Generalized Harassment in Canadian Universities: policies and practices addressing bullying in the academic workplace

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ABSTRACT

Generalized Harassment in Canadian Universities: policies and practices
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This thesis explores the implications of anti-harassment policies at Canadian
medical-doctoral universities. The problem of generalized harassment as a
phenomenon of academic bullying is identified and defined. This thesis
explores how anti-harassment policies and practices of Canadian medical-
doctoral universities have come to be, as well as their implications for
academics. Chapter one identifies the methodology of the thesis, a
comparative policy analysis of the policies and practices of Canada's
medical-doctoral universities. Chapter two describes the theoretical
foundations used in the thesis: theories of academic organizational control,
policy formation, problem representation, and manifest and latent functions.
Chapter three reviews contemporary literature on the role of universities in
society and the phenomenon of generalized harassment in academia.
Chapter four reports the results of a comparative analysis of the anti-
harassment policies and practices of Canada's medical-doctoral universities,
which reveal three approaches to anti-harassment policy. Chapter five links
the theoretical to the empirical in order to better understand the phenomenon
of generalized harassment in Canadian medical-doctoral universities, and the
implications policies and practices have for the future of collegiality.

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Introduction

Research Problem

Canadian universities have faced increasing economic and structural shifts, leading to drastic changes in their modes of operation over the past half-century. Canadian universities have shifted from traditional hierarchical "democratically" run institutions, to what more closely resembles a corporate management model (Newson, 1998; Rajagopal, 2002). In the midst of these operating changes, and perhaps as a consequence of them, scandals and debates over university politics in Canada have taken place (Hardy, 1990; Newson, 1998; Prentice, 2000; Silvey, 2002), and new policies have arisen to address issues regarding human rights in the workplace (Manitoba, 1991: 6).

Organizational policies addressing generalized harassment in the academic workplace are increasingly common in Canadian universities. The view that generalized harassment in the workplace is an occupational health and safety hazard is gaining prominence in Canadian human rights legislation. Generalized harassment is also known as "personal" or "psychological" workplace harassment, and is defined as harassment of a non-specific nature, not directed at a certain attribute or group membership currently found in Canadian human rights legislation. The recently passed Ontario Workplace Violence Law, Bill 168, addresses generalized psychological harassment as "workplace harassment" in the amended requirements of all employers covered by the Ontario Health and Safety Act:

> "workplace harassment" means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.
> (Ontario Legislature)

As of June 15, 2010 Ontario joins Saskatchewan and Quebec as Canadian provinces with official

laws prohibiting bullying in the workplace (Ontario Legislature, December 10th, 2009). As

recognition of generalized harassment in Canada is growing, it is a goal of this thesis to further

the study of how universities can better define, self-regulate, and cope with generalized

workplace harassment.

Definitions of Generalized Workplace Harassment

There are many ways to describe generalized workplace harassment or workplace

bullying. Research on the phenomenon proposes many differing definitions. Some examples are

as follows:

> Bullying is a dyadic phenomenon in which a bully repeatedly continually harasses and
> abuses a specific victim (Sias, 2004: 68).

> Low-to-moderate-intensity, non physical aggressive behaviour that is persistent
> (Pearson, Anderson & Porath, 2005: 191).

> A severe and highly stressful interpersonal conflict in which a power difference exists
> between the parties (Zapf & Einarsen, 2005: 238).

> The process whereby hostile and aggressive behaviour is directed systematically at
> one or more colleagues or subordinates, leading to a stigmatization and victimisation
> of the target (Einarsen, Hoel, Zapf, & Cooper, 2003: xiii).

In many cases harassment in the workplace is defined by its enduring, repetitive nature.

Keashly's (2005: 204) "7 Defining Features/Dimensions of Emotional Abuse," are a good

overreaching definition of emotional abuse, because she acknowledges that not every

characteristic of harassment must be present for the phenomenon to exist. The seven

features/dimensions include behaviours that are: verbal and non-verbal (excluding physical

contact); repetitive or patterned; unwelcome and unsolicited by the target; violations of a

standard of appropriate conduct towards others; harmful or cause psychological or physical

injury to the target; intended to harm or controllable by the actor; and, that exploit the position of power of the actor over the target. Workplace harassment that is specific to university communities has been described as a phenomenon of growing faculty incivility (Twale & De Luca, 2008).

Faculty Incivility

Faculty incivility is defined as encompassing bullying, mobbing, camouflaged aggression and harassment in the workplace (Twale & De Luca, 2008: xii). Workplace bullying, or incivility is often undetectable to members of the workplace who have been immersed in a certain workplace culture for an extended length of time. New employees are more likely to see the negative aspects of a workplace's culture, and be more inclined to point out detrimental workplace behaviour, practice, or policies. However, in an already hostile environment, to point out deficiencies in civility or counterproductive ways of operating may cause problems. An outspoken employee can quickly, and inadvertently, become a target for upsetting the status quo. Academic harassers "compete, gossip, divulge confidences, offer criticism publicly, patronize, find fault, and overload colleagues with work" (Twale & De Luca, 2008: 14). The current atmosphere of academia is very conducive to such aggressive behaviours, as bullies have the most impact in an already unstable workplace environment, characterized by competition, jealousy, and scarce resources.

Consequences of Generalized Harassment in the Academic Workplace

Bullying, or personal harassment, can lead to adverse health effects for employees. Some employees who have experienced a hostile work environment have shown symptoms of post-

traumatic stress disorder, such as permanent personality changes, which impact the individual in the workplace, at home and socially (Zapf & Einarsen, 2005: 238). Effects can be long-lasting for a person who has been bullied in the workplace; concern for future harassment may cause anxiety and overall negative health outcomes (Hoel & Cooper, 2000).

Employees who have experienced harassment report decreased levels of job satisfaction, which has been shown to be a cause of time wasting and absenteeism, leading to high rates of turnover, decreased productivity and a lower overall reputation of the organization (Pearson, Andersson & Porath 2005: 182). Employees may cope with frustration by withdrawing. Heacox and Sorenson (2004: 95) describe withdrawl as "aggression turned inward," and the abandonment of goals. Organizations are affected by workplace bullying; collective communication in an organization suffers when some of its members experience a decline in satisfaction with the workplace. When conflict and aggression are not effectively handled, they can spiral out of control, allowing for counterproductive workplace behaviour to become more prevalent.

Given the potential consequences of workplace harassment, the need for organizational anti-harassment policies is obvious. Yet the ways in which policies are drafted and implemented are tied to more than just employee satisfaction and productivity; organizations are also concerned with long-term survival and the reproduction of power dynamics through its forms of control. Therefore, it is also important to analyze harassment policies within the context of current organizational structures, and to examine existing empirical research that might support policy development and strategies to curb the negative consequences of workplace harassment.

Currently workplace environment policies in Canada, such as those found in medical-doctoral universities, explicitly state that discrimination on the basis of sex, race, age, or any

other group membership is unacceptable. Zero-tolerance policies on violence in the workplace are also strongly enforced. However, there remains in many workplaces a "common experience of hostility," to which it is difficult for employees and employers alike to attribute cause (Keashly & Harvey, 2005: 202). Levels of hostile, bullying behaviour in workplaces are frequently underestimated and understudied in comparison to characteristic-based harassment and workplace violence. The breaking of shared codes of civil conduct in interpersonal relationships may be mistakenly attributed to conflicting individual personalities. As a result, generalized harassment is often not seen as a symptom of organizational dysfunction in need of remedying (Crawford, 2001: 23).

Many organizations have recently established all-encompassing anti-harassment policies. As is the case with any new organizational policy, the recipients of workplace hostility themselves may have a hard time pinpointing exactly what they have experienced that may qualify as harassment, and how successful a formal complaint would be in resolving the situation. Employees often believe their treatment at work reflects their job performance, and may even blame their own shortcomings for the systemic problems of a workplace's culture (Keashly & Harvey, 2005: 202).

Research on systemic discrimination in universities, and the resulting organizational policies and responses exists (Agócs & Burr, 1996; Agócs, 2002; Rudman, Borgida & Robertson, 1995; Stalker & Prentice, 1998). Workplace violence has also received much attention and study (Paludi, Paludi & Nydegger, 2003; Geffner, Braverman & Galasso 2004; Heacox & Sorenson, 2004; Spratlen, 1995). In contrast, research on generalized or non-specific harassment is less prevalent. There is a call among researchers for further studies on generalized harassment, especially research employing the organizational perspective since much of the current literature

focuses on the individual level, such as the feelings of victims and the traits of aggressors.

Generalized workplace harassment in Canadian universities is detrimental to staff as well as organizational processes. Scholarly work, such as research and teaching, is enhanced by a supportive workplace environment. Ideally, all Canadian academics would report healthy working relationships with colleagues and administrators. Unresolved experiences of harassment are potential obstacles to the working relationships necessary in academia. Ineffectively handled allegations of harassment in an academic workplace may have very negative, at times career-ending impacts for the involved parties. At the level of organization, productivity may suffer as a result of a demoralized workplace environment and increased employee isolation and turnover. Also, the reputation of a university may suffer due to decreased scholarly contribution and the overall impression of the organization as a hostile work environment. Therefore, it can be assumed that conflict and alienation in higher education is not only detrimental for the persons affected and their future careers, it is also counterproductive to the scholarly ambitions and contributions of the university as a whole. It is best for the individual, organization, and institution that conflicts among faculty, staff and administrators are resolved both quickly and judiciously.

Research Objective

It is imperative that Canada be able to continue to offer world class education. In order to do so, we as a country must not only retain our academics, but maintain an inspiring collegial environment. While the importance of policies prohibiting workplace harassment and the underlying good intentions of the policies is not negated, an examination of generalized workplace harassment in Canadian universities necessarily takes into account the existing

structure of governance and its impact on the viability of policies to effectively curb workplace harassment. This thesis addresses the overt implications of anti-harassment policies, as well as inadvertent consequences resulting from such policies, for both Canadian academics and Canadian universities. This thesis contextualizes the organizational anti-harassment policies of Canadian universities in light of contemporary concerns over the viability of collegial self-governance. By understanding the stated purposes and rationales for the policies prohibiting harassment in Canada's medical-doctoral universities alongside the unintended consequences and functions of such policies, the academy may better define, self-regulate, and cope with generalized workplace harassment.

Research Questions

For the purposes of expanding knowledge about organizational responses towards generalized workplace harassment, this thesis addresses the following questions: How do Canadian universities attempt to prevent and resolve harassment amongst members of the university community? How do the policies of Canadian universities define and respond to academic harassment? Why have such policies emerged recently and in the same general time frame? How do the policies and practices of Canada's 15 elite medical-doctoral universities compare with one another? What are the intended and unintended effects of such policies? Answers to these questions will contribute to an understanding of generalized harassment as well as the current state of academic culture in elite Canadian universities.

Chapter One: Methodology

This thesis is based on a qualitative comparative analysis of the policies of Canadian medical-doctoral universities regarding 'generic', non-physical, non-sexual harassment, un-attributable to illegal forms of discrimination. The use of multiple techniques of documentary analysis is helpful when approaching complex social phenomena. The tools of data collection used in a comparative analysis of the anti-harassment policies and practices of Canada's medical-doctoral universities reveals three predominant approaches to policy, which are revealed in Chapter four.

Comparative Policy Analysis

Canada's medical-doctoral universities are the largest universities in the country, with the greatest number of academics potentially harmed by harassment in the workplace and anti-harassment policies. The medical-doctoral universities also receive the most funding, and are the most respected and authoritative universities in Canada, which means they are also those in which corporate interest is most apt to lie. These elite Canadian universities are: McGill, Queen's, Toronto, UBC, Alberta, McMaster, Calgary, Dalhousie, Saskatchewan, Ottawa, Western, Laval, Montreal, Sherbrooke, and Manitoba. Of the 15 medical-doctoral universities in Canada, all but the University of Ottawa have university-wide policies that address generalized harassment. The circumstances explaining the University of Ottawa's lack of a university-wide policy addressing generalized harassment will be addressed in Chapter Five. Anti-harassment policies were gathered through university websites. I collected policies addressing harassment, bullying, and dignity in the workplace, as these words are often used interchangeably in policies addressing the phenomenon.

The comparative analysis explores a multitude of traits found in the anti-harassment

policies. The differing approaches to the phenomenon of generalized harassment in the

academic workplace are categorized into three approaches. I will be exploring similarities and

differences across the policy approaches. According to Yanow (2000: 22), one goal of the policy

analyst is to identify language, objects, acts—"artifacts"—that are significant carriers of meaning

for a given policy issue. These artifacts are of importance to both policy-relevant actors and

groups that influence and are influenced by the policy. This thesis analyzes key words and

phrases that are found in the anti-harassment policies, uncovering commonalities in discourse

across the policies. The analysis of the three approaches to anti-harassment policy takes into

consideration the sources and communities of meaning relevant to the policies of anti-harassment

in Canadian medical-doctoral universities. The contemporary structure of university

management is explored theoretically and empirically.

Data Collection

This thesis explores how workplace harassment is framed in the different policies. In

addition to the key words and phrases found in the polices, data include titles of policies and

procedures, word lengths, the office of representation, the authority or authorities in charge of the

policy, penalties and remedies, the date policies were established, the date policies are scheduled

for review, and mention of public reporting. Provincial laws and workplace safety and health

regulations inevitably affect policy language, and are noted for their importance and influence in

determining university-specific meanings, policies and organizational responses.

All variables were entered into a spreadsheet so that the data collected was easily

accessible and clearly mapped out. The variables were categorized into three approaches, which

are discussed in Chapter Four on the findings of a comparative analysis of Canada's medical-

doctoral universities policies on generalized workplace harassment. The comparisons contribute to an understanding of the policies and processes responding to academic harassment that are currently in place in Canadian medical-doctoral universities.

Canadian Human Rights Commission on Generalized Workplace Harassment

The Canadian Human Rights Commission updated their model for an anti-harassment policy for medium and large organizations on April 11th, 2006. The current model includes a checklist of best practices in an anti-harassment policy for medium and large organizations. While the anti-harassment policies of Canada's medical-doctoral universities were drafted separately, many Canadian organizations model their policies after the recommendations of the CHRC. The definitions and guidelines provided by the CHRC are found in many workplace policies regarding human rights across Canada. This thesis will explore the fit of the best practices outlined by the CHRC in terms of the three primary approaches to anti-harassment policy.

Chapter Two: Theoretical Perspectives

Three theoretical focuses are used throughout this thesis in order to study the origins and responses to the problem of generalized harassment in the academic workplace and the implications policies addressing the phenomenon have for academic self-governance. Firstly, to address academic stratification and organizational control, I use work on neoliberalism in Canadian higher education to provide a contextual understanding of anti-harassment policies in Canadian medical-doctoral universities. For policy analysis, I use John Kingdon's (2003) work on how policies arise and Carol Bacchi's (1999) "What's the Problem?" approach to study the concerns of policy makers in order to further explore anti-harassment policies and practices. Finally, Robert Merton's (1968) "manifest and latent functions" is employed to explore how decision making has consequences beyond the obvious and intended.

Academic Stratification and Organizational Control

Collins (1979) explains that individuals in an organization are subject to hierarchical structures. Those employed are ruled by "technologies of administration and communication" (Collins, 1979: 26). At the top of the hierarchy, are the members of an organization in control of the administration and means of communication. As with any hierarchy, those at the top hold the highest prestige positions, garner the greatest material reward, and have the greatest degree of decision-making power within an organization. According to Collins (1979), the administration of an organization itself is constituted both socially and politically, through a network comprised of bargains, threats, and manipulations. In other words, there is a network of administration within an organization which acts as a "structure of domination," where those with the most power are able to gain the confidence of those with the least power (Collins, 1979: 26). The role

of the structure of domination in an organization is not only to "dominate," but also to further financial and political gains for the organization as a whole. In turn, the very practices which keep an organization going, reconstitute the internal domination to which individual employees are subjected, or for which individual employees learn to self-regulate.

Within the network that comprises the organizational structure of domination, a certain culture of communication defines workplace policy and practice. Collins describes the way communication in an organization occurs as a collection of cultural productions and reproductions, a culture of "organizational politics" (1979: 26-27). Organizational political culture is made up of a whole set of formal and informal structures. These structures control the way an organization operates and is kept track of, through mechanisms such as how pay is distributed, how many people are designated to complete a task and so forth. A formal organizational structure is an explicitly stated and understood workplace practice, such as receiving a paycheque every second Tuesday. Using the example of Canadian universities, faculty performance reviews and promotion discussions determine a certain rate of work that is accepted as standard output by the university. Informal organizational structures are workplace practices that are not explicitly stated, but persist for a reason not apparent or obvious at the surface level. An example might be that at "X" university, junior faculty members defer to the judgement of the department head on a certain theoretical tenet, one they might otherwise confidently defend.

The purpose of these formal and informal structures is to exert "normative control" in an organization. That is, to exert power over members of an organization, while at the same time gaining the active co-operation of those with the least control in the hierarchical structure. This internalization of the goals of the organization by the individual employees is important because

it is far easier than any form of externally coerced control. An organization that has successful

normative control is likely to have higher productivity than an organization that uses methods of

forced control on its employees. Normative control in a workplace promotes loyalty to the cause

and the organization's goals. Loyalty is critically important to an organization, especially in

trying to prevent the high costs of employee turnover (Collins, 1979: 31). Canadian universities

as organizations promote loyalty through normative control in policies and practices. The costs

of turnover in academic institutions are especially public, including a potentially damaged

reputation nationally and internationally, which could lead to losses in student enrolments as well

as financial losses related to research conducted by faculty and university-based companies.

Consideration of the forms of control employed by Canadian universities in the structure of

organization is an important methodological lens to the study of policies addressing generalized

harassment.

Canadian universities are active agents in their own organizational structuring process, as

they are not forced to adapt to external forces; universities are self-governing. Therefore, in

order to explain the organizational responses of Canadian universities to generalized harassment

in the academic workplace, organizational hierarchy, conflict, and management style must be

taken into consideration. Canada professes to be a liberal democracy and a country of equal

opportunity. However, stratification within Canadian universities exists, and serves both

traditional and contemporary purposes of control. Organizations such as Canadian universities

reflect and reproduce the values of the larger society. Unfortunately, the egalitarian belief in

equal opportunity is not borne out in reality, as measures of merit are in fact influenced by

existing stratification of society and reinforcing practices and politics. Liberal democracy

supports and promotes the primacy of individual rationality, which ultimately has consequences

for the authenticity, and therefore achievement of "true" equal opportunity for the collective.

