategies such as COVID-19 relief funds (Coronavirus Aid, Relief, and Economic Security (CARES) Act. The research findings bring insight into small business expectations on the long-standing impact of COVID-19 and the suggested effective recovery strategies for small businesses.

Keywords: Small business, COVID-19, economic impact, finances, recovery.

Introduction

The coronavirus (COVID-19) began in 2019. It is still ongoing today; the virus has been subverting all areas around the globe, directly impacting health, societies, trading, economy, and small businesses, among other sectors (Roberts & Tehrani, 2020). By March 31, 2020, there were 178 countries affected, with reports of 40,000 deaths and regulations of social distancing to address the spread of the virus (Nassif, Corrêa, &Rossetto, 2020). All nations felt the disruptions related to COVID-19, and all scrambled to stay afloat.

The pandemic disrupted everyday lives, and the growth of terms such as the "new normal" became relevant at the onset of March 2020 (Agnihotri & Hans, 2021; Motala& Menon, 2020). Business operations were halted overnight, and economic growth worldwide was unknown. The pandemic was experienced by many around the globe; decisions were on the spur of the moment due to uncertainty by both healthcare and policymakers. Understanding the COVID-19 pandemic impact not only on healthcare but the economic stability of small businesses is vital. As COVID-19 numbers elevated, small business owners found themselves at home while other business entities such as e-commerce, delivery services, and growth of unprecedented entrepreneurial businesses launched (Dragomir, 2021; Sneader&Sternfels, 2020).

This study focuses on exploring COVID-19-related challenges met by small businesses in the United States; the locations include Maryland, Virginia, Tennessee, and Texas. The practical insight into developed nations' doings on economic development activities, geographic locales, and business sectors provides insight into how challenges are addressed. This research study exploration provided insight into

how small businesses deal with COVID-19, its impact on livelihoods, and stabilizing the economic recovery plans.

Literature Review

The early effects of COVID-19 saw a plummet of 22% (3.3 million) of small businesses in the United States; the drop was more significant than ever, impacting many sectors, 25% female businesses, 36% immigrant businesses, 26% by Asian, 32% by Latino, and hardest hit was faced by 41% drop of African Americans (Fairlie, 2020). The unemployment reports increased to 14.7% in less than two months when announcements were made, and the government-mandated social distancing brought 18.2% unemployment among Latino and 16.6% for African Americans (Couch, Fairlie, & Xu, 2020). Compared to Maryland, the African Americans were disproportionate to COVID-19, especially the women's small businesses (Bray et al., 2021; Yang, 2021).

April 24, 2020, there were reports of 1256 COVID-19 cases; the announcement by Gov. Larry Hogan was effective for social isolation. The harsh economic impact was felt by small businesses in 2.7 million jobs there 124,700 jobs were lost to the pandemic in December of 2020 (Callow, Callow, & Smith, 2020; Joyce & Prabowo, 2020, Miller, 2021). The local food system in Maryland was not immune to COVID-19 challenges; there were reports of 80% of market changes and evidence of changes in small business market connection in farming and grocery stores showing a survival rate of 40 to 50% (Brinkley, Manser, & Pesci, 2021).

The reports of Virginia businesses' closure due to COVID-19 showed evidence of financial fragility; as the government scrambled to enact policies in real-time to address the pandemic, many agencies worked to address the primary needs of their communities (Bartik et al., 2020; Haskins, 2020; Woolf et al. 2020). As the numbers continued to increase, with 21,000 reported cases and 700 deaths by May 7, 2020, small businesses started to see an economic impact as they were forced to close and operate with uncertainty while unemployment continued to increase (Bovay, 2020).

Virginia small businesses struggled to stay afloat; for example, a drive-in room that served shakes, fries, and burgers had to transition to home delivery and carry out or curbside sales quickly, a service they did not cater to before COVID-19 (Lewis, 2020). Many small businesses were at risk of vanishing, putting more than 500,000 people out of work with a looming 15% unemployment, which was termed the highest since the great depression (Rocco, Béland, &Waddan, 2020). The longer lockdowns meant that the small businesses would face more significant financial distress and a more challenging time to rebound, especially the businesses such as transportation that were considered essential could not generate income because people were not leaving their homes (Brammer, Branicki, &Linnenluecke, 2020; Lewis, 2020).

Tennesse was not immune to the massive closures and financial distress brought forth by COVID-19; all small businesses, including the state of Tennesse, continued to face financial distress (Gordon, Dadayan, & Rueben, 2020). In a survey done by Oscar Insurance, the unemployment rate was documented to have risen to 15% by April 2020, and more than 60% of the small businesses in Nashville, Tennessee, had laid off employees due to pandemics (Oscar Insurance, 2021). Other small businesses of about 30% could transition to working remotely as they continued balancing keeping employees and navigating the uncertainty of COVID-19 (Oscar Insurance, 2021).

COVI-19 cases in Texas fell and raised again by January 11, 2021, with 30,000 deaths and more than 1.7 million reported cases; the economic crisis continued to impact small businesses (Garza et al. 2021; Howe, Chauhan, Soderberg, & Buckley, 2020). Small businesses in Texas had to rethink their strategies to tackle the ongoing pandemic quickly, and the majority of these businesses utilized lessons learned from early incidents that occurred in other geographic locations as they prepared to address their current economic downfall (Bryce, Ring, Ashby, & Wardman, 2020). The decline in commerce in Texas

correlated with COVID-19; for instance, the opening of small businesses experienced 57.7%; this was tracked on the stock market with the massive closures and financial distress (Thorbecke, 2020).

Methodology

In this qualitative exploration of Maryland, Virginia, Tennessee, and Texas regions in the United States, the data collection was via qualitative observation research technique and sample survey. This research aimed to identify common themes within Maryland, Virginia, Tennessee, and Texas; how these states institute recovery plans to address the COVID-19 pandemic. The selection and use of the qualitative methodology align with Teti, Schatz, & Liebenberg (2020) in using the qualitative method to capture social responses to COVID-19.

The following research questions asked were tested and validated by four academic scholars and deemed appropriate to capture the focus of the study. The questions first, how did small business communities deal with COVID-19 challenges? Two, how have the COVID-19 challenges impacted their livelihood? Third, what recovery plans did the small business implement? From May 31 to August 13, 2021, a data collection survey was conducted from the followinglocations (see Table 1) and several small businesses. The observation and survey allowed for an in-depth understanding of small business owners dealing with COVID-19 as they address the impact and plan a recovery forward in uncertain moments.

Results

Exploration of Maryland, Virginia, Tennessee, and Texas regions in the United States with data collection was via qualitative observation research technique. The questions were, first, how did small business communities deal with COVID-19 challenges? Two, how have the COVID-19 challenges impacted their livelihood? Third, what recovery plans did the small business implement?

The sample survey of small businesses and COVID-19 revealed four themes: massive closures, financial distress, thrid, the longevity of the pandemic contributed to small business closures, and fourth, recovery strategies were ongoing although uncertain. Of the massive closures, the small businesses that include barbershops, hair and nail spa, massage therapy, and transportation services faced a brutal hit with evidence of no consumers and empty streets in Virginia (Appendix A). Surprisingly there was evidence of closures faced by multichain such as the Exxon gas station in Maryland (Appendix B). The survey results confirm that the mandate to stay home and work remotely contributed to this gas station closure located on a conjunct to a major highway.

Financial distress was the third theme; this was felt in all the states, including Maryland, Virginia, Tennessee, and Texas regions in the United States. In Tennessee, a small lumber shop had to close its doors (Appendix C). The findings revealed that the process of wood had become more expensive to source and their consumers were not willing to make purchases from them as their prices were no longer competitive compared to chains like Home Depot and Lowes.

Third, the longevity of the pandemic contributed to small business closures. In San Antonio, Texas, the visit to the Chamber of Commerce (Appendix D) to confirmed a struggle by small business owners' operations during the pandemic. A local small business owner advised of their direct dependence on tourist traffic flow, but minimal tourist numbers were evident due to fear and uncertainty of COVID-19 spread. In another aspect, a small business owner expressed that survival was impossible because chains such as Sonics (Appendix E) located adjacent to them and on Broadway (a major highway) closed at the onset of the pandemic.

