

Academic Matters

OCUFA'S JOURNAL OF HIGHER EDUCATION
LA REVUE D'ENSEIGNEMENT SUPÉRIEUR D'UAPUO

Oct | Nov 2011

Policing Relationships on Campus

Michelle Miller

Hot for teacher

**Aniko Varpalotai
and Mike Dawes**

Collective bargaining
and campus bedrooms

Cynthia Petersen

Campus sexual harassment
and labour arbitrations

Martin Hand

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Academic Matters is published two times a year by OCUFA, and is received by 17,000 professors, academic librarians and others interested in higher education issues across Canada. The journal explores issues of relevance to higher education in Ontario, other provinces in Canada, and globally. It is intended to be a forum for thoughtful and thought-provoking, original and engaging discussion of current trends in post secondary education and consideration of academe's future direction.

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Reader Matters

**Re: Shari Graydon, "Making the case for media engagement",
Academic Matters May 2011 issue**

A very helpful article. Scholars need to be as creative and courageous in the community as they are in the academy, and they must respond to the issues of the day in a timely way. Attracting the attention of the public and the negative feedback that can accompany such attention, in addition to the criticism of colleagues can be a disincentive, which is unfortunate. The president of Simon Fraser University recognizes such bravery and industry with an annual award. Encouragement from colleagues is important.

ANN COWAN, CENTRE FOR DIALOGUE, EXECUTIVE DIRECTOR, SIMON FRASER UNIVERSITY

This is a thoughtful and carefully considered case for the importance of research scholars—and other academics—to make their findings known via a print, broadcast and social media. I concur wholly, but must add my own experience which includes having submitted several pieces for op-ed consideration, that I never heard back from those newspapers. Perhaps my emphasis on the political and socio-economic needs of older Canadian women is not sexy enough to change the 80/20 ratio of males as contrasted to females. However, your article makes me think I should keep on trying.

**LILLIAN ZIMMERMAN, RESEARCH ASSOCIATE, GERONTOLOGY RESEARCH CENTRE,
SIMON FRASER UNIVERSITY**

This is a great article and I agree wholeheartedly with the call for younger faculty, women (and any minority voice) to weigh in. But your comment here makes it sound as if social media is doing a disservice to informed opinion: "Every week, dozens of news stories make clear the pressing need—in an age of Facebook, Youtube, Wikipedia, and Twitter—of serious scholarship." I feel academics should also be using social media to shape public opinion. The younger generation doesn't necessarily read the Globe or the Star. They rely on blog-like sources to help them navigate their world. So let's be sure to have some smart, scholarship-based ideas out there in these forums.

JILL SCOTT, DEPARTMENT OF LANGUAGES, LITERATURE AND CULTURE, QUEEN'S UNIVERSITY

**Re: Mark Kingwell, "Intellectuals and democracy", *Academic Matters*
May 2011 issue**

Nice commentary. Here's the real wrinkle as I see it though. The argument you make would be especially powerful if universities REALLY challenged students to think on a regular basis... cognitive skills are like physical skills, they must be worked out regularly and effectively to become strong and fluent. A philosophy degree may indeed provide that sort of practice but, increasingly I fear, many other degrees provide it in far too small doses. Kind of like going to the gym once a month...a nice charade but it has no real impact. So I wonder how much you feel your arguments are specific to philosophy and what your opinion of the greater academy is when viewed from this perspective

STEVE JOORDENS, DEPARTMENT OF PSYCHOLOGY, UNIVERSITY OF TORONTO

Brilliant: Only the useless can be PURELY valuable.

RONALD DE SOUSA, DEPARTMENT OF PHILOSOPHY, UNIVERSITY OF TORONTO

INTRODUCTORY MATTERS: Policing Professors

Rebecca Coulter

The nature of the current push to police the lives of professors and students provides a salutary lesson about unintended consequences.

La nature de la poussée actuelle en vue de contrôler la vie des professeurs et des étudiants fournit une leçon salutaire sur les conséquences involontaires.



Although there appears to be no evidence that his off-campus pursuits affected his teaching, research, or service work negatively, Stephen Kinzey, a kinesiology professor at California State University, San Bernardino, is likely to find himself cited frequently as a strong example in arguments made by university administrators about why they need to expand control over professors' lives. Alleged to be a chapter president of the motorcycle gang, Devils Diciples [sic], Kinzey is charged with running a methamphetamine drug ring and was for a time regarded as a fugitive, although he has now posted bail.

While this case is almost certainly an outlier, it does raise questions about the degree to which activities conducted away from the workplace fall within the purview of the university as an employer. As a fugitive from the law, a professor

would not be reporting for work, and that, we can surely agree, is a legitimate employer concern. But is it the university's business if a professor leads a motorcycle gang or engages in illegal or questionable activities away from the academy, however repugnant we might find those activities? Does it make a difference if a professor inhabits contradictory territory, teaching about the healthy human body but selling harmful drugs on the side? And what about belonging to a group that intentionally misspells words and fails in the use of the apostrophe? In short, are professors expected to be role models and live up to some high set of standards 24 hours a day? If so, whose standards?

What can we make of the treatment of Gloria Gadsden, an associate professor of sociology at East Stroudsburg University, who had an experience with Facebook postings

It is not difficult to see how efforts to expand the panoptic gaze
go hand-in-hand with the corporate managerialism
that now pervades our universities.

she thought could be read only by a closed and select group of personal friends. Facetious comments about looking for a hit man because it had been that kind of day and having a day where she “DIDN’T want to kill even one student :-)” were revealed to her students unexpectedly because, Gadsden believes, Facebook made changes to its security settings, and she was not informed and did not notice. Whatever the explanation, students did see her comments. Their complaints about feeling threatened were filed with the administration, and Gadsden was suspended for an unspecified period, although with pay. About a month later, after she agreed to and underwent a psychological assessment, the suspension was lifted, and she returned to her teaching duties. As part of the mix, Gadsden also suggested she thought it likely she was being punished for earlier comments she had made about the failure of universities to be more supportive of minority faculty.

The Gadsden case is more than an example of misadventure through social media. It suggests the possibility that students might sometimes exercise power in negative ways in pedagogical relationships and use claims about feeling threatened or afraid to cover their own racism, sexism, or homophobia. The administrative response might be interpreted as a lesson in managing criticism through psychologising the critic and implying her behaviour is aberrant or abnormal.

From a variety of perspectives the articles in this issue tackle questions raised by the Kinzey and Gadsden cases and explore attempts by the university as employer to control faculty behaviours, both on and off campus. It is not difficult to see how efforts to expand the panoptic gaze go hand-in-hand with the corporate managerialism that now pervades our universities. Creating and protecting “the brand” becomes a central concern for senior administrators, and a compliant, uncritical work force and satisfied “client groups” are essential elements of imaging and marketing.

For many of us who spent a considerable portion of our careers struggling for policies and practices that would counter discrimination, protect against harassment, and build inclusive universities, the nature of the current push to police the lives of professors and students provides a salutary lesson about unintended consequences. Furthermore, because earlier organizing strategies often relied in large measure on the imposition of policies and procedures through administrative channels, it is easy to see why there is now a new version of that approach. Unfortunately, while the language of inclusion, diversity, and fairness is co-opted, collegiality and the politics of equity and social justice are abandoned. **AM**

Rebecca Coulter is a professor and the Director of Aboriginal Education in the Faculty of Education at The University of Western Ontario. She is the guest editor of this issue of Academic Matters.

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HOT FOR TEACHER:

Rethinking education's sexual harassment policies

Michelle Miller

Sexual harassment policies assume that teachers have power and students don't, argues Michelle Miller. Such policies risk outlawing consensual relationships that are "delicious, frightening, unruly" and just might reflect the excitement, even eroticism, of learning.

Les politiques de harcèlement sexuel présument que les professeurs détiennent le pouvoir et non les étudiants, soutient Michelle Miller. Ces politiques risquent de déclarer illégales les relations consensuelles qui sont « délicieuses, effrayantes, indisciplinées » et ne pourraient que refléter l'excitation, voire l'érotisme, de l'apprentissage.

In her compelling, if not totally agreeable, manifesto on school-based sexual harassment policies, Jane Gallop reminds us that it was feminists, not managers or administrators, who fought for harassment to be made a political and professional issue, rather than a personal problem. This fight was grounded in the understanding that sexual harassment in the workplace discriminates against women and other marginalized people on the basis of their sex, race, and gender and inhibits their ability to do their work, just as sexual harassment in the streets interferes with the ability to move freely and safely in the world. Gallop thus clarifies the goals of sexual harassment policy in order to challenge administrative concerns around teacher-student relationships in a number of ways. Most important is that the criminal nature of sexual harassment is not that it relates to sex or to amorous or erotic relations, but that it is discrimination—the unfair application of power used by someone against another.

Gallop's book, *Feminist Accused of Sexual Harassment*, arose out of her own experience as a university professor charged with sexually harassing two female graduate students with whom she had developed close and difficult relationships. She describes in detail the history of her student-teacher sexual encounters, which involved her sleeping both with teachers as a student, and with students as a teacher. She reports these engagements as being generally positive and reasonably friendly, arising out of mutual desire for sex and intimacy rather than an abuse of power by the teacher. Although she had ceased sleeping with students at the time she was accused of sexual harassment, her teaching and learning relationships had been, and continued to be, amorous, personal and sexual. It seems, from Gallop's telling, that for her and her students, the close nature of these relationships was, initially, personally and academically productive. One student's academic work, for example, involved writing love letters to a fictional older woman teacher, certainly modelled at least in part after her relationship with Gallop.

This book does not present the two students who accused Gallop of harassing them as being upset because of the erotic relationship they shared with their teacher, but rather because they felt Gallop wasn't giving them the feedback they desired and felt they deserved. It was the withdrawal of her ability to please these students pedagogically, rather than the structure of a relationship with erotic pleasure in it, that troubled them. At least from Gallop's perspective, this is a story about jilted lovers who manipulated school-based sexual harassment policy to seek revenge for their dissatisfaction with an unruly relationship. Gallop revels in the amorous relationships she shared with these two students: she describes a "spectacle" of a kiss she shared with one of



them at a bar after a conference. Simultaneously, she assures us that she could not have sexually harassed these students, not because she never slept with them but because she didn't discriminate against them. She argues exactly the opposite, in fact, that as a teacher who is also a person, that far from sexually harassing these women, she engaged in deeply personal relationships with them both as students and as people. Each of the women (Gallop included) was flawed, lonely, desirous, egotistical, nervous, excited, and interested in working together academically. The decision to work in intimate ways reflected Gallop's commitment to feminist pedagogy and the possibilities raised by women's studies education, rather than a hope for teacher-student seduction.

