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Beyond the Structure:
A Psycho-Social Exploration of Sexual Harassment Policy and Support Mechanisms
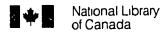at Concordia University

Cecile Sly

A Thesis
in
The Department
of
Sociology

Presented in Partial Fulfilment of the Requirements
for the Degree of Master of Arts at
Concordia University
Montreal, Quebec, Canada

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ABSTRACT

Beyond the Structure:
A Psycho-Social Exploration of Sexual Harassment Policy and Support Mechanisms
at Concordia University

Cecile Sly

It is estimated that six hundred students are bothered by being sexually harassed at Concordia University. The rate of decrease between those being bothered and those approaching the Sexual Harassment Office is ninety-four percent, between those approaching the Sexual Harassment Office and those requesting formal procedure mechanisms is eighty-nine percent, and between those being bothered and those requesting formal procedures mechanisms is ninety-nine percent. Although a tunnelling pattern for attrition can be expected, the meaning of the degree of percentage decrease requires investigation. A psycho-social theoretical and methodological approach is employed to conceptualize and analyze the functioning of three institutional structures established at Concordia University: the Policy on Sexual Harassment, the Advisory Committee on Sexual Harassment, and the Sexual Harassment Office. It is argued that evaluating the effectiveness of institutional responses to this problem requires delving beyond the surface of structures to explore their practical applications in the world of everyday life. Beyond blind trust in structures, listening to the voices of university community members forms a vital basis for research on and improvement of institutional mechanisms aimed at eliminating sexual harassment from an environment dedicated to the pursuit of knowledge and academic excellence.

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ACKNOWLEDGEMENTS

To live is to battle with fiends in the vaults of the heart and mind.
To write: that is to sit in judgement over one's self.

Ibsen

As with Job, the last two years have been a testing of faith--faith in a calling.

Belief and trust in one's self and in others met with ethical and moral betrayals, crossing

of respect and commitment. This thesis incorporates the lived experience of struggling

to understand the world of everyday life.

For it is not an enemy who reproaches me,
Then I could bear it,
Nor is it one who hates me who has exalted himself against me,
Then I could hide myself from him...

He has violated his covenant.
His speech was smoother than butter,
But his heart was war;
His words were softer than oil,
Yet they were drawn swords.

Psalm 55

I am indebted to members of the Concordia community, too many to list

individually, who shared their experiences and their views on sexual harassment in

academia. As a supplement to these voices, I wish to acknowledge the assistance of Ms.

Sally Spilhaus, who granted me access to the non-confidential records of the Sexual

Harassment Office.

No temptation has seized you except what is common to man. And God is faithful; he will not let you be tempted beyond what you can bear. But when you are tempted, he will also provide a way out so that you can stand up under it

1 Corinthians 10:13

For helping me to make decisions carefully and reaffirming my capabilities when facing challenges, I thank N.M. (Kriss) Clement, Jean Grundy, Sean McGuire, Anita Dempsey, and P.S. Subramanya for their friendship.

Life has meaning only in the struggle.
    Triumph or defeat is in the hands of the Gods...
So let us celebrate the struggle!

Swahili Warrior Song

DEDICATION

And now I will show you the most excellent way.

If I speak in the tongues of men and of angels, but have not love, I am only a resounding gong or a clanging cymbal. If I have the gift of prophecy and can fathom all mysteries and all knowledge, and if I have a faith that can move mountains, but have not love, I am nothing. If I give all I possess to the poor and surrender my body to the flames, but have not love, I gain nothing...

When I was a child, I talked like a child, I thought like a chid, I reasoned like a child. When I became a man, I put childish ways behind me. Now we see but a poor reflection; then we shall see face to face. Now I know in part; then I shall know fully, even as I am fully known.

And now these three remain: faith, hope and love. But the greatest of these is love.

1 Corinthians 13

To my six year old daughter, Katherine Amelia (Katie) Sly.

