



An Analysis of the Role of the Male and Female District Hearing Officers and the Effectiveness of this Role

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Abstract

The Texas Education Code (TEC) contains a provision called “Safe Schools” that holds that students who exhibit discipline and behavioral problems may be suspended from school, removed to a disciplinary alternative education program, or expelled and placed in a juvenile justice alternative education program. The TEC mandates that before students are subjected to these disciplinary measures, each student must be provided with a due process hearing. At most independent school districts (ISDs) in South Texas, the Hearing Officers are responsible for facilitating the due process procedures. However, one problem at hand is that there are no formal guidelines, legal or administrative, that clearly define the case management approaches to be followed by the Hearing Officer. Notably, such approaches can provide guidance to Hearing Officers about the appropriate measures to take in balancing discipline and the educational needs and outcomes of at-risk youths; in respecting and upholding the dignity of the student being disciplined; and in ensuring that such students learn from the consequences of their school violations. Using the single case study approach, this study analyzed Hearing Officers’ duties, effectiveness in carrying out such duties, and whether gender had an impact on their performance.

INTRODUCTION

Chapter 37 of the TEC Safe Schools’ provision holds that students exhibiting discipline and behavioral problems may be subjected to “suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program” [1]. However, the TEC emphasizes that before students are subjected to these punishments by administrative decision, every student must be provided a due process hearing to ascertain whether the disciplinary decision is sound and in compliance with federal laws, particularly the Individuals with Disabilities Education Act (IDEA), while also ensuring that the constitutional rights of the student are upheld [1.2]. The responsibility for carrying out this requirement is given to the Hearing Officer who, to date, has maintained this responsibility for more than three decades.

At all independent school districts (ISDs) in South Texas, Hearing Officers are tasked with the enforcement of rules related to hearings of student disciplinary cases. Hearing Officers typically occupy a leadership position in ISDs in South Texas and are selected by the ISD based on educational and certification requirements, special knowledge and skills, and significant

experience in the area of student educational needs. At ISDs in South Texas, the setting of this study, the Hearing Officers needs Mid-Management Certification and a Professional Development and Appraisal System (PDAS) Certificate. The Hearing Officers are expected to have thorough knowledge and understanding of hearing proceedings and legal precedents affecting discipline cases. In addition to these, Hearing Officers should have excellent communication skills (verbal and written) with diverse groups of individuals utilizing diplomacy and tact, and must hold a master's degree.

At most ISDs in South Texas, the Hearing Officers seek to provide support to individual campuses as well as the community in the realms of "discipline, compulsory attendance, student enrollment, family code and safe schools" [3]. The mission of the Hearing Officers is to "support the efforts of the district and the community in providing a safe school environment for all our students and staff members [3]. The tasks of the Hearing Officers are based on state and federal laws, as well as the rules and regulations of local ISDs in South Texas.

The tasks required of the district Hearing Officers are challenging because of the various interests at stake. As such, there is a need to balance all factors that are involved in a student's case, so that Hearing Officers' decisions may be considered just and appropriate. To date, there is no single document that prescribes how this mission and these tasks should be carried out or how the interests of the various stakeholders should be balanced. A clear definition of priorities and considerations would inform Hearing Officers about the approaches that have to be taken in disciplinary cases, particularly in the context of balancing discipline and education; respect for, and dignity of, the student; and, the students' understanding of their negative actions.

One of the primary tasks of Hearing Officers is to conduct student hearings for alternative educational placements. In the facilitation of such hearings, Hearing Officers refers to the ISDs' Student Code of Conduct; Chapter 37 of the TEC known as Discipline Law and Order; and Title 5 Felony Offences of the Texas Penal Code for guidance [3]. However, Hearing Officers in the ISDs have historically had to depend on his or her own judgment in determining the cases of the student requiring discipline (SRD). Consequently, a question emerges about the effectiveness of Hearing Officers in cases such as these, considering that there is no standard guidance identifying the factors that must be considered in hearing of SRDs cases, against which their decisions may be evaluated. Whenever Hearing Officers have to make important decisions such as those involving possible expulsion of an SRD, again, the issue arises about the non-existence of guidelines pertaining to the appropriate approach that must be used. On the part of Hearing Officers, this could lead to moments of uncertainty about the appropriateness of decisions considering that they have no standard or guideline to consult.

