

Broadening UNB's Harassment Policy?

This week's In-Depth feature hopes to open a dialogue on the place of harassment policies and/or guidelines at Canadian universities, and their effect upon Academic Freedom. Perhaps not surprisingly, when I set out to solicit contributors to this week's feature, I found that many Faculty members and students on campus were completely unaware of the "Guidelines for Handling Complaints about Employee Conduct", distributed over the summer, by President Armstrong's office. These guidelines are intended to supplement the existing harassment policy at UNB, which pertains only to sexual harassment.

Despite the guidelines' relatively low profile, some constituencies on campus were aware of these guidelines for handling "Improper or Unprofessional Conduct". Several individuals representing organizations for International Students and women, indicated to me that they were familiar with the guidelines and had already submitted their comments on them, to the UNB administration, prior to the October deadline set by the President's office. Thus, instead of contributing further

comment to this particular feature, they understandably preferred to wait and see what further action the university intends to take with regard to their feedback. Hence this feature's apparent one-sidedness.

One relatively common criticism, coming from many of those I spoke with, is that the guidelines are constructed too broadly. One is reminded of Prof. Bernice Schrank's criticisms, levelled at the broadly constructed Ontario "Zero Tolerance" policy, during the recent "When Rights Collide Conference", when she argued that while the policy appeared to have admirable intentions, nevertheless its implementation would likely have fostered the intolerance that it sought to get rid of. As another conference panelist so succinctly put it: "you can't use a sledgehammer to squash a mosquito."

UNB Director of Personnel, Jim Horn, is quick to point out that the "guidelines" are merely a discussion paper, and will be revised, in light of feedback received from various groups and individuals:

"(the guidelines were) a draft document and there was a lot of feedback from various individuals and groups. There will be some fur-

ther revisions ... the next stage is to go back to the people who have made some suggestions and, in some cases, clarification, and then go from there."

Furthermore, despite the official deadline for comments on the guidelines having passed, Horn emphasizes that individuals can still acquire a copy of the guidelines and submit their views for consideration:

"If an individual hasn't been aware of (the guidelines), they can certainly get a copy, by asking in their administrative structure, or through the (faculty) union. So, any comments are welcome at any time, so it's not an attempt to close the process

Any individual can just write in directly. The original contact, was the University secretary, Stephen Stroppe, and that would be the best place to direct comments too."

In addition, any individuals who wish to express their own opinion of the views expressed herein can submit their comments for publication in a future In-Depth feature. Submissions destined for this section should be addressed to the In-Depth Editor, otherwise all other feedback will be printed in the "Blood and Thunder" section.

Luke Peterson
In-Depth Editor

"Improper or Unprofessional Conduct: The University will determine the meaning of this term on the basis of each complaint. To assist students and employees with the guidelines, the following areas would be some of the possible examples of the types of complaints that could be brought forward:

- a) personal harassment,
- b) gender harassment,
- c) racism,
- d) rude, degrading, or obnoxious behaviour,
- e) intimidating or threatening behaviour,
- f) violent, dishonest or insubordinate behaviour.

These examples are not intended to be all inclusive but are for illustrative purposes only"

- from *Guidelines For Seeking Advice Or Processing A Complaint Concerning The Conduct Of An Employee*; a document distributed to "Deans, Chairs and Heads of Academic and Support Service Departments (both campuses)."

Commentary: Proposed Harassment Guidelines are "damaging" and "unjustified"

by Noel Iverson

On June 30, 1994, the President of the University of New Brunswick, Robin L. Armstrong, sent a memo to Deans, Chairmen, and Heads of Academic and Support Service Departments of both campuses. The purpose of his memo was to elicit reaction to proposed "Guidelines for Handling Complaints about Employee Conduct." "These guidelines," reads Dr. Armstrong's memo, "are intended to provide any one person with a means of taking action about the conduct of a University employee which is adversely affecting the learning or working environment." Dr. Armstrong attached to his memo seven pages of "background information" on how to handle student or employee conduct problems, how to recognize and act on "improper or unprofessional conduct" of University employees (directed to students and employees), how to handle complaints concerning employee conduct (directed to "management"), and how to fill out a complaint (a sample of proposed "complaint form" was included).

Dr. Armstrong explained the need for "policy and/or procedures to govern specific aspects of student and employee conduct" by alluding to concerns expressed "from a number of constituencies within the University community over a period of time." Dr. Armstrong chose not to identify these constituencies nor did he specify the nature of their concerns; and nowhere in his memo or the attached statement on procedures for handling "conduct problems" does he provide any *factual* justification - arising, for example, out of a competent survey of student-employee relations at UNB - for proposing this sweeping set of guidelines. It is indeed remarkable that a man trained in scientific procedure would simply assert that there is a need for a comprehensive policy - one that would affect the working and learning experience of everyone on both campuses - without offering any proof of its necessity, other than to assure us that UNB's formal

policy on sexual harassment "has certainly improved the situation," while adding that in view of the few cases brought forth under this policy ("for the size of the university population"), "this approach has met with limited success."