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CHAPTER 1: The Problem

Experience toward Understanding

The degree of researcher involvement in the topic under study has long been a contentious issue for social scientists. The notions of detachment, objectivity and scientific investigation may offer credibility to findings, however, these approaches tend to provide a sterile dissection of the lived experience. Although second order constructs, as analytical and conceptual tools, do have their usefulness in attaining understanding, grounding importance rests with the subjective experience. Life, after all, is not about isolated experiments occurring in laboratories but rather about the unpredictables that appear through the process of living in a taken-for-granted reality. It is being argued that knowledge should be focused by an in depth understanding of phenomena as experienced by members in the world of everyday life. Theoretical explanations and methodological approaches, incorporating both observation (objective) and motivation (subjective) knowledge, need to be developed out of the lived experience. This ideological position suggests the researcher is chosen by a topic rather than the reverse. An experience beckons exploration; the researcher answers the summons by attempting to acquire knowledge and understanding grounded in the world of lived experience.

This academic inquiry into the phenomenon of sexual harassment in academia begins from my own experiences at Concordia University, where I have had the

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opportunity to experience and share the lived reality of institutional structures through participation as a student of sociology (both undergraduate and graduate), as a member of the Advisory Committee on Sexual Harassment, and as President of the Graduate Students' Association. It is not without its challenges to conduct research on a political issue, such as sexual harassment in academia, while balancing the various interests which are part and parcel of these roles, however, it has allowed for the acquiring of knowledge based on interaction with others (students, faculty and staff) in informal and formal exchanges encompassing both on and off the record discussions. This case study of sexual harassment at Concordia University is aimed at discovering how the Institution (particularly through its policies and structures) is addressing this phenomenon.

Inconsistencies Begging Investigation

Based on my own experiences and those relayed to me by others, I began with the curiosity of discovering the degree to which sexual harassment is considered to be a problem at my academic institution, Concordia University. I was particularly interested in finding data on the number of students being sexually harassed and on the number of students approaching institutional structures for aid in dealing with sexual harassment.

Available data was found on undergraduate students, who felt they had been sexually harassed, in the Sociology 410 Student Surveys for the years 1987 and 1990. In 1987, four percent of students surveyed reported that they had been sexually harassed and that they were bothered by this, one percent of students surveyed reported that they

had been sexually harassed but that they were not bothered by this, and one percent of students surveyed reported not being sure about whether or not they had been sexually harassed. In 1990, three percent of students surveyed reported that they had been sexually harassed and that they were bothered by this, one percent of students surveyed reported that they had been sexually harassed but that they were not bothered by this, and one percent of students surveyed reported not being sure about whether or not they had been sexually harassed. For both time periods, ninety-four percent of students surveyed reported not having been subjected to sexual harassment at Concordia. If we estimate that there were twenty thousand undergraduate students in 1990, then six hundred undergraduate students, plus or minus four percent, with a confidence interval of ninety five percent, were bothered by being sexually harassed at Concordia University.

For those undergraduate students who reported being sexually harassed, both those who were bothered and those who were not bothered by it, the status of the harasser was declared. In 1987, sixty-three percent of the harassed students declared that the harasser was a fellow student, and thirty-seven percent of the harassed students declared that the harasser was a faculty member. In 1990, forty-five percent of the harassed students declared that the harasser was a fellow student, forty-eight percent of the harassed students declared that the harasser was a faculty members, and seven percent of the harassed students declared that the harasser was a staff member. There appears to be a decrease in sexual harassment by fellow students and an increase in sexual harassment by faculty members and staff members.

There is no available data from samples on other populations other than

undergraduate students, such as graduate students, faculty and staff. However, two things are clear: (1) a large number of undergraduate students are sexually harassed and bothered by this experience, and (2) undergraduate students experience sexual harassment from faculty as well as other students. With this data on the number of undergraduate students who have been sexually harassed, the search then began for official institutional data to serve as comparison.

The First Annual Report of the Sexual Harassment Office (January 1, 1991 - May 31, 1992) provides a reference point for official institutional data on the prevalence of sexual harassment at Concordia University.[1] Out of the sixty-two cases which came to the attention of the Sexual Harassment Office, sixty percent were brought by students (both undergraduate and graduate), twenty-four percent were brought by staff, eleven percent were brought by faculty, three percent were brought by those not belonging to the university, and two percent were brought by persons with unknown status. Out of the fifty-nine known and University-member brought complaints, thirty-seven were brought by students, fifteen were brought by staff, and seven were brought by faculty. Out of these fifty-nine complaints, only in four separate cases did the complainants select to use the formal complaint procedure. It appears that students are most often the victims of sexual harassment at Concordia.