Reading about Gallop's experiences with her graduate students (who, she once remarked in a joke that fell very flat, were her sexual preference) makes me think about my own relationships with teachers. As a doctoral student, I've never been theoretically against teacher-student relationships and have watched as my friends seduced and were seduced by professors both intellectually and sexually. One of my closest undergraduate friends dated a professor for a number of years, and although their relationship was at times professionally and socially troubling (since it seemed inappropriate for her to accompany him to faculty luncheons or for him to join us at school-night keg parties), it would denigrate their very real relationship to call it "harassment." I've never dated a teacher (or, now that I teach at a college, a student), although I recognize that some of the ways I want my professors to love me (and some of the ways my students want me to love them) reflect erotic desires for knowledge and for close human relationships, which often end up being rich and difficult.

In general, my teachers make me nervous. I worry about what I'm going to wear when I'm going to see them. If I see them unexpectedly, I feel flustered. I sometimes get feedback I hate, am pushed to be better, and resent being told I'm not already good enough. I often, embarrassingly, cry during meetings with them. I want my work, which is about sexuality, desire, and literature, to bring my teachers pleasure, and I feel



frustrated when it doesn't. I want approval, of course, but I also want to please the brilliant women I work with, the way their work pleases me. The point is not that I have crushes on my teachers but that these crush-like feelings become part of my academic work, part of the conditions of my thinking and learning.

The crushes I feel for my teachers are related to the kinds of crushes I have on my classmates and friends, crushes where I want to stay up all night drinking beer and talking about things we don't quite understand, which delight us all the more for being incomprehensible. Where we wonder what it might be like to grasp difficult knowledge together and thrill when it seems that we might. Where I wonder, in abstract ways, what it might be like to do this thinking lying down, to put the theory together with the practice. That scholarly relationships might become erotic, between students and teachers or passionate thinkers and learners of any position, seems natural—even unavoidable—to me. This doesn't always, or even often, mean there are sex acts involved but that

ships with others. And so I'm troubled by anti-harassment policies that seek to limit the ways adult thinkers and learners can relate to one another. After all, we're adults (even as I write that, I'm confounded by the arbitrariness of the distinction. Don't we all become teenagers in our crushes, regardless of age?). If we consent to participating in erotic or romantic relationships, if we seek them out or they sneak up on us, shouldn't we be able to enjoy them, free of meddling from administrative bodies? And by "enjoying," I don't mean always having a good experience, since erotic and romantic relationships of all kinds, between all kinds of people, sometimes become bad experiences, for reasons which have nothing to do with harassment or discrimination and everything to do with the difficulty of human relationships.

Jane Gallop points out that anti-harassment policies that seek to limit even consensual teacher-student relationships actually discriminate against the students they seek to protect by removing from them the ability to give consent to, and enjoy, the emotional consequences, pleasurable and difficult, which accompany these decisions. Aside from how insulting it is for an intelligent and capable graduate or undergraduate student to be told that she or he has no right to consent to relationships she or he wants, I'm thrown off by the reductive assumptions around power that underlie these policies, which position all students, regardless of age, as being unable to make social and sexual decisions and as being in need of protection from the predatory advances of (not even always older and wiser) educators. These policies assume that power in relationships between teachers and students is dependably structured: teachers have it and students don't.

Thinking about teacher-student relationships always

The point is not that I have crushes on my teachers but that these crush-like feelings become part of my academic work, part of the conditions of my thinking and learning.

desire for knowledge is a very human type of desire. I usually fall head over heels in a class, whether my infatuation is for a teacher, a classmate, a text, or an idea. It's these infatuations that make me a passionate student. They're incredibly valuable, and I want to keep them going. I have more interesting ideas when I allow my desires to get a little wild, to exceed my expectations for what might be, and when I open myself to be taken aback by what ideas may do to me and to my relation-

brings me back to a scene from the movie *Election* (based on the Tom Perrotta novel of the same name), which revolves around a rivalry between Jim McAllisor, a popular high school history teacher, and Tracy Flick, a very bright and driven student, during her run for school president. Tracy has recently had an affair with her English teacher, Jim's best friend, Jack. The affair, which began as intimate conversations about the school's yearbook, led to Tracy and Jack having (for Tracy) dis-

appointing sex. When she withdraws her affection by telling her mother about the sex and sharing a particularly smarmy love letter he wrote her, Jack loses his job, his wife, and child, and his home, but he remains utterly smitten by Tracy. It's important to note that Tracy is young, blonde, a virgin, and a student and should therefore be extremely vulnerable to being injured in their relationship. Except she isn't injured. She's not bitter or worried about the supposed loss of her innocence or disenchanted by, or distrustful of, her teachers. In a stand-off with McAllister, in which he alludes to her relationship with Jack and reprimands her for "stepping on people" to get her way, she responds, "I don't know what you're referring to, but I do know that if certain older and wiser people hadn't acted like such little babies and gotten all mushy, everything would be okay." In this exchange, and in her relationship with her teacher-turned-lover, Tracy is hardly disempowered, and she explicitly doesn't demean her consensual relationship as discrimination. In the book version of this story, Tracy reports that "people kept using the term 'sexual harassment' to describe what happened, but I don't think it applies. Jack never said anything disgusting and he never threatened me with bad grades. Most of our time together was really sweet and nice. I even cried a few times, it felt so good to have him hold me."

This example, by switching the usual trope of established, pompous male teacher preying on vulnerable female students who become ruined by the affair when the professor's desire turns, offers us space to wonder what else might be possible in these kinds of relationships. Might students hold power in erotic or romantic relationships with teachers? Might teachers be thought of as human in their desires? It's tricky to think about Tracy Flick, since she's in high school, legally underage, and, therefore, legally unable to consent to



Mariko and Jillian Tamaki's *Skim*, Eleanor Cattán's *The Rehearsal*, and Alison Bechdel's *Fun Home* each depict these relationships as offering more—more anxiety, more delight, more nuance, more frustration, more uncertainty—than we might initially think and certainly more than any blanket administrative policy could contain. These blanket policies, by demanding that complicated issues be treated simply (usually by banning them) potentially close down our thinking about students, teachers, power relationships, desire, and the eroticism inherent in learning. Problematically, these policies seem hostile to any kind of inquiry that tries to hold together desire and education. While all people engaging in simultaneous professional and personal relationships should have protection against discriminatory action in the event of a conflict or a breakup (and this could range from students revealing personal information about teachers to teachers giving bad grades or writing damaging letters of support), we must be careful to investigate the assumptions about teachers, students, relationships, power and desire

I usually fall head over heels in a class,
whether my infatuation is for a teacher, a classmate, a text, or an idea.
It's these infatuations that make me a passionate student.

a sexual relationship with any man or woman of her teacher's age. I believe, however, that her own description of this relationship challenges commonly held beliefs about what can and does happen in the spaces between teachers and students.

In my doctoral research, I am fascinated by the ways desire, sexual and otherwise, saturates many teacher-student relationships and find myself working with a number of texts that push against the limits of the pedagogical relationship.

which undergird policies seeking to control the delicious, frightening, unruly relationships that often arise in teaching and learning encounters. **AM**

Michelle Miller is a doctoral student in education at York University in Toronto and the author of Branding Miss G., Third Wave Feminists and the Media (Women's/Scholar's Press, 2008).

Collective Bargaining and Campus Bedrooms

Aniko Varpalotai and Mike Dawes

University administration proposals dealing with personal relationships have had more to do with control over, and performance management of, faculty members than with concerns about equity and harassment.

Les offres de l'administration de l'université, qui traitent des relations personnelles, sont davantage motivées par le contrôle exercé sur les membres du corps professoral et par la gestion de leur rendement, que par des préoccupations relatives à l'équité et au harcèlement.



As former Prime Minister Pierre Elliott Trudeau said in 1967, "There is no place for the state in the bedrooms of the nation." While it was in a different time and a different context, Trudeau's statement comes to mind as we explore whether a university administration ought to have any say about what goes on in the bedrooms of those associated with a university campus.

In the round of collective bargaining that took place at the University of Western Ontario in 2010-2011, important questions were raised about this issue, particularly what bearing it may have on the roles, power dynamics and potential equity concerns among faculty, staff, and students. It also raised questions about how unions mediate and address such concerns in collective bargaining and whether other venues could be more appropriate for such discussions.

The issues are complex, and they are not new. It is hardly surprising that on a campus the size of Western, populated by adults working closely together, that intimate relationships will and do develop. Personal and professional lives intersect. Problems can arise, however, when these relationships overlap with academic or work-related relationships that involve supervisory roles, or power and status differentials, or when such relationships break down and have a consequent negative impact on others in the workplace.

Collective agreements, including those at Western, have long recognized these dynamics; contract articles (such as conflict of interest, conflict of commitment, and discrimination and harassment) set up processes for dealing with these situations both before and after problems emerge.

So why was the issue such a concern in the 2010-2011 round of bargaining at Western? While other articles in this issue of *Academic Matters* address its legal, social, moral, and ethical dimensions, we restrict our comments to recent developments at the University of Western Ontario and the repercussions on collective bargaining.

The University of Western Ontario Faculty Association (UWOFA) and the university's administration have long committed, in the discrimination and harassment article of the collective agreement, "to providing a working and learning environment that allows for full and free participation of all members of the institutional community." The conflict of

interest and conflict of commitment article, negotiated before the 2010-2011 round of bargaining, also required that faculty members disclose their involvement in any relationship posing "an actual or apparent conflict of interest" and to remove themselves from their supervisory role.

With these safeguards and rules already in place, one wonders what compelled UWO's administration (unlike any other university's administration) to try to impose a zero-tolerance policy on **all** intimate, consenting relationships, thus broadening the definition of conflict of interest to include *anyone* associated with the campus community? Is this reasonable? Is it possible? And how successful would such a policy be? This is not to deny that there have been some problematic relationships on our campus, but those that required union help or intervention have been very rare and have been dealt with through the appropriate and existing channels. Typically, if a faculty member, for example, is accused of sexual harassment, then the case would be taken up by the university's Equity Services department, and the member would seek help from UWOFA, whose duty it is to provide fair representation to members finding themselves in difficulty. There is a clear process to address such cases, whether through the discrimination and harassment article or the discipline article for a fair investigation, with support provided for all parties involved. The very few serious cases that UWOFA has encountered in recent memory have all been dealt with through these channels. In situations where the faculty member was indeed found "guilty" of inappropriate, exploitative, or abusive behavior, an appropriate level of discipline has been applied, and in the worst cases resulted in the resignation or dismissal of the faculty member. Within the past 10 years, there have been no more than a half-dozen cases that involved serious allegations. On a campus numbering more than 35,000 people, this is hardly an epidemic and certainly not a crisis deserving of the draconian proposals made by the administration during the 2010-2011 contract talks.

The faculty association recognizes that each of the half-dozen cases created serious problems for those directly involved and for those around them. But, it is important to differentiate between relationships that are unquestionably abuses of power and predatory in nature and those where

Sensitive handling of such situations is preferable to public shaming and outright bans on relationships.

It is not the union's duty to act as a morality squad, dictating with whom and under what circumstances its members might become involved in their personal relationships.

consent is freely given, and the partners are in a loving relationship. There is of course a continuum between the two extremes, and these grey areas require guidelines, which were offered in the conflict of interest and discrimination and harassment articles. And when relationships break down, there are complications within the workplace, if both parties to the relationship are in the same unit. Again, sensitive handling of such situations is preferable to public shaming and outright bans on relationships.