The creation of safe learning environments is far from an easy task [4]. SRDs tend to exhibit behavioral problems that potentially lead to safety concerns. These actions include aggressive and violent behavior and coming to school under the influence of alcohol or illegal drugs while still expected to engage in learning [4]. The connection between educational concerns and deficiencies and coping mechanisms that may manifest in destructive and disruptive behavior constitute challenges for Hearing Officers. Skills in decision making and conflict resolution, compliance with relevant laws, abilities to look deeper into the rationales of behaviors, sensitivity to treat students with respect, as well as foresight needed to envision the potential impacts of disciplinary actions are all necessary tools for the effective execution of the Hearing Officer's duties. It must be emphasized that Hearing Officers have numerous responsibilities that are not only concerned with discipline, but also involve administrative and research

functions, as well as engagement with students' family members [5]. Hence, Hearing Officers significantly contribute to the creation of a safe school environment; and, if they are not effective in the execution of their duties, then the welfare of both individual students and the larger student population may be at risk.

However, in the case of ISDs in South Texas, no guidance has yet been provided regarding the appropriate approaches that Hearing Officers need to adopt in order to achieve these. Because no such guidance exists, there has been no means of measuring the effectiveness of Hearing Officers with regard to these factors. By extension, there have also been no measures to assess the actual contributions that Hearing Officers at the South Texas ISDs have made to facilitate the attainment of safety in schools.

Understanding that the effective execution of Hearing Officers' duties requires the use of both technical and interpersonal skills, it is notable that gender may impact the manner through which Hearing Officers make their decisions or approach their work in general. As it pertains to the ISDs in South Texas, it is important to mention that historically, the majority of Hearing Officers have been male, whereas at present, one of the Hearing Officers is female. It is important to discover through this study whether gender impacts Hearing Officers' (a) decision making and judgments, (b) attitudes toward work, (c) communication, and (d) emotions. In turn, decision making, attitudes toward work, communication, and emotions may potentially impact the effectiveness of Hearing Officers in their approaches. An equally important perspective here is whether gender may be a barrier to the effectiveness of Hearing Officers' execution of duties.

The purpose of this qualitative case study was to explore the experiences, challenges, and barriers that Hearing Officers within ISDs in South Texas have experienced in managing the cases of SRDs without a standard governance policy or procedure. The intent was to develop a clear description of the appropriate approach and actions Hearing Officers must adhere to in order to achieve a balance between discipline, educational needs and outcomes, consequences, and the maintenance of dignity for the SRDs.

LITERATURE REVIEW

The creation of safe schools in which Hearing Officers are involved, is a complex and broad undertaking. When Hearing Officers deal with a disciplinary case, the focus is not always on the infraction of the student, although it is of utmost importance. The interests of different stakeholders have to be considered particularly since there could be times that Hearing Officers consult some of them when determining a disciplinary case. In this regard, a guideline pertaining to an appropriate approach to stakeholder engagement is important. There is no such existing guideline in the ISDs in South Texas.

By engaging with different stakeholders, Hearing Officers are able to deliver positive discipline rather than punitive ones [6]. The overarching goals of positive discipline are to keep students and staff safe as well as maintain a school environment that facilitates student learning and positive social-emotional-behavioral development [6]. Again, no such guideline exists pertaining to how Hearing Officers can ensure positive discipline and the appropriate approaches that could facilitate its achievement.