The First Annual Report also reports the status of the respondents to cases

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[1] It should be noted that of all the cases brought to the attention of the Sexual Harassment Office, half were not considered to be within the Policy definition. We cannot, therefore, determine how many of the cases reported fall within the Policy on Sexual Harassment for either status of the complainant or the respondent.

brought to the attention of the Sexual Harassment Office. Out of the sixty-two cases, twenty-seven percent of the respondents were students, five percent of the respondents were staff, thirty-six percent of the respondents were faculty, ten percent of the respondents were not members of the university, and twenty-two percent of the respondents' status was unknown. Out of the forty-three known and University-affiliated respondents, seventeen of the respondents were students, three of the respondents were staff, and twenty-three of the respondents were faculty. It appears that faculty are most often the perpetrators of sexual harassment at Concordia.

In order to be able to compare the data from the Student Surveys with the data from the First Annual Report, the following assumptions must be made: (1) all the cases brought to the attention of the Sexual Harassment Office fall within the Policy, (2) all the students seeking assistance from the Sexual Harassment Office are undergraduate students, (3) all four of the formal procedure mechanisms were selected by undergraduate students, (4) the figures reported in the Student Surveys and the Sexual Harassment Office are from the same time period,[2] and (5) the First Annual Report refers to a period of one year duration. Making these assumptions does not provide accurate figures, however, as long as the conservative bias towards over-reporting on the part of undergraduate students is noted, we can compare the data from the Student Surveys with the official data of the Sexual Harassment Office's First Annual

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[2]This assumption is strengthened by the fact that the Student Surveys are relatively consistent: four percent of undergraduate students being bothered by sexual harassment in 1987 and three percent of undergraduate students being bothered by sexual harassment in 1990.

Report to get an understanding of the Institution's response to the problem of sexual harassment in academia.

If we compare the approximately six hundred students who were bothered by being sexually harassed with the thirty-seven students who approached the Sexual Harassment Office, and the four students who used the formal procedure, we observe quite a bit of attrition. The rate of decrease between those being bothered by experiencing sexual harassment and those approaching the Sexual Harassment Office is ninety-four percent, the rate of decrease between those approaching the Sexual Harassment Office and those who request formal procedure mechanisms is eighty-nine percent, and the rate of decrease between those being bothered by experiencing sexual harassment and those who request formal procedure mechanisms is ninety-nine percent. Although a funnelling pattern can be expected, the meaning of the degree of percentage decrease requires further examination.

Institutional Sites of Inquiry

Concordia University responded specifically to the problem of sexual harassment in academia with the creation of the Policy on Sexual Harassment which became effective on February 1, 1991.[3] The Policy on Sexual Harassment creates two sites to deal with and monitor the practice of the Policy: the Sexual Harassment Office and the Advisory

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[3]Previous to this time, sexual harassment complaints were covered by the general (as opposed to sexual harassment specific) policies of the Ombuds Office and the Code of Conduct.

Committee on Sexual Harassment. The Policy, the Office, and the Advisory Committee are the three institutional structures at Concordia University which are designed to address the phenomenon of sexual harassment in academia.

The preventive effect of the Policy on the incidence of sexual harassment at Concordia University cannot be evaluated at this time.[4] The available data from the Student Surveys and from official records can be used, however, to pinpoint three areas of inquiry: (1) The Policy and its dissemination comes into play between the actual number of individuals experiencing sexual harassment and the number of cases seeking assistance from the Sexual Harassment Office. It is difficult to evaluate the dissemination of the Policy by the Sexual Harassment Officer but the Policy content can be analyzed for conciseness and completeness. (2) The Advisory Committee on Sexual Harassment is responsible for assisting in the dissemination of the Policy through the development of educational programmes, for recommending continued development of the Policy, and for reviewing the Sexual Harassment Office's Annual Report. Membership on this Committee provides the opportunity for participant observation of this Committee's supervisory or advisory functioning. (3) The Sexual Harassment Office and its functioning comes into play between the reported number of cases which are brought to the Office and those which end up employing the formal redress mechanisms. Without access to clients of the Sexual Harassment Office, it is impossible to access the

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[4]No data is available on how well Concordia's institutional response is dealing with the phenomenon of sexual harassment in academia since the inception of the Policy as (1) no student surveys have been conducted on sexual harassment since the 1990 Student Survey, and (2) no further annual reports, to date, have been released from the Sexual Harassment Office.

functioning of the Sexual Harassment Office. Nonetheless, a case study of one such complaint may help shed light on the issue.