Collins (1979) calls the current societal belief in individual merit as a measure of success "the myth of technocracy." The common perception in capitalist societies is that modern science and technology allow any individual to become a technical expert, able to achieve success. Basically, prosperity under modern capitalism is no longer limited to those with aristocratic familial ties, as was the case with the old-fashioned politicians and business executives of the past (Collins, 1979: 2). Canadian academia is seen as a workplace where people can thrive solely on the basis of individual merit. Yet, unequal distribution of employment and promotions would indicate that the importance of individual merit in academia is often overstated (Stalker & Prentice, 1998: 14). Canadian universities have traditionally been hierarchical, bureaucratic organizations, with long histories of status-based traditional interactions and procedures. In recent years, tradition and status have been influenced by a shift from collegial decision making processes, to managerial profit-based processes, characteristic of a neoliberal society (Newson, 1998; Rajagopal, 2002).

Neoliberalism in Canadian Universities

Today's workplace dynamics are evolving rapidly. With the introduction of new technologies a global market system is now a reality. Canadian universities have at once experienced opportunities for further dissemination of knowledge, as well as obstacles to this same task. Canadian universities are founded on principles of tradition, but operate within a system of profit-based capitalism. Neoliberalism and neo-conservatism are two distinct contemporary political rationalities found in modern industrialized states. Neo-conservatism is "a fierce moral-political rationality" and neoliberalism is a market-political rationality, not

directly aligned with one particular political persuasion (Brown, 2006: 691). The convergences of these two political rationalities are said by many academics and politicians to not only sanction existing class division, but to further divide classes into two extremes, the rich and the poor. Under the political rationalities of neoliberalism and neo-conservatism, the power of corporations has grown as the links between government decision-making and multi-billion dollar, global conglomerates have shaped the economy (Brown, 2006: 692). The traditional values associated with higher education have become challenged and re-evaluated, as the trend of increasing corporatism among Canadian organizations continues. Shifts in traditional roles and practices along with growing corporatism in Canadian universities provide the context in which generalized harassment can flourish, and the resulting development of human rights policy as a response to organizational change.

The crisis in higher education as identified by Canaan and Shumar (2008) is multi-dimensional and closely connected to neoliberalism. Several aspects influencing the condition of universities are as follows: external forces drive universities to set higher tuition fees and attract as many students as possible to increase revenues, an emphasis on applied research as a sustainable and marketable commodity of higher education, the atmosphere of the university itself parallels that of the corporate world by way of research parks and consumer centres—an atmosphere that forms the consciousness of both faculty and students, and students are still being promised a valuable credential, though society at large gives less value to the traditional knowledge of the liberal arts contributing to universities experiencing a serious crisis of legitimacy (Canaan & Shumar, 2008: 10).

Increasing competition and instability in the Canadian job market is conducive to an environment where individuals compete for success, rather than work together for the success of

the organization. Current individualized tenure and promotion policies, merit structures, research grant competitions and the climate of "publish or perish" are all examples of the ways in which academics are forced to compete with each other. Such competition can lead to jealousy, insecurity, and therefore an increasing attempt to intimidate or harass in order to "win" in the competitive academic climate. In response to pressures in the workplace, exacerbated by resource scarcity, Canadian universities attempt to prevent, manage and resolve potential conflicts that may be detrimental to the organization by drafting and adopting anti-harassment policies and practices.

A Changing Knowledge Regime

Higher education is currently experiencing neoliberal pressures that are changing their practices and structures. These neoliberal pressures reconstitute educational institutions and individuals involved with the organizations. Canaan and Shumar (2008) conclude that there is a profound difference in higher education compared to 30 or 40 years ago. One critical change they identify is the relationship higher education has with the nation state and the market system. Where universities were formerly seen as a source of nonpartisan research from which industry could benefit. Today, privatization of research and knowledge has lead to bias in terms of funding and objectives. According to Slaughter and Rhoades (2008: 15), knowledge is no longer easily separated from economy, and is now used for the purposes of production, processes and services that benefit the new economy. Also involved are the members of the university communities themselves. New ways of investing, marketing and consuming by academics link the individual and the institution to the new economy. Slaughter and Rhoades describe the structural mechanisms and responding policies and practices of the state and universities as

contributing to an "academic capitalist knowledge/learning regime" (2004: 15). Conlon (2000) sees this current corporate governance of Canadian universities as a betrayal of the public trust. Polster and Newson (2009) reiterate that the shift to corporatization in Canadian universities takes the focus away from the other significant commitments of post-secondary institutions in Canada, commitments concerning knowledge production for universal interest above private interest.

Over time, universities face growing struggles with autonomy as they are pushed to survive in the corporate world, encouraged or otherwise left with no choice but to become more marketable to the global consumer. Universities now must work in synergy with corporations in order to receive funding that once came from government. The reconfiguration of infrastructure in universities to a corporate model is a result of the new expectations. University rankings are another form of competition that has been introduced into the sphere of higher education; in an increasingly educated society, this attempt to substantiate differences between universities is a way of legitimating elite institutions and those educated by them (Canaan & Shumar, 2008: 5).

During the economic boom times of the 1960s, government funding of post-secondary education was abundant; new departments were being formed and universities expanded. Universities were considered Canadian institutions, collectively funded and publicly administered. The values of universal access to education especially took hold in the 1960s, part of a larger political climate. Since the 1960s, most provinces have eliminated grants, and federal funding has been cut by over fifty percent since 1973 (Conlon, 2000: 145). Notably, the Canadian Student Loan Program (CSLP) was turned over to chartered banks, part of what Conlon (2000) describes as a further erosion of a once public mandate. Tensions between public interests and private interests create a schizophrenic climate, "The clash between commerce and

social idealism is part of a larger neo-liberal struggle to eviscerate publicly accountable institutions" (Conlon, 2000: 146). Hearn (2001: 74) identifies a shift in knowledge production in universities that began in the 1970s, when the focus became increasingly on the applied sciences; the mission of universities became increasingly technological and utilitarian, a trend that has continued on through present day.

According to Conlon (2000), the entrenchment of corporate values has happened due to several interrelated factors, including: the shift in the Canadian economy from resource-based to technocratic-based, the establishment of the 1983 Corporate Higher Education Forum (CHEF), the findings of the Macdonald Commission. CHEF's members included CEOs from Shell, Xerox, Royal Bank, Nortel, and other corporations. Free market consultants blurred the line between academia and corporate interests as privately funded think tanks concluded that publicly administered institutions were poorly managed users of tax dollars. The Macdonald Commission concluded that faculty, staff, and students were unable to properly run post-secondary education institutions. The primary legacy of these events is greater corporate participation in Canadian institutions of higher education (Conlon, 2000: 147).

In May 1999, the Prime Minister's Advisory Council on Science and Technology commissioned a Report of the Expert Panel on the Commercialization of Research. The expert panel was comprised of leading industry figures, a Canadian university administrator and an American university administrator with experience in commercialization of research. Conlon (2000) notes the absence of university researchers on the panel. The report recommended three major changes in the way university research was conducted in Canada: changes in production, funding, and regulation. However, the aim of the panel was to ensure the commercial potential of Canadian universities, not-for-profit research in the public interest was given lower priority

than private research interests (Conlon, 2000: 148). Panels such as these help form the networks that tie organizations of universities, corporations, and the state together. Representatives from public, private and nonprofit organizations are able to collaborate to problem solve through a redrawing of the boundaries between public and private in terms of knowledge distribution. As enrollment numbers continue to impact universities in Canada, private companies require more specific technical training of new hires. The educational requirements CEOs of corporations and of universities sit together on boards to make arrangements that provide educational training for corporate workers in return for enrollment and funding (Slaughter & Rhoades, 2004: 24).

New organizations further link universities, corporations, and the state together. For example, there are now organizations that produce technology licensing officers to implement trademarks on knowledge, economic development offices, and fundraisers (Slaughter & Rhoades, 2004: 23-24). Slaughter and Rhoades (2004) describe these types of organizations as "interstitial," or intervening. Certain niche markets also exist, which universities and private organizations involved with the universities can sell products to.

Lewis (2008) identifies the major ideological change as a shift in higher education's attitudes about accountability and responsibility. Where previously responsibility for producing educated citizens was seen as a collective responsibility of a nation state, there is now the perception that it is an individual responsibility to find a path to higher education (Lewis, 2008: 48). Brown and Clignet (2000) discuss the state of American higher education at the start of the 21st century as that of a cultural battleground, infested with lawsuits and marked by dichotomies of power. Political debates at American universities include: diversity versus the canon, affirmative action versus meritocracy, access versus excellence, free speech versus political correctness, teaching versus research and applied versus basic research (Brown & Clignet, 2000:

17-18). Canada's universities faced similar economic tensions as American universities due to close linkages between the two states. Brown and Clignet (2000) describe tensions in higher education as being the result of a misalignment between proposed reforms to educational policies, the needs of the labour market in the new economy, amounts of money allocated to universities, and the values that universities have come to represent. Changing demographics, economics and ideologies of the larger society are reflected in the difficulties universities face, especially for advanced capitalist societies like Canada and the USA. Brown and Clignet's (2000: 18) description of American educational relations as disheartened and corrupt, a result of the transformation of higher education into a subset of the labour market in the new economy, and the rise of commercial values over universities as autonomous and creative.

Canaan and Shumar (2008) discuss the neoliberal and neoconservative reconfiguration of higher education. Higher education has been appropriated as a force of the global information economy, by shifting to serve a consumer-driven market. Markedly, the introduction of a corporate discourse has shaped the way universities operate. Higher education is now run by instrumental logic, with increased rationalization and specialization for maximum profit gain. Canaan and Shumar (2008) identify three major implications of the influences of a neoliberal society on universities, and the closer connection to corporate interests. First, traditional disciplines such as the humanities and social sciences become further isolated from funding and support, with the exception of only the most elite institutions which have resources to spare, though endowments are challenged by stock market crises. Smaller institutions that wish to keep liberal arts disciplines must come up with way to market them, in order to increase profits. Second, there is an increased emphasis on individualism which runs contrary to traditional learning communities. Graduates hope and expect to compete as profitably as possible when

entering the workforce, whereas in past the more holistic nature of education was considered preparatory for excellence in citizenship. Third, there is an increased concern among university employees to be more accountable in their practices, such as research outcomes and student performance. Disputes over accountability and measurable outcomes further favor quantifiable research over holistic expansion of knowledge. Concerns over standardized assessments and practices of accountability demonstrate a visible line between traditional self-governed, peer-based accountability among professionals in contrast to accountability to management and the demands of the market economy (Canaan & Shumar, 2008: 16-17). Canaan and Shumar (2008: 19) also point out that the growing stratification of academics and university employees makes it difficult to criticize and critique the system.

Corporate nationalism in Canada has influenced the language of business in Canadian universities. Now that efficiency is equivalent to profit, and commercialization is a measure of innovation, the corporate presence in Canadian universities seems inextricably linked to the future of institutes of higher education. When universities are so intertwined with corporatism, the pressure for universities to secure private funding is even higher. Since commercialism is about profit, and students are seen as clients, the maximum people are willing to pay has been increasing, and as student loans have also been privatized, student loans are rising. Where tuition fees have risen steeply, aid packages for students have not matched the inflation rates, rarely exceeding twenty percent of hikes in tuition. Programs perceived as useless for commercial purposes are being shut down or merged with unrelated departments, causing friction among university members (Conlon, 2000: 149). A current example of this trend in Canadian universities is the cancellation of the Women's Studies program at Guelph University (Guelph, 2009). Boards of governors at Canadian universities are responsible for safe-guarding

the fiscal and democratic integrity of the institutions. There is a conflict of interest when these same boards are tied and reliant upon corporate funding and the required management style in order to continue to operate (Conlon, 2000: 150). This management style is known as the "new managerialism," and is discussed later in this chapter.

As universities become increasingly private, the knowledge produced there becomes more elusive and harder to access in the same way. Whereas research financing used to come predominately from the public sphere and through donations, corporations have seized the opportunity to capitalize the need for funding as public financing has plummeted. Policies are now geared towards retaining funding and appeasing corporate financiers; policies affecting hiring and promotion, teaching and curriculum choices at Canadian post-secondary institutions. The problems universities address through the research and production of knowledge now need to be deemed relevant and capable of providing adequate "return" to investors (Franklin, 2000: 19-20). The once strong belief in the collective public good through institutes of higher learning appears contrary to the goals of profit involved in a neoliberal society. A prime example of prioritizing private interests rather than public is the case of Dr. Nancy Olivieri, who found negative side effects from a drug treatment for thalassemia. Dr. Olivieri was silenced both by Apotex, who funded the study, and also by her own university which wished to remain on good terms with the corporate financiers (Conlon, 2000: 146).

Another aspect of corporatism in Canadian universities is internal reorganization as a reflexive process of self-transformation, with the goal of long-term institutional survival (Newson, 1998). Newson (1998) describes the process of internalized corporatism in Canadian universities as a marked change from a distinctly educational mission to one based on profit. Slaughter and Rhoades (2004) explore the connection between what they describe as academic

capitalism and markets, the state and higher education. The theory of academic capitalism is

based on a network of processes by which universities integrate with the new economy:

> The theory of academic capitalism focuses on networks—new circuits of
> knowledge, interstitial organizational emergence, networks that intermediate
> between public and private sector, extended managerial capacity—that link
> institutions as well as faculty, administrators, academic professionals and students
> to the new economy
> (Slaughter & Rhoades, 2004: 15)

From the characteristics of the new capitalist knowledge/learning regime, a complex interaction

of networks and processes developed.

From Fraternal Collegialism to Patriarchal Managerialism in Canadian Universities

Becher and Trowler (2001: 1) identify the current era in higher education as post-

industrial, characterized by high levels of competition, scarce resources, new costs, and

unpredictable fluctuations in enrolments and revenues. In recent years, the Canadian

government has become increasingly concerned with the output of state-funded higher education

facilities. There are more performance-based expectations especially concerning social research,

the applied sciences, and business. This increased government involvement increases pressure

on university administrators and academics alike in terms of meeting external and internal

expectations of efficiency and economy (Becher & Trowler, 2001: 5-6). Additionally,

universities are currently facing huge budget cuts which tend to target programs and staffing.

University managers are now required to act as venture capitalists on behalf of the institution, in

order to seek maximal opportunities for business growth. Administration is at the center of

economic planning in a university, and therefore holds a great deal of influence on the policies

and practices put in place to keep the organization moving forward in the new economy

(Slaughter & Rhoades, 2004: 25).

According to Newson (1998), the newly manifested corporate values of Canadian universities have resulted in a shift in other institutional practices, from collegialism to managerialism. Brunner, Hofbauer and Prabitz (2000) refer to managerism as new emphases, arguments and associated practices in academic administration. Discursive formations of the past have been replaced by a more rationalized discourse. Managerial discourse challenges the position of intellectuals through a rhetorical emphasis on practicability and efficiency. Corporate ideology in universities is reflected in the policies and practices of the everyday, autonomy in academia is displaced by a managerial approach (Brunner et al, 2000: 76-77).

Previously, Canadian universities attempted to promote democratic decision-making processes involving members of faculty, support staff, students, or a combination of all three. However, following a lengthy period of under-funding in the 1970s, Canadian universities as organizations began to perceive democracy as ineffective in making difficult decisions regarding finances. The shift to managerialism in Canadian universities is used to allow 'objective' decision-making processes. The practice of managerialism in Canadian universities still involves academics, but decisions regarding enrolment, admission, advising and registering, hiring, and research priority, is now more budgetary than ever before. Centralized mission statements and five-year plans of universities have begun to take precedent over personal debates among departments, councils, and senates (Newson, 1998). In such a system, centralized, top-down decisions are made with increasing frequency, as opposed to previous non-centralized decisions which tended to be more specific to departments within Canadian universities as organizations.

Where universities were once largely fratriarchical, pressures and restructuring of organizations have replaced preexisting collegiality with patriarchal managerialism for all

academics. Such a system of patriarchy is quite different from the traditional model of

universities. The introduction of a technocratic, corporate style management has not led to

greater equality across different groups, but rather to the fragmentation of all academics, by

status-based measures (Hearn, 2001: 79). Organizations that are streamlined give the

administration of a university greater control over faculty, and the power to penalize activity that

does not fit with the expectations of profit. Brewster (1972) discussed how constant evaluation

acts as an inhibitor to scholarship, pushing academics towards safe research, resulting in the

potential loss of risky but valuable research discoveries.

Slaughter and Rhoades (2004) use the term "circuits of knowledge," to describe the

increased and altered accountability university academics face. The introduction of a corporate

management style administration has created rationalized accountability. In other words,

corporatism utilizes evaluation methods to measure levels of production and efficiency found in

universities. Along with managerial style administration, there has been a rise in external

evaluations, a result of a highly educated society. Many universities and disciplines within

universities are facing crises of legitimacy, struggling to conform to standardized quantifiable

evaluation methods. Another facet of the circuits of knowledge described by Slaughter and

Rhoades (2004: 20), is that what constitutes a peer review at a university now includes members

of corporate industry.

Implications of Corporate Universities on Administrative Policy

Who makes and initiates anti-harassment policies can make a difference in terms of

unintended consequences and functions of the policy. Policies may be more "objective" when

they are top-down, but they may miss benefits of collegiality that could arise from the collective

input of democratic decision making practices of academics. Hearn (2001) makes an important statement about university policy, in that they may have policies which are intended to be in place for the institution as a whole, but policies may or may not operate at the practical level. Specific faculties, departments, research groups, and the academic individuals themselves may practice an entirely different set of conduct (Hearn, 2001: 81). It is important to study whether university policies are being followed and enforced as it may reflect the new managerialism.

Organizational responses to difficulties in Canadian universities have become less about the internal politics and concerns distinct to groups within the whole, and more about economic growth for the institution. What this means in terms of responses to generalized harassment in the academic workplace is that potential exists for certain harmful behaviours to be perceived or justified in terms of profit-based organizational goals. A related parallel regarding harassment of a group-specified nature is the troubling behaviour and ill-treatment of marginalized colleagues and employees (Agócs, 1997: 921). Agócs describes the institutional phenomena of denial, inaction and repression when organizational problems such as systemic discrimination are addressed by change advocates (1997: 917-931).

Corporate management style holds many implications for the future of Canadian universities. Corporations are very hierarchical, and tend to remove the human element of interaction in the workplace. Shaw describes the phenomenon as a loss of autonomy for educational professionals. Under corporatism in universities, faculty become subservient workers in an increasing trend of "macho managerialism" (Shaw, 2000: 153). Aside from the shift towards a neoliberal economy, there are other contributing legal factors to a model of corporate management in Canadian universities. Faculty are now expected to act and respond in the workplace in new ways because of new laws. More specifically there are "changes in the law

which make the employer clearly responsible for the environment of the institution" (Shaw, 2000: 154). Throughout the 1990s, the introduction of liability has increased tension between unions and management. Canadian universities are governed externally by a framework comprised of the Charter of Rights, human rights legislation at each level of government, Workers' Compensation, Employment Standards, and (sometimes) union labour law (Shaw, 2000: 154).