Male and Female Perspectives

The current Hearing Officer at one of the ISDs in South Texas is female, while the majority of Hearing Officers in the past have been male. Hearing Officers are expected to collaborate with parents, staff, and community members who may be male or female, so that they can contribute to the cultivation of safe learning environments. In the event that a female Hearing Officer is marginalized on account of gender, then these duties could not be carried out effectively, and it is possible that their level of authority would be reduced.

In a meta-analysis they conducted on gender and leadership style, Eagly and Johnson [7] noted that gender distinctions do not emerge in organizational studies pertaining to interpersonal vis-à-vis task-oriented style. However, there are stereotypic gender differences that emerge in laboratory experiments and assessment studies where participants were not recruited according to their leadership positions [7]. According to the meta-analysis, 92% of the included studies indicated that females tended to adopt a more collaborative style of leadership and less of the directive style when compared to their male counterparts [7]. Therefore, this could translate into differing perspectives between male and female Hearing Officers who are tasked with leadership duties such as directing the placement of students into alternative learning settings and planning materials related to discipline, admissions, dropouts, and school law [8].

Moreover, social perceptions and expectations impact leadership styles adopted by females such that as women leaders, they tended to be more relationship-based. In contrast, males tended to conform more to social norms of being more task-oriented, self-assertive, as well as motivated to master their environment. On the other hand, females tended to conform more toward “social stereotypes of being more interpersonal, selfless and concerned to others” [9]. Overall, female leaders were more people-oriented rather than task-oriented when compared to male leaders. According to Bass and Avolio [10], this actually places females at an advantage in the context of leadership. These gender differences could impact the manner through which Hearing Officers engage with at-risk students and their families. For instance, there is a distinct possibility that male Hearing Officers would be less engaged with at-risk youth and their families or parents as compared to female Hearing Officers. In turn, this could impact the disciplinary decisions that they make as well as their approach to discipline of at-risk youth in general.

Indeed, there is strong evidence linking female leaders with the collaborative, cooperative, or democratic leadership style [9]. On the other hand, strong evidence also exist linking males with directive, competitive, or autocratic leadership styles [9]. In earlier studies, even through criteria for leadership positions even out gender differences, women appeared to have intentionally different approaches to leadership and preferred the collaborative style, largely because of differences in personality and social interpersonal skills [9].

For the female leaders, years had to be spent working hard to attain the respect that is “automatically given to their male counterparts” [11]. In light of these, it is evident that barriers stand in the way of female leaders in education. Among the most prominent of these barriers are cultural and structural in nature [12]. Cultural barriers are related to patriarchal ideologies that associate womanhood with unpaid work, home and hearth, as well as expectations that males are more suitable to higher management positions with greater authority and opportunities as compared to females [12]. Consequently, females are usually marginalized by a workplace environment that is dominated by male peers.

Such realities are not uncommon in the realm of education that has been defined as largely bureaucratic in structure. Indeed, the authoritarian perspective of bureaucracies ruins any prospective organizational benefits for females [12]. In academic institutions, bureaucracies have a span of control and a singular authority that adversely impacts females striving to take part of the decision-making process [12]. Alternatively, it has been noted that a flatter organizational structure that is less bureaucratic would provide greater leadership opportunities for female leaders. This can significantly impact female Hearing Officers. To note, not only do Hearing Officers at ISDs decide about disciplinary cases, they also resolve conflicts between stakeholders, such as conflicts between parents and schools [8]. Hearing Officers also investigate and resolve legal questions regarding school law and even serve as the Professional Development and Appraisal System (PDAS) appraiser [8]. In the event that the Hearing Officer is female, then there is the risk that her administrative decisions and general authority would not be given sufficient significance due to bureaucratic forces.