UWOFA debated the administration's proposals extensively, sought advice from our provincial and national bodies (the Ontario Confederation of University Faculty Associations and the Canadian Association of University Teachers), and did due diligence about the role the union should play in educating faculty association members including proposing preventative measures to ensure association members are aware of their responsibilities—and the risks inherent in workplace romances. There are only a few relevant cases to examine in Canada, as was noted in two *University Affairs* articles published 10 years apart (see: <http://www.universityaffairs.ca/dont-touch-do-tell.aspx> [2010], and <http://www.universityaffairs.ca/sexual-relationships-between-students-faculty.aspx> [2000]).

We were advised that there are no general rules established by case law that would support the administration's demand for a zero-tolerance total ban. We were further advised that the administration's assertion that fiduciary, professional, and employment responsibilities justified such a demand was not supportable either. The university does not have such a blanket interest in, or jurisdiction over, faculty association members. That is not to say that an employer may not impose discipline if an employee's actions are genuinely destructive of the university's interests, but each case should be decided on its own grounds, with jurisdiction established through evidence, argument, and appropriate case law.

Despite the amount of fodder such relationships create for rumour and innuendo, they raise issues that are not to be taken lightly. But it is not the union's duty to act as a morality squad, dictating with whom and under what circumstances its members might become involved in their personal relationships.

UWOFA's status of women and equity committees, together with Western's Caucus on Women's Issues, have long taken a leadership role on this campus, with respect to discrimination and harassment, including the organization of professional development events about these issues. Indeed, in addition to taking leadership roles with Western's Caucus on Women's Issues, UWOFA members have also been active on the President's Standing Committee on Employment Equity and the Joint Faculty/Administration Employment Equity Committee. Western's faculty members have helped to develop resources used across the country about the "chilly climate", backlash, and respect for diversity on campus. We have maintained a good working relationship with our colleagues in the administration's Equity and Human Rights Services. Thus UWOFA's resistance to the proposed administration measures, which were aimed largely at our members, are not based on anti-equity sentiments, nor on naïve assumptions that problems don't exist. It's just, quite simply, that we don't believe that such harsh measures, including surveillance and a climate of fear and innuendo, are the solution to any problems that do arise.

When Western's administration circulated its discussion paper, *Boundaries in Personal, Employment and Academic Relationships* in 2009, UWOFA's equity committee, board of directors, negotiators, and joint committee members all reviewed and commented on the substance. They all concluded that these issues, while worthy of discussion, were adequately covered in our collective agreement and that further rules or policies were not required in this regard. The faculty association communicated this view to the administration long before negotiations began. Nonetheless, the administration signaled —through an article in the *Globe and Mail* ("On-campus sex ban: Hands off the student body, Prof", *Globe and Mail*, Thursday, April, 8, 2010) that they intended to bring this to the bargaining table during the 2010 negotiations.

No other university campus in North America has such rules embedded in their collective agreements, though many share UWO's existing policy regarding conflict of interest for those involved in dual or parallel relationships, that is, relationships that are both personal and supervisory. Western is

hardly unique in the number of problematic cases that arise, so why would it distinguish itself as the most authoritarian when it comes to ways of dealing with such situations?

The administration's own discussion paper begins by posing the possible positions a university might take: 1. *Toleration* (don't ask/don't tell), 2. *Regulation* (discouragement of such relationships, along with a requirement for disclosure and management), or 3. *Outright prohibition*. The end of the paper concludes that prohibition is unlikely to work but proposes that Western might establish a more formal policy and framework explicitly dealing with sexual relations between students and faculty members. Yet, the proposals that came to the faculty association during the recent round of collective bargaining were more like the prohibition scenario than the regulation and discouragement options.

This prohibition stance was included by the administration's proposing changes, either directly or indirectly, to such contract articles as conflict of interest, academic responsibilities, promotion and tenure, and discipline, all of which address union members' "entering into an intimate, amorous, romantic, or sexual relationship...with a student or an employee where there is a power imbalance..." Furthermore, a chair or director (also UWOFA members) was to report any such violations to their dean as soon as they become "aware" of such situations.

What was behind these proposals that which combined with other extreme proposals brought us perilously close to a faculty strike? UWOFA's concern was that in combination with other harsh proposals, the proposals dealing with relationships had more to do with administration control over, and performance management of, faculty members

than with concerns about equity and harassment. The outlandish language used by the administration in its proposals invited ridicule rather than a serious discussion of issues of mutual interest. UWOFA's sense was that these proposals were tabled as an opportunistic leveraging of Ontario's extensions to its occupation health and safety legislation—Bill 168—that speaks to workplace violence and harassment. The new law has increased the obligations of both employers and employees to protect workers from violence and harassment, in the workplace, even from external threats such

as domestic violence that may carry over into the workplace. Yes, there have been a few cases of serious breaches of trust and sexual harassment in on-campus relationships. But rather than focus on abusive relationships, the proposals would have disallowed any relationship of an intimate nature between persons associated with the university.

The union, while maintaining that existing language already addressed such scenarios, countered with proposals offering greater clarity for the existing collective agreement's conflict-of-interest article, which, when accepted, would explicitly require union members to report any conflict of interest arising from such relationships. Both sides further agreed the process for dealing with discrimination and harassment needed to be streamlined and its timelines shortened, for the sake of everyone involved. The parties also agreed that both union members and the administration would pursue further education and professional development around these issues. The panel presentation and discussion on campus following negotiations organized by the faculty association, which gave rise to this Academic Matters article and special issue are examples of one such initiatives. There continues to be concerns around safeguarding people's privacy and protecting confidentiality in such cases—unless there is a clear threat of violence to anyone.

In the end, we maintained that the administration's proposed incursions into the lives of faculty members, other staff, and students, must be limited to instances where the law and clear responsibilities for someone's safety prevail. These types of situations are, thankfully, few and far between; nonetheless we must all be aware of our responsibilities in this regard. We also agreed that union members should be aware of the inherent risks in workplace relationships and should protect themselves, through timely disclosure and alternative arrangements for supervision, if they enter into such relationships.

From the perspective of the union, a positive working environment that is supportive, rather than punitive, provides a stronger guarantee that union members will seek help and advice early, with the union offering guidance for members who may be in trouble and ensuring due process for all. We believe the new collective agreement has found such a balance. Following the negotiations, a *Western Gazette* article (November 23, 2010) reviewing the university's conflict of interest policies quoted one dean, who acknowledged that, "People do fall in love..." The provost further commented: "Our goal is to encourage faculty members and other Western employees to avoid generating conflict where possible... Where there is a close personal relationship that creates a conflict of interest or perception of conflict of interest, a faculty member would be expected to terminate the supervision or evaluation of that student or employee and ensure other arrangements were put in place." On this we can agree. **AM**

Aniko Varpalotai is currently the chief negotiator for the University of Western Ontario Faculty Association and a professor in the Faculty of Education. Mike Dawes, the association's recently retired chief negotiator, is Professor Emeritus of Mathematics.



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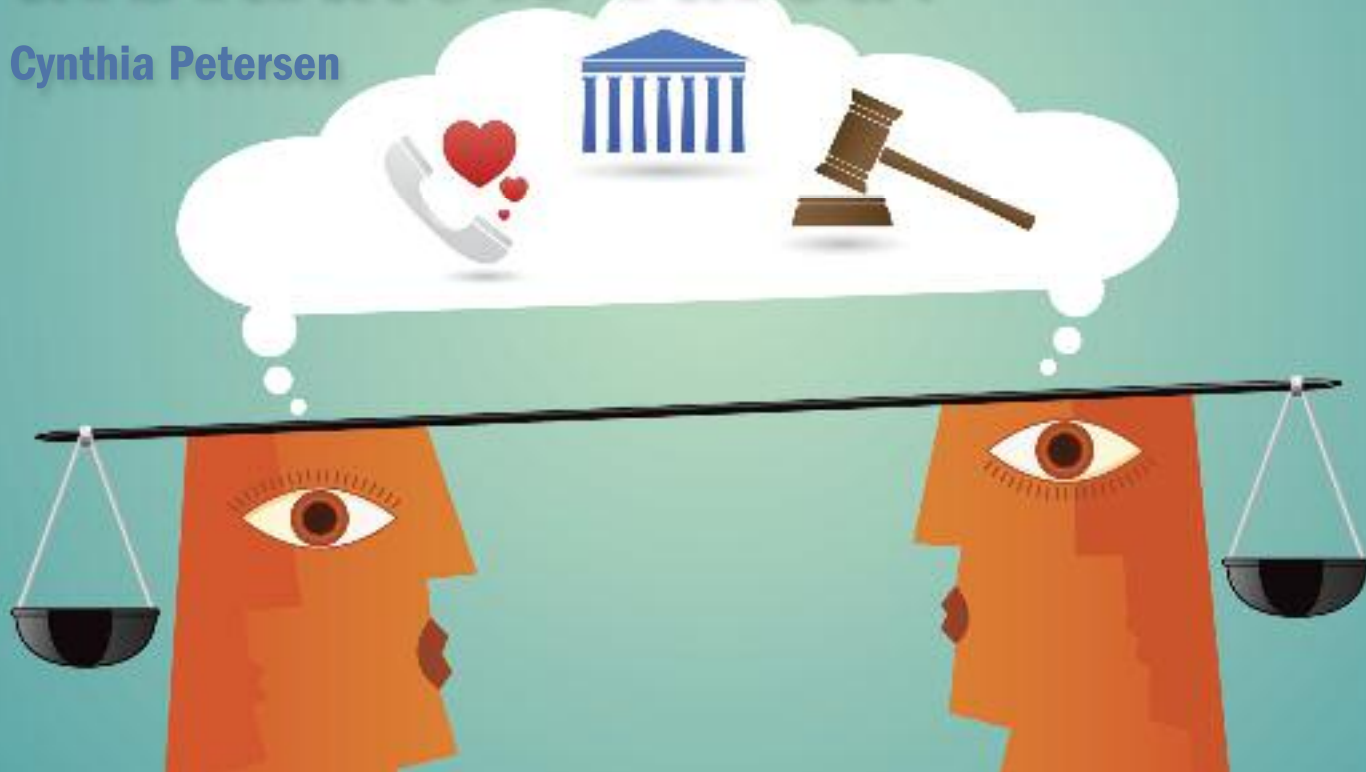
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SEXUAL HARASSMENT CASES ON CAMPUS: How have labour arbitrators ruled?

Cynthia Petersen



Labour arbitrators recognize there's an important social component to academic life, within limits. Labour-side lawyer Cynthia Petersen reviews Canadian arbitral jurisprudence and how arbitrators have decided in thorny cases involving sexual harassment

Les arbitres du travail reconnaissent qu'il y a un élément social important à la vie universitaire, à l'intérieur de certaines limites. L'avocate pour les travailleurs, Cynthia Petersen, examine la jurisprudence arbitrale canadienne et la façon dont les arbitres ont rendu leurs décisions dans des cas épineux de harcèlement sexuel.