What Dr. Armstrong seems to be suggesting is that UNB's sexual harassment officers have had insufficient justification for their existence, and that an obvious way to drum up more business - and at the same time attempt to vindicate the need for the University's seldom utilized policy on sexual harassment is to widen the net!

Hence, Dr. Armstrong's proposal to broaden the sexual harassment policy to include the following areas of possible misconduct that might be brought to the attention of University "management," who shall "be responsible for determining what is or is not acceptable behaviour": "personal harassment"; "gender harassment"; "racism"; "rude, degrading, or obnoxious behaviours"; "intimidating or threatening behaviour"; "violent, dishonest or insubordinate behaviour."

Not to leave anything to chance, Dr. Armstrong stresses that this list of "actions" (including presumably, so-called "acts of speech") or behaviours that someone might perceive to be offensive or objectionable is "not intended to be all inclusive"! In this proviso we have a truly radical departure from the rule of law, as ordinarily experienced outside of totalitarian societies, where any such open-ended prescription is regarded as an invitation to the

abuse of police authority.

What is one to make of the President's policy initiative, and what, if it is made into a set of formal procedures for handling complaints, can one expect its outcome to be? In the first place, Dr. Armstrong's proposal is *unjustified*: no evidence is offered in support of a new and sweeping policy on employee misconduct. In the second place, it is potentially a *damaging* proposal: its effects upon the university community may be appreciated by imagining how such a measure would be received were

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it to be introduced in, say, a well-established neighbourhood or an old family-run firm, whose members had grown to know and trust one another over years of association, of mutual support and friendly interaction. The mere existence of a broad policy on (undefined) unbecoming conduct at UNB would hardly prevent the erosion of the trust and friendship that now exists among its members; indeed, it might well lead to the establishment of a climate of fear, suspicion, and anxiety among students, teachers, and support staff - encouraged by the issuing to all employees and every new student the requisite list of "complaints," along with complaint forms on which to register one's

disapproval of something someone has said or done.

People who "live in a world of pervasive fear and anxiety," warns Jean Bethke Elshstain, "become ripe... for anti-democratic solutions." She adds: "People in such situations learn to censor themselves," lest they unwittingly fall afoul of the tender mercies of harassment officers, speech-code enforcers and all those who are encouraged to bring their grievances, real and imagined, to their attention. Montesquieu once said that what every form of government needed was a "principle of action" that would guide all citizens in their public activity, inspire government, and serve as a criterion for judging all action in public affairs. He identified three such principles of action for three forms of government: honor in a monarchy, fear in a tyranny, and virtue in a republic. If we imagine that the

University of New Brunswick is to be governed as a republic, then what are we to say about the current penchant for establishing codes of virtuous conduct? Ought the University be in the business of legislating virtue, monitoring manners, or censoring speech? Surely this is the modus operandi of total institutions and closed communities. It is not the proper concern of the modern university in a democratic society.

What Elshstain (*Democracy on Trial*) calls a "politics of displacement" is, to judge by Dr. Armstrong's recent policy initiative, emerging at UNB. A profoundly anti-democratic form of politics of displacement, notes Elshstain, turns

everything private, such as personal wants, experiences, and preferences, into public issues and makes everything public, including health policies and gun regulation, into matters of private taste and concern. The line between the public and the private becomes blurred, everything is defined as "political", and the interests of particular groups, such as gays, blacks, women, the disabled and the indigenous, become political. The politics of displacement, a movement in society at large, is the tendency of people to regard themselves not first and foremost as citizens but rather as members of discrete groups identified by gender, race, sexual preference, etc., whose wants become elevated to "rights." This tendency, unsurprisingly, is also present at UNB. As Dr. Armstrong's admitted response to the wishes of certain constituencies on campus indicates, the fragmentation of society into discrete groups in the name of multiculturalism and "identity politics" (a form of displacement) has not been halted at the University's gates.

Out of an, I'm sure, well-intentioned attempt to satisfy the wishes of some discrete groups at UNB, Dr. Armstrong appears to have subscribed to the same vision of the university community as has informed the politics of the nation: the vision of groups holding one another in distrust (if not contempt), of groups and individuals prepared to file complaints against one another whenever their suspicions have been aroused, whenever someone's speech rings negatively in their ears and whenever someone's manner offends their sensibilities. Instead of inviting individuals, as citizens of a republic of learning, to work out their differences in public forums, the "identity politics" underway at UNB encourages the opposite, an anti-democratic and unconciliatory response: accusation, investigation, sentence. Is this really what we want life at the University of New Brunswick to be?