Concern about sexual harassment in academia is really a matter of concern about individuals and the effects of this phenomenon on their lives. Notwithstanding the importance of individual experiences of sexual harassment, the aim of this research is to examine the Institutional policies and structures which have been developed to safeguard the rights of all individuals who are members of the Concordia University community against sexual harassment in academia.

CHAPTER 2: Literature on Sexual Harassment

Sexual harassment has existed for a long time, however, its visibility as a social issue became recognized only as recently as the early 1970s. The struggle to place sexual harassment on the public agenda fostered numerous studies, many of which are focused on specific elements and dynamics of this phenomenon. There have been few attempts made to synthesize these elements and dynamics into a broad theoretical conceptualization that can offer a framework for understanding the various dimensions of this phenomenon.

The literature on sexual harassment in academia can be categorized under the following headings: transformation from private matter into public concern, definition, theoretical formulations and explanations, methodological issues and approaches, incidence and reporting, and prevention strategies. A review of the work being done under these general categories presents an overview of the elements and dynamics involved which need to be taken into account in the formulation of a theoretical framework that attempts to provide a conceptualization scheme for understanding the phenomenon of sexual harassment in academia.

Transformation from Private Matter into Public Concern

A number of social processes are responsible for the transformation of sexual harassment from a private trouble into a public issue. This shift has resulted from a

number of causes and has a number of consequences. Generally, such transformations occur because of shifts in societal norms/values backed by social/political movements (Coleman and Cressey, 1984). Specifically, the causes for this transformation include the redefinition of sexual harassment as a social issue instead of a personal trouble with general public recognition (through media attention), the occurrence of pivotal events which brought this phenomenon to public attention, and the activity/involvement of interest groups fighting for recognition of its detrimental effects and for creation of mechanisms to counter its occurrence (Weeks et al., 1986).

The consequences of the transformation directly influence the question of who or what is at fault (Bolaria, 1991; Eitzen and Zinn, 1989; Lauer, 1978). As long as sexual harassment is seen as a personal problem, the causes and solutions to this phenomenon were believed to rest within the individual and the individual's immediate (social as well as physical) environment; the shift to seeing sexual harassment as a social problem (public issue) leads to the placement of its causes and solution outside of the individual and the individual's immediate environment. The distinction between private troubles and public issues involves, according to C. Wright Mills (1959), the differentiation between the personal troubles of milieu (a private matter) and the public issues of social structure (a public matter). Private matters are directly linked to personal interactions/situations, while public matters transcend any specific setting or personalities involved in interaction and are often a result of crises in situational (and by extension, institutional) arrangements (contradictions or antagonisms) (Mills, 1959). Sexual harassment in academia, as a consequence of this transformation, is not treated as a

private trouble but rather as a public (educational institution or academic community) concern. This public concern is reflected by the numerous studies which have tried to uncover many of the elements and dynamics involved in this phenomenon, as well as by the legal and institutional measures which have been instituted to safeguard against the occurrence of sexual harassment in academia (and other institutional arrangements).

Defining Sexual Harassment

As a public issue, the meaning of the term "sexual harassment" is complicated by multiple (and varied) definitional (subject to paradigmatic disagreement and political struggles) claims. A definitional claim, the basis for scientific description of any phenomenon of social reality and the assumptions about the nature of the problem, is legitimized by empirical documentation (questions of generalizability, operational definitions and measurement, and data analysis) (Aronson, 1984; Gillespie and Leffler, 1987). Since there are many definitional claims, as opposed to one which is widely accepted, the meaning of the term sexual harassment is problematic due to the lack of a clear, concise and widely accepted definition (Fitzgerald in Paludi, 1990; Somers, 1982).

Definitions of sexual harassment should be composed of both a theoretical and an empirical component. A priori (theoretical) definitions can be seen as taking two forms: (1) a general statement which describes the nature of the behaviour and perhaps the status (power differential) relationship without necessarily listing particular behaviours

or categories of behaviour, or (2) a list of specific behaviours without a formal theoretical framework for explanation with the general exception that the behaviour is described as unwanted (Fitzgerald in Paludi, 1990). Theoretical definitions form the linguistic beginning point for the operationalization and measurement of any phenomenon, including sexual harassment. The empirical component often involves the categorization of different types of sexual harassment and the development of appropriate measures for the collection and analysis of data. There is no consensus on either a theoretical or an empirical definition of sexual harassment.