San Antonio, Texas, revealed evidence that the major chains were also in financial distress and small businesses. The longevity of COVID-19 impacted and contributed to closure, such as the nonessential (Appendix F) hunt shops and fur and gift shops in Texas that closed their doors for good. Located on St. Mary's (Appendix G) was a restaurant closure. Route East 410 in Texas (Appendix H) has

images of shopping centers that faced hard times whereby small businesses, movie theatres, and chains such as TGIFand UPS stores closed their doors. The closure of small businesses and chains is evidence of financial distress and hard times due to the lack of consumers during the pandemic closures.

Fourth, recovery strategies were ongoing, although uncertain. Small businesses plan to utilize effective recovery strategies such as COVID-19 relief funds (Coronavirus Aid, Relief, and Economic Security (CARES) Act was evident. As COVID-19 continued to spread, the financial experiences of small businesses saw an increase in bankruptcies; there was over 200% from January to August 2020 for large companies that sought relief from bankruptcy (Wang, Yang, Iverson, &Kluender, 2020). Small businesses expressed concern about getting the CARES Act relief funds; the difficulties included the eligibility, the aggravations in completing the forms, and establishing eligibility to receive the grants (Bartik et al. 2020).

Discussion / Conclusion

COVID-19 impact on small businesses has been tremendous. In this qualitative exploratory research of Maryland, Virginia, Tennessee, and Texas regions in the United States, three questions were asked: How did small business communities deal with COVID-19 challenges? Two, how have the COVID-19 challenges impacted their livelihood? Third, what recovery plans did the small business implement? The study's themes emerged: first, massive closures. Two, financial distress; third, the longevity of the pandemic contributed to small business closures; and fourth, recovery strategies were ongoing although uncertain.

Dua, Ellingrud, Mahajan, and Silberg (2020) confirm that small businesses were the most vulnerable during the COVID-19 pandemic. The permanent closure of small businesses in Maryland, Virginia, Tennessee, and Texas regions in the United States and financial distress affect human lives; our findings align with research that confirmes that the pandemic affected the way of life for all businesses and forced an imbalance within the economy (Kalogiannidis, 2020). The effects of COVID-19 severity varied from one location to another. Areas such as Maryland, Virginia, Tennessee, and Texas experienced disproportionate impact, while small businesses, especially restaurants, suffered more than others (Edwards, 2021).

The disruption impacted daily lives and the longevity of the pandemic led to an increase in unemployment (Nummela, Paavilainen-Mäntymäki, Harikkala-Laihinen, & Raitis, 2020; Roberts & Tehrani, 2020). As the virus spread, small businesses were highly impacted within communities. Many questions about how many would survive the pandemic as others moved forward are to integrate strategies to recover from the pandemic (Baker & Judge, 2020).

The recovery process is vital to support struggling small businesses impacted by COVID-19. The bipartisan Relief Act of 2021 was enacted on February 15, 2021and, signed by the president in March. It included a $1 billion tax relief to help struggling small businesses and families (Department of Commerce, 2021). With its limited-time period, the relief aid has limitations on funds and approval on a first-come basis when applications are made available (Haskins, 2020).

Research Contribution and Limitations

The conducted research is timely as COVID-19 has impacted all regions, and this exploratory focus on Maryland, Virginia, Tennessee, and Texas regions in the United States. Today, all parties are working out strategies for moving forward from the challenges faced due to business shut down; thus, this research is pressing in our current time. This study contributes to an understanding of the impact of COVID-19 on small businesses and how to prepare while providing businesses ample tools to clear the challenges and work towards growth, identify expansion opportunities, and recover from the pandemic to cultivate sustainable communities.

This exploratory research focused on COVID-19 in communities, its impact on small businesses, and recovery plans. I acknowledge that the limitation was to Maryland, Virginia, Tennessee, and Texas, and the sample size of 52 was negligible. Still, it does reveal the evidence of massive closures, financial distress, closure due to longevity of COVID-19, and uncertain recovery strategies. More research is needed with more participants and comparisons to other states to understand the impact of COVID-19 on small businesses and effective recovery plans to bring about growth in economies around the nation.

Declaration of Competing Interest

As the author, I confirm that financial interests did not contribute to the subject matter presented in this research.

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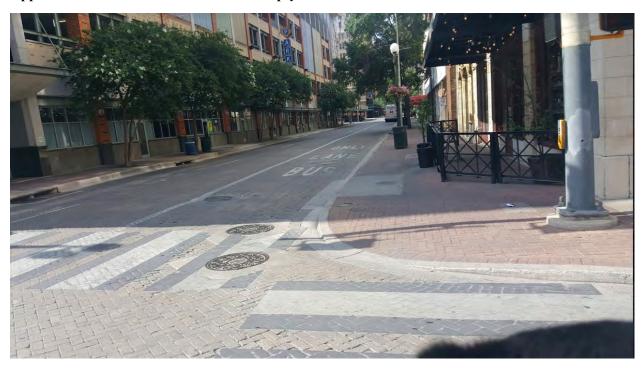
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Table 1

State	# of Participants
Maryland	12
Virginia	11
Tennessee	13
Texas	16
Total	**52**

Appendix A: Small Business Closure – Empty Streets

Source: Photo taken by Jet Mboga

Appendix B: Exxon Impacted by COVID-19

Source: Photo taken by Jet Mboga

Appendix C: Lumber Shop Closure

Source: Photo taken by Jet Mboga

Appendix D: San Antonio Chamber of Commerce

Source: Photo taken by Jet Mboga

Appendix E: Sonics Affected by COVID-19

Source: Photo taken by Jet Mboga

Appendix F: Nonessential Closures

Source: Photo taken by Jet Mboga

Appendix G: Restaurant Closures

Appendix H: Chain Restaurants and Strip Mall Closures

Source: Photo taken by Jet Mboga

Source: Photo taken by Jet Mboga

Source: Photo taken by Jet Mboga

Note: The Researcher took all pictures during the research study on May 31 and August 13, 2021.

Starting Strong: A Backwards Design Approach to Adjunct Orientation

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Abstract

Adjunct instructors comprise a majority of the professoriate in the United States, and research has shown that they are generally not provided adequate support by their institutions. Adjuncts rarely receive office space, technology, pedagogical support, or professional development opportunities from their institutions. Many studies have suggested that this under-support of adjuncts has led to diminished student success outcomes. A first step that can be taken by institutions to prepare their adjunct instructors to teach is the implementation of an orientation process specifically designed to address the unique needs and situations of these part-time instructors. This paper outlines how institutions can use a backward design approach to implement an adjunct orientation process that is specific to their instructor needs. Backwards design is a process that is utilized in higher education in many capacities and should be intuitive to leaders. The process involves first identifying desired outcomes, then establishing the current conditions, and finally developing a plan to reach the desired outcomes. Establishing an adjunct orientation process using this approach will allow leaders to support their instructors while also gaining a better understanding of the adjunct experience at their institution.

Keywords: adjunct, backwards design, orientation, mentoring

Starting Strong: A Backwards Design Approach to Adjunct Orientation

The number of adjuncts at higher education institutions has steadily risen over the last 20 years and researchers estimate that they account fornearly 75% of the professoriate (Kezar et al., 2019; Parker et al., 2018).While adjunct instructors comprise most of the teaching staff, this group is generallyunder-supported by their institutions, with many receiving low pay and little institutional resources. Most adjuncts do not have office space on campus and often do not receive technological resources, making it more challenging for students to connect with these instructors. Additionally, adjuncts rarely receive pedagogical training or support, resulting in them being less likely to incorporate applied learning techniques in their classes (Ran & Sanders, 2020; Umbach, 2007).

Due to the lack of resources and support provided to adjuncts, many studies have shown that an increase in adjunct instructors may have a negative effect on student success metrics and learning outcomes (Ehrenberg & Zhang, 2005; Umbach, 2007; Xu, 2019). Since most adjuncts do not have designated office space on campus, they are less accessible to students. The overall disconnectedness and low pay experienced by adjuncts may contribute to a decreased level of commitment to their students and the institution (Umbach, 2007). However, finding ways to include adjunct instructors in planning, assessment, professional development,and other aspects of institutional activities can be difficult; adjuncts are typically underpaid by their institutions, so asking them to volunteer their time, efforts, and expertise is neither productive nor ethical.