Changes in faculty hiring practices have been instituted. Rajagopal (2002) argues that profit-based motives will drive educational policy towards a purely capitalistic model, and academic labour will become permanently commoditised. This is evident when we consider how teaching and non-sponsored research has progressively become less prioritized (for tenured staff especially), in order for Canadian universities to maximize efficiency (Rajagopal, 2002: 28).

The shift to a corporate model is not only a change from traditional values concerning education and research; it also affects the solidarity of Canadian academics. The creation of an academic underclass, who are more and more likely to take various teaching appointments for significantly less pay than tenured faculty, has major ramifications for the administrative practices of the faculty that are allowed to be involved with decision-making. Rajagopal fears that the differentiation between tenured and temporary staff is too strong to maintain a sense of collective strength. Administration in academia should serve to protect university faculty, not harm them, but a loss of identification to staff as a whole can result in the creation of policy that has adverse effects for the academic underclass to which Rajagopal refers (2002: 252); the morality of the university community becomes effectively eroded (Polster and Newson, 2009).

Twale and Deluca (2008: 114) state that today's faculty may behave in ways they otherwise would not in order to preserve position. Twale and Deluca (2008: 115) maintain that

current discrimination towards female academics is more subtle than past forms of exclusion, but continues to persist nonetheless. For example, while women and minorities are markedly impacted by discrepancies in pay and treatment, those in the dominant group may not see such forms of invisible discrimination, unless they specifically examine the statistics or encourage open discussion at the universities. The culture and normative behaviour held by university managers reflected in university policies holds the potential to ignore the needs of groups outside the dominant management group. When normative control is broken, subordinate groups are considered deviant. Unconventional requests by subordinate group members or attempts to accomplish something in a new way can be met with strong opposition from management. Consequently, perhaps out of fear of being further excluded, subordinate members of an organization can become passive or agressive in the academic workplace (Twale & Deluca, 2008: 116). Alternately, those who feel powerless against the management groups may begin to channel their frustrations into harassing behaviour directed toward their peers. Either way, the very structure of the institution might actually support passive-aggressive behaviour which is unhealthy and oppositional to collegial ways of working.

Though the causes and effects of bullying are diverse and often specific to the particular work environment, increasing corporatism and competition in the academic job market are creating impersonal and uncivil workplaces, and it seems that there is a growing lack of respect between colleagues in the post-industrial university of the 21st century. As a part of this, the shift from collegialism to managerialism has reduced the amount of power that academics in Canadian universities have to address group concerns. Therefore, the corporate culture that has been introduced in Canadian universities as organizations is one that has exacerbated egotistic, counterproductive behaviour such as generalized harassment. The corporate culture also

provides the context in which certain types of responses towards the behaviour of academic

employee are formed, responses which this thesis analyzes for their implications for the

advancement of the corporatized Canadian university. Bullies have likely always existed in the

workplace, yet heightened tensions in Canadian universities certainly seem to have worsened the

problem. Policies put in place in response to such bullying behaviour appear on the surface to

exist for the greater dignity of employees of the universities, but as is the case with any

organizational response, there are also less visible implications and consequences. Conducting a

policy analysis to reveal hidden implications and consequences requires knowledge on how

policies come to be, as well as an understanding of how problems come to be represented. John

Kingdon's (2003) work on policy creation lends insight into the process of production, while

Carol Bacchi's (1999) approach to policy analysis focuses on problem representation.

Theoretical Approaches to Policy Analysis

John Kingdon on How Policies Arise

There are complex processes behind the creation of policy, and it is possible for

rationality to be lost when many actors are involved in decision making (Kingdon, 2003: 78).

Kingdon identifies three ways problems capture the attention of governance: a systematic

indicator, a dramatic event, or by way of feedback on existing programs (2003: 90). Kingdon

argues that problems are never entirely self-evident, so governing bodies often use studies as a

part of routine monitoring of activities and events (2003: 91). A visible rise in what Kingdon

refers to as "countable" problems prompts a look at policy addressing the issue; statistical

evidence of detrimental effect is hard to ignore (2003: 93). If a policy does not exist,

implementation is considered; if a policy exists, revisions are considered. Other factors affect

the visibility of a problem, including social class bias, and personal experiences of the policy makers. These factors act as reinforcements alongside the primary focusing events, crises and symbols that bring problems to the attention of policy makers (Kingdon, 2003: 96). Symbols can be powerful in the dissemination of an issue; a symbol is something like a word or phrase that is connected to the problem and is reflective of the larger issue (Kingdon, 2003: 97).

A societal pattern to the focusing events is another factor in the creation of policy. Patterns occur when a problem that has previously existed in the background has been brought to the foreground, the problem reaches a breaking point, or other similar events are occurring around the same time (Kingdon, 2003: 98). Through various channels of feedback policy makers discover that a problem needs to be addressed: in a process involving systematic monitoring, complaints and casework, and general bureaucratic experience (Kingdon, 2003: 100). In the case of generalized harassment, high profile cases of workplace bullying in Canadian universities have occurred alongside increased reports of incidents by university administration, a growing concern for the psychological health of employees to prevent workplace violence, as well as mounting legal responsibilities on organizations to uphold respectful workplace environments. The pressures of our neoliberal society contribute to the hostile environment in which personal harassment occurs. However, the growing recognition of the problem of personal harassment in the workplace is also a product of society as labour laws and government legislation have expanded the definition of human rights. The University of Manitoba's 1991 "Review of Human Rights/Race Relations Policy Initiatives in Canadian Universities and Colleges" provides an excellent example of how a problem comes to be addressed in policy.

University of Manitoba Human Rights Policy Review

We can see Kingdon's theory in practice, illustrated through a common channel of feedback in university policy—the task force. Task forces involve studying a phenomenon and proposing recommendations that the university may or may not use. In the late 1980s and early 90s, equality in society was going through a process of redefinition, and commitments of universities to promoting equity with regards to cultural and racial diversity, gender, disability, as well as economic and social status were on the rise. Canadian universities began to acknowledge a need for a multitude of services which made it possible for educational institutions to uphold their proclaimed responsibilities to students and employees. When it is agreed that a problem needs to be systematically addressed through coherent policy, the process of policy creation and implementation begins.

A 1989-1990 Ombudsman's Annual Report at the University of Manitoba recommended a human rights policy. The task force was created soon thereafter to further study the area and to draw some recommendations for the University of Manitoba. When the report was commissioned, ten Canadian universities had race relations policies in place: York, Dalhousie, Western Ontario, Queen's, McMaster, Windsor, Laurentian, Lakehead, Wilford Laurier, and Lethbridge. While the University of Manitoba was looking towards a "race relations" policy, many other Canadian Universities were also just beginning to implement such policies (1991: 6). The task force pointed to statistics concerning racism in Canada, including the fact that many racist incidents at Canadian universities went unreported because it was not a university-specific issue.

The problem of racism in Canadian universities came to be addressed through policy in the late 1980s as a result of changing societal attitudes toward the responsibilities of institutions

to protect members of an organization from discrimination and harassment. The University of Manitoba's 1991 task force was directed to respond to the accompanying events to the problem of institutional racism, including nation-wide policy implementation. How the problem of racism came to be represented through Canadian human rights policies created many role expectations in the workforce, strictly prohibiting racial intolerance as defined through policy. The problem of generalized harassment has come to be represented more recently in workplace policies, and the implications of problem representation are not as clearly defined. Bacchi's (1999) approach to policy analysis stresses the importance of examining problem representation in policy for its explicit and implicit results.

Carol Bacchi's "What's the Problem?" Approach to Policy

Carol Bacchi's approach to policy analysis is one she names "What's the Problem?" Her problem representation approach to policy does not focus on problem identification or definition alone, which is used by the study of policy approaches called "comprehensive rationalism" and "political rationalism" respectively. Bacchi's approach to policy recognizes the political criteria involved in policy advisement, and works from the assumption that policy analysts cannot be neutral (1999: 32). The goal of the "What's the Problem?" approach is to unravel how presumptions about a phenomenon influence the formation of problems in policies. She shows presumptions can be revealed through in-depth questioning of the politics that are behind and immersed in policy formation (1999: 33). The problem representation approach taken by Bacchi seeks the vested interests in problem representation. For example, what policy makers have ascribed causation to and the implications that arise out of the policies for the involved parties can reveal the interests underlying the existing problem representations.

Bacchi (1999) examines how problem definition in policy can alter power relationships, focusing in particular on how women are affected by policies. Though Bacchi is interested in discovering latent implications of policy from the existing representation of problems, she does not seek to ascribe levels of deliberation or manipulation of situations. Rather, the "What's the Problem?" approach concentrates on *representation* of issues, by studying the policy recommendations as well as what is ascribed as unproblematic within the issues that have made it to agenda. Bacchi's approach sees the parties involved in policy formation as inseparable from problem representation; the reality of the problems is a result of how they are represented. It is also important to recognize the implications of competing representations of the same issue at play in policy decision making about what are acceptable, affordable and available solutions; the nature of interventions and problem representations are inextricably linked (Bacchi, 1999: 36-39).

When it comes to the framing of problems, the importance of the ideological must be acknowledged. For example, religious doctrines, political institutions and culture myths have all influenced current discourses in a way that Bacchi describes as genealogical (1999: 40). Multiple discourses will often exist, and can be contradictory when different influences collide in problem representation. Through competing truth claims in problem representation, knowledge and discourse have historically shifted and collided with one another (Bacchi, 1999: 40). For example, it is commonly the ideology of privileged individuals that is most frequently spread through a society by way of contemporary media. Competing truths challenge status quo assumptions, and society often has to adjust to newer ways of seeing old problems. A major premise of Bacchi's approach is that there is a genealogical lineage underlying the creation of how problems are represented. That is, arguments have come to be structured in certain ways

over time, and how objects and subjects are constituted in language is shaped by history (Bacchi, 1999: 42). As Bacchi describes discourses, they "are not the direct product of intentional manipulation by a few key political actors, but neither are they transhistorical structures operating outside of human intervention" (1999: 43).

For Bacchi (1999), studying the effects of policy is central to good policy analysis. Not only are problems constituted in discourse, so are groups. Policy as a discursive activity constructs the terms of discourse limiting what can be talked about to the sphere of the policy. The structuring discourse must be taken into account in a study of problem representation, as we are involved with any number of structuring discourses in our era or culture. Structuring discourses impact the way we treat and act our roles in society, such as discourses of gender, class, and race (Bacchi, 1999: 44-48). Before the discourses used in policy can be finalized, the concerns of the policy makers regarding the specific problems must be taken into consideration.

Concerns for Policy Makers

In Bacchi's approach, the concerns of policy makers mediate and influence the representation of problems. There are several major concerns policy makers will have when drafting a law, policy, or labour agreement addressing personal harassment. The first major concern of policy makers is the potential for false claims. In addition to a fear of false claims are questions of what exactly a psychologically safe work or study environment involves, and what the influencing factors are that determine its safety. Legislators and policy makers have to determine how context (such as the relationship of the individual affected to the accused, potential witnesses, and other extenuating factors such as culture, gender, etc.) or other mediating influences can constitute harassment. Legislation and policy addressing generalized harassment

must also attempt to exclude what can be described as inevitable workplace conflict or "personality clashes" (Namie, 2003: 2). A second major concern of legislators and policy makers is the difficulty of proving mental suffering. Measures of mental health can differ from policy to policy, and so can what is considered a reasonable level of sensitivity to workplace criticism and other necessary functions of the workplace.

A third concern of policy makers addressing generalized harassment is effectiveness and efficiency, which directly impact resources expended on the problem. Institutional policies on harassment require employers to uphold dignity and respect in the workplace. The effectiveness of institutional policies in Canadian universities relies on the swiftness of the resolution of complaints. When a process takes too long, the workplace environment can become even more hostile, increasing the potential for seeking outside recourse, and legal liability. Further concerns of policy makers involved in anti-harassment policy are revealed in Marni Westerman's 2008 dissertation on the complexities of anti-harassment work in Canadian universities.

Westerman's (2008) doctoral dissertation included interviews with policy drafters responsible for the policies addressing harassment and discrimination at Canadian universities. Westerman (2008) notes that the inclusion of personal harassment as an additional ground for complaint is an important change to policies. She found that changes in workplace legislation drove amendments to existing policies to include personal harassment. Through interviews with practitioners, Westerman found that investigation, mediation and education have not changed with the addition of personal harassment provisions. What practitioners have seen is a notable rise in the number and type of complaints for which they are responsible. Some report that greater numbers of complaints hold the potential to draw the focus from human rights issues, and that personal harassment, while important, is not indicative of the same larger issues of

discrimination that must be addressed through institutional policy.

Westerman's (2008) findings reveal a fourth concern of policy makers: fear of decontextualization of discrimination and harassment, based on any of the group characteristics covered in Canadian human rights legislation. This concern is voiced by those involved with human rights at Canadian universities. The argument is that power relationships within the workplace are ignored when a complaint is filed as a generalized harassment, rather than harassment based on grounds covered by human rights legislation. Individuals experiencing legitimate discrimination may file a complaint under personal harassment because it is less dramatic than a charge of racial or sexual harassment. On the other hand, a general complaint of harassment is able to deal with the issue of proof that is common in cases of group characteristic based discrimination and harassment. While some practitioners propose that personal harassment should be addressed separately from existing discrimination and harassment policy, others believe that to separate personal harassment from "stronger" forms of violations minimizes the issue of generalized harassment (Westerman, 2008: 155-160).

Robert K. Merton's 'Manifest and Latent Functions': A Mertonian Approach to Anti-Harassment Policy Outcomes

This thesis' theoretical examination of university anti-harassment policies and practices takes into account the inherent reflections of shared culture, traditional and contemporary academic stratification, and the norms of control used for institutional survival and prosperity. Functionalist sociologist Robert Merton's theories were designed with the purpose of tying together empirical studies of various sources of data in order to further a larger-scale understanding of society. Merton (1968: 73) describes functional analysis as the connectedness

of theory, method, and data. Taking this gradual consolidation approach allows for more specific

hypotheses that can be tested within a certain context. Merton's attention to the clarification of

sociological terminology, that might otherwise seem common sense, is actually quite useful in

creating explanations with less room for misinterpretations. For example, there are multiple

definitions linked to the word 'function,' and Merton points out that a sociological 'function'

holds implications for the perpetuation of social systems already in existence. According to

Merton, "Functions are performed not only by the occupants of designated positions, but by a

wide range of standardized activities, social processes, culture patterns and belief-systems found

in a society" (1968: 75). Merton is adamant that the sociologist's role is value-neutral, based on

fact rather than opinion, and that there be a specification of units for which functions serve,

producing consequences which are both functional and dysfunctional for individuals, subgroups,

then the larger social structure and culture (1968: 84).

A function is not linear, as the mathematical connotation of the word suggests. It is not

that X is a function (or product) of Y, where X is the social fact and Y the context in which X is

found. Rather, Merton suggests the sociological usage of the word 'function' is much more

similar to the biological connotation of the word, where functions are interdependent and without

reciprocal interactions the system as a whole cannot be maintained (75). Merton states that the

"Social functions of an organization help determine the structure, just as the structure helps

determine the effectiveness with which the functions are filled" (1968: 136). In other words,

structure affects function, and function affects structure.

There are two categories of function according to Merton, the manifest and the latent.

Manifest functions are the overt motivations for a sociological phenomenon of study. In other

words, manifest functions are those that can at once be seen and expected. Latent functions are

the objective consequences of the social phenomenon of study. Latent functions are usually not recognizable on the surface of the phenomenon, as they were unintended, nor an explicitly defined goal (Merton, 1968: 114-115). Sociologists have studied manifest and latent functions in society prior to Merton's (1968) "Social Theory and Social Structure," but the special consideration Merton gives to particular concepts has been absorbed into the vocabulary of today's sociologists (Sias, 2008; Wallace & Wolf, 2006).

Distinguishing between manifest and latent functions and dysfunctions helps to clarify the seemingly irrational nature of social patterns. The manifest and latent functions of a phenomenon may at times be found to serve as functional for the group as a whole that is being analyzed and dysfunctional for the group at other times. The theoretical assumption of functionalism is that persistence and continuity is contingent upon certain unintended consequences known as latent functions. According to Merton, it is the role of the sociologist to seek out the latent. In order for the sociologist to uncover the latent function of the interaction between social fact and the context in which it is found, there must be an examination of both the structural context, as well as the smaller groups who seek to fulfil their own needs internally (Merton, 1968: 126). In order to discover the latent as well as manifest functions and dysfunctions of academic anti-harassment policies, this thesis studies the changing nature of Canadian universities' academic culture, its forms of stratification and organizational control, and the shift from fraternal self-governance to a patriarchal top-down management style.

Chapter Three: Literature Review

This section reviews literature in the area of generalized harassment and academia, the historical role of universities in Canadian society, the new 'flexible' workforce and knowledge as a global commodity, types of commercialism in Canadian universities, and responses to commercialism. Research in these fields provides the context for an examination of the contemporary state of Canadian medical-doctoral universities.

Harassment in Academia

Research in the area of harassment in the academic workplace is scant. As a result of knowledge gaps, those pursuing research in the area have typically been limited to small-scale, descriptive case studies. Much of the research on workplace bullying among academics has been conducted outside Canada. For example, besides McKay, Huberman-Arnold, Fratzel & Thomas's 2008 study in Canada, there have been studies completed in Wales (Lewis, 1999), Finland (Bjorkqvist, Osterman, & Hjelt-Back, 1994), New Zealand (Raskauskas, 2006), and Turkey (Tigrel & Kokalan, 2009). Concluding statements recommend more study of academic workplace harassment, and development of methodologies to better understand the phenomenon.

Existing studies bring to light a common thread: that harassment in academia is widespread. Generalized harassment in Canadian universities has occurred to the point where official policies and practices have been created to deal with the phenomenon. Academic bullying, especially with increasing international research partnerships, can have long-lasting, detrimental effects on Canadian universities. Those who are likely to be most affected by generalized harassment in the academic workplace are newly hired staff or academics in the process of obtaining tenure, as they are at the bottom of the hierarchical structure working in a

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system of patriarchal managerialism (McKay et al, 2008).

Though the Canadian university system differs from higher education systems in other countries, the findings of a qualitative Welsh study on university harassment parallel many of the concerns raised in harassment mediation research. Respondents in Lewis' (1999) study revealed that counselling and other third party mediators were rarely utilized in incidences of harassment or bullying in Welsh universities. They also reported that there was no 'one person' in charge of such matters. Respondents agreed that recipients of aggressive workplace behaviour are likely to absent themselves, resulting in less collegiality and productivity. Academic personnel and union leaders in Wales agreed that bullying has become more prevalent in a climate of corporatization of universities and increased financial pressures (Lewis, 1999: 108). Respondents attributed a number of internal and external factors to the harassment. Issues of short-term contracts and job insecurity, the values and beliefs of the organization, post-corporate contractual changes, funding pressures, and power imbalances were all mentioned as probable causes, but the number one reported issue even amongst those in management positions was the lack of training of managers.