It is well established in Canadian jurisprudence that university administrators have a legitimate interest in regulating faculty-student relationships, including the management right, in appropriate circumstances, to discipline faculty for inappropriate behaviour. Discipline may be imposed even for incidents that occur off campus and outside of normal working hours, provided there is a nexus between the faculty member's employment and his or her misconduct—such as when the conduct has a negative impact on a student's learning environment and thereby undermines the institution's educational mandate.

Labour arbitrators recognize, however, that faculty in post-secondary settings should enjoy considerable latitude in socializing and developing personal relationships with their students. There is an important social component to academic life, which encompasses interactions between faculty and students. The goal of promoting a free exchange of ideas is furthered by the creation of an environment in which faculty-student interactions are not impeded by overly hierarchical dynamics. Moreover, faculty are not simply instructors to their students; they also function as advisors and mentors. The most effective mentoring relationships are

It is important to note that a finding of sexual harassment
can be made even if a student does not vocalize any objection
to the faculty member's conduct.

often built on a foundation of mutual interests and values—fertile ground for the development of personal, as well as professional, bonds. Faculty from underrepresented communities (e.g., openly lesbian/gay professors, professors from racialized minorities, professors with visible disabilities) sometimes function as support persons and role models for minority students aspiring to overcome systemic barriers (e.g. heterosexism, racism, ableism) in their chosen disciplines. Such supportive relationships are frequently nourished by sharing common experiences, histories, and perspectives, which can also engender the development of personal bonds. The multi-faceted dimensions of the faculty's role, combined with the relatively close proximity in age between some professors and students, contribute to an environment in which friendships may flourish.

Although social interactions between faculty and students play a vital role in the fabric of academic life, there are clear professional and ethical boundaries that must be respected. As boards of arbitration have noted in a number of cases, the university classroom "is not a community of equals." Professors hold a position of authority and influence relative to students, who are in a position of dependence and considerable vulnerability. This gives rise to fiduciary obligations. Faculty must not abuse their authority or exploit students' vulnerability in such a way as to jeopardize the institution's educational goals.

Using one's position of power to import sexual requirements into a student's learning environment is the most obvious way in which a faculty member can breach his or her fiduciary duty. Any implication that sexual favours are expected or will be rewarded constitutes a breach of trust and sexual harassment—culpable conduct for which a faculty member can be disciplined. In the most egregious cases, termination of employment may be justified.

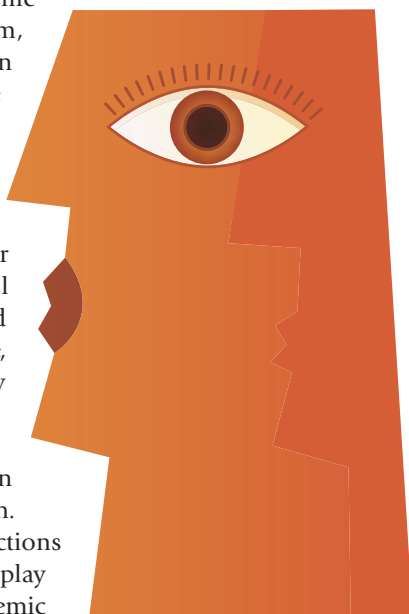
There need not be an explicit solicitation of sexual favours (or any sexual touching) in order for a finding of sexual harassment to be made. For example, in the *Mahmoodi* case arising at the University of British Columbia, a faculty member was found to have engaged in sexual harassment by

interacting with a female student in a manner that had all of the "indicia of common courting behaviour". After inviting her to join him for dinner at his home, he lowered the lighting, burned candles, lit a fire, played "seductive" music, served wine and initiated a conversation about his past girlfriend, leaving her with the impression that he was a single man. All of this occurred in the context of ongoing discussions in which he encouraged her to apply for graduate studies, despite her poor academic performance to date, and to enrol in a directed studies course for which she was ill-equipped and which she ultimately failed. The B.C. Human Rights Tribunal concluded that her experiences as a student were "detrimentally affected" by the professor's behaviour and that she had "turned to him for guidance and he let her down." He was found to have engaged in sexual harassment by "creating a sexualized environment" that "failed to acknowledge the normal professional boundaries between a professor and a student" and "failed to appreciate a professor's position of trust in relation to his student and a student's vulnerability vis-à-vis a professor."

Courts have made it clear that, where a significant power imbalance exists between parties, harassment can involve very subtle behaviour. As the B.C. Supreme Court noted in reviewing the tribunal's decision in the *Mahmoodi* case, sexual harassment may be found based on conduct that would otherwise constitute normal social interaction between equals. For example, invitations by a faculty member for dinner or drinks, compliments on a student's appearance, and the offering of gifts could be interpreted as overtures implying an unwelcome romantic or sexual interest.

A faculty member who becomes involved in intimate interactions with a student cannot acquit himself or herself of an allegation of sexual harassment simply by demonstrating that he or she was not aware that the interactions were objectionable to the student. The relevant legal inquiry encompasses not only what the faculty member knew or intended, but also whether he or she *ought to have known* that his or her comments or conduct were unwelcome. In order to make this determination, adjudicators query whether a reasonable person, apprised of all the circumstances, would recognize that the behaviour was not welcome.

It is important to note that a finding of sexual harassment can be made even if a student does not vocalize any objection to the faculty member's conduct. Harassment complainants are not required to communicate expressly that the impugned conduct is unwelcome. Reasonable people are deemed to know that a complainant may be too vulnerable



Any faculty-student relationship that jeopardizes
the university's educational mandate
may be found to constitute a breach of trust.

or intimidated to confront a harasser, particularly where there is a power imbalance between them. Courts and tribunals have noted, for example, that a student may tolerate a faculty member's sexual innuendos and overtures in order to obtain academic advantage, but that does not necessarily mean that the professor's conduct is welcome. Acquiescence to an authority figure's sexual advances is not the same thing as consent. As the tribunal observed in the *Mahmoodi* case, "[t]he reasons for submitting to conduct may be closely related to the power differential between the parties and the implied understanding that lack of co-operation could result in some form of disadvantage."

The existence of a power differential between parties does not, however, automatically nullify consent in every case involving a questionable sexual relationship. The presence or absence of *bona fide* consent (and concomitantly of harassment) depends on the totality of the specific circumstances. Although there are some similarities, faculty-student relationships in university settings are not precisely comparable to doctor-patient relationships in therapeutic settings, solicitor-client relationships in legal settings, or teacher-student relationships in secondary school settings. The dynamics of each of these relationships is unique and presents its own set of concerns. Even within the academic university environment, the consensual nature and propriety of each faculty-student relationship must be evaluated on its own terms. A good example of this is the *Okanagan University College* case, in which a professor was terminated from his employment for engaging in sexual relationships with four students who were enrolled in the faculty where he taught. Two of the students made sexual harassment complaints against him, but he was ultimately found not to have violated the institution's harassment policy. Arbitrator Lanyon concluded that this was not a case "where...all the circumstances and the difference in power objectively vitiates consent."

A review of the case law reveals that contextual factors, such as the age differential between the parties, the place and manner in which they first met (e.g. outside the classroom at a dinner hosted by mutual friends), and whether the students were enrolled in the faculty member's courses are relevant considerations that will impact an adjudicator's determination of whether a faculty member has engaged in harassment or otherwise transgressed appropriate professional boundaries. For this reason, a labour arbitrator would be unlikely to uphold a university policy that attempted to prohibit outright all intimate relationships between faculty and students (unless such a policy were negotiated with a faculty

association as part of a collective agreement, which would be extremely unusual).

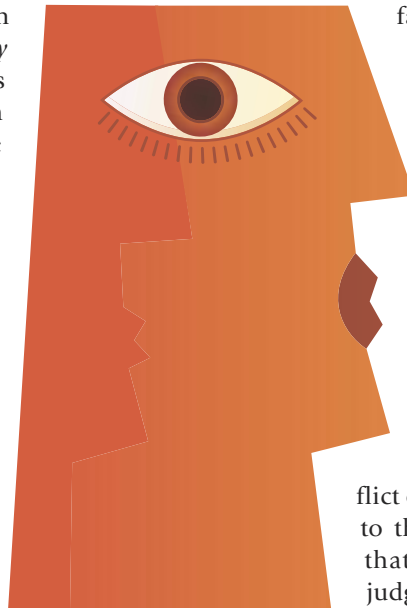
It should be noted that a relationship that is consensual at its inception can nevertheless result in a finding of harassment or breach of trust if, for example, the student later wishes to terminate the relationship but feels trapped and unable to do so, for fear of suffering negative academic reprisals. Because of the power differential and resulting vulnerability of students, the prospect of coercion and abuse of authority is ever present in intimate faculty-student relationships. Consequently, in the *Okanagan University College* case, arbitrator Lanyon ruled that, whenever there is a relationship involving sexual intimacy with a student, a legal presumption arises that the faculty member has engaged in a breach of trust. The presumption may be successfully rebutted, but the faculty member bears the onus of disproving the presumed breach.

In cases where a truly consensual relationship evolves, and there is no basis for alleging harassment, there may nevertheless be grounds for the university to discipline a faculty member, if he or she fails to manage the relationship ethically and professionally. This is, in fact, what occurred in the *Okanagan University College* case, where the professor was exonerated of harassment allegations and reinstated to his employment but was disciplined (i.e., suspended)

for breach of trust. Any faculty-student relationship that jeopardizes the university's educational mandate may be found to constitute a breach of trust.

A university has a responsibility toward every student who enrolls in its programs, and faculty are entrusted with the delivery of the university's educational goals. When a professor becomes involved in an intimate relationship with a student, an obvious conflict of interest arises with respect to the professor's evaluation of that student's progress. Any judgements made by the faculty member can legitimately be called

into question. As the board of arbitration noted in the recent *Lethbridge College* case, "[e]valuating someone's performance while in the midst of a sexual relationship, or shortly after the end of the relationship, can lead to deliberate favouritism,



exploitation, or, if the relationship has ended badly for the faculty member, disadvantage to the student.” The board added that “[t]he instructor’s behaviour does not have to be conscious to skew the results.”

The *Lethbridge College* case involved a professor terminated from his employment for engaging in sexual relationships with three of his female students. He knew one of the students before she enrolled in his class but met the other two students as a result of their enrolment. He developed friendships with all of them, friendships which evolved into consensual sexual relationships either shortly before or shortly after the students completed his course. Two of the students took a second course from him, but one of them later withdrew from that course because of her ongoing relationship with him. He nevertheless completed a graduation audit form for her. Their relationship later ended abruptly, and the student experienced difficulties in completing her academic term. She eventually filed a complaint against him, alleging that he had overstepped ethical boundaries by taking advantage of her in a vulnerable situation. He did not disclose any of his relationships to the college administration, which was ultimately found to be just cause for discipline (though he was reinstated to his position). The board of arbitration noted that, in addition to the potential for actual bias, an apprehension of bias was likely to arise in the minds of other faculty and students. The board concluded that, even if objectivity was maintained by the professor, “the perception of bias, if the relationship becomes public, may be impossible to overcome.” Apprehension of bias was also a factor in the *Okanagan College* case, in which arbitrator Lanyon found that perceived favouritism toward certain students “distorts and damages the learning environment for students in that they no longer have confidence in the instructor, the faculty, or the institution.”