Research has identified one untapped resource in providing adjunct instructors with institutional support, resources, and networking opportunities is through the use of orientation programs (Parker et al., 2018; Wallin, 2007). While it may be difficult to offer ongoing professional development and pedagogical training for adjunct instructors, an initial onboarding program will introduce them to the institutionand their colleagues. However, even though orientation programs are a straightforward and relatively inexpensive solution to part of this issue, they are often either not offered or ineffectively planned. The main finding of a survey conducted among adjunct instructors (*n*=26)at an institution in the southeast was that adjunct instructors need a more comprehensive orientation process and easily accessible resources to

support their teaching. This article will use that survey and other research as a foundation to build an effective adjunct orientation process.

<div align="center">**Literature Review**</div>

Adjunct instructors were historically considered to be experts in their fields and were hired to teach based on their professional knowledge (Eagan et al., 2015). However, over the course of the last two decades adjuncts have been hired less for their professional experience and more as a cost-saving strategy for higher education institutions. Adjunct instructors used to teach upper-level, program-specific courses based on their professional experiences, but they are now heavily relied upon to teach general education, introductory, and core classes (Kezar et al., 2019; Reichard, 2003). Before considering the creation of new programming or resources to support adjunct instructors, it is important to understand the experiences of this contingent majority and the context surrounding the issue of institutional overreliance and under-support.

Adjunct Conditions and Needs

The experiences of adjunct instructors across the United States are well documented in the literature with notable studies focusing on their general characteristics, working conditions, impact on student success, and job satisfaction. In general, the experiences and working conditions of adjunct instructors do not vary much depending on institution type. Adjunct instructors are consistently low paid across all institution types, with the median pay being $2,700 per course taught (Buch et al., 2017). Additionally, adjunct instructors rarely receive institutional benefits (Buch et al., 2017; Fagan-Wilen et al., 2006). Adjunct instructors also receive little in the form of resources from their institutions, including technology, office space, or course materials (Eagan et al., 2015; Ran & Sanders, 2019; Umbach, 2007). Furthermore, those that do report receiving institutional resources typically reference those that are operational, such as access to a copier (Buch, 2017).

In addition to low pay and limited benefits and support, adjunct instructors also experience a lack of connection to both their department and institution (Eagan et al., 2015; Ran & Sanders, 2019; Scott & Danley-Scott, 2015). Since adjunct instructors are typically not included in meetings or even communications, they are not as knowledgeable about the issues and operations of their own departments or the overall institution. Umbach (2007) frames the adjunct plight in terms of social exchange theory, explaining that adjuncts reciprocate the support and commitment they receive from their institutions. Therefore, if institutional support and commitment are low, adjuncts are likely to have lower levels of commitment as well. Umbach (2007) further explains that institutions need to determine reasonable expectations for their adjunct instructors and then see if they are providing the necessary resources and support for these expectations to be met.

Adjunct instructors note that they have few opportunities for professional development through their institution (Buch, 2017; Dolan et al., 2013) or, if professional learning is offered, are unable to participate due to other professional obligations (Fagan-Wilen et al., 2007). While many adjunct instructors state they feel confident in their content knowledge, they lack pedagogical foundations to effectively teach course material to students (Buch et al., 2017; Parker et al., 2018). This may also explain why adjunct instructors are less likely to incorporate active and collaborative learning opportunities into their courses (Umbach, 2007). Research has noted that the main professional development needs of adjunct instructors are for pedagogical support and teaching methodologies as well as basic onboarding information (Dolan et al., 2015; Fagan-Wilen, 2007; Parker et al., 2018). Additionally, adjunct instructors are typically given less time to plan and prepare for their classes due to just-in-time hiring practices at institutions (Kezar et al., 2019).

Adjunct Faculty and Student Success

Considering the aforementioned limited support, pay, and professional development opportunities provided for adjunct instructors, coupled with a lack of planning time and pedagogical support, it is not surprising that research has shown an overall negative effect of contingent faculty on student success outcomes. Since adjunct instructors do not typically receive technology from their institutions and do not have dedicated office space, they are less accessible to their students. Additionally, since they are generally disconnected from their institutions and not included in department meetings and

communications, adjuncts are less informed about policies and procedures concerning advising, academic plans, and financial aid (Ran & Sanders, 2020). These factors may lead to a negative impact of adjunct instructors on retention and graduation rates and student learning outcomes.

When examining subsequent course enrollment data, researchers have found that students taught by adjunct instructors in introductory courses are less likely to enroll in subsequent courses in those subjects (Ran & Sanders, 2020; Xu, 2019). However, one study did find a positive correlation between adjunct instructors and subsequent course enrollment in fields closely aligned with occupations, such as engineering and law (Bettinger & Long, 2010). Studies have also suggested thatgraduation rates are negatively impacted by increased numbers of adjunct instructors. One notable study indicated a 4.4% decrease in overall graduation rates was associated with a 10% increase in adjunct instructors (Ehrenberg & Zhang, 2004).

Studies have indicated that courses taught by adjunct instructors are less academically rigorous, which may lead to decreased student learning outcomes (Bettinger & Long, 2010; Hilton & Plummer, 2013; Umbach, 2007). Since adjunct instructors are typically not allowed sufficient course planning time and are not provided with pedagogical support or training, their courses may be less rigorous and engaging than their full-time peers (Umbach, 2007). There is also evidence that suggests grade inflation in courses taught by adjunct instructors (Bettinger & Long, 2010; Hilton & Plummer, 2013; Murray, 2019). Since adjunct instructors are hired on a semesterly basis and have little job security, they are highly reliant on student course evaluations to continue teaching. It may be that adjunct instructors conflate higher grades with better course evaluations, leading them to grade less strenuously than full-time faculty (Murray, 2019).

Examples of Adjunct Support Initiatives

Evidence suggests that institutions are offering more orientation programs specifically for adjunct instructors (Fagan-Wilen et al., 2006; Kezar, 2018). However, many of these programs are focused primarily on onboarding topics rather than pedagogical support. While it is important for adjunct instructors to learn about institutional policies and procedures, these orientation programs typically do not include any discussion of pedagogical methods or advice on how to effectively teach and assess their students (Dolan et al., 2013; Scott & Danley-Scott; 2015). It is important to also point out that adjuncts are rarely paid to participate in these orientation sessions and typically do not receive any sort of reward or bonus for completing them (Fagan-Wilen et al., 2006; Scott & Danley-Scott, 2015). With that being said, there have been some instances of adjunct support initiatives in recent years. However, these opportunities are often grant-funded or one-off projects that are rarely sustained or institutionalized (Zubrow, 2012).

One such adjunct support program was offered at Granite State College in New Hampshire. This grant-funded opportunity provided professional development opportunities for 72 adjunct instructors through five 10-hour modules (Zubrow, 2012). Participants in this opportunity were not paid but did receive a 10% pay increase upon completion of the modules. While this was a grant-funded, temporary program, it did lead to opportunities for collaboration between adjunct instructors and full-time faculty. Over time, the connections between facultyled to discussions on best practices in student assessment, resulting in a college-wide assessment plan developed by both adjunct and full-time faculty (Zubrow, 2012).

Another example of an adjunct support initiative was developed in a social work department at a large, research-focused university (Fagan-Wilen et al., 2006). This project, which was informed by a needs assessment conducted by the department, led to the creation of an adjunct liaison within the department to assist with communication and support for contingent faculty. This led to adjuncts being included in department meetings, as well as mentoring opportunities and a strategic communication plan to more effectively disseminate information to all instructional staff within the department. This project led to improved support not only for adjunct instructors but for the entire department through the creation of the Evidence-Based Resource Center, which provided access to current and relevant research to help with instruction. The resource center also included shared office space and technology resources specifically for adjunct instructors. Participation in this initiative was voluntary, and adjuncts were not

paid for their efforts but rather tied to their own intrinsic motivations to improve their teaching (Fagan-Wilen et al., 2006).

Many researchers note the importance of mentoring programs for adjunct instructors. One survey of adjunct nursing instructors found that job satisfaction is an important indicator of instructor retention (Woodworth, 2016). Orientation and mentoring programs can lead to an increased sense of belonging as well as improved job satisfaction, which may increase the likelihood that an instructor will continue to teach at their institution. However, Luna (2018) notes that it is difficult to ascertain from the literature how many mentoring programs focus on adjunct faculty as most studies combine the two groups and do not differentiate based on status. While it may be convenient to offer a general orientation session to all instructional faculty, the needs of full-time and adjunct instructors are quite different. Most mentoring programs specifically geared towards adjunct instructors noted in the literature are found in America at private universities and community colleges, as well as in Australia (Luna, 2018).