Van Emmerik, Wendt, and Euwema [13] noted that females tended to adopt transformational leadership styles compared to males and had the propensity to demonstrate more rewarding behavior. In contrast, males paid more attention to mistakes made by subordinates [13]. Transformational leaders focused on empowerment, shared purposes, and commitment to shared goals and objectives. Moreover, the transformational leader has characteristics defined by “vision, self-confidence, and inner strength to argue successfully for what is popular or is acceptable according to established wisdom of the time” [14]. Transformational leadership has also been associated with personal consideration of others welfare, intellectual stimulation, inspirational leadership, as well as idealized influence [14-16]. Through individualized consideration, leaders placed importance on equality, individual needs, and talents. By means of intellectual stimulation, leaders succeeded in motivating others to “stretch the limits of what followers think they can accomplish in a specified set of circumstances” [14]. By being an inspiration to others, a transformational leader improved self-worth of others while through idealized influence, a transformational leader bred trust among stakeholders so that “they truly believe in and are inspired by the charisma, faculties, and vision of their leader” [14]. Transformational leadership competencies applied to different settings, regardless of whether the leader works with only one individual, an organization, or an entire culture [17]. In light of these, there is the possibility that male Hearing Officers could focus more on punishing mistakes rather than balancing discipline and educational needs of at-risk youth and less on inspiring behavioral change among at-risk youth with disciplinary issues. It is also possible that the male Hearing Officers would be less sensitive to self-worth of at-risk students so that respect for, and dignity of, said students could be adversely impacted.

It has been observed that in male-dominated sectors such as education, female leaders have tended to pattern their leadership styles, to a large extent, according to successful male leadership behaviors [13, 18]. Notably, many female executives seemed to have modeled their leadership styles after successful male role models in order to get into top management [18]. This is because many women vying for leadership positions have found themselves in a Catch-22 situation wherein they are devalued if they demonstrate feminine behaviors such as being nurturing, cooperative, passive, and they are chided if they show masculine traits including being assertive, independent, and aggressive [18]. Males tended to be more goal-oriented compared to females, who have a tendency to place more value on the facilitation of interaction [13].

METHODOLOGY

Data collection for this study was performed through the case study approach including participants' interviews. This research study on the Hearing Officers at ISDs in South Texas was both positivist and interpretivist philosophical in nature. From this perspective, trust or validity is not grounded upon an objective reality. However, because of the need to substantiate the subjective quality of data collected in this study, it was necessary to use theories from the sciences to provide an objective perspective. For example, findings from earlier empirical research as well as theories on gender were used to analyze interview responses pertaining to roles of male and female Hearing Officers. Moreover, theories on social justice and legal frameworks were used in analyzing participant responses regarding appropriate charges meted out to disciplinary youth.

Population and Sample Homogenous purposive sampling was used for the study. Participants were selected according to their shared traits, which are also the inclusion criteria. These shared traits are (a) current or past Hearing Officers, (b) worked at different ISDs in South Texas for at least two years, (c) experience dealing with at-risk youth and SRDs, (d) female (three Hearing Officers), and (e) male (three Hearing Officers).

Procedures The instrument that was used in this study was a semi-structured interview. Participants were asked questions pertaining to their perceived roles as Hearing Officers; how they functioned as Hearing Officers even without clear descriptions of their roles; how they measured their effectiveness in their roles; and whether gender was a factor in the manners they played out in their roles as Hearing Officers.

After completing the interviews, all of the responses were analyzed against concepts discovered in a review of the literature. A second one-hour interview/meeting was set with each Hearing Officer for the purpose of analyzing and agreeing on data results as well as member checking. After transcribing the interviews, coding was completed. After coding had been completed, the Hearing Officers' responses were analyzed to determine whether their findings related with one another and in so doing, identifying emergent themes.

RESULTS

Table 1 summarizes participants' background.

Table 1: Synthesis of Participant Backgrounds

Hearing Officer	Gender	Years Hearing Officer	Years in Education	Previous experience Education	Education
Lincoln	Male	11-20	30-35	Teacher	Master
Kevin	Male	1-10	11-20	Teacher	Master
Suzie	Female	1-10	21-30	Administration	Master
Mark	Male	1-10	11-20	Administration	Master
Malcolm	Male	1-10	01-10	Other	Master
Eva	Female	1-10	01-10	Administration	Master

Participant responses to interview questions were coded using the codes listed in Table 2 along with the criteria used for coding.

