

The Danger of Substituting Rules for Instructor Judgment in Experiential Education

Jasper S. Hunt, Jr., Ph.D.

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It is appropriate in this issue of the *Journal* to deal with an issue that is intimately connected with the overall problem of safety and risk management in outdoor pursuits. The issue is the conflict between rules and instructor judgment as the means to achieve safe adventure courses.

My assumption here is that reasonable experiential educators are united in agreeing that reckless activities which will result in injury or death to students or staff are not acceptable. This is not a particularly controversial proposition. However, reasonable people quickly begin to disagree about the best means to achieve the goal of eliminating recklessness on courses.

An approach to safety and risk management that is becoming increasingly popular in man adventure-based programs is simply to devise a system of rules that will minimize risk. This is a deductive approach to the problem. The particular instructor when confronted with a potentially dangerous situation, simply picks the appropriate rule or policy which covers that situation and concludes what should be done. The function of the instructor is to be able to apply the rule to the case and then deduce what to do. This is the way of the legalist.

The other approach to safety and risk management is what I will call the situational approach. The situational approach reasons that every situation is unique and that a system of rules can only rarely adequately guide an instructor in what to do. This is the inductive approach to safety. The role of the instructor here is to gather as much relevant data as possible, then use his or her own judgment about what ought to be done in a given situation. Rules become subordinate to the demands of the situation as judged by the instructor.

The way of the legalist is a tempting one for experiential educators, especially administrators of programs. The establishment of fixed rules ensures executive control over the decisions of the staff in the field. Rules largely eliminate instructor judgment and the possibility of a bad decision being made. Freedom takes a back seat to certainty in this model.

The way of the situationist is discomfoting for many experiential educators, especially administrators. For an administrator to insist that his or her instructors use their own judgment implies that the administrator relinquishes some control over the outcome of the situation. Certainty of outcome takes a back seat to the uncertainties of freedom.

Case in point: Reasonable experiential educators are agreed that cut feet are not a good thing for students and staff to experience on courses. The rule-based legalist, therefore, establishes a rule that all stream crossings will be made with boots or sneakers on the feet. A group of student in the field approach a slow moving, clear,

sandy bottomed, shallow stream. They want to have dry sneakers for the next day's marathon and they want to finish the hike in dry boots. The rule-based, legalistic instructor simply applies the rule to the case and deduces that the students must wear either boots or sneakers. The situational instructor might assess this particular stream crossing and induce the **in this situation** foot gear need not be worn. Both instructors are in agreement that cut feet are not desirable. They are not agreed upon the best means to achieve this goal. The legalist has the advantage of absolute certainty. The situational, instructor-based judgment decider could be wrong about his or her assessment of the situation.

Frankly, I am afraid that the rule-based model for making decisions is gaining the upper hand in experiential education in the United States today. Fear of lawsuits and bad publicity is impelling many program administrators to minimize the amount of freedom provided to their field instructors in order to maximize the certainty of the outcome of specific situations.

There is something very strange and incongruent about an educational movement that espouses the values of personal responsibility, initiative, and freedom and then turns around and does everything it can to minimize the presence of these very values in the means by which they teach. This conflict of values is the root of my concern. My assumption is that the instructor judgment, situational approach to decisions is more in line with the fundamental values of experiential education than is the legalistic, rule-based approach. The danger lies in a sort of conceptual schizophrenia between the values we put out in our literature and what actually occurs during the course in the field.

Another assumption in my argument is that instructors in the field in fact have good judgment. The whole argument collapses if it can be shown that instructor's judgments are not to be trusted because the staff has bad judgment. My only retort is that instructors with poor judgment should not be in positions of responsibility in the first place. If instructors do have good judgment, then I will argue that it is usually better to trust their decisions than substitute rules for independent decision making. Of course, a corollary issue here is how does an administrator ascertain whether or not an instructor has good judgment? The specific answer to that question is beyond the scope of this editorial. However, I do think such an assessment can and must be made in the personnel selection process.

Finally, I am not arguing for a complete absence of rules and administrative policies in experiential education. That position would reduce my argument to an absurdity. Every institution must define what it is about educationally and these definitions often need to be manifested in rules. However, the critical point is that the rules should be seen as a means to an end and they

should rarely be allowed to stand alone as ends in themselves. Rules generally reflect the wisdom gained through past experiences. As such, they can be very useful to an instructor in the field. However, a rule, because of its roots in the past, is often inadequate to deal with novel situations in the future. Intelligent interpretation of rules is what links their past efficacy to the novel future. The instructor on the spot must make these interpretations.

The subordination of rules and administrative policies to instructor judgment in specific situations implies a greater degree of freedom in how courses are run in the field. The ultimate burden of freedom in how courses are run in the field is that it may be misused and mistakes may happen on occasion. My challenge is that we not react to the burden of freedom by severely restricting it. Rather, we should react to this burden by demanding even higher degrees of judgment and professionalism on the part of those who actually teach courses.

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