Conceptual Framework

This paper will utilize backward design (Wiggins & McTighe, 1998) as a conceptual framework. Backward design is a process that allows for strategic planning by working backward from the desired outcome and has three main phases: first, identify the outcomes; second, examine the current conditions; and finally, develop a plan to redesign the current situation to achieve the desired outcome. As Kezar and Maxey (2015) note, this process of first identifying outcomes and working backwards is familiar to those involved in higher education and thus provides a logical approach to a thorny issue. It is also an effective way to include the institutional culture and mission in the planning process so that the finished product is both effective and relevant.

Creating an Adjunct Orientation Process

As explained in the literature review, there is some evidence that adjunct orientation programs are becoming more common; however, these programs do not seem to be the norm and are often not constructed with the unique needs of adjuncts in mind (Fagan-Wilen et al., 2015; Kezar et al., 2019). In order for an orientation program to be successful, institutions must consider their mission and the unique needs of their own adjuncts; there is no one-size-fits-all approach to adjunct orientation. This section will provide a blueprint of sorts, using backward design, to create a strategic orientation process that is tailored to institutional and adjunct needs.

Step One – Determine the Desired Outcomes

First and foremost, leaders and invested parties must determine what a successful adjunct orientation process would look like at the institutional level. Outcomes-based planning is already embedded in higher education processes through institutional effectiveness efforts and student learning assessment, so beginning the process in this manner should be familiar to institutional leaders. This first step is vitally important in that it sets the tone and goals of the rest of the process. Therefore, it is important that leaders consider multiple perspectives and devise outcomes that are reasonable, specific, and achievable at their institution.

When determining desired outcomes for any new initiative, it is important for leaders to consider the campus mission, vision, goals, and/or strategic plan. How would this particular program support any or all of these components? If a desired outcome does not support the institutional mission or goals, it may be difficult to implement due to competing resources or a disconnect from campus culture. By connecting the adjunct orientation process to the overall mission, vision, goals, and/or strategic plan of the institution, it will also increase the likelihood of administrator buy-in, which is imperative to the success of a new program of this nature.

Step Two – Determine the Current Conditions

Once the outcomes for a new adjunct orientation process are established, it is then important to determine the current conditions so that a reasonable implementation plan can be developed. Those in charge of implementing this new process should identify both existing and potential resources available. This will help to ensure the sustainability of a new program, especially considering the sometimes-volatile nature of institutional budgets.

There are many tried-and-true methods to gauging current conditions, and it may be helpful to implement several of these options in order to see the full picture of adjunct needs and experiences at an institution. While there are commonalities across the country regarding adjunct needs and experiences, leaders should determine if those are consistent on an institutional level or if there are differences that need to be considered. For example, a survey was distributed via Qualtrics to all adjuncts at a mid-sized public university in the southeast asking what their specific needs were. While the response rate was relatively low ($n = 26$), many adjuncts noted that professional development and networking opportunities were very important to them but lacking in their departments. Additional focus groups with adjunct instructors revealed that they desired a handbook that focused on policies and resources that directly related to them. Adjuncts had previously been provided the faculty handbook, but noted that it focused on full-time faculty as the audience and did not address issues relevant to them as part-time instructors. As a result of the survey and focus groups, a handbook was created with information specifically targeted towards adjunct instructors and presented in conjunction with an orientation program.

Another helpful tool to determine current conditions is a needs assessment, similar to what was employed for the social work program described by Fagan-Wilen et al. (2015). A needs assessment is an excellent way to determine the unique conditions and needs that adjuncts experience at an institutional level, rather than depending on national trends. When conducting a needs assessment, it is important to have a strategic communication plan in place to reach the most adjuncts possible. This may require some creativity with distribution, as some adjuncts may teach in an online capacity or be located in a different city.

It is also important to examine existing institutional data to determine the scope and impact of adjunct instructors. There are some important questions to consider that will inform an implementation plan: Does your institution have a reliable way to track adjunct instructors and communicate with them? How many adjunct instructors teach at your institution? How many courses do they teach and how many students are impacted? These questions will help leaders to craft a meaningful and well-informed implementation plan that will be tailored to their institutions.

Step Three - Develop a Plan to Reach Outcomes

Once outcomes have been set and data has been gathered, leaders must next use that information to craft an implementation plan. As with any new plan, it is important to consider not only how the project will be implemented but also how success will be measured, as well as how it will be communicated to campus constituents to build buy-in and ensure sustainability.

Measuring Success. As with any exercise in outcomes planning, it is imperative that the implementation plan have built-in assessment measures to determine success and inform change. Employing continuous improvement methods during this process will ensure that the program is truly meeting the needs of adjunct instructors by allowing leaders to pinpoint what is working so that it can be built upon or to improve areas that are falling behind. Utilizing quick surveys throughout the orientation process and then again at the end of the semester may help leaders determine gaps in the plan that need to be addressed. However, leaders must always consider that adjunct instructors are generally underpaid, perhaps teaching at multiple institutions, or have other means of employment in addition to their instruction. Therefore, any surveys should be brief in order to maximize responses and not put undue strain on adjuncts.

When utilizing continuous improvement methods, it is important for leaders to not only measure the success of their implementation but also to not be afraid to alter processes that may not be effective. At this stage in the implementation, it can often be difficult for individuals to let go of pieces of the process that they may have invested considerable time and effort into. Leaders must adopt the mindset of continuous improvement and be willing to change or abandon ideas that are not working.

Building Buy-In. Any implementation plan must include a strategy for building campus buy-in, especially that of administrators. One of the main issues with many adjunct support projects is that they are not sustainable, often because there are no resources dedicated to their continuation. This is why administrator buy-in, in particular, is such an important consideration when implementing a new adjunct orientation program or any support for adjunct instructors that will require a financial investment. Adjunct

instructors are typically utilized as a cost-saving strategy for institutions, so convincing the administration to invest additional resources in their development may be a hard sell. As previously noted, crafting outcomes for adjunct support initiatives that closely relate to the institutional mission, vision, goals, and strategic plan is the first step to building administrator buy-in. Once implementation is underway, it is important to find ways to prove the program's effectiveness. One way to do this is by maintaining data and presenting it to campus constituents as often as possible so that administrators will see the return on their investment. Plans for this type of data collection, analysis, and distribution must be built into the implementation plan and not merely an after-thought.

Conclusion

While an adjunct orientation process will not address all of the concerns surrounding this contingent majority, it is a first step that can be taken by institutions to provide much-needed support to their instructors. Utilizing a backwards design approach to implementing an adjunct orientation process will allow institutions to understand the needs and experiences of their adjunct instructors on a deeper level and tailor their support systems to offer customized and strategic support. More support for instructors will potentially lead to better student outcomes and institutional success.

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Communication Effectiveness in Therapy and in Organizations

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Abstract

The study of communication is an important part in understanding human behavior in any settings. The purpose of this paper is (1)to present the communication influence on therapy outcomes and organizational effectiveness and (2) to identify skillsand practices that would enhance its effectiveness. While many studies emphasize the importance of effective communication, poor communication is the cause of many misunderstandings, conflicts, and disputes that negatively influence the outcome of the affected relationships.

This paper aims to review the literature dedicated to communication in therapy and in organizations in order to identify common skills, tools, practices, and challenges, as well as some ideas that could be transferred from one setting to the other.

Communication effectiveness and its outcomes in therapy and in organizations

Abundant evidence summarized by Norcross and Wampold (2011; as cited in Wedding &Corsini, 2019) showed that the relationship between the therapist and the client makes a substantial and consistent contribution to outcome of treatment independent of the specific type of therapy. The idea that the quality of the therapeutic relationship, which is based on communication, represents the cornerstone in the therapeutic relationship was first introduced by Rosenzweig (1936) and then developed by Rogers (1975; as cited in Martin, 2009) and Martin (2009).