Predictably but importantly, junior level respondents were more likely than senior staff to report power imbalances as an underlying cause for workplace bullying (Lewis, 1999: 113-115). Personnel and trade union leaders acknowledged that Welsh universities needed to work towards a policy on harassment since there were few employee assistance programs in existence at the time of the study. Lewis' surveys and interviews revealed that those who were able to more freely speak about their experiences of being bullied or harassed were also more likely to have their conflicts alleviated, likely due to working in a more supportive environment (1999: 117).

Very little is known about workplace harassment beyond its levels of prevalence and

individual psychological effects. Lewis (1999) acknowledges a major methodological obstacle, the a lack of universal definitions of workplace bullying and harassment, including whether or not they are equivalent. To overcome this obstacle, Lewis believes that respondents should speak for themselves, avoiding the trap of personal values and reactions of the researchers. There is an existing need for further study of "the thoughts, accounts, responses, and tactics of all those involved" (Lewis, 1999: 107). Lewis (1999: 107) also postulated that the underdevelopment of a theoretical literature base in the area may have led to unsubstantiated claims and weak methodologies in some studies of workplace bullying and harassment. There are so few studies done in the area of generalized or non-specific workplace harassment, that each study has its own claims. Because there are no widely accepted hypotheses in the field, re-testing for validity, which is commonly necessary for large-scale studies, becomes difficult or impossible.

To summarize, generalized harassment in the workplace is not a new phenomenon, even though organizational policies are just beginning to officially recognize and respond to such behaviour. The question of why the development of anti-harassment policies is occurring now is important. It may be that the context in which generalized harassment occurs changes with larger structural shifts in society. Studies indicate that justifications for harassing behaviour directed at persons of a specific group membership take organizational and cultural context into consideration. In order to better comprehend the phenomenon of generalized harassment in Canadian universities, and the organizational responses to the harassment, the following section examines the context of the phenomenon, contemporary Canadian academic organizational culture.

The Historical Role of Universities in Canadian Society

Lewis (2008) postulates that education is the primary influence on the culture, politics, and economies of societies and nation states. Lewis' reasons for this assumption are multiple. To begin, changes in political regimes can bring closings of schools, changes in curriculum (which are meant to "revitalize" the education system), as well as a reorganization of administrative structures and powers, changes in the levels of autonomy granted those in the profession of academia in relation to administrations whether they be university or government, redefinitions of the government agenda in relation to education, introducing new ideological, political and economic directions for higher education (Lewis, 2008: 45).

Since their origin as learning institutions, powerful heads of society have sought to control or command universities. Initially this control was wielded by religious and state leaders. The first notable interaction universities had with the economy of the nation state was during the last quarter of the 1800s. During the industrial revolution, universities integrated into the economy, leaving the supervision of clergy and moving from a focus on theology, moral philosophy and "the education of gentlemen," to a focus on disciplines based on science. Though this period is known as the "triumph of knowledge," the sciences that were introduced into universities operated within a system of capitalism (Slaughter & Rhoades, 2004: 14).

Today, universities in Canada are considered a major national resource, and knowledge is espoused as being for the good of all (Franklin, 2000: 18). Turk (2000) states that the foremost mission of universities is the pursuit of knowledge, to push boundaries and expand on the standard acceptance of what is truth in society. An education has historically been perceived as a group experience, comprised of co-participants in a human and interactive learning process. In previous periods, to be part of a university was to learn through a vibrant and communicative

community, rather than by accumulating facts in social isolation. The traditional mission of higher education was to prepare citizens by teaching them to be informed, active and socially conscious. The societal function universities served was to prepare well-rounded individuals for all aspects of life. In other words, universities were intended to instill in the individual qualities immeasurable by test scores and employer satisfaction scales. As the university contributes to the foundation of society, autonomy and integrity of post-secondary institutions is essential in the mission of producing citizens that think critically and seek truth.

Universities have historically been a social monument, at once a symbol as well as a system of power, serving as a means of distinction between insider and outsider knowledge (Brunner et al, 2000: 72). Education is a powerful social force, as changes made to education are political decisions; the two are inextricably linked. Lewis (2008: 45) states that such political acts are more powerful when they are not apparent, the language used when describing shifts made focuses on "improvements" rather than a changing ideological direction. For Lewis (2008: 46), the roles of academics are the result and function of specific political moves. In other words, the roles of academics are directed by the economic and social policy of a distinct system of power. Therefore, by looking at the micro level of policies and practices that direct the action of those involved with higher education, we can see the outcomes of larger ideological structures at the level of concrete decision making (Lewis, 2008: 47).

Higher education has never been free of power struggles and corruption of information. However, under the neoliberal and neoconservative pressures of an increasingly global knowledge economy, the purpose of higher education is being re-formed (Canaan & Shumar, 2008: 3-4). Ties with controlling bodies have to do with the fundamental necessities of resources to continue to teach, research, and disseminate knowledge. However, as funding in Canadian

universities loses public support from government, industry has used the opportunity to push a corporate agenda of commercialization. Turk states that universities in Canada have been shaped into "outposts of industry" (2000: 4), and as a result have begun to lose their mission of general education.

A 'Flexible' Workforce and Knowledge as a Global Commodity

The success of post-World War II capitalism in North America was dramatically slowed by the late 1960s and early 1970s. Capitalism is unstable and contradictory by nature, and thus recessions are inevitable. Capitalism is made possible by a complex interactive process involving institutional regulation (Canaan & Shumar, 2008: 8-9). The overproduction that occurred on the global scale in the mid 20th century led to a saturation in goods and services which caused the economy to not be able to endure further expansions. Consumers would spend no more, and businesses looked to new ways to increase profits. The deregulation and expansion of the market economy characteristic of neoliberalism was introduced as a new way for universities to survive in the global marketplace. Though proponents of neoliberalism believe in an "invisible hand" that will guide the market, all of the aforementioned indicators would suggest that a market can never actually be laissez-faire, because expansion is dependent on complex relationships which eventually disintegrate. The market in the neoliberal system is seen as more rational and efficient in making decisions, including social services, removing an important human element (Canaan & Shumar, 2008: 9).

Canaan and Shumar (2008) identify two neoliberal assumptions that are underlying the transformation in higher education. First, that institutions should necessarily be competitive and sell their services to customers (in this case students), in the marketplace (the educational

marketplace). Second, it is the purpose of institutions to produce highly trained, specialized workers with the necessary knowledge (high-tech) that allows the nation of elite workers to compete on a global economic stage. These are the major principles of a laissez-faire, neoliberal government (Canaan & Shumar, 2008: 5). Slaughter and Rhoades (2004) identify four major characteristics of the new economy that hold implications for higher education. The four major characteristics of economy identified by Slaughter and Rhoades are: global scope, treatment of knowledge as raw material, non-Fordist production processes, and a need for educated workers and consumers.

The interfering factor of 'global scope' identified by Slaughter and Rhoades (2004) is evident in the expectation of universities to accommodate a global information economy. When manufacturing became increasingly dispersed in an attempt on the part of advanced industrialized nations and global corporations to keep expanding economic growth, information technology became something that was necessary in business practices. The rapid expansion of technology influenced the dispersion of university curriculum and learning methods. For example, online and distance education is possible not only due to advancements in technology, but also is used to promote the economy through training prospective employees worldwide and recruiting new "consumers" to universities. The new economic products of technology used at universities are licensed and sold to corporations by these universities (Slaughter & Rhoades, 2004: 17). Globalization has contributed to the alteration of higher education's relationships with both state and industry, and has also allowed for academic disciplines to grow substantively through international relationships, permitting the development of both corporate and virtual universities (Becher & Trowler, 2001: 2-3). New organizations that arise from the global economy, described by Slaughter and Rhoades (2004) as interstitial organizations, further link

universities, corporations, and state government together. Some examples provided by Slaughter and Rhoades are the introduction of technology licensing officers which implement trademarks on knowledge, economic development offices, and fundraisers (2004: 23-24). Certain niche markets also exist, which universities and private organizations involved with the universities can sell products to.

The transformation of knowledge into raw material can be explained as a phenomenon of for-profit education. Higher education has become a service to be bought and sold by consumers and companies alike, under budget-based rationalization and corporate relationships. Canadian universities now use these 'products' to earn profit through trade marking, private research companies, and the development and licensing of educational goods and services by faculty and university-based companies (Newson, 1998). Even the language found in Canadian universities has become the language of the spirit of entrepreneurship. Teachers now require marketing plans, and research projects need to have revenue targets and profit objectives (Tudiver, 1999: 4). Competitive language encompasses the drive of Canadian universities to "sell" teaching and research commodities. Neoliberal practices change research, teaching, and administration into commodities to be scrutinized, measured quantitatively by market statistics. Brown and Clignet (2000: 30) refer to the commoditisation of learning as a process where over time the way academics learn has become a series of individualized obligations. For example, in order to graduate students by accumulate the correct number of standardized numeric credits, many of which are interchangeable with one another. A quantifiable approach to legitimating an education further reinforces the ideology of schooling as economic capital, as opposed to cultural capital. Thus, universities have become factories for the production of members who serve functions for the perpetuation of the new economy. Factors such as higher tuition,

commercialization of research, and corporate recruiting on campus legitimate and reinforce practices of academic capitalism (Brown & Clignet, 2000: 31).

Where immeasurable intrinsic properties of higher education once existed, qualitative measures such as the realization of identity through the acquisition of knowledge are impossible to put a price tag on, and thus do not fit into the neoliberal market model (Canaan & Shumar, 2008: 6). Departments struggling for income are now acting strategically by seeking out niche markets for their educational product. Non-faculty groups are especially strategic in order to reinforce their roles on campus and best seize outside opportunities (Slaughter & Rhoades, 2004: 27).

Overall, there has been a shift in higher education to a focus on marketization and commoditisation. By definition, marketization is the ways the state uses market principles and methods of extracting greater profit to improve an accepted form of efficiency in institutions that have not traditionally belonged to the market economy, such as universities. Commoditisation is the transforming of collective, social goods and processes into private commodities to be bought and sold for financial gain. Marketization and commoditisation are linked to one another, as they are interdependent processes in the transformation of institutions. In the larger picture, marketization and commoditisation are reflective of a larger shift from a welfare state to a market state in advanced industrial nations. Universities now serve the function of training a country's workforce, ultimately generating wealth in the economy of knowledge that is a result of a globalizing world, in need of technology to thrive (Canaan & Shumar, 2008: 4).

The restructuring of the role of faculty in universities is a major outcome of the adjustments universities have made in the new economy. Instructional technology is one example of this restructuring (Slaughter & Rhoades, 2004: 168-170). The possibilities resulting

from new technologies have changed university hiring strategies, dramatically reducing numbers of faculty while increasing the number of managerial and support professionals (Slaughter & Rhoades, 2004: 177). Faculty are now expected to be specialists of their academic knowledge, able to produce instruction for the academic capitalist knowledge/learning regime (Slaughter & Rhoades, 2004: 180). This wish for higher productivity which requires fewer workers is a defining characteristic of the information age that influences the structure of universities (Canaan & Shumar, 2008: 12).

The transition to non-Fordist manufacturing described by Slaughter and Rhoades (2004) is in reference to the demand of a low-cost, easily accessible, "flexible" workforce. The nature of non-Fordist manufacturing is the interchangeable nature of work, based on rationalization, automation, observable and accountable according to the demands of management. Non-Fordist manufacturing in terms of higher education refers to the standardizing of knowledge, and the interchangeable character academics are expected to adopt, as it best suits the finances of the institutes. Another ideology influencing Canadian higher education is the New Taylorism, which involves breaking down an occupation into component parts, with payment given on a piece work. In this system, people become human back-up, unattached to the products they produce. In Canadian universities, the privatization of many educational services has lead to an undermining of the position of the academic, at times not faculty at all, at one extreme being held to a tutor-wage schedule where instructors are paid by task (Shaw, 2000: 156-157). Practices of New Taylorism are derived from the corporate management style of "accountability," using specific indicators of performance which contradict the integrity of many academics, and changes the overall mission of education.

Indhu Rajagopal's (2002) examination of contract faculty in Canadian universities

demonstrates how the shift from collegialism to managerialism has manifested itself in terms of rates of hiring tenure-track faculty. Percentages of tenured faculty in Canada are decreasing. Retired faculty in Canadian universities are being replaced with part-time faculty, though there is a need for more post-secondary educators. Rajagopal (2002: 26) deems this part-time faculty an "academic underclass" which exists to save costs for universities. Money that would be otherwise allocated to teaching salaries is being put towards new technologies that can potentially replace faculty in the classrooms. Rajagopal (2002: 24) postulates that the political and administrative priorities of Canadian universities has changed from valuing the historical position of post-secondary education to a model of financial efficiency, a move he suggests stems from the overall values of corporatism that is found in contemporary Western civilization.

Tudiver (1999) notes a rise in tensions at the University of Manitoba with increasing financial difficulties, as well as a loss of collegiality. The tensions are not unique to the University of Manitoba; campuses across Canada have seen harsh disputes over labour. Tudiver (1999: xiii) notes that entrepreneurship has become valued over scholarship, and it falls to universities to develop models relevant to the economic and social needs of Canadian society in the 21st century, as seen through neoliberalism.

The neoliberal state puts emphasis on the individual as an economic actor within a capitalist market system. This ideology of individualism is necessary in order for the economy to leave behind the regulations of a social welfare state. Privatization, commercialism, deregulation and re-regulation of the functions of state all serve to promote a new economy involved in a global marketplace. In a quest for funding, universities endorse the corporate initiatives of the new economy directly and indirectly. Knowledge has become privatized, that is, in order to maximize profits; knowledge must be kept from the public. Legislation as well as

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new administrative policies has allowed for the increasing numbers of "flexible" university academics. Unions are growing in response to this trend of contract and part-time faculty. Universities have certain rewards and incentives they would like to maintain, but a lack of participation in corporate knowledge production leads to the revocation of funding and other benefits gained from the relationships with private companies (Slaughter & Rhoades, 2004: 20).

Types of Commercialism in Canadian Universities

The pressures to commercialize came later in Canadian universities than American universities because of fewer opportunities for the private sector thanks to strong governmental support and decentralized unionization. Corporate business would give charitable donations, but by the 1980s donations gave way to investments and commercial partnerships (Tudiver, 1999: 3). Commercialization has taken hold in Canadian universities, with four strong yet distinct forms identified by Turk (2000).

One form of commercialization is most apparent, that Canadian campuses now serve as corporate arenas for marketing. There are direct links between corporate sponsorship and the environment in which learning and research takes place. For example, ubiquitous corporate logos on university property, product placements in learning environments such as energy drinks being given to students studying in the library, and exclusive contracts that prohibit sales of competitors' goods, while imposing quotas in order to receive funding through top-secret multi-year contracts. In addition, services that were once considered "free" or heavily subsidized by the state, or provided at cost by universities, are now sold at a profit inducing price. For example, most universities now charge fees for services such as parking, recreational facilities, and computers. Universities also outsource food services, have installed mini-malls on campus,

allowed for-profit advertisements visible to staff and students, and have begun marketing themselves (Slaughter & Rhoades, 2004: 26). In 1996 the University of Manitoba signed a ten-year exclusive contract with Pepsi. In 2006, the contract was up for renewal and the idea of possible self-contained control over food services momentarily excited the campus. The funding provided by Pepsi was deemed necessary by university governing bodies, and the contract was renewed. It is difficult for unions and associations to propose a strong alternative to corporate sponsorship when contracts and meetings are kept under wraps.

A second form of commercialization on Canadian campuses is the privately supplied goods and services sold to Canadian universities and colleges. Hardware, software and other educational services have been outsourced to private companies, replacing the human element of faculty or in-house staff as sources of knowledge, with the technological capabilities of reducing the number of permanent employees of an institution of higher education, and consequently the reduction of all the benefits therein (Turk, 2000: 5).

A third and powerful yet less visible form of commercialization in Canadian universities is the gradual transformation of the institution from public to private, through practices and values. The adoption of corporate language has turned students into 'customers' and 'clients', teachers into 'service providers', and knowledge into a commodity. As customers, students must pay the price of attaining the product of knowledge; cuts in public funding have shown to push out lower income students (Turk, 2000: 7). Control over the labour process has created tensions in governance. With tighter resources, collegial governance is seen as an impediment by managerial scientists. To management, collegial governance is an impediment to efficiency. Aside from the introduction of labour replacing technologies, the increase in casual labour contributes to increased profit at the cost of financial security for members of the university

(Turk, 2000: 7-8).

The fourth path to commercialization Turk (2000) identifies is the serving of private over public interests. Because Canadian universities have become so reliant on private funding, the educational process itself has become commercially oriented. This means that research that can be used for commercial gain is given priority. As the continued livelihood of the university is attached to corporate sponsorship, the source of the resources allotted is so critical that the ownership of the knowledge produced becomes private in order to appease the standard practices of commercial enterprise. This process of privatization of knowledge can lead to hidden findings (that could potentially serve the public interest) and biased research conclusions (Turk, 2000: 10-11). The campus environment is saturated with corporate markers, and members of the universities are unavoidably immersed in the environment of corporatism. The increased focus in business is not only by way of sponsorship of the environment and the technology used, universities are now connected with the content of courses and direction of research (Slaughter & Rhoades, 2004: 20).

Responses to Commercialism in Canadian Universities

Twenty-first century academics have seen structural changes in long-standing organizational practices and a shift towards the economic character of the market economy. Under corporatism, Canadian academics today may feel powerless and insecure in the wake of uncertainties surrounding their own positions, and as a result, may be less likely to stand up against harassing behaviour directed at co-workers or themselves. Such personal insecurities may account for a rise in bullying behaviours in academia, but do not alone account for why universities choose to initiate policy in response to the issue.

The key activities that academics engage in at universities are research, teaching, and administrative/managerial service. There is a growing recognition within institutions of higher learning that the activities of the academic are no longer insulated from the demands and shifts of the marketplace by way of public support. Therefore, researchers, teachers, and administration alike must adopt a new orientation which encompasses the need for calculation, competition by way of judgment and monitoring, and as result, the ability and encouraged behaviour of self-judgment and monitoring.

Franklin (2000) provides three responses to the issue of increasing commercialization. First, there is a need for a clear understanding of the economics and political structures currently imposed on universities. It is necessary to develop definitive pictures of these structures before academics can counteract the effects of these structures. Second, Franklin believes that solidarity across universities is needed in order to properly defend the mission of Canadian higher education. Third, there needs to be a change in the internal politics of Canadian universities. It is central to the original purpose of higher education that academics have a right to be self-governed rather than administered on the behalf of global patterns of commerce. Universities need to protect themselves from external interference that is harmful to the remaining boundaries between the public and private sphere (Franklin, 2000: 21).