The range of approaches to defining sexual harassment in academia include: (1) general categories of areas (with or without behavioural examples), (2) specific proscribed behaviours, (3) general recognition of what is beyond "reasonable" expectations, (4) prohibitions against intentions/motivations such as the use of power, and (5) prohibition of behaviour which is "unwanted" or "offensive" to the victim. While focusing on either or both objective/behavioural or subjective/intentional/interpretive aspects, many definitions also involve some statement of damages for the individual and the academic environment.

Categorization schemes are useful because they allow for the identification of different types of sexual harassment, involving distinct behavioural/motivational manifestations and consequences. The most commonly used categorization scheme, developed by Till (1980), identifies the following categories: (1) gender harassment or sexism (involving generalized remarks and behaviour), (2) seductive behaviour (involving inappropriate and offensive sexual advances which are essentially sanction-

free), (3) sexual bribery (solicitation of sexual or sex-related activity/behaviour by promise of reward), (4) sexual coercion (coercion of sexual activity by threat of punishment), and (5) sexual imposition or assault. Although all forms of sexual harassment can be seen as linked, each of the categories can also be seen as having distinct characteristics requiring different prevention strategies and remedies/sanctions.

Beyond strictly categorizational definitions, there is a diverse assortment of statements which combine different definitional approaches. Fitzgerald (in Paludi, 1990), for example, combines the notion of power differentials, categories or types of behaviour, and the notion of unwanted or offensive;

> Sexual harassment consists of the sexualization of an instrumental relationship through the introduction or imposition of sexist or sexual remarks, requests or requirements, in the context of a formal power differential. Harassment can also occur where no such formal differential exists, if the behaviour is unwanted by or offensive to the woman. Instances of harassment can be classified into the following general categories; gender harassment, seductive behaviour, solicitation of sexual activity by promise of reward or threat of punishment, and sexual imposition or assault (Fitzgerald in Paludi, 1990, p. 18).

The Canadian Association of University Teachers' (CAUT) Policy Statement on Sexual Harassment, as another example, combines specific behaviours with damages to the victim or the academic environment;

> Conduct of a sexual nature such as, but not limited to, sexual assault, verbal abuse or threats of a sexual nature, unwelcome sexual invitations or requests, demands for sexual favours, or unwelcome and repeated innuendos or taunting about a person's body, appearance or sexual orientation, constitutes sexual harassment when:
> a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status or academic accreditation, or
> b. submission to or rejection of such conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decision affecting such individual, or

c. such conduct interferes with an individual's work or academic performance, or

d. such conduct creates an intimidating, hostile or offensive working or academic environment (CAUT Bulletin ACPU, 1989, p. 4).

These claims for the definition of sexual harassment result in problems of measuring the construct, devising prevention/redress strategies, and any form of comparative studies on the nature of this social issue.

Theoretical Approaches

A number of theoretical approaches, of varying comprehensiveness and complexity, have been developed to address the phenomenon of sexual harassment in academia. These may be classified into three major perspectives: those focusing on the individual, those focusing on the social interactive process, and those focusing on the institutional structure. It should be noted, however, that these perspectives are not necessarily mutually exclusive in that some theories attempt to synthesize different elements and dynamics of these perspectives while looking at particular facets of sexual harassment in academia. Some purport theoretical formulations and explanations about complex processes, whereas others simply present theoretical statements in the form of propositions of relationships between variables.

Two predominant theories focusing on the individual are the bio-deterministic view and the psychological view. The bio-deterministic view purports that sexual interest is genetic; men have been selected for sexual arousal and women should feel complimented by this interest (Benson and Thomson, 1982; Hagen, 1979). This view

treats sexual harassment as the instinctual amorous intentions of individual men toward individual women, neglecting any consideration of the social (or of social regulation for that matter) and of the role of power in structural arrangements (Benson and Thomson, 1982).

The psychological view purports that characteristics of the individual (such as gender, sex-role identity, self-esteem) play a role in terms of attitudes and beliefs towards sexual harassment as well as perceived effects (Adams et al., 1983; Jensen and Gutek, 1982; Konrad and Gutek, 1986; Malovich and Stake, 1990; Powell, 1986). These attitudes and beliefs about sexual harassment play a role in the likelihood that a person in power will harass subordinates (Malovich and Stake, 1990).