The findings related to communication from therapy also apply to communications in organizations and are either replicated in research studies or supported by organizational best practices. The relationship between the leader and team members has been documented to contribute to team coherence and team performance. Jakson, Meyer and Wang (2013) found thattransformational/charismatic leadership was shown to be positively related to effective and normative commitment. A longitudinal study conducted by Wilderom, Van der Berg and Wiersoma (2012) revealed that charisma increased the financial performance of the organization. Cao et al (2021) conducted a study to evaluate tools and strategies for their effectiveness in optimizing the turnaround time (TAT) of tests sharing a specimen or workflow in a clinical laboratory. They monitored results over 5-year period. Their results showed that "while conventional strategies of process standardization were associated with success, the more novel tools consisting of a daily operational huddle and an electronic communication application led to a significant and sustained decrease in TAT. These strategies promoted horizontal integration, sharing of key pieces of data, and facilitating electronic communication between various laboratory sections" (Cao et al, 2021, p. 385).

Motivational Interviewing: how it works in therapy and in organizations

Miller & Rollnick (2013) provided practical tools for an effective communication in therapy. They consider that asking Open questions, Affirming, Reflecting, and Summarizing (OARS) are the foundational tools for mutual understanding in the engaging phase and throughout the process of Motivational Interviewing (MI) which is a useful method in counseling and therapy.

In the day-to-day interactions, as well as in employees' selection/hiring process, performance management, and development, the foundational tools for an effective communication in therapy described by Miller & Rollnick (2013) are strongly recommended. The way people communicate and collaborate within any organization can enhance or lessen their performance.

*Asking open questions*in therapy provides to the client the opportunity to think and to elaborate.Miller & Rollnick (2013) compare an open question with an open door as both of them allow space to the person to explore and to act. The authors recommend mixing open questions with reflections and keeping a 1:2 ration that will make the process look like a dance (waltz). Closed questions, multiple-choice, and rhetorical questions would rather bring disengagement instead of information. MI involves a blend of open questions and reflections while some closed questions at the end of a summary or in the planning phase would help move through the change conversation.

All recommendations about asking open questions are valid for conducting selection interviews, for offering feedback, for conducting performance review meetings, and for coaching in an organizational setting. In selection interviews, asking open questions instead of closed questions allows to the interviewer to get to know the candidates and be able to correctly evaluate their competencies. Avoiding multiple and leading questions also boosts the quantity and quality of information about the candidate.Robertson and Smith (2001) found that structured situational and behavioral interviews, with past-oriented questions are more predictive than unstructured interviews and future-oriented. The open questions are also important tools for innovation, for uncovering client's needs and for getting people involved in decisions.

*Affirming*means recognizing and acknowledging client's inherent worth, his/her strengths, efforts, and resources. It also involves support and encouragement. Affirming overlaps with empathy in terms of seeking to understand client's frame of reference and having a genuine approach. Listening and understanding are prerequisites for affirming. It fosters engagement, it reduces defensiveness and facilitates retention in treatment. Affirming the possibilities in others may also directly facilitate change. Such statements build client's confidence in their ability to change according to Jones-Smith (2020). The therapist is not the only affirming source, his/her role is also to guide the client describe his/her strengths and past successes. While praising is raising a roadblock, affirming involves noticing, recognizing, and acknowledging the positive in client's intentions and actions, client's skills or a broader positive regard.

With the development of the positive psychology and with the need to adapt the workplace to the preferences of Y (1981-1996) and Z generations (1997-2010), using a strengths-based approach and offering constructive feedback has been advancing over the last period in organizations. Diehl, Hay, and Berg (2011) examined if a specific ratio between positive and negative affect distinguished flourishing from non-flourishing individuals. Their findings showed that the critical ratio of 2.9 of positive to negative represents a critical threshold that can distinguish between adults with flourishing mental health and the ones with non-flourishing mental health. In the same manner as affirming statements gives confidence necessary for change, acknowledging people's strengths in an organizational setting represents a foundation for self-improvement and for a healthy self-esteem. Looking for potential and for people's strengths to maximize them in an organization is not only good for creating a caring culture and an attractive employer brand, but also a pragmatic way to get the highest level of productivity from them by allocating challenging tasks which are motivational, but not unachievable. Csikszentmihalyi (2003) appreciates that "an ideal organization is one in which each worker's potentialities find room for expression".

Reflective listening called accurate empathy by Carl Rogers is the cornerstone of person-centered therapy because it helps the client considering and exploring even material that may be uncomfortable. Reflective listening is client-centered as opposed to roadblocks that are self-centered and it involves verbal and non-verbal aspects. Undivided attention is particularly communicated by the eyes, therefore keeping eye contact with the client is crucial. Facial expression also offers cues about the level of attention and understanding. Besides silence and non-verbal expressions, "the essence of a reflective listening response is that is makes a guess about what the person means" (Miller & Rollnick, 2013, p. 52). The role of the therapist is to listen and decode the original message in the form of a statement that captures the implicit meaning and feeling of the client. A well-formedreflective statement is more likely to encourage exploration than to evoke defensiveness as pressing people with questions may do. Reflective listening involves responding to the client with the

therapist's guess about what he/she means and often the subject of the sentence is *YOU* because it focuses on the client's own narrative. The reflective statements could be simple or more complex. Both are useful, but the latter would naturally move the conversation forward.

In organizations, for years, leaders had been advised to talk and direct the conversation instead of listening. Once the servant and humble leadership theories were formulated, it took years to be reflected in organizations. Premuzic(2019) answered the question which represents the title of his book "Why So Many Incompetent Men Become Leaders (and how to fix it)"by pointing out on decision-makers who tend to focus on self-confidence and presentation skills instead of looking for competence and the likelihood to deliver results. In his previous book "Overcoming Low Self-Esteem, Insecurity, and Self-Doubt"(2013), he explains that most of the time people are advised to be self-confident. While self-confidence proved to correlate with being seen and short-term success, high self-confidence could make people less likable, employable, and successful in a long-term perspective. He signalized the risk of confounding confidence with competencewhich would lead to lack of performance, disappointment, and decreased credibility.Until listening skills become part of the leadership training, talking past each other and unidirectional communication have negatively affected people engagement and performance. While in therapy we talk about reflective listening, simple listening and focus on the other person would save time, increase the level of employees' wellbeing in organizations, and bring new ideas.

Summarizing helps the clients reflect on what they have expressed and could include reflections, as well as affirming statements. The content of summaries depends on the clinical judgment of the therapist knowing that the purpose is to highlight certain aspects of what the client said and to invite further exploration. Summaries recall a series of interrelated items and could be linked with elements from previous conversations. The transitional summary's role is to sum up the important aspects of a session or task or to announce a shift toward something new. The therapist pulls together a number of elements that the client has offered which offers him/her the opportunity to hear various aspects of his/her own experience simultaneously, conveyed in a concise manner. A good summary gives an overview and introduces something new based on how the elements were combined. When offering summaries of ambivalence it is important to bring balance, the whole picture and something new to reflect upon. They can be used at the beginning and at the end of each therapy session.

Summarizing is mostly used in executive coaching, followed by good selection interviews, career development discussions, and performance management. Executive coaching began as an intervention and developed a set of principles and best practices, as well as research studies in order to document its effectiveness. Seligman (2007) even considers that "coaching is lacking theoretical foundations" and positive psychology could provide a theoretical and empirical-based framework, valid measures, and interventions. In the coaching process, summarizing is an important tool for creating clarity and awareness and for understanding the impact of client current situation. Summarizing helps in one to one discussions, as well as in meetings.