Turk states that strong teacher and faculty associations are necessary in order to counter the increasing commercialization of Canadian universities and colleges (2000:12). Shaw (2000) argues that unions are essential under the new management model, because it is the manager's right and responsibility to act upon violations. However, when there is a failure to remedy a situation, the traditional collegial model is ineffective. The pressure of enforcing rules and restrictions in the workplace causes tensions. Contrastingly, as universities are traditionally

elitist environments, unions can seem antagonistic to proponents of politeness. Most importantly

to Shaw is clarity in the rules and restrictions guiding workplace environment in post-secondary

educational institutions in Canada (2000: 154). An example of failed collegiality in enforcing

policy is the Liam Donnelly sexual harassment case at Simon Fraser University. Despite serious

concerns to the legitimacy of the claims against Donnelly, dismissal and denunciation ensued.

On May 23rd, 1997 SFU fired Donnelly, a swim coach at the University for "Severe sexual

harassment," characterized by a number of offences including sexually molesting a female

student at least seven times during a sixteen-month romantic relationship. Donnelly denied the

allegations throughout the eighteen month investigation and decision process. Donnelly's case

was secretly processed until the time of the firing at which point the situation escalated into a

media event. SFU admitted to problems with the evidence and fairness of the procedures after

Donnelly was reinstated and all of the charges dismissed. The outcome of Donnelly's case

sparked recommendations for change in university policies across Canada (Finley, 1999). The

case at SFU provides evidence for Kingdon's policy approach, that precipitating events change

policy agendas.

Power Struggles in Academia

Competition lies at the centre of power relations in academia. Struggles for resources,

and acknowledgement influence all academics involved with universities. These struggles and

competitions are then reflected throughout various knowledge-related processes, not limited to

just resource distribution and social rankings, but the very production of knowledge itself. All

the relationships of power involved in universities such as allocation of funding, rankings, peer

reviews, contract decisions, grants and status competitions influence which knowledge is

produced, who disseminates it, and how. These interconnected processes can be described as the legitimation of knowledge (Brunner et al, 2000: 73).

The processes of reproduction of the contradictions and inequalities in society are consequences of both the short and long term pressures of societies. Individual experiences within the larger structural pressures are influenced and modified by cultural interpretations as well as personal beliefs and actions (Brown & Clignet, 2000: 19). Practices that are imbued with power influence what is considered legitimate knowledge, and there has been a considerable shift in hegemonic discourses in higher education (Brunner et al, 2000: 70). Since the role and position of academics in society has changed, intellectuals are no longer in a position to impose claims of truth upon society. Rather, academics must compete with other groups in society over the definition of legitimate knowledge; as often times what is considered knowledge these days has to be "useful" for certain reasons.

Competition in academia amongst faculty is currently based centred on scholarly productions, such as the number of publications and grants procured. Brown and Clignet (2000) criticize the state of contemporary academia, as the research results of studies that have received the most funding are the most visible. Academics who may wish to challenge major research findings are often unable to receive similar levels of funding when the findings serve economic or political purposes. Results can too quickly become accepted as the status quo, utilized for the reinforcement of power dynamics, while academics seeking funding are unable to ask unpopular research questions, using unapproved methods. When approved methods are used, but unpopular questions are asked, academics are often unable to publish results seen as unfavourable to the interests of the university (Brown & Clignet, 2000: 40-42).

Academic administrators must use new tactics in order to fit in with the changing role of

universities in society; this is how academic standards came to be reduced to quantifiable terms. Additionally, standards have become "consumer choices" in the market (Brown & Clignet, 2000: 32). Academic roles have also changed from witness and model for learning to a utilitarian role. The belief in objectivity of facts and the utility of research findings has forced academics to replace the intrinsic value of the pursuit of knowledge for its own sake to a processes of credential gain for the purpose of economic growth. For example, academic outliers who spend the majority of their time teaching for its own sake, or seeking knowledge that is not seen as having economic utility are labelled inept academic entrepreneurs and weak scholars (Brown & Clignet, 2000: 35).

Chapter Four: Findings of a Comparative Analysis of the anti-harassment policies of Canada's medical-doctoral universities

Fourteen of Canada's fifteen medical-doctoral universities have university-wide policies that address personal or psychological harassment. These fourteen anti-harassment policies reflect three different approaches to the representation of the problem of generalized harassment. The three approaches to problem representation found in the policies can be categorized as: a Respectful Workplace Approach, a Preventative-Legal Approach, and a Forerunner Approach. The three categories were derived from a materialization of the thematic elements of the policies, after an analysis of content, particularly for the type of language and problem representation used.

The Respectful Workplace approach is used by three of Canada's medical-doctoral universities, and represents the problem of generalized harassment as a threat to respect and civility in the workplace. The Legal-Preventative Approach is the most common approach, used by nine of Canada's medical-doctoral universities (more than half of all the medical-doctoral universities in Canada). The Legal-Preventative approach presents the problem of generalized harassment as a crime or serious breach of occupational health and safety regulations, one that should be prevented through education. The Forerunner approach to the problem of generalized harassment is used by two of Canada's medical-doctoral universities. This approach is described as the Forerunner approach due to the earlier time period in which the policies were implemented compared with other anti-harassment policies in Canadian medical-doctoral universities. As the need for more specificity in policies that address generalized harassment increases, through changes to provincial legislation and occupational health and safety acts, policies using the Forerunner approach are likely to evolve.

While the approaches to problem representation that Canada's medical-doctoral universities use are not mutually exclusive, they can share key characteristics. In Table 1 the 14 Canadian medical-doctoral universities are categorized according to which of the three approaches is most characteristic of their anti-harassment policy.

Table 1

Approaches to Anti-Harassment Policy at Canadian Medical-Doctoral Universities

Respectful Workplace Approach	Legal-Preventative Approach	Forerunner Approach
Calgary	Alberta	McMaster
Manitoba	Dalhousie	Toronto
UBC	Laval	
	McGill	
	Montreal	
	Queen's	
	Saskatchewan	
	Sherbrooke	
	Western Ontario	

It is significant that all universities in provinces with legislation prohibiting workplace psychological harassment use the Legal-Preventative approach (See Table 2). It is also interesting to note that of the five Ontario medical-doctoral universities, only Queen's University and the University of Western Ontario have adopted a Legal-Preventative approach, even though provincial legislation addressing generalized, psychological harassment is enacted as of June 2010. The Respectful Workplace approach is found only in Western Canadian medical-doctoral universities, with the exception of the University of Saskatchewan. This exception of the University of Saskatchewan, which falls under the Legal-Preventative approach correlates with the Province of Saskatchewan being the only Western Canadian province where anti-harassment

legislation has been passed.

Table 2

Provincial Legislation on Personal Harassment in the Workplace

Respectful Workplace Approach

Type A	Provincial Legislation	Year Enacted
Calgary	no	n/a
Manitoba	no	n/a
UBC	no	n/a

Legal-Preventative Approach

Type B	Provincial Legislation	Year Enacted
Alberta	no	n/a
Dalhousie	no	n/a
Laval	yes	2004
McGill	yes	2004
Montreal	yes	2004
Queen's	yes	2010
Sask	yes	2007
Sherbrooke	yes	2004
Western Ontario	yes	2010

Forerunner Approach

Type C- Transitional Approach	Provincial Legislation	Year Enacted
McMaster	yes	2010
Toronto	yes	2010

Respectful Workplace Approach

The Respectful Workplace Approach has been adopted by three of the fifteen medical-doctoral Canadian universities: the University of British Columbia, University of Calgary, and University of Manitoba. The Respectful Workplace Approach is characterized by a strong commitment to uphold values of respect and civility toward all members of the university community. The promotion of a respectful workplace involves policy language that serves to reinforce the traditional values of a university. In the Respectful Workplace Approach, a university is first and foremost a safe space that has historically provided a service to society and should rightfully be a place where individuals are free to pursue academia in meaningful ways.

Table 3

Respectful Workplace Approach Policy Titles

Type A	Policy Title
Calgary	Statement on Principles of Conduct
Manitoba	Respectful Work and Learning Environment
UBC	Respectful Environment for Students, Faculty and Staff

The Respectful Workplace approach includes all forms of discrimination and harassment, and its universities generally represent the problem as a human rights issue or as a responsibility of university governance (See Table 3.1). Thus, the Respectful Workplace approach is flexible because it can be amended to include new types of problems identified either by the university community or the law, rather than requiring new, problem-specific policies. The policies that cover personal harassment in the Respectful Workplace Approach have been recently established, and pertain to dignity in the university community as a whole.

Table 3.1

Respectful Workplace Approach Representation and Year Policies Established

Type A		Calgary	Manitoba	UBC	Totals
Office of Representation	University Governance or Secretariat		✓		1
	Human Resources				0
	Human Rights/Equity/Discrimination and Harassment	✓		✓	2
	Sexual & Psychological Harassment				0
Type of Problem Representation	Policy Inclusive to All Forms of Discrimination and Harassment	✓	✓	✓	3
	Separate Personal Harassment Policy				0
	Harassment Policy (Any Form)				0
	Discrimination and Harassment (Exclusive of Sexual Harassment)				0
Year Policy Established		n/a	2004	2008	
Year Policy Last Reviewed		n/a	2010	n/a	

Universities which address the problem of personal harassment through the Respectful

Workplace approach elaborate on the intended values and purposes of higher education by

stating specifically what conduct or behaviour is and is not acceptable in a university community.

The Respectful Workplace approach defines inappropriate conduct or behaviour as an affront to

the values of the institution. The Respectful Workplace approach is university-positive, meaning

that the policies promote the university as "good" by nature, and identifies the problem of

generalized harassment as an individual rather than systemic issue. By defining the individual

behaviour of generalized or personal harassment as incompatible with the goals of the university,

a sense of sheltered community becomes outlined in the policies. Additionally, the Respectful

Workplace policies assure that although the problem of personal harassment affects individuals,

it can be prevented collectively. An understanding of what the values of the university are and

what is harmful to the well-being of those in a university community is formed. The Respectful

Workplace Approach places high emphasis on respect and community, compared with the preventative or legal aspects of generalized harassment in academia (See Table 3.2).

Table 3.2

Respectful Workplace Approach Policy Word Counts

Type A	Calgary	Manitoba	UBC
Total # of Words Policy & Procedure	10636	4859	1294
Vexatious	0	2	2
Respect	12	30	24
Prevention	0	4	0
Psychological	0	1	1
Law or Legal	8	5	0
Community	14	5	8

The Respectful Workplace approach combines traditional values with equitable practices that are becoming more common in Canadian workplaces. This is demonstrated in the wording of the statements of purpose in the policies of the respectful workplace approach. For example, the University of Calgary's "Statement On Principles of Conduct" begins with the traditional purposes of an institute of higher learning:

1. The University of Calgary community has undertaken to be guided by the following statements of purpose and values:
   - to promote free inquiry and debate
   - to act as a community of scholars
   - to lead and inspire societal development
   - to respect, appreciate, and encourage diversity
   - to display care and concern for community
   (University of Calgary: 1)

After espousing the traditional purposes of universities, the statement goes on to say:

2. The University seeks to create and maintain a positive and productive learning and working environment, that is, an environment in which there is:

- respect for the dignity of all persons
- fair and equitable treatment of individuals in our diverse community
- personal integrity and trustworthiness
- respect for academic freedom
- respect for personal and University property

(University of Calgary: 1)

The inclusion of academic freedoms and personal or University property demonstrates that the Respectful Workplace approach extends to academic ideas and physical property.

The University of Manitoba's "Respectful Work and Learning Environment Policy" supports a climate of respect through equity and dignity in all the affairs of the university:

2.6 The University of Manitoba and all members of the University community, particularly those in leadership roles, share the responsibility of establishing and maintaining a climate of respect within this community and to address any situations in which respect is lacking.

2.7 Harassment and discrimination violate an individual's human rights and run contrary to the University's fundamental values.
(University of Manitoba, 2009: 1)

The University of British Columbia's "Statement on Respectful Environment for Students, Faculty and Staff" also highlights the fundamental values of inclusion and respect:

The best possible environment for working, learning and living is one in which respect, civility, diversity, opportunity and inclusion are valued. Everyone at the University of British Columbia is expected to conduct themselves in a manner that upholds these principles in all communications and interactions with fellow UBC community members and the public in all University-related settings.
(University of British Columbia, 2008: 1)

Universities which use the Respectful Workplace approach in drafting policy that addresses personal harassment are likely to use most of the key phrases found across the varying definitions of harassment (See Table 3.3).

Table 3.3

Respectful Workplace Approach Frequency of Key Phrases

Type A	Calgary	Manitoba	UBC	Totals
1) Unsolicited and/or unwelcome attention	✓	✓		2
2) Known or ought reasonably known to be unwelcome	✓			1
3) Intimidating, threatening, demeaning or abusive	✓	✓	✓	3
4) May include direct or implied threat to grade, status or job	✓			1
5) Hostile and/or poisoned work or study environment	✓	✓	✓	3
6) Limits an individual's ability to pursue work or study goals	✓			1
7) Collection of incidents or one serious incident		✓	✓	2
8) May involve power or not (superior or colleagues)		✓	✓	2
9) Provides examples of harassment	✓	✓	✓	3
10) Serves no legitimate work purpose		✓	✓	2
Total out of 10	7	7	6	

The remedies for victims and corrective measures for the harassers in the Respectful

Workplace Approach are explicit only at the University of Calgary (See Table 3.4). The

University of Manitoba and University of British Columbia use language that suggests that

appropriate action will be taken, but do not state what generally occurs in terms remedies or

repercussions. Though the disciplinary measures used to rectify cases of harassment are clearly

stated, the University of Calgary's stated remedy for the harassed is somewhat limited; the

affected party will receive an apology or "other appropriate remedy."

Table 3.4

Respectful Workplace Approach Remedies/Corrective Action

Type A- Respectful Workplace Approach	Calgary		Manitoba		UBC	
	Victim	Harasser	Victim	Harasser	Victim	Harasser
Relief or Compensation						
Apology or Agreement	✓					
Counselling						
Appropriate Remedy	✓	✓		✓	✓	✓
Disciplinary action as per existing collective agreements		✓				
Oral or written reprimand		✓				
Appropriate exclusion, suspension, demotion, fines or other		✓				
No Remedy Mentioned			✓			
Total	2	4	1	1	1	1

Legal-Preventative Approach

A Legal-Preventative approach in anti-harassment policies is the most common approach employed by Canadian medical-doctoral universities. Nine Canadian medical-doctoral universities employ a Legal-Preventative approach in the policies addressing generalized harassment, they are: Alberta, Dalhousie, Laval, McGill, Montreal, Queen's, Saskatchewan, Sherbrooke, and Western Ontario. The Legal-Preventative approach focuses on ensuring policy administrators have tools for preventing and dealing with the problem of personal harassment.

Table 4

Legal-Preventative Approach Policy Titles

Type B	Policy Title
Alberta	Discrimination and Harassment Policy and Procedures and the University of Alberta Reasonable Accommodation Policy
Dalhousie	Personal Harassment Policy
Laval	Regulation to Counter Psychological and Sexual Harassment
McGill	Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law
Montreal	Policy Against Harassment
Queen's	Prevention and Resolution of Harassment in the Workplace Policy
Sask	The University's Policy on Discrimination and Harassment
Sherbrooke	Policy on promotion of the dignity of persons and Prevention of all forms of harassment and discrimination
Western Ont	Non-Discrimination/Harassment Policy

The inclusion of personal harassment in the Legal-Preventative policies appears to have begun in the year 2004, as the majority of the policies were either drafted or amended very close to that date (See Table 4.1). In contrast, Dalhousie's "Personal Harassment Policy" cites no date. However, with the relative rarity of a policy that is specific to personal harassment (the other being Queen's University's policy, which was drafted in 2004), Dalhousie's policy is likely to have been drafted in more recent years.

The office that represents the policies addressing personal harassment in the Legal-Preventative approach varies, with no office in particular holding the responsibility across the category (See Table 4.1). Policies in The Legal-Preventative Approach were most likely found to be inclusive to all forms of discrimination or harassment. Some policies in the Legal-Preventative approach are directed only at all forms of harassment, or even more specifically as a separate personal harassment policy (See Table 4.1).

The Legal-Preventative approach assumes that inappropriate conduct or behaviour of generalized harassment will occur, and has historically occurred. The universities using a Legal-Preventative approach try to stop behaviours such as generalized harassment before they escalate, or better yet, to prevent them through education. Increased awareness of the problem of personal harassment and early resolution are key preventative measures used in the Legal-Preventative approach. The Legal-Preventative approach focuses on effective processes and procedures to be followed by administrators of the policy when it is believed that an incident of personal harassment has occurred. In this way, the Legal-Preventative approach prioritizes procedural and structural elements of a university over the values and commitments of the universities, unlike the Respectful Workplace approach. However, commitments of the universities can still be found in the policies using the Legal-Preventative approach.

Table 4.1

Legal-Preventative Approach Representation and Year Policies Established

Type B		Alberta	Dal.	Laval	McGill	Mont.	Queen's	Sask	Sher	W.O.	Totals
Office of Representation	University Governance or Secretariat	✓			✓					✓	2
	Human Resources						✓		✓		2
	Human Rights/Equity/Discrimination and Harassment		✓					✓			2
	Sexual & Psychological Harassment			✓		✓					2
Type of Problem Representation	Policy Inclusive to All Forms of Discrimination and Harassment	✓			✓			✓	✓	✓	4
	Separate Personal Harassment Policy		✓				✓				2
	Harassment Policy (Any Form)			✓		✓					2
	Discrimination and Harassment (Exclusive of Sexual Harassment)										0
Year Policy Established		1996	n/a	2003	2005	2003	2004	1998	2004	2003	
Year Policy Last Reviewed		2004	2009	Proposed 2005	2009	Proposed 2008	Under Review	2001, 2003, 2008	2008	2005	

Table 4.2

Legal-Preventative Approach Policy Word Counts

Type B	Total # of Words Policy & Procedure	Vexatious	Respect	Prevention	Psychological	Law or Legal	Community
Alberta	~5658	0	3	4	2	7	13
Dalhousie	1606	0	2	12	0	0	2
Laval	1425	0	2	0	23	2	4
McGill	3015	1	3	3	2	25	28
Montreal	4085	1	3	28	3	4	15
Queen's	1204	0	7	5	0	0	0
Sask	3222	0	1	8	1	9	1
Sherbrooke	5275	8	23	19	18	4	15
W.O.	1237	2	1	0	0	4	5

   Words and concepts that are characteristic of the Legal-Preventative Approach include: university as community, prevention, the psychological aspect of harassment, and the laws or legal aspects of generalized harassment in the workplace. As seen in Table 4.2, all universities using a Legal-Preventative type approach in university anti-harassment policies use prevention, the law, or a combination of the two to address workplace harassment. The Quebec medical-doctoral universities of Laval and Sherbrooke use the word "psychological" when describing generalized harassment more often than medical-doctoral universities inside and outside of

Quebec. Mention of "respect" is much less frequent in the Legal-Preventative Approach than in the Respectful Workplace Approach.