One of the perspectives which focuses on the social interactive process is the sexual exchange approach. Although structural conditions are held responsible for the resource disparity between men and women, this approach treats gender as a bartering instrument whereby men gain access to women and where women use their sexuality as an exchange value to gain resources through negotiation in interactive social interchange (Benson and Thomson, 1982; Collins, 1975; Safilios-Rothschild, 1977). This view suggests that women seek sexual attention and use their sexuality to manipulate men into gains. This view fails to acknowledge that women are often at a disadvantaged position in relation to sexual bartering and may not participate freely in this sexual market (Benson and Thomson, 1982).

Finally, the last of the perspectives focuses on structure (or institutional structure) and in particular, characteristics of power and authority (Benson, 1977; Dziech and

Weiner, 1990; Farley. 1978; Kanter, 1977; MacKinnon, 1979; Reilly et al., 1982). In the context of sex discrimination theory, feminists conceptualize sexual harassment as a pattern of interpersonal behaviour which reinforces and perpetuates the subordination (inequality/discrimination) of women at the social structural (institutional) level (Benson and Thompson, 1982; Crocker, 1983; Hoffman, 1986; MacKinnon, 1979; Stanko, 1983, 1985). This perspective focuses on structural conditions and the historical patterns of sex-role interaction rather than on individual characteristics (Hoffman, 1986), however, it seems to down play the role of sexuality and sexual interest (Benson and Thomson, 1982).

A theory, or a theoretical conceptualization, which can take into account all of these three perspectives with special interest paid to the interaction of gender, sexual interest, and social and organizational position would greatly improve the theoretical understanding of sexual harassment in academia (Benson and Thomson, 1982; Ryan and Kenig, 1991). This paper will suggest a psycho-social (symbolic interactionist) model as a theoretical framework which allows for the conceptualization of the various elements and dynamics involved in sexual harassment.

Methodological Issues

There are a number of methodological issues which need to be identified in the study of sexual harassment which further compound the problems mentioned in terms of definitions and theoretical approaches. These problems are complicated by the fact that

sexual harassment is a social issue which is plagued by the fight of interest and interest groups which cannot be detached from the political arena (Gillespie and Leffler, 1987).

The methodological issues which must be addressed include the following: sampling procedures which either do not use probability sampling (cannot account for accuracy of evidence) or do not draw from a sampling frame of all members of the population (Gillespie and Leffler, 1987); low response rates with no accounting for non-respondents (for example, McDaniel and van Roosmalen [1991] report a response rate of twenty-eight percent, Ryan and Kenig [1991] report a response rate of fifty-seven percent, Benson and Thomson [1982] report a response rate of sixty-seven percent, and Reilly et al. [1982] report a response rate of fifty-eight percent); diversified operational definitions which are legal in nature, victim-generated, perceptual/attributional, structural/ecological, or tied completely to human sexuality; measurement instruments which are developed from different theoretical approaches to the problem, stressing factors as diverse as economic or structural causes, psychological or individualistic elements, or sexual intent and authority structures; and data analysis, which is either completely descriptive or limited in its explanatory claims, often not focusing on all levels (individual, interactive, structural) of analysis (Gillespie and Leffler, 1987).

Given these methodological problems, it is very difficult to compare various studies and evaluate their strengths and their weaknesses. This leads to a lack of confidence in what we can truly say we know about the elements and dynamics involved in sexual harassment in academia. Nonetheless, the proliferation of research in this area offers an indication that sexual harassment is a problem which must be explored further.

The small steps taken lead to some directions for future research.