Table 2: Coding Summary

Codes	Themes	Description
Parents	Attitudes	Negative attitudes from parents.
	Communication	Communication gaps with parents, including, cultural barriers.
Discipline	Parental Involvement	Parents are part of day-to-day experiences.
	Goals	Focus on goals in disciplining students.
	Fairness	Make decisions regarding discipline.
District Support	Consistency	Difficult to make effective decisions.
	Collaboration	HOs do not receive support from stakeholders such as school personnel and parents.
	Lack of training	HOs have inadequate training.
	Inadequate information.	Constant research and search for updated information to serve as guidance on tasks.
Policies and procedures	Multiple roles	HOs hold several tasks not just hearings.
	Conflict with Administrators	Conflicts arise with administrators due to lack of clarity about HOs roles.
	Lack of policy updates	HOs do not have access to complete and updated information regarding policies.
	Lack of policy understanding	Administrators and other stakeholders lack understanding of policies.
HOs Gender – Female Perspectives	Lack of policy implementation	Policy implementation is hampered by lack of policy knowledge.
	No impact/not a factor	This code refers to the female HO perspectives of their roles. What matters are personal educational philosophies.
	Educational Philosophy	Gender does not matter but there are stereotyped expectations according to gender.
HOs Gender – Male Perspectives	No impact/not a factor	This code refers to the male HO perspectives of their roles. What matters is that one follows guidelines.
	Facts/Guidelines	
	Fair/Consistency	What matters is fairness and consistency.
	Disposition	What matters is disposition.
HOs Gender - Differences	Differences	This code refers to differences between the male and female HOs regarding their roles.
	Discipline approach.	Yes, in approach to discipline.

Among the strongest themes are those related to parents, namely, parental involvement, parental attitudes, and communication. Parental involvement was discussed in the contexts of day-to-day experiences, challenges, barriers, roles and gender. The theme of parental attitudes was strongly represented in the collected data. Parental attitudes were mentioned in terms of barriers. However, parental attitudes overlapped with other themes, such as, training. Based

on the coded data, communication with parents represents challenges and barriers to some of the participants.

There were several Student Discipline themes that appeared in several contexts, including, day-to-day experiences, challenges, barriers, roles and gender. The themes in Student Discipline were goals, fairness and consistency. One of the emergent themes related to Student Discipline is the discipline process goal. The theme of goals in Student Discipline was related to consequences of misbehavior, discussed in the context of barriers. Student Discipline was also discussed in the classification of decision making. Fairness and consistency in Student Discipline were mentioned in the contexts of roles, challenges and day-to-day experiences. Fairness and consistency occur as themes of Student Discipline. Fairness and consistency were also mentioned in the context of roles.

District Support themes include collaboration with administrators, lack of training, mission/vision alignment, multiple roles, and conflict with administrators.

The participants' collaboration with administrators theme occurred in various contexts, it was mostly mentioned in terms of challenges and barriers. Collaboration with administrators was also regarded as an essential daily activity. Lack of training was mentioned the most in the context of barriers and challenges.

One theme to have emerged in relation to District Support is the lack of sufficient information, which pertains to lack of policy updates. Inadequate information regarding policies overlaps with the theme of Multiple Roles that participants play.

The participants all communicated how they have been taking on multiple roles that, in turn, stems from lack of District Support. It is notable that the theme of multiple roles is broad because the participants tended to enumerate the roles that they played and because the multiple roles were based on the experiences, barriers and challenges encountered by the participants. Some of the participants stated that their role is to make students see the consequences of their action, which overlaps with themes related to Student Discipline. Based on the participant responses, the theme of multiple roles overlapped with the theme of Conflict with Administrators. Some of the participants had highlighted conflicts with administrators mainly because of lack of clarity about roles.