In the Legal-Preventative approach, the problem of generalized harassment is both unacceptable to the university and simultaneously is systemic in nature. Therefore, in the Legal-Preventative Approach, the problem of harassment needs to be dealt with effectively and pro-actively. Queen's University's "Prevention and Resolution of Harassment in the Workplace Policy" illustrates this approach—it "aims to prevent harassment by promoting increased awareness and early problem resolution through early intervention" (Queen's University, 2004: 1).

Though commitment to community exists in the Legal-Preventative approach (See Table 5.2), greater weight is given to administrators when harassment complaints are filed. In the Legal-Preventative approach, the responsibilities of policy administrators are explicitly laid out, often as precise as point-form, step-by-step instructions of what to do when a complaint of harassment is filed or an incident is witnessed. An example of the procedural focus of the Legal-Preventative approach can be seen in Dalhousie University's "Personal Harassment Policy": "The purpose of this policy is to define personal harassment and to set out clear procedures to be followed in instances where an employee believes personal harassment has occurred" (Dalhousie University, 2009: 1). A concern regarding the legal authority and responsibilities of university administration is common in the Legal-Preventative approach. The University of Saskatchewan demonstrates the phenomena:

> University Officials have a legal responsibility to take prompt, effective action to prevent and address known or apparent incidents of discrimination and harassment, whether they receive a complaint or not. They are also responsible for:

a.   taking action to promote a positive, productive environment for working and learning and to correct behaviour that interferes with this goal;

b.   seeking advice regarding a potential violation of this policy from the Coordinator or a Human Resource Consultant.

(University of Saskatchewan, 2008: Section 5)

In terms of provincial laws, universities in Quebec must comply with the Civil Code of Quebec and the Quebec Charter of Human Rights and Freedoms. These provincial acts have several articles that can be applied to cases of generalized harassment. Moreover, Article 81 in the Labour Standards Act of Quebec requires employers to take reasonable steps to prevent psychological harassment. Other provincial legislation which affects university policies exists. For example, the University of Saskatchewan must operate under the Occupational Health and Safety Act prohibiting personal harassment (defined as harassment not based on a prohibited ground). Other medical-doctoral universities across Canada must also comply with their provincial Occupational Health and Safety Acts. While they tend to be less specific regarding generalized harassment, they have been increasingly used to address complaints (Steel, 2002: 1). The University of Sherbrooke points out the ethical nature of the protection of individual rights and freedoms:

This policy aims to provide the university community an ethical framework and regulation required to protect the fundamental rights of individuals, by promoting respect for these rights by preventing their potential transgressions, helping people with their disputes, facilitating requests for assistance and processing of complaints, and correcting and punishing wrongdoing.
(Universite de Sherbrooke, 2008: 3)

Another aspect of the Legal-Preventative approach is the acknowledgment of psychological health as it relates to generalized harassment. The University of Laval's "Policy on Protecting and Improving Psychological Health at Work" and University of Montreal's "Policy Against Harassment" share a focus on the psychological health of members of the

university community:

> Thus, this policy reflects the intention of Laval University to provide a reasonable level of resources needed to offer its staff a working environment that promotes psychological health. It is essential, however, to understand that psychological health is a complex phenomenon which combines the objective and subjective, and thus the relationship between the person and the context in which he or she operates must be interpreted to take into account the effects on the person. (Universite de Laval, Translated 2/9/2010)

The University of Montreal's policy protects the "physical or psychological integrity of the person harassed" (Universite de Montreal, Translated 1/28/2010). The psychological nature of generalized harassment is often implied in the policies of the 14 medical-doctoral Canadian universities, but stated outright only in the policies of Laval and Montreal. The acknowledgment that harassment can cause psychological harm rather than just "harm," is central to the legal definition of generalized harassment.

Aside from the universities of Laval and Montreal, the lack of acknowledgment of the impact on psychological health caused by personal harassment in the workplace may be attributed to a general reluctance to acknowledge the dangers of the expectations of emotional fortitude common to neoliberal workplaces.   The Legal-Preventative Approach fits in well with the new managerialism in Canadian medical-doctoral universities, as the responsibilities of the administrators of the policies are well-defined for maximum efficiency.

The Legal-Preventative Approach uses many of the key phrases found in the definitions of generalized harassment outlined in the policies (See Table 4.3).

Table 4.3

Legal-Preventative Approach Frequency of Key Phrases

Type B	Alberta	Dal.	Laval	McG.	Mont.	Queen.	Sask.	Sher.	W.O.	Totals
1) Unsolicited and/or unwelcome attention		✓	✓	✓	✓	✓		✓		6
2) Known or ought reasonably known to be unwelcome		✓				✓				2
3) Intimidating, threatening, demeaning or abusive	✓	✓	✓	✓	✓	✓	✓	✓	✓	9
4) May include direct or implied threat to grade, status or job	✓					✓				2
5) Hostile and/or poisoned work or study environment	✓	✓	✓	✓	✓		✓	✓	✓	8
6) Limits an individual's ability to pursue work or study goals	✓	✓	✓		✓					4
7) Collection of incidents or one serious incident	✓	✓	✓	✓	✓			✓		6
8) May involve power or not (superior or colleagues)		✓						✓		2
9) Provides examples of harassment		✓					✓			2
10) Serves no legitimate work purpose										0
Total out of 10	5	8	5	4	5	4	3	5	2	

Policies in the Legal-Preventative cluster outline the methods of resolution as seen in this example from the University of Alberta:

> The University of Alberta recognizes that there are a number of methods of dealing with incidents of discrimination or harassment. These methods include education, informal resolution, mediation as well as such formal mechanisms as investigation, disciplinary action, or application of grievance procedures. This policy gives members of the University community a process for ensuring that a work and study environment free of discrimination and harassment is maintained. (University of Alberta, 2004: 2)

Remedies and corrective actions in the Legal-Preventative Approach vary, though most mention specific remedies and corrective measures (See Table 4.4). Perhaps taking into consideration how the justice system works outside of university communities, the offered remedial measures of relief or compensation and counselling are offered specifically in the Legal-Preventative Approach. Most anti-harassment policies informed by the Legal-Preventative Approach to cite an appropriate remedy or corrective action to be taken.

Table 4.4

Legal-Preventative Approach Remedies/Corrective Action

Type A	Alberta		Dal.		Laval		McGill		Mont.		Queen		Sask		Sher.		W.O.	
	Victim	Haras.	V	H	V	H	V	H	V	H	V	H	V	H	V	H	V	H
Relief or Compensation	✓								✓									
Apology or Agreement					✓				✓									
Counselling			✓															
Appropriate Remedy									✓	✓		✓	✓		✓	✓		
Disciplinary action as per existing collective agreements		✓		✓				✓						✓				
Oral or written reprimand																		
Appropriate exclusion, suspension, demotion, fines or other						✓												✓
No Remedy Mentioned							✓				✓						✓	
Total	1	1	1	1	1	1	1	1	3	1	1	1	1	1	1	1	1	1

Thus, the goal of the Legal-Preventative type approach to anti-harassment policy is not to promote specific remedies and corrective actions, but rather to understand the ramifications of harassing behaviour in the academic workplace. The workplace legislation addressing harassment in the provinces of Quebec, Saskatchewan and Ontario require an awareness of the legal right of members of medical-doctoral universities in these provinces to a respectful workplace environment. Required awareness of legislation prohibiting generalized harassment

in the workplace shapes the Legal-Preventative Approach type's policy discourse and procedures. Summarily, discourses of prevention and legal responsibilities characterize the Legal-Preventative Approach to anti-harassment policy. Preventative measures and legal knowledge are intended to improve the work and study conditions while avoiding extensive and costly litigation. At the same time, clearly defined resolution procedures outline the responsibilities of the administration regarding complaints of harassment, in order to effectively avoid lawsuits while upholding the professed values of the university.

Forerunner Approach

A third approach to the representation of the problem of generalized harassment in the policies of Canada's medical-doctoral universities can be described as a Forerunner Approach. The framework of a Forerunner Approach is used to categorize early adopter harassment policies, drafted before legislation outlawed personal harassment. The University of Toronto and McMaster University have the least transitional policies, which have undergone few revisions since their development, and are non-explicit with regards to generalized harassment.

Table 5

Forerunner Approach Policy Titles

Type C	Policy Title
McMaster	Anti-Discrimination Policy
Toronto	Statement on Prohibited Discrimination and Harassment

Universities using the Forerunner Approach have general policies to deal with personal harassment, but do not include many of the techniques used either in the Respectful Workplace Approach or the Legal-Preventative Approach. Though the policies address a variety of

harassment and discrimination issues, they are represented by university governance and human resources offices only, a utilitarian approach that predates the introduction of offices that deal specifically with harassment and human rights in Canadian universities (See Table 5.1).

Table 5.1

Forerunner Approach Representation and Year Policies Established

Type C		McMaster	Toronto	Totals
Office of Representation	University Governance or Secretariat		✓	1
	Human Resources	✓		1
	Human Rights/Equity/Discrimination and Harassment			0
	Sexual & Psychological Harassment			0
Type of Problem Representation	Policy Inclusive to All Forms of Discrimination and Harassment			0
	Separate Personal Harassment Policy			0
	Harassment Policy (Any Form)			0
	Discrimination and Harassment (Exclusive of Sexual Harassment)	✓	✓	2
Year Policy Established		1995	1994	
Year Policy Last Reviewed		2001	n/a	

The Forerunner Approach has very little in common with the Respectful Workplace Approach and the Legal-Preventative Approach in terms of the key words that the other two approaches use (See Tables 3.2 and 4.2). Though "respect" and "community" are most common in the University of Toronto's policy, there is no common trend across the Forerunner Approach that indicates a particular stance on the right to a safe and productive workplace.

Table 5.2

Forerunner Approach Policy Word Counts

Type C	McMaster	Toronto
Total # of Words Policy & Procedure	1677	2128
Vexatious	5	1
Respect	0	10
Prevention	1	1
Psychological	0	0
Law or Legal	1	1
Community	8	10

While legislation is pending in Ontario that will make psychological harassment in the workplace illegal, the anti-harassment policies of Ontario universities are the least explicit in comparison with the policies of other medical-doctoral universities across Canada. In the Forerunner approach, the mention of personal harassment is brief and without many of the key phrases found in other policy definitions.

The Forerunner Approach does not indicate that harassment is counter-productive in the university community, does not acknowledge power dynamics with regards to harassment, and does not indicate whether harassment can be a single event or an accumulation of incidents (See Table 5.3). What the policies do not include likely reflects the time period in which they were drafted.

Table 5.3

Forerunner Approach Frequency of Key Phrases

Type C	McMaster	Toronto	Totals
1) Unsolicited and/or unwelcome attention		✓	1
2) Known or ought reasonably known to be unwelcome	✓		1
3) Intimidating, threatening, demeaning or abusive	✓	✓	2
4) May include direct or implied threat to grade, status or job			0
5) Hostile and/or poisoned work or study environment			0
6) Limits an individual's ability to pursue work or study goals			0
7) Collection of incidents or one serious incident			0
8) May involve power or not (superior or colleagues)			0
9) Provides examples of harassment			0
10) Serves no legitimate work purpose	✓		1
Total out of 10	3	2	

The University of Toronto's "Statement on Prohibited Discrimination and Discriminatory Harassment" was drafted in 1994, and does not indicate revision or amendment since that date. There are, however, two statements in the University of Toronto's policy that could be interpreted as prohibitive of personal harassment:

> 5.Under the Human Rights Code, harassment is defined as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." As well as being expressly prohibited as indicated above, such conduct may constitute discrimination when based on prohibited grounds.
>
> 7.According to the Human Rights Commission, offensive or threatening behaviour which create a "poisoned environment" in the workplace or in the provision of services or accommodation, whether or not amounting to harassment, may violate the right to equal treatment without discrimination.
> (University of Toronto, 1994: 5-6)

The University of Toronto's Forerunner approach to personal harassment notes the challenges and complexities of upholding a dignified environment together with academic freedom of expression. The purpose and mission of universities is at the centre of a debate over the proper balance between decorum and expectations of emotional fortitude:

> Attempts to formulate a comprehensive code of conduct which defines precisely what is permitted and what is forbidden are impractical because of the difficulty of anticipating the range of possible conflicts and determining in advance the proper balance.
> (University of Toronto, 1994: 6)

The stated objective of the University of Toronto to strike a balance is one that allows for maximal "capacity of every individual to flourish to the fullest extent possible." The lack of detailed descriptions of prohibited behaviours and policy procedures in the University of Toronto's guidelines is common to the Forerunner Approach, but Toronto's policy explains the gaps;

A detailed code or policy runs the serious risk of giving one right or value undue emphasis or priority, and thereby inhibiting and interfering with the ability of the University to live up to its highest aspirations.
(University of Toronto, 1994: 6)

The University of Toronto's explanation for the lack of a detailed code or policy inherently prevents policy expansion, as further development runs counter to the idea that specifying prohibited behaviour is impractical. This precarious connection between academic freedoms and anti-harassment policy is not limited to Forerunner Approach type policies, as it is common to find the two together in Canadian medical-doctoral university policies. The tie between academic freedom and what does and does not constitute harassment is explored further in Chapter five on managerialism in policy.

McMaster's "Anti-Discrimination Policy" was last revised in 2001, and is somewhat ambiguous with regards to the university's stance on harassment. The definition of harassment used by McMaster is the one used by Toronto, namely that harassment involves a course of vexatious comment or conduct known or ought to be known to be unwelcome. McMaster's policy includes an additional explanation of what vexatious comment or conduct is, that is, "comment or conduct made without reasonable cause or excuse." This definition of harassment is somewhat tautological, with no examples provided for further clarification. Another concern is that McMaster's policy does not encompass sexual harassment, but the sexual harassment officer is the contact person for people with concerns of harassment.

The remedies and corrective actions found in the Forerunner Approach are minimal (See Table 5.4). For the most part, sections within the policies in The Transitional Approach are limited to what is "appropriate."

Table 5.4

Forerunner Approach Remedies for Victims/Corrective Action for Harassers

Type C	McMaster		Toronto	
	Victim	Harasser	Victim	Harasser
Relief or Compensation				
Apology or Agreement				
Counselling				
Appropriate Remedy				
Disciplinary action as per existing collective agreements				
Oral or written reprimand		✓		
Appropriate exclusion, suspension, demotion, fines or other		✓		✓
No Remedy Mentioned	✓		✓	
Total	1	2	1	1

Commonalities in Policy Definitions and Procedures

The definitions of personal harassment found in the policies of the 14 Canadian medical-doctoral universities with university-wide policies addressing generalized harassment are reflective of the aforementioned concerns on several levels. For example, the clearly defined parameters of what defines personal harassment is an obvious attempt to avoid complaints pertaining to a balanced interpersonal conflict, which may be an escalated situation of decorum, but not necessarily victimizing. The power imbalance inherent in the definitions of personal harassment in the policies of Canada's 15 medical-doctoral universities seems to lie in the unwarranted, intentionally intimidating nature of conduct towards another individual in the workplace.

Key phrases in the anti-harassment policies pertain to an element of cruelty, which

hinders emotional well-being and productivity, rather than everyday frustration. The definitions

of harassment found in the policies of Canadian universities indicate that psychological or

personal harassment is conduct that is considered: hostile and unwanted, undermines dignity and

creates a harmful work or study environment, and places limitations on the abilities of those

impacted to perform their duties within the institution.

One example of the defined power imbalance involved in generalized harassment in the

academic workplace is found at the University of Calgary:

> Harassment is a form of discrimination, which involves unsolicited and
> unwelcome attention from a person who knows or reasonably ought to know that
> such behaviour is unwelcome. Such unwelcome comment or conduct is
> intimidating, threatening, demeaning, or abusive and may be accompanied by
> direct or implied threats to grade, status, or job. Harassment has the impact or
> effect of creating a hostile or poisoned work or study environment and limits
> individuals in their pursuit of education, research, or work goals.
> (University of Calgary, 1)

The persistence and intention behind the conduct of generalized harassment is also one of

the key phrases used in the definitions of harassment in the Canadian medical-doctoral university

policies. The commonly used adjective "vexatious" implies intention towards irritating the

recipient. Throughout the policies a distinction is drawn between merely "annoying" behaviour

and more serious "harassing" behaviour.   In other words, the severity and pervasiveness of the

actions, as well as its impact on the working environment is taken into consideration when

deciding if behaviour constitutes personal harassment. Sherbrooke's policy explains that the

conduct of personal or psychological harassment is necessarily, "[d]riving with a vexatious

nature of repetition" (2004: 4). Therefore, harassing conduct is conduct that is persistent to the

point of torment. Multiple policies of the Canadian medical-doctoral universities state that

actions in and of themselves may not constitute harassment. Accounting for the severity of the

action, a single serious incident may constitute harassment if it so damages an individual that their psychological health and ability to perform their job is impeded. An accumulation of seemingly harmless incidents, however, may lead to an *environment* of hostility (See Tables 3.3, 4.3 and 5.3). Because of differing sensitivities, there is no way of measuring severity of action, other than to define what harassment is *not* constituted as, explored in Chapter five.

Generalized harassment is defined in many policies as potentially involving individuals or groups, people in different positions of authority, or people in equal positions of authority in relation to one another, "It may involve individuals or groups and either peer or power relationships" (University of Manitoba, 2010: 4). Explicating further on this example of potential channels of harassment, the University of British Columbia notes:

> Bullying often involves an imbalance of power. Those targeted perceive the bully to be stronger or more powerful than they are and feel that they are unable to defend themselves. Bullies silence their targets through fear. Bullying can also take the form of horizontal violence—harmful behaviour directed at a colleague to control, humiliate, or denigrate him/her.
> (UBC Equity Office, 2010)

Other common aspects of the definition of harassment found across the policies include the use of examples of harassing behaviours, and typical characteristics of a workplace bully.

While legislation is pending in Ontario that will make psychological harassment in the workplace illegal, the anti-harassment policies of Ontario universities are the least explicit in comparison with the policies of other medical-doctoral universities across Canada. In the Forerunner approach, Queen's University and University of Western Ontario, the mention of personal harassment is brief and without many of the key phrases found in other policy definitions.

An example of the minimal mention can be seen in the University of Western Ontario's

(2005) "Non-Discrimination/Harassment Policy," "6.03 Conduct and/or behaviour also constitutes harassment, whether or not it is based on the prohibited grounds of section 4.00, when it creates an intimidating, demeaning or hostile working or academic environment." Such a definition of personal harassment only indicates that the behaviour is intimidating and creates a hostile workplace. Chapter five on managerialism in policy explores the expectations of behaviour in Canadian medical-doctoral universities, through what harassment is defined as *not* being.