Incidence and Reporting

Definitional and methodological problems must be seen as influencing the way in which the incidence of sexual harassment in academia is reported. Nonetheless, incidence figures may shed some light on the degree to which members of academic institutions are affected by this type of behaviour. Dziech and Weiner (1990) provide a list of examples of incidence reporting for sexual harassment; these include: (1) a 1980 Arizona State University survey in which thirteen percent of students, eleven percent of staff and thirteen percent of faculty reported being sexual harassed; (2) a 1981 Iowa State University Committee on Women study in which seven percent of women students reported receiving physical advances from faculty, fourteen percent of women reported receiving invitations for dates, seventeen percent reported receiving verbal sexual advances, thirty-four percent reported being leered at or perceiving other similar body language, forty-three percent reported flirtation or undue attention, and sixty-five percent reported being the target of sexist comments; (3) a 1979 Michigan State University Student Affairs Office survey of women students in which twenty-five percent reported having been sexual harassed in the last year; (4) a 1979 University of Florida survey in which twenty-six percent of undergraduate women and thirty-one percent of graduate respondents reported having been sexually harassed by faculty, and of those declaring being harassed, seventy percent did not feel free to report it to anyone;

and (5) a 1980 University of Cincinnati Office of Women's Programs and Services study in which forty-seven percent of women students, faculty and staff declared several forms of sexual harassment, ranging from leers to assault.

Although the numbers range considerably, among undergraduate and graduate women, the rates have been approximated at a rather high thirty to fifty-three percent (Adams et al, 1983; Cammaert, 1985; Glaser and Thorpe, 1986; Maihoff and Forrest, 1983; Malovich and Stake, 1990; Reilly et al., 1986). Reports on sexual harassment of male students are more difficult to estimate, although these are significantly lower (Adams et al., 1983; Malovich and Stake, 1990; McCormack, 1985). To place these figures in some context even if only one percent of students in a student population of twenty thousand are sexually harassed per year, this would in essence mean that two hundred students are experiencing this problem. These figures show that sexual harassment in academia is a widespread occurrence which needs to be contended with.

Caution is advised when accepting extremely high rates of sexual harassment because these may be a result of methodological problems, especially unacceptably low response rates. The data on sexual harassment reported from the Sociology 410 Student Surveys shows a consistently lower rate of sexual harassment. Sexual harassment incidence rates are also influenced by the way in which this phenomenon is measured (for example, asking whether one has been sexually harassed as opposed to asking whether one has felt uncomfortable when hearing sexist language). Nevertheless, even if the amount of sexual harassment is a conservative three or even four percent, hundreds of educational community members are being affected by sexual harassment in academia.

Prevention Strategies

The major prevention strategy for sexual harassment in academia is institutional policy. These policies have a dual purpose; first, they mandate education as a sensitizing and preventative scheme against the occurrence of sexual harassment, and second, they serve as a formal mechanism for the resolution of sexual harassment cases. Aggarwal (1985) writes that to meet these objectives, policies should include a statement of commitment, a definition, a redress mechanism, remedies, and long-range preventive schemes.

A statement of commitment should include the following elements: (1) provide a clear statement of the university's commitment to protect the maintenance of an environment that is free from harassment (sexual or otherwise), (2) prohibit sexual harassment within the university, (3) recognize the adverse effects of sexual harassment, (4) purport that sexual harassment is not within the standards (both moral and ethical) which support the pursuit of higher ideals such as the pursuit of knowledge and academic excellence, (5) clearly state that sexual harassment will not be tolerated, and (6) make clear that sanctions will be applied to those who breach the university's policy (Aggarwal, 1985).

A definition of sexual harassment should include the following elements: (1) address the fact that sexual harassment is a complex problem, noting the shortcomings of any one definition, (2) provide guidelines for the education of university members and for the promotion of awareness of the problem, (3) make clear

that sexual harassment is both a form of sex discrimination and an act of misconduct, (4) give a full range of behaviours (from subtle innuendo to physical assault) which constitute sexual harassment, (5) make clear that sexual harassment can be verbal, physical or psychological, (6) note that sexual harassment is gender neutral in that victims or harassers can be male or female, and may be of the same or opposite sex, and (7) make clear that sexual harassment can occur in relationships which are based on power differentials or in relationships where the two parties are of the same status (Aggarwal, 1985).

A redress mechanism should include the following elements: (1) provide procedures for dealing with cases of sexual harassment which are separate from other university complaint mechanisms because of the need for heightened confidentiality to safeguard the reputations of the parties involved, (2) provide procedures for both informal and formal investigation of complaints, (3) provide an appeal procedure, (4) serve to protect complainants and assure that respondents found in breach of the policy are sanctioned, (5) protect respondents against frivolous (unfounded rather than unsubstantiated) complaints, (6) include a formal procedure which allows for resolution involving impartial third parties (although this can be an individual, a committee made up of faculty, students and administrators, both male and female, appointed for a term is preferred), and (7) ensure natural justice and fair hearing (Aggarwal, 1985).