Skills and practices useful in therapy and in organizations

In Carl Rogers' view, the therapist had to show *genuiness/congruence* (correspondence between his thoughts and behavior*), unconditional positive regard* (his regard/attitude toward the patient remains unaltered regardless of the client's choices), and *empathy* (profound interest and care for the client's perceptions and feelings). The core condition for the therapy was considered to be trust. Rogers noticed that when the individual is focused on a problem, a solution does not occur. He used the concept "felt sense of a problem" and learned that focused attention on one's internal frame of reference led him to become empathetic toward the individual's subjective world. This awareness could lead to a solution of a problem and alternatives could be identified. He reported that transparency and warmth have a lasting effect (Farberet al., 1996). Farber et al. (1989) suggested that Rogers' proposals came from his ideas about relationships in larger contexts, such as education, partnerships, racial tensions, and international conflict resolution. It was not so much of what he said, but how he said something, and his way of being with a client and responding in a manner that offers validation. Miller & Rollnick's MI shares with the client-centered approach the positive outlook about human potential for growth, the understanding of the roles of the counselor and the client in the change process, as well as the importance of the relationship in facilitating change. When explaining the spirit of MI, the authors described the four key aspects: partnership, acceptance, compassion and

evocation. The partnership aspect involves a profound respect for the other similar with Roger's idea of clients as sovereign human beings who can and should be the architects of their own lives. The way Miller and Rollnick (2013) defined acceptance is deeply rooted in Roger's work because it consists of absolute worth, accurate empathy, autonomy support and affirmation. Absolute worth entails the idea that judgement make the people feel immobilized which prevents change, while an unconditional regard will support their natural tendency to grow. It is a development of Roger's view that people have one basic tendency and striving - actualization and when given proper therapeutic conditions, people will naturally change in a positive direction. Using accurate empathy and bracketing the therapist's own beliefs and values is also congruent with Roger's work that underlined that the best point to understand behavior is from the individual's internal frame of reference. Honoring and respecting each person's autonomy, their irrevocable right and capacity of self-direction is not only important in moving the change conversation forward, but also a way to offer to the clients what Rogers named "the freedom to be and choose" (Rogers; as cited in Miller & Rollnick, 2013, p. 19). Acknowledging client's strengths and efforts is not only a way to show acceptance, but also an intentional way of being and communicating.

According to Corsini and Wedding (1989), Rogers person-centered approach can be extended from individual support, to include groups, and organizations, such as classroom teaching, workshops, organizational development, and concepts of leadership, as well as government bodies. The authors informed us of ways that the "combination of cognitive-behavior therapy is useful to private clinical practice, mental health centers, hospitals, institutions for the retarded, schools, and even industry" (Corsini& Wedding, 1989, p. 273).

Grant (2017) presents how workplace practices have evolved over time from performance management (1990) through "leader as coach" performance-focused training programs (2000) to an approach that explicitly focuses on enhancing both the performance and the well-being of individuals and organizations in ways that are sustainable and meaningful. The author emphasizes that "this approach aims to create the culture of quality conversations needed for the challenges faced by contemporary organizations" (Grant, 2017, p. 37). In this culture, the relationship leader-subordinate would have in common with the relationship transformative coach-client: the partnership (not the hierarchy), the learning (not problem solving), and the curiosity (not judgment). When writing about the executive coaching process that takes place in organizations, Withmore (2018) considers that "in order to do coaching successfully, you need to adopt a much more optimistic perspective than usually in relation to those latent capacities of the people – a coaching mindset" (Withmore, 2018, p. 102). He sees coaching as a partnership and collaboration which involves the following: seeing the client as being capable and full of potential, setting an intention for each conversation, setting clear expectations and agreements, asking for permission when needed and being curious (not critical). Additionally, empathy, trust, and belief in people potential to grow are also topics for training programs in many organizations. Simon Sinek's tweet "A team is not a group of people who work together. A team is a group of people who trust each other" became popular across social mediaplatforms and became part of the conversations in organizations. In his book "Leaders Eat Last. Why Some Teams Pull Together and Others Don't.", Sinek elaborates on the importance and actions needed to build trust.

How to overcome defensiveness by using effective communication

In therapy, client's openness or defensiveness, his/her preference for change talk versus sustain talk depends very much on the therapeutic relationship(Miller & Rollnick, 2013). There is a certain level of ambivalence in any change conversation and the defensiveness is apparent in the many "buts" the client brings in the conversation. The ability of the therapist to acknowledge client's freedom of choice instead of imposing or going into a counterargument will typically diminish defensiveness and facilitate change. Contrary, the righting reflex and falling into the expert trap will most likely be met with defensiveness and a sense of not being understood. Taking a wider perspective on defensiveness, Stamp et al. (1992) examined a conceptual model on how it occurs in social interaction. The authors considered that whether defensiveness is defined as a response to perceived threat (Friedlander & Schwartz, 1985; Gibb, 1961; as cited in Stamp et al., 1992) or as a tendency to be guarded during interactions with others (Dahlstrom & Welsh, 1960; as cited in Stamp et al., 1992), it is a phenomenon initiated by, and manifested through, communication. After conducting a questionnaire investigation on 501 students, they concluded that defensiveness is an

internal, psychological state as well as an experience externally provoked by another's communication behaviors and it is related to four categories of factors: (1) a self-perceived flaw which the individual refuses to admit, (2) a sensitivity to that flaw, and (3) an attack by another person which (4) focuses on an area or issue that the attacker perceives as a flaw in the other.

Shaffer and Simoneau (2001) presented two equations between treatment outcome (TO) and motivational enhancement therapy for addictions: (1) ME * M + E = TO, where ME = motivational enhancement activities (including psychotherapy), M = motivation, E = external events (community, health, education, finances); (2)M / R + E = TO, where M = motivation, R = resistance, E = external events.The authors consider that resistance is at the core of what makes it difficult for people to achieve consistently good mental health; therefore, it is not surprising that people seeking treatment for addictions seem to sabotage change and show defensiveness which could be overcome through therapy, personal motivation, and support services.

Goins (2001) conducted a phenomenological researchon alcoholism. She chose aphenomenological research model to describe the experience of alcoholism "because it offers a way of looking at the experience from the addicted person's perspective. (Goins, 2001, p. 47). She applied a standardized open-ended interview to 6 women in Southeastern Kentucky engaging in a repetitive use of alcohol. After following Moustaka's (1994, as cited in Goins, 2001, p. 69) method for analyzing phenomenological data which involves clearing the researcher's mind;underlining the relevant sections of interviews, determining the variants and the invariants constituencies, validating the data analysis; discovering the structures underlying the phenomenon; and synthesis, the results revealed that the participants were "in a fundamental way, estranged from themselves. They experience aspects of themselves as intolerable" (Goins, 2001, p. 97-98) and their relationship to others were characterized by estrangement too. "Participants seem unable to have their needs and desires met through and with significant others. Sometimes they do not even see the possibility of ever finding a significant others. Though, participants are aware of the important others, they are viewed with fear, and distrust. They are unyielding, and unhelpful" (Goins, 2001, p. 100). Despite withdrawing themselves, the participants desired relationships and were often looking for a partner they could idealize. "They create an ideal relationship, out of which a temporary solution to their problem is found. This fantasized relationship is played out in drinking activity, either in their minds or in the real world." (Goins, 2001, p. 101). The idealized fantasy was meant to remedy a frustration of needs. Once all individual answers were integrated, the composite textural-structural description showed that alcoholism begins with the perception of intolerable feelings. Then the participants "estranged themselves from others who could offer help and comfort. They were estranged from themselves and could not bear to experience the thoughts and feelings which dominated their awareness". (Goins, 2001, p. 102-103). The way they knew that could bring them relief was drinking. They tended to fantasize about drinking, as well as about their encounters in life. Drinking was becoming a constant theme in their life and served as a distractor from their concerns and problems. During the experience of drinking, their uncomfortable feelings were, in most part, gone. They were feeling tranquil, peaceful, calm, comfortable, but after a short time they were feeling as different persons becoming aware of their families and jobs associated with same, guilt, and anger. The intolerable feelings were returning and their patterns of actions keep repeating. This research paper underlined not only the importance of communication and interaction in therapy to raise awareness and to move from the sustain talk to the change talk, but also in maintaining mental health.

Effective communication systems in organizations

If in therapy, people motivation to change was researched and some authors attempted to come with a formula, in organizations people motivation to work followed a similar path. Ariely (2016) emphasized the role of work meaning and proposed the following formula: "Motivation = Money + Achievement + Happiness + Purpose + A Sense of Progress + Retirement Security + Caring about Others + Your Legacy + Status + Number of Young Kids at Home + Pride + E + P + X + All kinds of other elements". He suggested that to motivate ourselves and others we need a sense of connection and meaning, as well as remembering that meaning is not always synonymous with personal happiness.