Since the mere perception of preferential treatment can be damaging to a university’s reputation and to the students’ learning environment, faculty who become involved in an intimate relationship with a student are expected to manage the relationship appropriately in order to avoid conflict of interest and minimize the risk of perceived bias. The recommended course of action—described by the board of arbitration in *Lethbridge College* as “the only proper course of action for the instructor in this situation”—is immediate disclosure of the relationship to an appropriate person in authority (such as their dean) and removal of all responsibility for supervision and evaluation of the student’s academic performance (including grading, advising, sitting on a thesis committee, providing letters of reference, etc.).

Failure to make appropriate and timely disclosure of a relationship with a student may result in a finding of conflict of interest and/or breach of trust, resulting in cause for discipline. The severity of the discipline will depend on all of the circumstances of the case, including the existence (or not) of clear university guidelines requiring disclosure. Some faculty collective agreements now include articles outlining

mandatory disclosure obligations, upon which universities can rely in justifying disciplinary penalties. The absence of such contract language and of a clearly communicated disclosure policy has been treated by some arbitrators as a mitigating circumstance. In the *Lethbridge College* case, for example, the Alberta Court of Queen’s Bench held that the board of arbitration was justified in concluding that the faculty member’s misconduct was not “serious enough to warrant dismissal” because it had “occurred in the context of ambiguously defined boundaries and in the absence of an express policy.” **AM**

Cynthia Petersen is a partner at Sack Goldblatt Mitchell LLP in Toronto.

This article constitutes a summary of Canadian arbitral jurisprudence regarding the regulation of personal relationships between faculty and students in post-secondary academic settings. Nothing in the article should be construed as legal advice.

CASES CITED IN THIS ARTICLE: *Re Okanagan University College and Okanagan University College Faculty Association* (1996), 64 LAC (4th) 416; *Mahmoodi v. University of B.C.*, [1999] BCHRTD No.52, upheld by the BC Supreme Court 12001 BCSC 1256; *Re Lethbridge College and Lethbridge College Faculty Association* (2007), 166 LAC (4th) 289, upheld by the Alberta Court of Queen’s Bench (2008), 180 LAC (4th) 114.

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FALSE ALLEGATIONS OF SEXUAL HARASSMENT: Misunderstandings and Realities

Catherine Burr



Since sexual harassment can be in the eye of the beholder, only evidence that meets civil standards of proof, argues a university complaints investigator, can fairly decide what happened.

Puisque la perception du harcèlement sexuel peut varier d'une personne à l'autre, seules les preuves qui satisfont aux normes civiles de preuve peuvent décider équitablement de ce qui s'est produit, soutient une enquêteuse qui s'occupe des plaintes à l'université.

Why is there a great concern about false allegations of sexual harassment (or other forms of harassment) when few formal complaint investigations result in findings of false allegations? Simply put, the stakes are high. There may be negative impacts on career and reputation. Potential job loss or discipline is a reality. The stress, time, effort, frustration, and financial cost take a toll on the parties. Establishing the basis for a complaint, or defending against allegations, particularly if this entails proving a negative—that something did not happen when it is alleged it did—is often a difficult and lengthy process. The embarrassment and emotions attached to allegations and evidence can undermine even the strongest individual.

As an investigator of hundreds of complaints I have seen much confusion and many misconceptions about false allegations. Using illustrations from university settings and popular culture, this article explains and clarifies what is and is not a false allegation, contrasts false allegations with allegations that are not proven (not substantiated) following an investigation, and discusses some important considerations when dealing with allegations of sexual harassment.

DON'T THINK OF ALLEGATIONS AS BEING "TRUE" OR "FALSE"

It is simplistic and unhelpful to frame allegations as "true" or "false". Doing so leads to confusion and misunderstandings. Here's why. An allegation is a statement of belief that some wrong or harm has occurred. For example, a student alleges that a professor has sexually harassed her; she believes the professor has crossed the line into behaviour that is illegal, contravenes the university's policies, is unacceptable, and harms her (her learning, her grade in the course, her completion of the course, academic references, her comfort level with the faculty member, her academic or personal reputation, etc.).

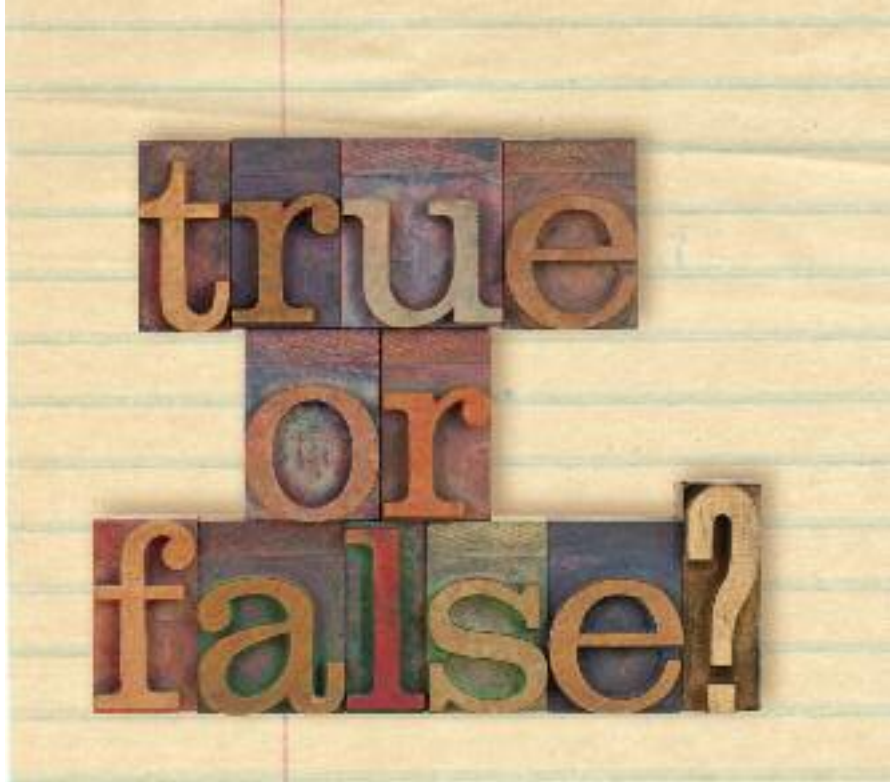
Allegations of sexual harassment (or, indeed, of other types of harassment, such as racial harassment, bullying, homophobia, or psychological harassment) will—following a fact-finding investigation—either have merit or not. Merit is determined through a proper investigation: a fact-finding process aimed at clarifying and assessing the issues raised by the allegations. Complaints investigators do this by gathering evidence relevant to the allegations and assessing this evidence against established standards of what constitutes sexual harassment. These standards have evolved over the years through decisions of courts, human rights administrative tribunals, and arbitrators, and are informed by research and policy development. Credibility of the parties is also assessed.

If the allegation has merit it will be substantiated by the evidence. If it does not, it will not be substantiated. In a few instances, a determination of "unable to substantiate" may apply, if the investigation has not been able to find evidence persuasive either way, often the result of a lack of any evidence (direct or similar fact) which might shed light on the matter.

WHAT IS A "FALSE ALLEGATION"?

In sexual harassment investigations, a false allegation is one the complainant brings knowing that what is alleged did not occur and, therefore, could not constitute sexual harassment. Malice may or may not exist. Generally, we consider fabrications to be false allegations.

However, be careful not to define lying as a false allegation. While popular discourse may equate false alle-



gations with lies, not all lies are false allegations. For example, a complainant may not disclose relevant facts owing to shame, embarrassment, fear, mental illness, or simple mistake. While this may undermine the complainant's credibility, it does not in itself make the allegation a fabrication. For example, let us say a complainant (an administrative staff member) does not disclose the fact that he engaged in kissing and sexual behaviour with the alleged harasser (a professor) or that such behaviour was consensual in the early days of their intimate relationship. However, this "lie" (lack of full disclosure) does not necessarily mean his allegations of subsequent sexual harassment by the faculty member are false.

THE AIM OF AN INVESTIGATION

A proper investigation ensures that the fact-finding process—including the identification, gathering and assessment of evidence—is fair, objective, and thorough. It answers two questions: Did it (what is alleged) occur? And if it did, what is the significance of it? In other words, is it sexual harassment?

A superficial understanding of harassment is inadequate, and a superficial analysis based merely on the complainant's *prima facie* case, or focussing on subjective impressions, is insufficient. The totality of the evidence must be assessed to determine whether specific behaviours constituted sexual harassment—or something else, such as interpersonal conflict, miscommunication, unprofessional behaviour, or potential criminal behaviour, such as sexual assault or criminal harassment (stalking). An evidence-based process is fundamental to a careful, objective, and thorough analysis using the required "balance of probabilities" that is the civil standard of proof.

A proper investigation ensures that the fact-finding process including the identification, gathering and assessment of evidence is fair, objective, and thorough.

NOT PROVEN (NOT SUBSTANTIATED) DOES NOT MEAN A FALSE ALLEGATION

An investigation may conclude that allegations are unsubstantiated by the evidence for any number of reasons, none of which relate to fabrication or false allegations. For example, Faculty Member A may allege sexual harassment by Faculty Member B. The allegation is not proven. Person A may misunderstand what is defined as sexual harassment; for example, the jokes told or the comments made by B are inappropriate but do not constitute sexual harassment. Person A may not have accurately identified who made the comments; therefore, the allegation made about Person B is not substantiated. Person A may not have accurately or completely identified the comments or the context in which the comments were made. Or, the comments were made, but the evidence shows that the conduct was mutual, and Person B could not reasonably know her or his comments were unwelcome. Or, a single event is complained of—Person B shows Person A a YouTube video of women swimming naked—yet the investigation concludes that this single event is not sufficiently severe (or, perhaps, sexual) to be considered sexual harassment. Keep in mind that any of these examples may indicate that inappropriate or unprofessional conduct occurred, but it does not fit the definition of sexual harassment.

DON'T ASSUME A COMPLAINANT'S *prima facie* CASE IS SUFFICIENT PROOF OF HARASSMENT

Essentially, a *prima facie* case of sexual harassment exists when a complainant's allegations, on the face of it, appear to have all the elements of sexual harassment. While the onus is first on the complainant to make out a *prima facie* case (before

the onus shifts to the alleged harasser to respond to the allegations), the *prima facie* case does not in itself create proof of substantiation.

As noted earlier, whether the complaint has merit will be determined through a fact-finding process. Too often people quickly and inappropriately rush to judgment, declaring harassment exists before the facts are known, the evidence is assessed, and a proper determination is made. The college-based play *Oleanna* illustrates this. Indeed, David Mamet's controversial play is sometimes referred to as a he-said-she-said sexual harassment story. It is also considered to be a play about false accusations of sexual harassment.