Canadian Human Rights Commission's Best Practices for Anti-Harassment Policy

The CHRC's Best Practices Checklist serves as a guideline for what should be included in an organization's anti-harassment policy. As seen in Tables 6.1, 6.2 and 6.3, many of Canada's medical-doctoral universities use most or all of the best practices recommended by the CHRC. While these practices may be applicable to any type of prohibited behaviour in the workplace, it is important for best practices to stay current in order to avoid an escalation of events. The Universities of Calgary, Manitoba, and Saskatchewan include all of the best practices in their anti-harassment policies, even though they use a different approach in policy.

Table 6.1

Respectful Workplace Approach CHRC Best Practices Checklist

Type A	Calgary	Manitoba	UBC
Policy statement	✓	✓	✓
Law	✓	✓	
Seriously, quickly, confidentially	✓	✓	
Descriptions of harassing behaviour	✓	✓	✓
Procedures	✓	✓	
Remedies/corrective action/safeguards	✓	✓	✓
Protection against victimization or retaliation	✓	✓	
Total out of 7	7	7	3

Table 6.2

Legal-Preventative Approach CHRC Best Practices Checklist

Type B	Alberta	Dal.	Laval	McGill	Mont.	Queen's	Sask.	Sher.	Western Ontario
Policy statement	✓	✓	✓	✓	✓	✓	✓	✓	✓
Law	✓			✓	✓		✓	✓	✓
Seriously, quickly, confidentially	✓	✓		✓	✓	✓	✓	✓	✓
Descriptions of harassing behaviour		✓					✓		
Procedures	✓	✓		✓	✓		✓	✓	✓
Remedies/ corrective action/ safeguards	✓	✓	✓	✓	✓	✓	✓	✓	
Protection against victimization or retaliation	✓	✓			✓	✓	✓	✓	✓
Total out of 7	6	6	3	5	6	4	7	6	5

Table 6.3

Forerunner Approach CHRC Best Practices Checklist

Type C	McMaster	Toronto
Policy statement	✓	✓
Law	✓	✓
Seriously, quickly, confidentially	✓	
Descriptions of harassing behaviour		
Procedures	✓	
Remedies/corrective action/safeguards		
Protection against victimization or retaliation	✓	✓
Total out of 7	5	3

Because standard definitions have been drawn in policies addressing the problem of generalized harassment, the definitions must be analyzed and investigated for their implications. In the anti-harassment policy of Canada's medical-doctoral universities the definition of harassment as "unwelcome" conduct implies an ambiguous nature to generalized harassment, while the phrase "that is known or ought reasonably to be known" implies common sense. The contradictory nature of the definitions and procedures addressing generalized harassment raises questions concerning how the problem of generalized harassment has come to such a representation. Bacchi (1999) makes this point concrete through an example of standard organizational policies on sexual harassment. Workplace policies, she shows, most often indicate that sexual harassment is considered subjective and ambiguous, and that men need to be educated about what constitutes sexual harassment. Other types of harassment, such as racial slurs, would be considered unacceptable whether or not the individual it was directed act takes

particular offense to the incident (Bacchi, 1999: 186). The mostly common-sense claim is seen in

the Canadian Human Rights Commission's "Anti-Harassment Policy Model for Medium and

Large Organizations" which includes in the suggested information for victims, that harassment

is behaviour that is known or ought reasonably to be known (by any person with common sense)

to be unwelcome:

> If the person who is accused of harassment should have known that the behaviour
> was unwelcome, he or she may be considered responsible, even for unintentional
> harassment. If an employer or manager knew or should have known that an
> inappropriate situation existed, and did nothing about it, the courts may impose
> penalties on that organization or person.
> (CHRC Model, 2007)

This belief is repeated with the sentiment:

> Someone may harass another person because he or she does not realize that the
> behaviour in question is offensive. Or the harassment can be intentional. Either
> way, it is unacceptable. If you knew, or if a reasonable person should have known,
> that your behaviour was offensive or degrading, you may be held responsible for
> the harassment.
> (CHRC Model, 2007)

There are two types of behaviour a harasser can be accountable for under the CHRC's common

sense approach to harassment. The first assumption of a common sense approach to harassment

is that harassers know what they are doing is offensive. The second assumption is that the

harasser may have been unintentionally offensive due to unreasonable behaviour in the

instance(s) of harassment. The harasser can be held accountable for either type of harassing

behaviour if a reasonable person would know that the actions taken are offensive and degrading.

Objective offense taken from personal harassment is represented as being difficult to

pinpoint, because of the ascription that one person's harassment might merely be a breakdown in

communication. Generalized harassment may even be harder to identify than sexual harassment,

a type of harassment which has long been considered subjective. Sexual harassment legislation

has moved towards a universal recognizance of inappropriate behaviour in the workplace, especially as a form of sex-based discrimination. The question for generalized harassment is whether or not there is such a thing as an "objective offense." The University of Manitoba provides some examples of what personal harassment may be:

(a) repeated or continuous incidents of yelling, screaming or name-calling;
(b) repeated or continuous threats to terminate employment or contracts for reasons unrelated to performance;
(c) repeated or continuous threats to withdraw funding, scholarships or advancement opportunities for reasons unrelated to performance; and
(d) comments addressed to a person which have the effect of undermining a person's role in the workplace or classroom.
(University of Manitoba, 2010: 3)

While it is generally considered unacceptable to threaten people and undermine their abilities, the degree to which a person will (or is allowed to) take offense remains dependent on what is *not* considered harassing behaviour by an organization, discussed further in Chapter five.

Bacchi states that policy analysts need not exonerate individual behaviour by focusing on the organization, but the limitations of the policy must be taken into consideration (1999: 197). Any policy will contain an implicit or explicit diagnosis of the problem that is represented, what it is, and what needs to be changed about it. It is up to the policy analyst to analyze different representations of policy, study their implications and recognize the role of those involved in policy construction in problem representation (Bacchi, 1999: 199-200). Chapter five explores managerialism in the anti-harassment policies of Canada's medical-doctoral universities.

Chapter Five: Managerialism in Anti-Harassment Policies

The tensions involved in academic career success at Canadian universities are increasingly high. The corporate culture of Canadian universities will invariably be reflected in the administration of anti-harassment policies. This chapter looks at managerialism in anti-harassment policies through an examination of resolution procedures: confidentiality, authorities involved in implementation, time limitations, efficiency, public reporting, and what harassment is defined as *not* being. The factors of anti-harassment policies and practices are examined for their implications for the future of collegial governance in Canadian medical-doctoral universities.

Keeping things civil or keeping things quiet?

Informal, Formal Resolution & Confidentiality

Civility is an important aspect of the resolution process of harassment policies in Canadian medical-doctoral universities. University management is expected to ensure a standard of civility during the resolution procedures. Several measures ensure procedures are civil including: expedience, briefing, preference for informal resolution, prohibiting retaliation or interference, as well as upholding confidentiality. The right to expedient procedures ensures that the involved parties may move on from the situation as quickly as possible. Briefing allows the complainant and the respondent to know the status of the case so that they may be aware what will occur next. Expedience and briefing are important for members of the university community to be able to continue on with their day-to-day tasks as best they can, knowing that their case is moving along. Prohibition against retaliation and interference are preventative, and keep the complainant from further duress, while making it clear to both parties that the outcome of resolution procedures are to be upheld.

> 2.7.1 Interference with the conduct of an investigation or retaliation against any of the involved parties or witnesses, whether the complaint was substantiated or unsubstantiated, may itself result in disciplinary action.
> (University of Manitoba, 2010: 8)

Informal resolution is the preferred channel of a complaint of personal harassment. The confidence of the procedures is meant to maintain a civil work environment.

Implied in all of the policies addressing generalized harassment is that an informal resolution both requires and ensures complete confidentiality for the involved parties. Informal resolution is the preferred method of resolution at all 14 Canadian medical-doctoral universities with anti-harassment policies. Informal resolution is strongly recommended when a complaint of harassment first arises, but is not a prerequisite when filing a complaint. The purpose of an informal resolution is to "achieve remedies agreeable to complainants" (University of Alberta, 2004: 4), without the use of formal procedures. Informal remedies involve methods such as, "coaching, counselling, supporting, mediating, or otherwise facilitating the resolution of the complaint" (University of Alberta, 2004: 4). The informal resolution process usually involves mediation to find a compromise acceptable to both the complainant and the respondent. The first course of action that is both requested and expected is that the complainant address the respondent themselves, to let the respondent know offense has occurred.

> By far, the most common form of relief requested by complainants is assistance in saying "Stop" to the person engaging in offensive behaviours. This relief can include coaching the complainant in how to effectively communicate with the person engaging in the behaviours, or providing a neutral third party to assist in communicating the message, or involving someone in a position of authority so as to the place the authority of the University behind the communication.
> (University of Alberta, 2004: 14)

These expectations can be seen outlined in the following examples from Dalhousie's "Informal Resolution" section and the University of Manitoba's "Advice and Assistance" section:

> a) Communicate concerns directly—advise the other party that her/his behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;
> b) Communicate concerns in writing to the other party—describe the offending behaviour, the impact of the behaviour, and request that the behaviour stop immediately
> (Dalhousie University, 2009: 3)

> 2.2.1.1. A complainant who believes that he or she has experienced harassment or discrimination should take direct action, if possible, to make the unease and/or disapproval known to the offending person.
> (University of Manitoba, 2010: 4)

Confronting the harasser before the pursuit of a formal resolution serves a function in the provision of evidence, while also saving university resources. Failing to confront a harasser may work against a complainant, as the harasser may argue that without disclosure they could have not reasonably known their actions were unwelcome. Putting the onus on the victim, however, runs contrary to the declaration that the behaviour "ought reasonably known to be unwelcome." Further, since harassment is described in many of the policies as a *series* of minor incidents or one major incident, it seems unlikely that a harassed university member would be comfortable confronting a harasser.

The University of Calgary names two "non-disciplinary" options to be used before formal resolution procedures. Informing respondents of allegations of harassment is used as a warning tactic; if warnings are successful, formal resolution procedures will not be necessary. Where immediate confrontation is not effective, the informal resolution procedure, "allows for a flexible and creative approach that can be tailored to the particular circumstances" (University of Calgary, 3). The functions of informal resolution procedures are described as flexibility and "fair justice" for both the complainant and respondent.

Another dimension to the expectation that the complainant should initially confront his or her harasser is that university liability in a case of harassment is directly connected with the burden of proof. The university is liable if they fail to mediate a situation that is breach of university policy. What the university will consider as worthy of formal resolution links expectations of resilience from employees in a laissez-faire workplace with the limited resources typical of organizations in a neoliberal society. Immediate resolution through confrontation saves limited university resources, and is believed to spare the workplace from further hostility.

Time limits on the filing of complaints are a liability issue that also has to do with saving university resources. This time limitation is similar to the criminal limitations period in Canada for summary offenses, based on the principles of justice in the Canadian court system. Statutory time limits on filing a complaint of harassment with human rights commissions and tribunals exist in Canada, and many of the policies have incorporated 6 to 12 month time limits into their policies. Time limits are recommended by the CHRC anti-harassment model policy. However, the time limits to which the CHRC refer are the **complainant's** right to a timely resolution. Below are two instances in which the CHRC's model refers to time limits:

> You may want to specify that the investigator must either submit a written report within a specific time, such as three weeks, or establish a new deadline and provide reasons why a longer period of time is required for the investigation.
> (CHRC Model)

> Your employees will need to know how soon the investigation will begin, how long it will take and when they will be informed of the results. Shorter time lines are better; the sooner the harassment is dealt with, the less damage will be done and the sooner people can move on from the experience. Some policies specify that the investigation must begin with a specific period ranging from ten days to one month. It may also be appropriate to set a time limit of two to three weeks for completion of the investigation, and of one more week for any decisions regarding remedies and corrective action.
> (CHRC Model)

Time limitations on when a complaint may be filed help to ease the number of complaints, a

measure that benefits practitioners. As seen in Westerman's interviews with practitioners, the

introduction of generalized harassment provisions in anti-harassment policies have not been

accompanied by an introduction of more resources to help deal with the increasing case loads

(2008: 155).

The University of Alberta will not consider complaints filed more than twelve months

past alleged conduct, except in exceptional circumstances. The Alberta Human Rights,

Citizenship, and Multiculturalism Act states that there is a 12 month limit on the filing of

complaints (Alberta Human Rights Commission, 1998-2010). For these reasons, complainants

are encouraged to consult with the Advisor as soon as possible after the incident or situation has

occurred. Other Canadian medical-doctoral universities also use set time limits:

> A complaint must be filed within twelve months of the last alleged instance of the
> action or conduct. An additional period of not more than twelve months may be
> granted in exceptional circumstances by the Office of Human Rights, Equity and
> Harassment Prevention.
> (Dalhousie University, 2009: 5)
>
> Barring exceptional circumstances, to be considered under this policy, a report or
> complaint must be made within one year of the occurrence of the alleged
> incident(s).
> (University of Saskatchewan, 2008: Section 9)
>
> 13.0 A complaint may be filed by (an) individual(s) with the HRO up to six (6)
> months from the incident, or most recent related episode in a series of incidents,
> of the alleged discrimination or harassment occurring.
> (University of Western Ontario, 2005: 2)

There are two major concerns with time limits found in anti-harassment policies. The

first concern is that harassing behaviour can only be detrimental to a person if they have

experienced the behaviour within a set number of months. The second concern of

stated time limits in policies is that if the workplace environment has been respectful for an entire six to twelve month period, universities will not held liable for hostile work environments that occurred prior to this period.

Returning to the common sense approach to defining harassing behaviour, it appears in the resolution procedures of Canadian medical-doctoral universities that no action can be objectively unwelcome. Offense may only occur if a complainant has vocalized offense, and within a set time frame. Offense is only punishable if an alleged harasser has provided an unsatisfactory response after initial confrontation. Formal complaints of harassment may only be pursued if an apology or informal remedy is ineffective. Disciplinary measures can easily be avoided in this way, as the harasser may apologize, and the victim may be satisfied. Because workplace bullies are typically manipulative, informal procedures may not correct offensive behaviour, but could potentially redirect the behaviour to a new target. When only informal measures of resolution are used, there may be no record of repetitive harassing behaviour in the workplace. The lack of record of informally resolved incidents of harassment may make it impossible to identify serial harassers.

Public disclosure is not one of the main components in any of the policies and practices addressing generalized harassment in Canadian medical-doctoral universities. There are, however, similarities across the approaches regarding disclosure of resolution outcomes. Few universities require public disclosure of the number or results of complaints of personal harassment; access to files is limited to those in charge of discipline or legal matters regarding the information. Such limited access shows that there is a notable lack of public reporting, transparency, and therefore *accountability* for incidents of harassment in Canadian medical-doctoral universities. With the exception of legal access to documents, no one can access the

documents that would indicate whether there is a problem of harassment occurring in a university community.   Where disclosure for non-legal or disciplinary reasons is mentioned, the identities of all parties involved are kept confidential. Where confidentiality in public disclosure is required, it is achieved through the use of anonymous statistics. The mention of statistics is actually rare across the three approaches, exceptions being the Universities of Saskatchewan, Western Ontario and McMaster University. These universities provide annual reports that include "a statistical record of complaints, informal resolutions and determinations, and may include any observations and recommendations the HRO may have with respect to the implementation of this policy" (University of Western Ontario, 2005: 2) At McMaster University, identities of involved parties are obscured through the omission of indentifying details, "At the end of the prescribed period for keeping notes/records, the Officer will destroy the notes/records. Non-identifying data will continue to be recorded by the Officer for statistical purposes only" (McMaster University, 2001: 6).

Freedom of Information acts allow restricted access to some formal resolution documents at Canada's medical doctoral universities. When documents are held by a public body, the public has a right to request to view the documents. The information that is not authorized to be accessed is deleted from the documents before the public may have access. One provision that allows public bodies to restrict access to public documents is a financial operations provision; where access to a document would unduly benefit or harm an individual, or creates serious negative effects for the economic interests of the public body. Though every adjudicative decision of a public body is technically public, information may be refused to the public through an order not to disclose (Quebec, 2010: R.S.Q. Chapter A-2.1).

There are two notable differences in the ways the Respectful Workplace Approach, the

Legal-Preventative Approach and the Forerunner Approach handle the outcome of the formal

resolution process. These differences are: the propensity to discuss confidentiality of the cases,

and the storage of formal resolution files. Of the three approaches, Legal-Preventative type

universities are more likely to include an explicit mention of confidentiality of resolution

outcomes as well as what is done with the files post-resolution. None of the Respectful

Workplace universities or Forerunner universities mention what happens with the case files when

a resolution is finalized. Four universities using the Legal-Preventative keep files a minimum of

5 years before destroying them at the discretion of the authority assigned to retain the files. The

University of Saskatchewan's policy takes a particularly serious approach to the retention of

files, stating that files are kept for 50 years. Keeping files for 50 years can allow for

accountability on the part of the university and the individuals involved, thereby helping to

prevent serial abuse.

Table 7.1

Respectful Workplace Approach Public Reporting

Type A	Calgary*	Manitoba	UBC
Public Disclosure	yes	--	--
Identities Obscured (If Disclosure)	yes	--	--
Statistics Kept	--	--	--
Confidential (Except for Legal or Disciplinary Reasons)	--	yes	--
No Mention	--	--	yes
# Years Case Kept on File	--	--	--
Total	2	1	1

*-Disclosure may be required by Information and Privacy Act

Table 7.2

Legal-Preventative Approach Public Reporting

Type B	AB	Dal.	Laval	McGill	Mont.	Queen.	Sask	Sher	W.O.
Public Disclosure	--	--	yes	--	--	--	yes	--	--
Identities Obscured (If Disclosure)	--	--	--	--	--	--	yes	--	--
Statistics Kept	--	--	--	--	--	--	yes	yes	yes
Confidential (Except for Legal or Disciplinary Reasons)	--	yes	--	yes	yes	--	--	yes	yes
No Mention	yes	--	--	--	--	--	--	--	--
# Years Case Kept on File	--	--	--	Min. 5	5	Vault	50	--	--
Total	1	1	1	2	2	1	4	2	2

Table 7.3

Forerunner Approach Public Reporting

Type C	McMaster	Toronto
Public Disclosure	yes	--
Identities Obscured (If Disclosure)	yes	--
Statistics Kept	--	yes
Confidential (Except for Legal or Disciplinary Reasons)	--	--
No Mention	--	--
# Years Case Kept on File	--	--
Total	2	1

Multiple Interests and the Mandate of Dignity in Canadian Medical-Doctoral Universities

The bodies responsible for anti-harassment policies are diverse, suggesting that there is

no uniform authority for dealing with complaints of generalized harassment in the academic

workplace. As seen in the tables below, the Respectful Workplace Approach offers the most

options in terms of who to contact with a concern of harassment. The number and range of

authorities mentioned in the University of Calgary and University of Manitoba reflects the

community-based approach to problem representation. Legal-Preventative Approach universities

mention fewer specific officers, yet the policies frequently state that any authority can be

approached regarding a situation of harassment, a stance that that emphasizes a universal

responsibility to uphold the policies. Universities taking a Forerunner Approach are least

specific and inclusive in the number of authorities mentioned that are involved with complaints

and policy administration.