Most of the recommendations for an effective communication in therapy also applies to a good communication in organizations. In addition to the skills and tools, the systems designed for communication purposes play an important role. As Aamodt (2010) mentions, most communications

in organizations can be classified into four types: upward communication, downward communication, business communication, and informal communication and they affect the effectiveness of any person, team and organization. The understanding and practices that shape organizational communication is also important when therapy is practiced in a healthcare setting. Zimmerman, Syperand Haas (1996) examined the communication metha-myth that assumes that more communication is better. The authors analyzed the evolution of studies about communication, from the human relationships movement where barriers in communication were related to amount of information and form of communication, to contingency models that emphasized the role of communication, not only in eliciting cooperation, but as a relevant tool to most aspects of organizational functioning. Zimmerman, Syperand Haas explained that in their assessments (based on interviews and observation) it was revealed that people have a desire for more communication. "Despite the nature of their problems or the task characteristics of their jobs, organization members viewed more communication as the way to resolve most every problem or to enrich their work life." (Zimmerman, Syper& Haas, 1996, p. 189). The authors surveyed five organizations (n = 659) based on observation, individual structured interviews, and a survey questionnaire. The results showed that even if people report a desire for more information from others regardless of the amount they currently receive, the magnitude of this desire for more information varies acrossorganizations. The authors noted that "Results from this study, however, indicate that this tenet mayrequire some modification. Specifically, more communication throughformal rather than informal channels is desired." (Zimmerman, Syper& Haas, 1996, p. 197)

Muszynska (2018) introduced 19 aspects of communication effectiveness and developed a questionnaire to measure each of them. She grouped the effectiveness of communication aspects into aspects dependent on the sender (Time, Correctness, Specificity, Accessibility, Proper medium, Multi-medium, Simplicity / Accuracy, Purpose clarity, Goal-achieving, Formal-informal Balance), and the recipient (Engagement, Personality, Intelligibility, Openness, Relevancy / Personalization, Cost-effectiveness, Credibility, Past experience, Clarity / Undisturbedness).

In a qualitative research study conducted by Noaghea (2019) on a convenient sample of 100 Romanian managers and key people (49 managers and 51 key people) working for two organizations (one operating in production, N=41, and one company in the creative industries area, N=59), the participants answered open questions describing their perception 8 variables and evaluated their current level on a scale from 0 to10 where 10 is maximum. This study was conducted in the dialogical action research framework. She did the evaluation of organizational variables through the dialog with people in the organizations during individual interviews with managers and other key-people. The measured variables were: shared values, communication, collaboration, work-flow & procedures, quality of products or services, leadership effectiveness, business results and organizational commitment. The results showed that cultural aspects that appeared most frequently inpeople's answers to open-ended questions were human affiliation, followed by the need to predictability, structure and security. "Communication, followed by workflow& procedures received the lowest scores in people's views. In terms of communication, there was a need for a mix between the structure and consistency provided by meetings and formal communication of the objectives, plans, and results which are part of the business communication, as well as a human and authentic internal communication system to facilitate the downward spread of information." (Noaghea, 2019, p. 486). In the same study, leadership effectiveness was evaluated at a higher level when people perceived that their leaders display "human" leadership behaviors (friendly and respectful) and not "undecisive" behaviors. "When human leadership behaviors were perceived, the level of organizational commitment and the effectiveness of workflow& procedure were higher compared to the situation when these leadership behaviors were missing. As expected, people look at and believe in what their leaders do, not at what they say and they are ready to get onboard when they can benefit of consistent management practices." (Noaghea, 2019, p. 486).

The recommendation for designing effective communication systems in organizations would work when therapy is practiced in a healthcare setting.There are also some common challenges. Over the last years, the need to adapt to online communication brought several challenges for psychotherapy and organizational psychology related to confidentiality, setting boundaries, respecting standards and guidelines, as well as maintaining a good human connection.

Conclusions

There are several communication tools and practices that are effective both in therapy and in organizations. Asking Open questions, Affirming, Reflecting, and Summarizing are the foundational tools not only in therapy, but also in ensuring an effective communication in organizations.Cultivating a client-centered attitude as defined by Rogers and understanding the internal frame of reference of the other person would allow people to problem-solve and prevent conflicts in any settings. When a change talk is involved, which could be in therapy, in performance review, career planning or executive coaching, acknowledging the person freedom of choice and guiding them in identifying and self-evaluating alternatives would not only work, but also make the change sustainable. Approaching people with curiosity, patience to listen to what they say, and a non-judgmental attitude are skills easier acknowledged than shown, and the therapy formation programs and practicums, as well as multiple training programs are design to support their development. We present in Appendix 1 a checklist with several communication tools and skills.

While in therapy the objective and the role of communication in achieving it is clear from the beginning, in organizations there are more layers, key performance indicators, and goals,andtherefore it is important to correctly assess the role of communication in achieving each of them and to use the right practice and skill in the right context. We also keep in mind that therapists follow a thorough formation and certification program focused on the interaction with others while the managers and the employees are selected and promoted based on several criteria, communication being potentially one of them.

As the organizations need to design practices and systems to communicate upward, downward, and horizontally, these finding are useful when therapy is practiced in a healthcare setting. How to adapt and use the tools and skills that proved to be effective in the face-to-face communication to the online environment is still an open question to be further investigatedin an empirical research study involving data collection.

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Appendix 1 - Checklist for an effective communication

When I engage in communication, I:

	Ask open questions
	Affirm the strengths and qualities of the person I talked with
	Listen actively (with the intention to understand, not with the intention to reply)
	Summarize

When I want to send a message, I communicate:

	Clearly
	Correctly
	Concisely
	Completely
	Specifically
	Timely
	Accessible
	Using the proper medium (in person, phone, text, e-mail)
	In simple terms
	Accurately
	Underlying the purpose
	Focusing on the goal/result

When I am the recipient of communication, I:

	Engage in the dialogue
	Use my personal skills to facilitate communication
	Focus on correctly understanding the message
	Keep an open mind and attitude
	Focus on the relevant aspects
	Look for data
	Look for the credibility of information provided
	Stay centered
	Stay undisturbed

Most of the times, when I offer feedback what is the ratio of positive versus negative things:

	Positive
	Negative

If it is lower than 3 positive to 1 negative, keep paying attention to it. If it is 3:1, congratulations and keep on the good work.

Tool-Makingin Ancient Human Civilization and Developing Pompeii: A MACOS Inspired Simulation Lesson for Middle-Level Learners

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Introduction

According to Fitchett and Heafner (2014), the curriculum standardization of the 1980s and the high-stakes testing emphasis of the 1990s influenced the marginalization of social studies within K-12 education. National education reforms, specifically No Child Left Behind (NCLB) and Common Core State Standards (CCSS), necessitated curricular revisions by school districts nationwide to ensure student progression and mastery of the mandated standards and assessments (Kenna & Russel, 2014; Winstead, 2011). Results of these revisions emerged as prioritization of instructional time to English Language Arts (ELA) and mathematics over social studies and science (Fitchett & Heafner, 2012). More moderneducational research and policy trends haveemphasized Science, Technology, Engineering, and Mathematics (STEM)within education, channelingclassroom time and resources to expand STEM curriculum and implementation.

Outcomes of these policy reforms indicate that dedicated social studies instructional time has declined over the last thirty years, as reported by the U.S. Department of Education and National Center for Education Statistics (2012), to 2.3 hours per week in comparison to the 11.7 hours dedicated to English Language Arts (ELA) and 5.6 to math.Consequently, present-daysocial studies teachers have had to reexamine innovative instructional content delivery to accommodate time constraints on social studies education while supporting student comprehension and standardized test achievement (Kennan & Russel, 2014; Winstead, 2011).

The Man: A Course of Study (MACOS) project was one of several programs developed during the New Social Science Movement of the 1960s. The MACOS project highlights the utilization of active, hands-on learning in studying anthropological concepts through inquiry within social studies content. For this activity, middle school students participate in a modified version of the tool-making simulation activity found in Man: A Course of Study. Collaborative small groupsdesign and create a ring retrieving tool tounderstand the experiencesand challenges faced byearly humans during the Agricultural Revolutionin Ancient Roman civilization. Aligning with the National Council for Social Studies (NCSS) standards, the MACOS project is appropriate for middle school students studying global history and human culture.

Man: A Course of Study Overview

In the 1960s,the National Science Foundation (NSF)fundeda team of social scientists and educators, under the direction of Dr. Jerome Bruner, to design and implement an anthropology-based curriculum intended for upper elementary and middle school social studies classrooms.Dow (1971) stated the goals ofthe MACOS project "were threefold: to give the

students a set of models for thinking about the world, to provide students with intellectual tools for investigating human behavior, and to evoke in children the appreciation of the common humanity that all human beings share" (p.389). Within the middle-level classrooms where Man: A Course of Study was implemented, John Herlihy (1974) describes studentsas having an active role in the learning process beside the teacher when approaching topics.