Written in the early 1990s and still performed today, *Oleanna* prompts us to interpret the dialogue, tone and body language of John, a professor in his mid-forties, and Carol, his student. Over three provocative acts, the play may enrage audience members as they empathize with either character, or both, or neither. Or, it may challenge us to unpack an unhealthy brew of sexual harassment (or inappropriate behaviour? or rape?), unclear communication, partisan perceptions, and strong emotions, as well as issues of power, gender, class, and age. We struggle with what appears to be the male (and professorial?) privilege of John and the awakening feminist (and mob?) analysis by Carol.

But is it sexual harassment? Are these false allegations? As an investigator I am intrigued and frustrated by the play. It presents *prima facie* evidence of "something"—possibly of sexual harassment, maybe of assault, probably of abuse of power (by the professor? the student? the tenure committee?), certainly of unclear communication and mixed (misguided? malicious?) motives. As theatre it is enormously effective, as it places us in the role of judge and jury but without the benefit of fact-finding and analysis. We overlay our own subjective impressions on those of the prime characters. As an attempt to discover the truth and deliver fairness, justice, or equity it fails miserably—and that may be why it makes good theatre.

THE POWER—AND ACHILLES HEEL—OF SUBJECTIVE IMPRESSIONS

Over the years, labour arbitrators have cautioned against using subjective impressions to decide the merit of workplace grievances of harassment. They have emphasized that objective standards, not solely the subjective impressions



ARE “FACTS” SOCIALLY CONSTRUCTED?

For her part, Orkin says “Being a photographer is making people look at what I want them to look at.” What do you see when you look at her striking photo? How are we to “factually” interpret the experience of the woman in *American Girl in Italy* and the behaviour of the men? Craig does not allege harassment. Others who witness the behaviour or who experience similar treatment by men might do so. Which version do we believe? (Note that the Supreme Court of Canada has ruled that if only some women, and not all women, are victims of sexual harassment, it does not mean the conduct is not sex discrimination.)

The law and case law also tell us we need to consider what is known or ought to be known to be unwelcome comment or conduct, and what might constitute sexual harassment. What would a reasonable person, in 1951, conclude? In 2011? In Italy versus Canada? What would a similarly situated reasonable woman conclude?

I recall a young, second-generation Asian student I interviewed many years ago. Another student had brought a complaint against a professor alleging sexist, homophobic, and racist behaviour and the creation of a poisoned environment. This witness recounted several examples of classroom comments that struck me as being potentially racist (as well as sexist, and some as homophobic). I asked if she considered the professor’s behaviour to be racist. “No,” she replied, “it’s inappropriate—he shouldn’t be saying these things. It’s not good.” I probed, wanting to understand her interpretation. She looked at me (an older, white woman) as though to say, “You don’t get it” and then patiently explained, “This is my daily experience. I am a young Korean woman. If I called this racism and sexism, I wouldn’t be able to get through my day. I don’t have time to do this. I have to live my life.” The effect of this professor’s behaviour was one thread in the rich and sometimes painful tapestry of this woman’s life.

What can we learn from such examples? As teachers and colleagues we can minimize the possibility that our behaviour may cause harm or be interpreted as harassment by being mindful of the value of being respectful, reasonable, and empathetic in our interactions with others. **AM**

Catherine Burr is a conflict and investigation specialist. She has more than 30 years’ experience investigating workplace sexual harassment, discrimination, bullying, and workplace violence complaints. She teaches human resources management in the Masters of Public Administration program at The University of Western Ontario.

of the alleged victim or alleged harasser, must be applied in determining whether harassment or abuse has occurred. A famous photograph illustrates this; conduct occurred, but does it constitute sexual harassment?

American Girl in Italy by Ruth Orkin is one of the best-known street photographs. Taken in 1951 in Florence, Italy, the photo shows a woman walking along a sidewalk while men look at her. My description is carefully worded. I could have said “young woman” or “girl,” a “gauntlet of gawking men” (as some have said), or “ogled by 15 men,” or “hassled” or “harassed.” I could describe the body language of the woman, the look on her face, or that of the men, especially the man sitting on a motorcycle and another man with pursed lips who has his hand near (on?) his crotch. The latter has been described by some as “grabbing his junk” or “that not-so-innocent-looking gesture with his hand.” Some describe the men as “leering and lascivious,” the woman representing “either stoic independence or sheer vulnerability.”

In interviews this year, on the 60th anniversary exhibition of this iconic photograph and other works by Orkin, Nina Craig, who is the subject of *American Girl in Italy*, says, “Some people want to use it [the photo] as a symbol of harassment of women, but that’s what we’ve been fighting all these years. It’s *not* a symbol of harassment. It’s a symbol of a woman having an absolutely wonderful time!” Craig describes the street behaviour of the men (in the photo, in Italy, and elsewhere in Europe) as making her feel “appreciated.” And what of the gesture by the man in the photo? Craig explains her experience and interpretation of his behaviour and of the other men this way: “That young man is not whistling, by the way; he’s making a happy, yelping sound, and where you see him touching the family jewels, or indicating them, with his hand—well, for a long time that was considered an image people should not look at. That part was airbrushed out for years... But none of those men crossed the line at all.” Were the men harassing her? “I can tell you that it wasn’t the intent of any man there to harass me.”

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LIVING PUBLICLY ON CAMPUS: Social Media and Its Discontents

Martin Hand

There's little point in adopting a reactionary approach to the pervasive use of social media on campus. Members of the university community are deciding how social media works on campus, and they will work through the problems as they arise.

Il est de peu d'utilité d'adopter une approche réactive à l'utilisation généralisée des médias sociaux sur les campus. À l'heure actuelle, les membres de la communauté universitaire décident de la façon dont les médias sociaux fonctionnent sur les campus, et ils surmontent les problèmes lorsqu'ils se présentent.

The penetration of social media into every corner of daily life is a given. The question for many academics now is *how* are personal and professional relationships (within the university) being reshaped as a result?

Within popular discourse, social media are credited with a range of contradictory effects, from creating a distracted, update-obsessed generation, to enabling progressive uprisings in dictatorial states, to facilitating rioting and looting among disaffected youth. The list goes on.

The spread of social media on campus has occurred through a number of avenues. Students arrive "tethered" to devices and systems almost continually. Universities seek to re-brand themselves and manage their reputations using digital media. The long-term, systemic problems posed by the underfunding of universities and the, arguably mythical, problems of student disengagement and disconnection have become problems for which many see social media as the solution.

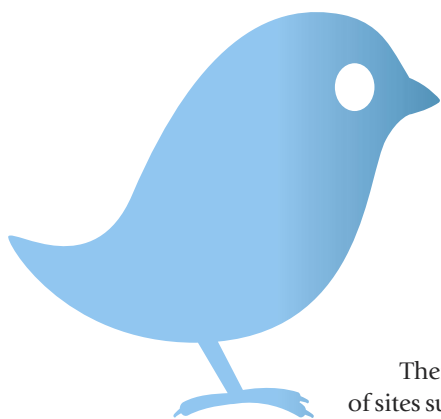
But what makes social media use special? And what difference does it actually make?

While some academics feel that online communications

take valuable time away from intellectual reflection,

others view the emerging culture of informality as essential in

engaging with all members of the university community.



There are two interrelated aspects of sites such as Facebook, Twitter, and Flickr that are genuinely novel. First, ordinary conversation, throwaway comments, photos, social connections, and the like become available for public reflection and scrutiny. Second, much of this previously somewhat ephemeral material remains permanent, in spite of all efforts to remove it. There is a further twist. While these digital traces are easy to access, the context in which they were made is not. Your past is both completely retrievable and potentially entirely misleading.

These observations raise important questions about the public and private domains of the university, about the moral and ethical quandaries concerning the status these traces have, and about the practical and legal issues of individual and academic freedom in relation to professional and personal conduct.

It is instructive to think through the different relationships on campus that are increasingly mediated by social media and to recognize that not all social media are the same (Twitter has arguably little in common with Facebook, if we think about the micro details). Two simple questions might usefully frame our thinking. What are the implications of a particular relationship becoming public or at least visible to others? What are the practical, legal, and ethical implications of attempts to police the visibility of that relationship?

Social media use on the campus is relatively high among faculty in the U.K. (around 70 per cent) and somewhat lower in North America (around 50 per cent). While some academics feel that online communications take valuable time away from intellectual reflection, others view the emerging culture of informality as essential in engaging with all members of the university community. University professors are increasingly expected by students to appear “accessible” or at least “human”. Faculty-student relations are conducted 24/7 because of online communication. Faculty and administrators often use social media as a means to engage with students and promote transparency. Even for the enthusiasts, the line between developing meaningful forms of engagement between faculty, administrators, and students, as well as publicly sharing banalities

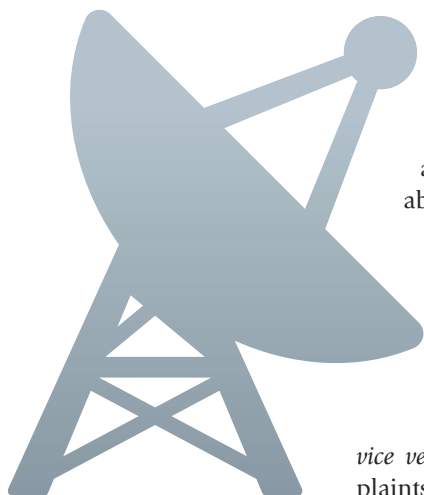
(Tweeting what one had for lunch today, for example, in the belief this revelation constitutes a connection) is difficult to navigate.

The visibility of faculty online has raised two issues of interest here. Older problems of harassment or generally uncollegial behaviour are potentially more intense if they take a quasi-public form. The more difficult issue is how faculty should present themselves online and to what extent their self-presentation should conform to university guidelines. Is an online *persona* public or private, and can the two be sensibly demarcated any longer? Should the private life of faculty become subject to institutional scrutiny because of the potential visibility of a Facebook profile?

Should faculty be “friends” with students? Does it matter which students? Should faculty differentiate between those with whom they have a supervisory or teaching relationship and those with whom they don’t? Crossing previously marked professional and personal boundaries is all too easy in social media, where informal comments take the form of permanent records. This is an issue that has become particularly stark within high schools. Countless examples abound of inappropriate images of teachers finding their way onto student cellphones, or obscene, defamatory postings about teachers becoming viral. Many schools have developed policies that strongly discourage teachers and students from having “virtual relationships” through social media.

What are the implications at university? As it currently stands, the debate revolves around how social media might, on the one hand, help build relationships between faculty and students or might, on the other hand, lead to an excessive informality that would compromise the mentoring and teaching capacity of faculty. Should faculty be left to make their own professional judgement, or should there be a more stringent set of institutional policies?

There are some relatively obvious situations that breach existing guidelines on faculty-student relations, such as harassment, displaying or circulating inappropriate or offensive material, and conducting *malapropos* relationships. The prohibition of these activities, while subject to a degree of interpretation, is well established in university policy.