There were three emergent themes related to Policies and Procedures, namely, lack of policy updates, lack of policy implementation and lack of policy understanding. This emergent theme overlaps with another theme in terms of lack of District Support. Themes related to Policy and Procedures generally occurred in the contexts of daily experiences, challenges and barriers.

Some of the participants emphasized the lack of policy knowledge among their colleagues and other stakeholders. It seems that because of lack of policy knowledge, there is a lack of policy implementation particularly in the context of making the right decisions.

The Lack of Policy Implementation has been related to the theme of lack of training.

Gender Perspectives. For female participants, these themes pertained to No Impact, Educational Philosophy and Knowledge and Experience. For male participants, these themes pertained to No Impact, Facts/Guidelines, Fairness/Consistency and Disposition

Female Perspectives. The majority of the participants stated that gender was not a factor in how they played their roles. For female participants, what mattered more than gender were characteristics like Educational Philosophy, Knowledge and Experience.

Male Perspectives. Most of the male participants explained the factors that did impact their roles instead of gender.

CONCLUSIONS

Daily Experiences

The functions of Hearing Officers include advising parents and administration, two of the most mentioned in the interviews. Due to the fact that many participants had emphasized the importance of consistency in their decisions and actions, it appears necessary that they be provided with training on how to deal with problematic, emotional reactions such as those coming from parents. Additionally, participants identified a lack of training as a major barrier.

Several participants had highlighted important associations between Parental Involvement (Theme), Student Discipline (Theme) and Daily Experiences (Research Question). A concern here was whether through the influence of parents, SRDs are able to realize their accountability.

Challenges

Participants stated their main challenge relates to parents' negative attitudes about disciplinary matters with which their children are involved. The participants also consider fairness and consistency as challenges because they simply have no guiding framework. Additionally, it was not uncommon for conflicts to arise because of lack of knowledge about policies. One of the biggest challenges for Hearing Officers is keeping up with legislative updates. Finally, challenges exist when Hearing Officers and administrators differ on the purpose of student discipline.

Barriers

The most important barrier was the lack of training and time. Another barrier identified by participants pertains to their conflicts with administrators. A constant issue seen as a barrier for the Hearing Officers is dealing with problematic attitudes of parents. For some participants, fairness is considered a barrier although it is typically associated with concepts such as being unbiased, and equitability.

Roles

The participants believe that their roles are played out according to their concern about the well-being of the SRDs. Results indicate that participants followed the process as described by the SWISD [3].

The participants play the roles of providing support service to administrators, parents, and students. They played the role of liaison because they resolve conflicts between all stakeholders, including conflicts between parents and schools as mentioned in SWISD [8]. They also have to advise the parents and SRDs.

Impact of Gender

An overwhelming majority of the participants in this study on Hearing Officers in ISDs in South Texas asserted that gender does not impact how they perform their roles. They perform their

functions consistently, placing importance on fairness and knowledge about using the policies and district's guidelines to eliminate the gender factor.

However, some of the participants believed that gender can impact the discharge of roles. It was noted that it is the student's gender that may impact the role of the Hearing Officer. The results of this study show that participants had mixed opinions about whether gender leads to a difference between female and male perspectives of the Hearing Officers' role. Some concur that people should not have different perspectives because of gender, but there are times when this happens.

Even though both female and male participants stated that there were no gender differences they described their roles in manners that reflect gender differences. For example, females believed that Educational Philosophy, Knowledge and experience are the most important characteristics while males perceived that the ability to follow policy and district guidelines, being fair and consistent as being the most important factors.

Scholarly Significance

Overall, there is a dearth of knowledge regarding discipline cases, the experiences of students involved in them, and the appropriate approaches of Hearing Officers from either the female or male perspective. This deficit has contributed to a lack of clarity in the duties of Hearing Officers.

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