The two sections of Man: A Course of Study utilize materials to compare and contrast various species of animals to human cultures.In the first section, students explore a series of animal studies on salmon, herring gulls, and baboons; in the second, students explore the lives of Netsilik Eskimos in the Pelly Bay region Canada.The Man: A Couse of Study project emphasizes using primary and secondary sources as significant evidence points in student learning. Primary sources include students' personal, community, and cultural experiences. Secondary sources within the MACOS Project are identified under three categories: films and visual aids, written material, and interactive devices, such as games and simulations.

Anthropology, inquiry, and active learning are vital characteristics in each Man: A Course of Study activity.Bonwell and Eison (1991) assert that active learning allows students to engage in critical thinking and collaborative efforts to understand a topic.The ring retrieval tool simulation activity is designed to mimic the importance of tools to early humans as they established the first permanent civilizations during the Agricultural Revolution.Beyond role-playing, Pellegrino, Lee, & d'Erizans (2012) suggests that simulations illustrate historical realities. By creating situational context and constraints within the simulation, students become actively engaged in the learning process related to the world around them, facilitating exploration through World History social studies content.

Procedures

For the Teacher

As one is teaching about the foundations of human civilization, it can be difficult for students to comprehend the relationship between primitive tools and the emergence of permanent settlements. Specifically, as the students navigate the development of what was once ancient Rome, they might encounter difficulty comprehending the relationship and the influence of tools during the Agricultural Revolution (emergence of permanent settlements, food surplus, domestication of animals, barter economy, etc.). From there, the teacher can navigate through the key foundational characteristics in human civilizations (technology, economy, government, societal structure, etc.).

Step One: Properties of Materials

Prior to the beginning of the activity, the teacher will ask an inquiry question to the whole group, such as "what makes something a tool"? To engage student interest and activate prior knowledge, the teacher willfacilitate a conversation and ask students to identifytools found in the classroom or withinthe students' personal, community, or culturalassets and experiences. Next, students are asked to name the tools and consider common uses for each.To initiate inquiry through hands-on learning, the teacher will provide each small group a popsicle stick, a plastic straw, the end of a plastic utensil, three rubber bands, three paperclips, a four-inch piece of tape, and one four-inch string. Then, ask studentsto describe each material, itsproperties, and potential uses.

Step Two: Designing a Tool

After exploration of the provided materials' properties, small groups are asked to collaboratively determine the approach and materials to use in the development of their group-constructed tool. During this portion of the activity, students should be allowed 15 minutes

towards the hands-on exploration of the tool-making design process. Groups will be tasked to solve the problem of retrieving the ringsplaced throughout the classroom.The activity's objective is to solve the problem of retrieving as many rings as possible within the timeframe (3 minutes), following certain restrictions (not touching the rings with fingers or dropping the ring before returning to the teacher's designated point).

Step Three: Testing a Tool

Following the creation of the students' group-constructed toolsusing the provided materials (a popsicle stick, a plastic straw, the end of a plastic utensil, three rubber bands, three paperclips, a four-inch piece of tape, and one four-inch string), the class should return to the whole group discussion. To demonstrate, group members will present their tool to retrieve as many rings as possibleof various sizes, weights, and placements around the classroomin3 minutes.

Step Four: The Importance of Tools and establishingHuman Civilization

In conclusion of the activity, the teacher can describe the living conditions experienced by nomadic hunter-gatherer societies to include the physical strains (exposure to the elements, predators,starvation, malnutrition, illness, etc.) and emotional strains (isolation, physical violence, etc.). Through the investigation of the physical and mental hardships of early humans, emphasis on how tools (plows, nets, traps) allowed humans to interact with the physical environment around them. In turn, this allows the hunter-gatherer societies (fishing, farming)to establish permanent settlements (agriculture, food surplus, domestication of animals), leading to the development ofkey characteristics found inhuman civilization (government, economy, stable food supply, etc.)

Setting for Student Simulation

It is the 1ˢᵗ century. Your family has traveledwherever food sources can be hunted and foraged to survive. However, constantly moving expends energy, and exposure to the harsh elements and predators make it challenging to sustain a growing family.While walking along the shores of the Mediterranean Sea, you meet a group ofother families that have made a choice to settlealong the southeastern base of Mount Vesuvius. Establishing and sustaining permanent settlements in ancient civilizations would be difficult without the plow and traps. For this activity, each group will make a tool. Instead of axes, harpoons, or nets, groups will design and build a tool to retrieve rings placed around the classroom. For this activity, one will follow the directions provided.

1) Following the explanation ofdirections from the teacher, the group will choose a leader. The leader will present and demonstrate the group's tool to the class at the end of the activity.
2) Each group will receive a bag with the following items: a popsicle stick, a plastic straw, the end of a plastic utensil, three rubber bands, three paperclips, a four-inch piece of tape, and one four-inch string. Thegroup is only allowed to use these items to develop a tool to retrieve the rings.
3) As a group, examine the materials provided. What is it? What are the properties (hard, bendy, sticky, long, short)? What are possible uses for each item? Discuss the materials, properties, and potential uses.
4) As a group,brainstorm about several designs and how each would benefit from the materials provided to solve the problem under the limitations of the simulation.
5) Each group will have 15 minutes to design and construct their tool.

6) The group leader will present the tool and demonstrate the retrieval of the rings to the whole group. What worked well? What changes, if any, would the group make to improve the tool?

Discussion

Together, teachers and students explore anthropologic themes to encourage students to address these fundamental questions about human nature: What is human about human beings? How did they get that way? And How can they become more so? For the activity, it is recommended that the teacher integrate specific state standards to explore and discuss World History and anthropological concepts.

The discussion held throughout the activity provides opportunities for students to use critical thinking skills in consideration of social studies and anthropological concepts. For example, the teacher may facilitate a discussion to connect prior content knowledge to new social studies content material. The teacher could ask how humans chose the location where Pompeii was established. Based on Pompeii's physical location to the Mediterranean Sea and the volcanic soil from Mount Vesuvius, the fishing and agricultural industries prospered and allowed for the establishment of permanent settlement through food surplus and agricultural development.

The teacher could ask the whole group questions to create content knowledge connections to historical events. For example, the teacher might ask students to consider the benefits and risks of settling near hazardous physical environments (i.e., volcanoes). Besides the agricultural and fishing benefits, due to Pompeii's location along the coast of the Mediterranean Sea, Pompeii eventually developed into a prominent commercial and trade location, making it an economically influential city for Ancient Roman civilization. However, with its proximity to Mount Vesuvius, Pompeii was eventually submerged under the volcano's eruption in 79A.D.

As closing discussion of the tool-making activity to promote inquiry and increase students' global connection, the teacher might ask, "What have humans designed that make it possible for civilizations to exist next to volcanic regions or other hazardous physical environments?". The teacher should reference several examples of present-day cities or have the students conduct their own research to discuss during the following learning segment.

Summary and Conclusion

Middle-level students may not have a strong foundation for historical connections or concepts due to the lack of time spent in social studies in their elementary years. This has become a consistency throughout the years due to instructional time spent in the English/Language Arts, Mathematics, and STEM-related courses. This has caused many struggles for young adolescence because of their ability to tie historical events to present-day current event issues.

As students learn about World and U.S. History, the emphasis on anthropological themes associated with the Man: A Course of Study project offers students the opportunity to create connections between concepts and historical facts. Through the hands-on inquiry exploration in this Man: A Course of Study-inspired simulation activity, students are urged to actively engage with the higher-order cognitive skills associated within Bloom's taxonomy levels of analysis, synthesis, and evaluation. This activity encourages students to ask the "how" and "why" questions and make interdisciplinary connections. It prompts students to incorporate personal, cultural, and community assets while connecting historical skills and concepts. Creating activities like those found in the MACOS project allows educators to design innovative instructional methodologies that engage middle school students in active learning. In conclusion, the goal of a project such as this one is to develop intuitive learning where students take

ownership in their learning process. This activity can be modified in the content and instructional support of the teacher and students oraltered to meetschool and state district requirements.

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