But what of the greyer areas? If the guidelines concern any compromising of the ability to teach, then the line between inappropriate behaviour and individual freedom is not straightforward. What should students know and write about faculty and *vice versa*? High school complaints made about teachers' behaviour often cite online

images of teachers using alcohol or "dressing inappropriately." If either behaviour had occurred privately, however, it would be entirely acceptable.

The debate is also muddled by the fact that faculty-student relations online are increasingly encouraged, as such relationships can be useful in the classroom. Somewhat curiously, faculty are expected to "go where the students are," rather than the other way around. The use of Facebook, in particular, is controversial as it necessarily blurs the line between the classroom and friendship because of how it is generally used. At Ryerson University, a student faced charges of academic misconduct for setting up a study group on Facebook for a course where individual work was required. As the saying goes, in the outside world we call it "collaboration," in the university we call it "cheating." Allowing Facebook and similar sites in the classroom while maintaining clear public and private boundaries is, of course, possible but it requires enormous amounts of knowledge, labour, and technical support.

For students, social media have become all but essential components for belonging, friendship, conversation, and learning at all levels. Friendships and other relationships between students are public. An interesting thing about this phenomenon is that, while much of the text is permanent, there is no guarantee that the context in which they were created is; namely, when, for example, pictures were taken, tagged, circulated and commented upon. This is a key difference between social media and older forms of relationship mediation (the photo collection, the diary), which maintain their context to some degree, can remain private, and exist within individual control as a unique record of the past.

For students, policing social media is an unavoidable aspect of using it. One of the peculiarities of social media use is how students are not only policing social relations in the present but those in the past, and those not yet formed. Several U.S. universities have noted the huge increase in the number of requests for room reassignments from new students, as they use social media to check out their prospective roommates in advance. One problems arising with this usage

is students making assumptions about sexual orientation, leading Florida Atlantic University to ban requests based on Facebook "face-offs."

Technology companies tell consumers that personal relationships created in social media are issues of brand management, and they provide apps to manage profiles (Reputation.com) and (in a somewhat Stalinist fashion) to delete all references to those people in one's past who are to be un-friended (BlockYourEx.com; EraseUrX for the iPhone). The issue of permanent digital traces has become of major interest to university administrators concerned about their brand image but also to students, once they leave the university. Corporate recruiters routinely scour social media for traces of dubious behaviour among prospective employees. Not having any online presence or "Klout" is for some careers equally prohibitive, as the ubiquity of social media demands that your virtual self broadcast your offline self's potential.

In terms of their current relationships, students speak of the dangers of "over-sharing," which is the posting of material that, in retrospect, probably shouldn't have been. Perhaps some students may not yet have fully grasped the potentially public nature of what sometimes feels like private exchanges. Or perhaps, the younger generations may simply be accustomed to living publicly in ways that most faculty do not understand.

Sometimes unflattering posts have far more serious consequences, ones which raise a concern about how well university harassment policies, counseling, and outreach programs are evolving to keep up with social media use. Tragic occurrences of students taking their own lives after roommates have posted inappropriate and damaging material about them over social media, alongside incidences of identity theft and harassment, have focused attention on social media as making visible and permanent conversations, and forms of bullying that were formerly private.

These issues speak to individuals and to their personal relationships, but there are other, more collective, ways in which the visible nature of communication in social media has prompted campus-wide engagement. The recent labour negotiations at Queen's have underscored the potential for faculty and students to engage meaningfully online in ways that exceed the straightforward sharing of information and coordinating of events. The presence of the Queen's University Faculty Association and faculty on Facebook allowed union members to respond to student inquiries and opinions, to provide dynamic content, and to engage in real-time dialogue. During this uncertain period, the communications, relationships, and publicity afforded



through the various social media (Facebook, Twitter, blogs) was instrumental in allowing students to have access to the arguments being made by both sides of the negotiations.¹

These are just a few of the issues emerging in the university when formerly private communication is made visible. In questioning the implications of efforts to police this visibility, it should be clear that students in particular are seriously engaged with developing their own rules, codes, and self-regulatory forms of social media conduct. Faculty, staff, and administrators are using perhaps more idiosyncratic methods of policing, which lag ever-shifting privacy settings and students' conventions of use.

Other issues of social media regulation arise in the classroom. Some professors ban the use of specific technologies. At a few U.S. universities, administrators block access to social media for the first week of a semester.

In terms of more formal efforts, most universities now have a social media policy in place or, more likely, guidelines for what they see as best practice. Typically, these are an amalgam of existing policies on the use of information technology in the work environment and risk-averse guidelines referencing the public and permanent nature of newer social media. Much of this has little to do with ethical or moral sensibilities. They focus on legal issues and the protection of the university brand by suggesting that all posts remain positive and rational.

Two questions about the institutional response to social media arise. First, what institutional strategies are in place that acknowledge the huge shift from private to public relations at all levels on the campus? Are student support services, counseling facilities, and advisory services up to speed with the novel ethical issues facing students as they learn to live publicly? Second, do existing efforts at protecting the university have the unintended consequence of stifling academic freedom? The policies of several Canadian universities emphasize a precautionary principle, which has the potential to discourage social media platforms from making any critical reflection on the university.

Social media's boundary-dissolving capacities have stimulated many responses aimed at regulating and policing unprecedented flows of public communication. In the context of the recent rioting, the British government is seeking to ban social media use for some individuals and to gain access to what were assumed to be private communications, in order to secure convictions. At the same time, at least one British police authority controversially used Photobucket and Twitter to "name and shame" suspected rioters. Understanding this *ambivalence* of social media is crucial. Assuming that policing social media occurs from the top down is questionable because individuals and groups are shaping the ethics of social media from the bottom up.

Social media have become an important part of the *infrastructure* of university life. They become entangled within existing frames of reference but reshuffle them, sometimes

reproducing older relations, at times making ordinary actions visible and rendering them extraordinary or, at least, available for intense reflection in novel ways.

There seems little point in adopting a reactionary approach to the pervasive use of social media on campus. We are all, as members of the university, inventing how social media will work on campus and carefully working out responses to problems as they arise. Faculty, in particular, should perhaps consider how the life skills of the contemporary student involve learning how to live publicly (safely, ethically, enjoyably). Faculty should be involved in this rather than eschewing it. That said, in a recent case, an entire college "un-friended" its social-media-savvy president for being unconnected to the reality of the school. Fostering social media relationships at the expense of other forms of relationships is to misunderstand social media entirely. ■

Martin Hand is an associate professor of sociology at Queen's University. His latest book, Ubiquitous Photography, will be published by Polity Press in 2012.

¹ Thanks to Victoria Millious, a graduate in the Cultural Studies program, for these valuable insights.

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A Political Pedagogy, or In Lieu of Dismantling the University

Tyrell Haberkorn

How does the ongoing constriction of academic freedom reverberate in the classroom? If academics cannot take a stand without risking formal or subtle censure, and so choose not to risk, how can we ask students to?

Comment la contrainte continue de la liberté universitaire se retrouve-t-elle dans la salle de classe? Si les universitaires ne peuvent prendre position sans courir le risque de censure formelle ou subtile, et qu'ils choisissent donc de ne pas courir de risques, comment pouvons-nous demander aux étudiants de le faire?

In March of 2003, anthropologist Nicholas de Genova spoke out in protest of the Iraq War. His comments sparked massive criticism and calls for his resignation. In 2009, Columbia University denied his promotion. Shortly after the 9/11 attacks, Ward Churchill, a tenured professor at the University of Colorado, wrote an op ed about the attacks, which invited serious reflection on their origins. In 2005, his op ed was at the centre of a controversy that led to his facing harassment and death threats when invited to give a lecture at Hamilton College in upstate New York. In 2007, the University of Colorado fired Churchill; while the university denied that his firing was connected to his political views, its investigation into him began immediately after the widespread circulation of his 9/11 op ed six years earlier.

For those of us in the academy who are overtly on the left, resistant to the commodification of our labor or students' education, or are otherwise progressive, the last few years have held a number of cautionary tales. If you are too challenging to established norms, too critical of government policy or in/action, or simply too loud, you may be subject to sanction. Penalties may include queries about the scholarly quality or "objectivity" of one's work, harassment by right-wing activists, or the denial of tenure or failure to renew one's contract. For those of us who are contingently employed or untenured, the repercussions of these sanctions can be particularly strong. While the cases of Nicholas de Genova and Ward Churchill are two sharp reminders of what can happen, more subtle forms of everyday sanction can wear on one's mind and sense of hope and possibility.

What do those of us who believe that knowledge, and its transmission, are deeply imbricated in power do in this context? Do we wait until we are tenured, and *then* say, write, and teach everything we were too afraid to do before? Do we throw up our hands at the students who remind us—directly or indirectly—that their tuition pays our salaries and so we should award them the high grade that they are entitled to receive? Do we walk away from the university in protest of the quantification of our intellectual value by tallying how many peer-reviewed articles and books we have written per calendar year? Or is there another option?

These questions were on my mind as I reread Paulo Freire's *Pedagogy of the Oppressed*. An activist mentor gave me Freire's book when I was seventeen and was spending the North American summer working on welfare rights in Washington, DC. Much of my time was spent observing landlord-tenant court, where residents were summarily evicted from their homes for not paying amounts of money likely miniscule in comparison to the fees the spotlessly dressed lawyers for the landlords collected. Freire's analysis of the inseparability of the oppressor and the oppressed was a sober accompaniment to my time at the courthouse. His analysis made me reflect about how I could have grown up in the middle-class DC suburbs without realizing the profound struggle for material survival taking place a few miles away. Since then—through undergraduate years when I wanted to dismantle the university, before and during graduate school when I began studying Thai politics and read two translations of Freire, and in the last five years that I have taught in the United States and Australia—*Pedagogy of the Oppressed* has continued to challenge me.

In the introduction to the 1970 English translation of *Pedagogy of the Oppressed*, Richard Shaull, wrote:

There is no such thing as a neutral educational process. Education either functions as an instrument that is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes "the practice of freedom," the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world. (16)

Shaull captured one of the key insights of Freire's work among the illiterate residents of Brazilian favelas: teachers can either work collectively with students to be critical of what we are told in the service of building a new consciousness—or teachers can instruct students to become compliant participants in the status quo. The comfort of compliance, Freire explains, comes at a cost. Even if one is relatively comfortable within the status quo, the costs of the suffering and injustice faced by others will soon reach everyone. My latest reading of *Pedagogy of the Oppressed* seems to be teaching me that Freire's insights about teaching and learning as liberating practices, born out of years working as a literacy educator in Brazilian



favelas, are not only relevant to ending oppression, but also to surviving in today's changing university. With this in mind, in response to my questions above, I trace three points on my own journey, as an academic and activist, through Freire.

SOLIDARITY AND COMPLEXITY

Between my second and third years of university, I spent three months working with EMPOWER, a Thai sex workers' rights organization in Bangkok. I was interested in feminist labour solidarity—or how North American activists could be in solidarity with Southeast Asian women workers and activists. My trip was funded by a university program, and the proposal focused on women working in the sex tourism industry in Thailand and existing at the pinnacle of racialized, sexualized, capitalist oppression.