On the one hand, diverse authorities involved with complaints of generalized harassment seem an inclusive and effective way to promote a positive work environment. Yet, diversity has implications for group conflicts within the university communities. A top-down approach to policy administration remains when authority is the second channel to resolving complaints of harassment, following a personal confrontation.

In the Canadian Human Rights Commission's "Checklist for an Anti-Harassment Policy: Medium and Large Organizations," there are many important issues to consider when assigning members of the university community to the position of counsellor, mediator, and investigator. The officer must be trusted to handle sensitive information. The officer must be "outside chain-of-command or line management," so they may be as objective as possible. Whether the officers will be employees or contract workers should be taken into consideration. The officer should have an appropriate level of experience, be able to ensure confidentiality, and be easily accessible. The organization has to decide which officers will deal with informal and formal complaints of harassment, which will investigate, which will mediate, and which will be in charge of education. The CHRC model recommends that officers not fulfill double roles. Other considerations are who officers will report to, if management will be advised, and the role of management in resolution procedures (CHRC Checklist, 2007).

Table 8.1

Respectful Workplace Approach Authorities Mentioned

Type A	Calgary	Manitoba	UBC
Human Rights Advisor/Officer	--	yes	--
Human Resources	yes	yes	--
Relevant Vice-Presidents, Vice-Deans, Deans, University Administrative Authority	yes	yes	yes
General Counsel/Student Advocacy Representative	yes	yes	--
Harassment Office(r)	yes	--	--
Any Person in Authority	--	--	yes
Investigation Officer/Assessors/Intervenor	--	yes	--
Union	--	yes	--
Total	4	6	2

Table 8.2

Legal-Preventative Approach Authorities Mentioned

Type B	AB	Dal.	Laval	McGill	Mont	Queen	Sask.	Sher.	W.O.
Human Rights Advisor/Officer	yes	--	--	yes	--	--	yes	--	yes
Human Resources	--	--	--	--	--	yes	--	--	--
Relevant Vice-Presidents, Vice-Deans, Deans, University Administrative Authority	--	yes	--	--	--	yes	--	--	--
General Counsel/Student Advocacy Representative	--	--	--	--	--	--	--	--	--
Harassment Office(r)	--	yes	yes	--	--	--	--	--	--
Any Person in Authority	--	--	yes	--	yes	--	yes	--	--
Investigation Officer/Assessors/Intervenor	--	--	--	yes	--	yes	yes	yes	--
Union	--	--	--	--	--	--	--	--	--
Total	1	2	2	1	1	2	3	1	1

Table 8.3

Forerunner Approach Authorities Mentioned

Type C	McMaster	Toronto
Human Rights Advisor/Officer	yes	--
Human Resources	--	--
Relevant Vice-Presidents, Vice-Deans, Deans, University Administrative Authority	--	yes
General Counsel/Student Advocacy Representative	--	--
Harassment Office(r)	--	--
Any Person in Authority	--	--
Investigation Officer/Assessors/Intervenor	--	yes
Union	--	--
Total	1	2

As can be seen in Tables 8.1, 8.2 and 8.3, there are a number of authorities that hold

responsibility for upholding dignity in the workplace, addressing, investigating, and mediating

complaints of harassment. Many of the anti-harassment policies of Canadian medical-doctoral

universities do not assign specific offices to be in charge of particular procedures; instead

multiple authorities are designated to the problem, depending on the situation. As Westerman

(2008) notes, the introduction of generalized harassment policies and procedures have not been

met with additional resources. The introduction of complaints of generalized harassment to

existing university officers and other administrators requires efficiency in practice that is

characteristic of the new managerialism in Canadian universities.

What *Doesn't* Count as Harassment

Protecting Academic Freedoms, Reinforcing Managerial Practices?

A central value in academia is academic freedom. The statements of value and purpose of universities often include freedom of inquiry and thought. In an increasingly corporatized Canadian academia, challenges to the traditional definition of academic freedom have arisen. The definition of what harassment is *not* is an aspect of the policies addressing the university communities that cannot be ignored, for its potential implications for university governance and academic freedoms. In the Canadian Human Rights Commission "Anti-Harassment Policy" model abuse of authority is also defined as occurring when authority is used to negatively interfere with an employee in the workplace:

> It includes humiliation, intimidation, threats, and coercion. It does not include normal managerial activities, such as counselling, performance appraisals, and discipline, as long as these are not being done in a discriminatory manner.
> (CHRC Model Policy, 2007)

The provision of what does not count is again mentioned in the Canadian Human Rights Commission's model under the heading, "What isn't harassment?" According to the model, legitimate management intervention is not harassment, "Appropriate performance reviews, counselling, and discipline are not harassment" (CHRC Model Policy, 2007).

Clarification of what does not constitute harassment serves to prevent frivolous and disruptive allegations of harassment, thereby promoting a civil workplace environment. Below are three illustrations from university anti-harassment policies of what harassment is not, ranging from supervisory roles, performance requests, disciplinary measures, and academic freedom.

Harassment is not properly discharged supervisory responsibilities including performance evaluation, disciplinary action, day to day management of the operation or conduct that does not interfere with a climate of understanding and respect for the dignity and work of Queen's University employees.
(Queen's University: 1)

Harassment does not include:
- day to day management functions such as work assignments and discipline.
- Demands for academic excellence or a reasonable quality of work
- the expression of opinions, debate or critique of someone's ideas or work.
(University of Saskatchewan, 2008: 1)

Personal harassment does not include the exercise of appropriate managerial or supervisory direction, including performance management and the imposition of discipline; constructive criticism; reasonable changes to assignments or duties; correction of inappropriate student behaviour, instructional techniques such as irony, conjecture, and refutation, or assigning readings or other instructional materials that advocate controversial positions; and single incidents of thoughtless, petty or foolish words or acts that cause fleeting harm.
(University of British Columbia, 2008: 2)

The definitions of what constitutes harassment, along with the definitions of what does

not constitute harassment demonstrate the expectations of members of the university

communities at Canada's medical-doctoral post-secondary institutions. First and foremost,

members of the university communities are expected to not behave in a manner that is

unwelcome by a common standard of reason. However, this unwelcome behaviour will only be

characterized as harassment if it occurs on a number of occasions or is profoundly severe in its

emotional impact. Behaviour that may not be classified as unwelcome includes performance

management such as: work or study criticisms, debate, assignments, discipline, and demands for

work of a reasonable quality. Though punishing workloads are often cited as a form of

workplace bullying (Einarsen, Hoel, Zapf & Cooper, 2003), a prohibition on over-burdening

members of the university community with assignments is not explicitly mentioned in the

policies and practices. What is seen is that members of the university communities have a right

to not be limited in their goals of work or study.

Members of Canadian medical-doctoral university communities are expected to be respectful and aware of laws prohibiting intimidating behaviour in the workplace. Emotional fortitude is required when dealing with single, "thoughtless" incidents of unwelcome behaviour in the academic workplace. When behaviour does constitute harassment, members of the university communities may not discuss incidents with colleagues, aside from those in a position of authority to deal with complaints. The implications of these expectations for collegial self-governance are a loss of group resolution, and dependence on administration to resolve disputes and uphold dignity. The norm of informal over formal procedures, while upholding confidentiality, places pressure on individuals to resolve disputes with harassers, without involving others who may be affected or able to lend support.

Maintaining Organizational Efficiency through Anti-Harassment Policy

The increasing corporatization of medical-doctoral universities in Canada through links between universities, corporations, and government is reflected in their policies. Stricter labour laws and human rights acts have come into effect, and as we have seen much of the terminology and procedural elements are derived from human rights commissions. In 2004, the Canadian Human Rights Commission released a consultation document called "Looking Ahead." This document addresses the major issues faced by the traditional methods of adjudication. Cases resolved by Human Rights Commissions in Canada have been historically lengthy, costly and damaging, both emotionally and monetarily (CHRC Consultation, 2004: 3). The Commission states that the resource intensive aspect of adjudication also diverts resources from the Commission's primary concern with prevention, "adjudication is time consuming, adversarial,

and often divisive. Many issues are better suited to voluntary compliance instruments and proactive initiatives" (CHRC Consultation, 2004: 4). The adversarial nature of adjudication holds especially true in universities, where members of the community often have long-standing relationships throughout an academic career. In 2003, the Canadian Human Rights Commission looked to speed up the resolution of cases by expanding the mediation procedures in order to avoid lengthy adjudications.

These new Human Rights Commission modes are proclaimed to serve the interests of human rights. The Commission is concerned with effectively managing the systemic nature of the problems of human rights, with a mandate to find the underlying issues, repair damage done, and to prevent recurrence (CHRC Consultation, 2004: 6). However, the interests of efficiency also play a beneficial role for the organization itself. Canada's 15 medical-doctoral universities are not primarily human rights organizations, so the larger interests of efficiency may have significance when it comes to the stressed importance of informal resolution procedures.

The length of time and cost to resolve a complaint of generalized harassment in Canada's medical-doctoral universities raise questions of justice and efficiency. Like any other system within an organization, the procedures of harassment resolution must be long-term sustainable as well as affordable by the standards of the administration.

The Case of the University of Ottawa

The University of Ottawa does not have a specific policy on generalized harassment. The resolution of allegations of personal harassment is discussed in Article 11 of the 2010 CUPE collective agreement for unionized employees of the University of Ottawa. Student dissent over a proposed Code of Conduct introduced in April of 2008 has delayed a policy that would directly

address all members of the University of Ottawa community with regards to personal harassment. Students objected that the proposed Code of Conduct would be used to silence rights to free speech (Jerema, MacLeans: 04/26/08). Another policy of the University of Ottawa that relates to the treatment of a specific group within the university community is the strangely titled, "Policy on Treatment of Graduate Students on Non-Academic and Non-Employment Issues" (University of Ottawa, Policy 110). Within this policy, the University of Ottawa does refer to generalized "non-sexual" harassment. However, as of December 5th, 2008, the University of Ottawa began "crafting a Declaration of Rights for University of Ottawa Community Members" (Droitsetudients, 2010), a declaration that has yet to be posted on the official University of Ottawa website as of early 2010.

As the only Canadian medical-doctoral university without a university-wide policy that addresses personal harassment, the University of Ottawa is an outlier. The circumstances of the opposition to the University of Ottawa's 2008 proposed "Non-Academic Student Code of Conduct" are a point of interest in examining the correlation between anti-harassment policies and academic freedoms. Opposition to the proposed code concerned the lack of a university-wide to the policy, as well as the freedoms of students in challenging authority through freedom of speech and protest. The "Non-Academic Student Code of Conduct" originated as a proposed regulation to address and remedy misconduct at the University of Ottawa, but applied to students only, not university administration, support staff, or faculty. The potential for the intimidation of undergraduate students was a concern, as there existed neither one ombudsperson to ensure fair treatment of all members of the University of Ottawa community, nor a policy prohibiting discrimination or intimidation of undergraduate students. Opponents of the code compared the resolution with codes of other Ontario universities to discover non-violent offenses that the

University of Ottawa code was the only one that allowed students to be suspended for before a misconduct hearing. The code also fails to mention upon whom the burden of proof falls, and includes no mention of public hearings (Viklund, 2008).

Regardless of whether or not the 2008 Ottawa "Non-Academic Student Code of Conduct" was intended to stifle student dissent or was just poorly worded, the charge that the policy would not apply to all members of the university community demonstrates a desired protection from intimidation that does not currently exist in policy form at the University of Ottawa. While the 14 other medical-doctoral universities have campus-wide policies, the University of Ottawa's divisive and unclear policy was abandoned in August of 2008, after 3000 signatures and public protests. The University then announced through a statement "Moving Beyond the Draft Code" that a new solution would be created and agreed upon by all members of the university community. This solution was named on December 5th, 2008 as the "Declaration of Rights for University of Ottawa Community Members." An external website was created to involve members of the university community in drafting the declaration (Droitsetudiants.wikispaces.com/English+version).

The section on harassment in the proposed draft combines personal harassment with abuse, discrimination and dangerous activity. Points (e) and (g) are the two of eight points in this section which pertain to generalized harassment:

> (e) Verbally abuse any other person
> (g) Engage in unwelcome or persistent conduct that the student knows, or ought reasonably to know, would cause another person to feel demeaned, intimidated or harassed.
> The examples given concerning point (g) on unwelcome or persistent conduct are akin to criminal harassment such as explicit threats and stalking behaviour.
> (Droitsetudiants.wikispaces.com/English+version)

The specific right to protection against harassment and discrimination was added to the

potential principles of the proposed declaration. The proposed right refers to protection from psychological abuse, but delves no further into the concept. The declaration of right has yet to be posted to the University of Ottawa's official home page as of March 2010. The concerns students at the University of Ottawa had with the power of the administration and lack of universal applicability in the Non-Academic Student Code of Conduct demonstrate the ability of policy to serve functions of control that may not be outwardly intended or proclaimed as such.

Chapter Six: Conclusion

Canadian medical-doctoral universities attempt to prevent generalized harassment through policy prohibiting all forms of harassment, including harassment not based on the grounds covered in Canadian human rights legislation. Prevention is attempted through the promotion of respect and awareness of the responsibilities of members of the university communities to maintain dignity in the academic workplace. Responsibility is assigned to the multiple authorities in charge of policy implementation; university administration is required to uphold the mandate and professed values of the universities.

The most efficient and preferred channel of resolution at Canadian medical-doctoral universities are informal, non-disciplinary procedures. Informal procedures are used to prevent an escalation of events surrounding initial claims of harassment, while also requiring fewer university resources such as timely investigative procedures and assessments. The resolution of complaints of generalized harassment at Canadian medical-doctoral universities requires efficiency and confidentiality from all involved.

Policies at Canadian medical-doctoral universities define harassment as behaviour that should be reasonably known to be unwelcome. This definition implies that there is an objective "reasonable person," able to perceive what would rightfully be experienced by both parties given the full context of a situation. There are three approaches taken by Canadian medical-doctoral universities regarding generalized harassment: a Respectful Workplace Approach, a Legal-Preventative Approach, and a Forerunner Approach. Themes of community, responsibility, and awareness of legislation are found in all three approaches to anti-harassment policy at Canada's medical-doctoral universities.

Throughout the literature on the prevention and resolution of harassment in the

workplace we find a discourse promoting managerial goals of effectiveness and efficiency. The policies of Canadian medical-doctoral universities put the onus on the victim to use grievances procedures to resolve issues in a timely manner. Moreover, confidentiality of procedures suggests harassment in the workplace is a private matter. The difficulty of distinguishing harassing behaviours from the contextually appropriate and acceptable remains a concern for practitioners.

It is a problem that there is no reporting of levels of personal harassment in medical-doctoral universities in Canada. According to Canadian law, the public has a right to information and adjudicative decisions of public body institutions. At the very least, members of the university community should be able to access documents that impact their roles and responsibilities in a place of work and study. Though documents may be held for disciplinary reasons, restricted access prohibits personal or collegial investigation and evaluation of procedures.

Anti-harassment policies have emerged so recently and in the same general time frame because of increasing awareness of the problem of hostility in the workplace. Hostile workplaces are exacerbated by the increasing tensions and pressures on academics and universities alike. Corporatization of Canadian medical-doctoral universities has led to increasingly managerial knowledge production, compartmentalizing the role of academics, minimizing solidarity and collegiality in the process. With the new managerialism's shift to patriarchal decision-making processes, behaviour that has historically been costly to organizations becomes an issue of university efficiency. Not only is generalized harassment not cost-effective for Canadian medical-doctoral universities, government legislation has created liability issues for these post-secondary institutions that must also be dealt with.

The policies and practices operate within a larger context of neoliberalism, which is explored throughout this thesis. Policies and procedures are implemented to effectively resolve conflict and resume the working order of the new corporate-style universities. Where the early adopters of anti-harassment policies felt that extensive definitions and procedures would detract from the complex nature of organizational hostility, Canadian medical-doctoral universities are now taking a formalized, institutional responsibility as opposed to older forms of collegial resolution.

Kingdon's theory of policy formation is reflected in anti-harassment policies that have been implemented in Canadian medical-doctoral universities. As we have seen, there are three major reasons for the implementation of policies prohibiting generalized harassment. First, there are systematic indicators of a problem as identified in current research. Tensions in academia are high, increasingly conducive to an environment of hostility within Canadian medical-doctoral universities. Second, there have been dramatic events involving workplace hostility, as seen in the Donnelly and Olivieri scandals. Third, existing internal feedback from academic staff presents a case for the necessity of policies prohibiting personal harassment. Internal feedback also indicates that there are disputes about the role of practitioners, as found in Westerman's interviews. All three channels of policy formation and implementation are demonstrative of Kingdon's theory on the complexities of how policies come to be.

Bacchi's "What the Problem?" approach to problem representation has revealed an encouragement of neoliberlism's values of independence, emotional fortitude and efficiency in the policy and practices at Canadian medical-doctoral universities. Bacchi helps us understand the connected nature of society and university, and how the role of Canadian medical-doctoral universities has transformed. In response to the scarcity of resources that Canadian universities

have seen over the past half-century, the structure of academic stratification and organizational control has shifted from the traditional fratriarchal collegialism to a new patriarchal managerialism that is reflected in policy and practice.

We have uncovered the functions of anti-harassment policies in Canadian medical-doctoral universities using a Mertonian analysis of the manifest and the latent. Policies and practices that are implemented for the benefit of all members of the university communities also serve the latent function of reinforcing the neoliberal ideology of efficiency and resilience that is necessary for economic survival. The future of collegiality for Canadian academics is threatened by confidentiality and the top-down approach to policy administration that is characteristic of the new managerialism.

In conclusion, policies prohibiting generalized harassment in the academic workplace are becoming more clearly defined than ever before. In the three approaches to policy, we see the influence that government legislation will have on the future practices of Canadian medical-doctoral universities. While Canadian universities have historically served as an independent source for trusted knowledge in society, the effects of corporate influence are shaping the future of collegiality for our academics. Concerning the influence of societal values on policy formation and implementation, and the resulting implications for collegiality in Canadian medical-doctoral universities one message is clear: neither traditional fraternal managerialism or paternal managerialism serve as both an effective as well as inclusive process for policy formation and implementation. The professed mandate of anti-harassment policies at Canadian medical-doctoral universities needs to include not only values of community, respect, and prevention, there is a need for accountability, accessible incident reporting and an open dialogue about the causes of harassment in the academic workplace.

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