The reality on the ground was far more nuanced. EMPOWER, which was established in 1985, works to support sex workers through health education, language classes, and non-formal education [the Thai equivalent of the U.S. General Education Diploma]. I taught sexual-negotiation-focused English to women working in Patpong and Soi Cowboy, two parts of the city frequented by sex tourists from North America, Europe, and Australia. We focused on vocabulary useful in sexual negotiation. Even though I was meant to be the teacher, I was actually the student, and not only because my ability to teach English is spotty, at best. What I learned was that sex workers were not simply women living at the pinnacle of globalized repression. They are individuals negotiating a panoply of potentially dangerous, difficult, and marginalized spaces of labor.

Writing about solidarity, Freire notes:

Solidarity requires that one enter into the situation of those with whom one is solidary; it is a radical posture. The oppressor is solidary with the oppressed only when he stops regarding the oppressed as an abstract category and sees them as persons who have been unjustly dealt with, deprived of their voice, cheated in the sale of their labor—when he stops making pious, sentimental and individualist gestures and risks an act of love. (31-32)

Solidarity is messy, and complex. What I struggle to do is to teach in a way that encourages students both to recognize the lived materiality of suffering in the world and to recognize that amidst suffering, individuals and communities are sur-

In refusing to repeat dehumanization in the writing of this and other resonant histories, scholars are able to both unmask the long roots of oppression and glimpse what liberation might have looked like.

living, dreaming, and working for a different future. Sex workers are individuals working to improve their lives and those of the people for whom they care. In order to honour this, I also push students to see the difference between different forms of labour in the sex industry. In the Thai context, a Thai woman working in sex tourism in Bangkok faces a dramatically different situation and set of risks than a Burmese girl who is trafficked to work in a hidden brothel just inside the Thai border. Often, students see all of these different experiences as forms of unspeakable violence and are angry that I insist on the difference. To argue that every form of commodified sexual labour is the same masks the depths of potential repression and the possible spaces and forms of autonomy. It is through the recognition of complexity—and the power that each of us has—that solidarity becomes possible and oppression can be directly challenged. I would also argue that in the struggle to speak and write with this level of complexity—and often discomfort—learning occurs as well.

AGAINST DEHUMANIZATION

The complexity of writing and teaching about oppression in a way that attempts to dismantle it challenges me at unexpected times. Although I continued to research and write about Thailand in graduate school, my focus shifted to tenancy struggles in between October 1973 and October 1976, a remarkable period of political openness sandwiched between long-running dictatorships. The use of the law by dissident farmers caused a panic so deep and wide that this, rather than the armed insurgency of the Communist Party of Thailand, constituted revolutionary change. Although Thailand transitioned from an absolute to a constitutional monarchy in June 1932, 40 years later the law was still largely in the hands of the elite. I tracked the courageous actions of farmers and their student allies, as well as the reactionary, violent backlash with which their actions were met by state and landholding elites.

Sympathetic to the struggle of the farmers—and how they had been written out of dominant histories—I assumed that the only way to write about the landlords was to portray them as capitalist oppressors. This would be the best way both to criticize the history of repression and clearly illustrate it, right? As it turns out, no. In the margins of one of my early

draft dissertation chapters, one of my advisors challenged me to think more deeply about the landlords as human. She queried why I did not write about their lives with the same specificity as I did the farmers' lives. It took me many months to figure out how, and why, to respond to her criticism.

As I did so, and worked to write about the landlords as complex figures, I realized that when landlords responded with anger to the farmers' accusation of their actions as unjust, it was not simply a cynical attempt to retain power. While it may have been this in some cases, in others it was a defensive response born out of the fear of loss of power and revenue, and also the loss of the beneficent fiction of themselves as the kind patrons of the farmers.

Paulo Freire argues that oppression hurts everyone—the oppressor as well as the oppressed—involved in a given relationship of domination. He writes:

As the oppressors dehumanize others and violate their rights, they themselves become dehumanized. As the oppressed, fighting to be human, take away the oppressors' power to dominate and suppress, they restore to the oppressors the humanity they had lost in the exercise of oppression. (38)

Choosing to think carefully about oppressors refuses them the dehumanization their power rests on, and it makes one's analysis deeper. In the case of Thai landlords in the mid-1970s, counterinsurgency inside and outside Thailand ultimately crushed the farmers' movement—and the possibility of justice and radical humanization for everyone. In refusing to repeat dehumanization in the writing of this and other resonant histories, scholars are able to both unmask the long roots of oppression and glimpse what liberation might have looked like.

EVERYDAY LIBERATION IN THE CLASSROOM

Making individual decisions about how to act and how to write in the context of ongoing inequality is consistently difficult. Yet it is in the university classrooms of the United States and Australia where I have found that it is most challenging to take Freire to heart. What does it mean to teach with a consciousness about oppression? And recalling Richard Shaull's assessment of why Freire's book was significant when it was translated into English—how might one teach the practice of freedom in 2011?

It is in the classroom—not when I am writing at my computer or doing fieldwork—that I most often feel a deep sense of possibility and the urgency of not consolidating the ruling order. This means, first of all, teaching students as co-collaborators and co-investigators in a shared project. Writing about Freire's effect on her teaching in *Teaching to Transgress: Education as the Practice of Freedom*, bell hooks notes:

Early on it was Freire's insistence that education could be the practice of freedom that encouraged me to create strategies for what he called "conscientization"

in the classroom. Translating the term to critical awareness and engagement, I entered the classroom with the conviction that it was crucial for me and every other student to be an active participant, not a passive consumer. (14)

What does this look like in practice? When I teach about human security in Asia and the Pacific, I try to unsettle students' ideas about the sex industry and other forms of labour, not out of an insistence that I am right but because being challenged makes most of us into more careful thinkers. When students come into class bursting with passion to challenge injustice and oppression around them, I urge them to struggle armed with ironclad evidence behind them.

Perhaps most sobering, though, I am honest with them about the risks—overt, implicit, and entirely unseen—that thinkers inside and outside the university take in the service of developing ideas and analyses which challenge the status quo. What I find most concerning about the ongoing constriction of academic freedom is how it reverberates in the classroom. As a teacher, my goal is to teach students to discern that they can stake a claim based on their ideas—whatever those may be—and then develop an argument in their support. Whether I agree with a stance taken by a given student is immaterial. In other words, my job is to teach students how to take a stand and then defend it. This is true regardless of whether I am teaching a course on the lived experience of war or an introduction to gender studies and would hold even if I were teaching mathematics or physics. One learns by taking the chance to articulate what one thinks—and subjecting it to the scrutiny of one's peers. Yet if academics cannot ourselves take a stand without risking formal or subtle censure, and so choose not to risk, how can we ask students to do so? I suspect that Paulo Freire, who died in 1997, after over 50 years of being an educator, including several months in prison and over 15 years in exile, would tell us that we cannot. **AM**

*Tyrell Haberkorn teaches and writes about state violence and human rights in Southeast Asia at the Australian National University. Her book, *Revolution Interrupted: Farmers, Students, Law, and Violence* was published by the University of Wisconsin Press in 2011.*

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Reflections

WITH THIS ISSUE, my editorship of *Academic Matters* comes to a close. Endings also herald new directions as the editorship passes to Graeme Stewart, who skilfully manages communications for the journal's publisher—the Ontario Confederation of University Faculty Associations (OCUFA).

Now would seem a good time to reflect on what has transpired since *Academic Matters* began publication six years ago and what the future might hold.

Academic Matters began in 2005 as an idea. The intention was to create a journal offering thoughtful reflections on academia, written in an accessible style and reaching a broad audience in universities and beyond. While published by OCUFA, it was never intended to be the official voice of the organization. We have other publications which meet that need. The perspectives expressed could span the ideological spectrum—and sometimes these views have contradicted those of the publisher. We weren't looking for ideological consistency or purity. It was hoped that articles would be provocative in the best sense of the term—to provoke thought and informed response. And the topics covered were to be wide ranging.

Our conceit was to be the *Harper's* or *The Walrus* of academia—with commentaries, research articles, review essays, fiction, and humour. We felt there was a void in higher education coverage in Canada and envisioned a journal where each issue focused on a theme that was covered

in some depth and could be easily understood by someone unfamiliar with the topic.

We wished to attract high-profile contributors as well as those who were not as well-known but had interesting things to say. And we wanted to give academics—and those outside academia—the opportunity to reflect on the academic world and write about it.

I believe on a number of counts the journal has been successful.

Contributors have included Michael Ignatieff (just before he entered politics), the philosopher Mark Kingwell, Giller-prize finalists Camilla Gibb and Kim Echlin, political scientists Tom Flanagan, James Laxer, and Janice Stein, ethicist Margaret Somerville, environmentalist David Suzuki, poet and novelist George Elliot Clarke, Islamic studies professor Tariq Ramadan, historian Michael Bliss, Nobel Prize physicist Carl Wieman, economist Richard Lipsey, and education reformer Bill Ayers. There is certainly no ideologically consistency here.

The range of issues covered so far have included religion on campus, gender and equity in academe, tenure, marketing the academy, today's generation of students and faculty, the impact of technology on campus, academic restructuring, ethics, internationalization, the green campus, and the relationship between media and academia.

Articles in the journal have been cited or reprinted in a range of Canadian and international publications, including the *Globe and Mail*,

Toronto Star, *National Post*, *Chronicle of Higher Education*, *Inside Higher Ed* and *University World News*.

And the journal has thrived in no small measure due to the expertise, wisdom, and support of many. These include OCUFA's former executive director, Henry Mandelbaum, former associate editors Trish Hennessy and Wendy Cuthbertson, OCUFA's Executive and Board, the *Academic Matters* Editorial Board, and the innovative team at Neglia Design.

As a small journal, *Academic Matters* also faces challenges. It cannot survive by advertising revenue alone and will likely always need a subsidy from its publisher. The journal relies for articles on the academic culture of unpaid contributions, in the name of service to the "community". This is an important strength, but also a vulnerability. We now receive more unsolicited contributions than we can publish. But as the academic culture becomes more infused with a commercial ethos, there is the question of how long a publication can rely on unpaid contributions. A host of practical as well as ethical considerations come into play.

A journal like *Academic Matters* must innovate and change in order to maintain its readers' interest. We continue to look for different ways of putting together the journal and its website. This issue is a new venture, a joint partnership between *Academic Matters* and guest editor, University of Western Ontario professor of education Rebecca Coulter, who suggested its theme, "Policing Relations on Campus," and who recruited most of the contributors.

What of the future? Academe is a fascinating place, in some ways unlike other work worlds and in others ways subject to the wrenching currents that pervade elsewhere. Under a new editor, and through some soon-to-be announced innovations, the journal will maintain a lively debate about the issues that matter to the academic community. **AM**

Mark Rosenfeld is Editor-in-Chief of Academic Matters and Executive Director of OCUFA.

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