The Canadian Association of University Teachers' (CAUT) Policy Statement on Sexual Harassment (1989) argues that in order to distinguish the informal from the formal process, no third party (including the sexual harassment officer) present during

informal resolution and/or mediation should be an adjudicator or witness in any formal hearing of a complaint. What this implies is that there is a need at each level of resolution (be it informal or formal) for there to be a commitment to objectivity by those who are dealing with the complaint.

Redress mechanisms should provide for counselling as well as formal procedures (Aggarwal, 1985). Formal procedures should be available in the event that informal resolution has been unsuccessful or in the case where a compliant is sufficiently serious to require direct access to formal resolution. Whether a formal procedure is used or whether informal assistance is requested, counselling should be available for the complainant, for the respondent, or for any individual who expresses concern or the need to speak to someone about sexual harassment. According to Aggarwal (1985), counselling should be provided by the university office designated to deal with sexual harassment or by university counselling services as long as counsellors (both male and female) are specially trained to deal with issues of sexual harassment. Another suggestion is a crisis hotline which can be a reference point for individuals wishing to express concerns (Aggarwal, 1985).

Remedies, aimed at ameliorating the situation for the complainant and sanctioning the respondent found in breach of the policy, should include the following elements: (1) grant, as well as possible, remedies to the complainant which aim to make up in the interest of fairness for the harassment (these may include sanctioning the respondent, requiring the respondent to give a written apology, ensuring a fair reevaluation of work, transferring the student to another course, reinstatement in any

teaching, research or work position even if under a supervisor other than the respondent, financial compensation for pain and suffering and so forth); (2) sanction the respondent found in breach of the policy to reinforce the commitment of the university to an environment free from harassment; and (3) grant remedies to those who have been falsely accused or wrongfully disciplined through a restoration of position and removal of the complaint of harassment from personal files (Aggarwal, 1985).

Long-range preventive schemes should include the following elements: (1) policy dissemination, (2) education, and (3) training reinforcing the code of conduct for members of the university (Aggarwal, 1985). Aggarwal (1985) argues rightly that a policy can only be effective if it is implemented and that this implementation involves publicizing the policy and bringing it to the awareness of the members of the university. This dissemination process can occur through advertisements in university newspapers, handbooks, university calendars, as well as through educational seminars and workshops to departments, constituent groups, or the university community. Education is another long-range prevention scheme aimed at sensitizing members of the community on appropriate behaviours and the forms of conduct that can be termed sexual harassment in order to promote understanding and eliminate its occurrence. Educational schemes can also be used to provide training aimed at sensitization, awareness and dissemination of the policy. Specialized training sessions must be provided to those who may become involved in the redress mechanisms. As Aggarwal (1985) writes:

> Staff members who have a responsibility to investigate sexual harassment complaints will certainly need skills in investigative questioning and research, and responding to typical emotions and behaviours of those who file complaints and those who are accused. Although such knowledge and skills may develop with

time and experience, special training will expedite an effective and efficient response and help establish the institution's credibility and reputation for dealing responsibly with complex issues like sexual harassment (p. 35).

The Canadian Association of University Teachers' (CAUT) Policy Statement on Sexual Harassment (1989) stresses that dissemination of the policy, educational schemes and training should involve constituent groups and interested parties in order to hear concerns which need to be addressed and in order to form channels through which communication can be improved.

Many policies take as their directive the fostering of relationships based on trust, equality and mutual respect (Hoffman, 1986). Not all universities have formal written sexual harassment policies or specific grievance procedures to deal with sexual harassment (Robertson et al., 1988). Resistance to the establishment of sexual harassment policies and procedures is fuelled by the fear of false accusations. Since less than one percent of complaints are false (Robertson et al., 1988), this fear does not seem to outweigh the need to foster an environment free from sexual harassment protected by institutional policy.

Sexual harassment policies vary in the degree to which they are willing to patrol personal relationships between individuals in the university who may also have formal instrumental/institutional roles towards each other. Although there is a tendency to empower those with less power and authority (especially women) in countering issues of sexual harassment (Hoffman, 1986), some universities have gone further to protect instrumental relationships from becoming sexualized. Some universities have introduced amorous relationship statements, as these resolutions to "...warn faculty that sexual

relationships with students can lead to a conflict of interest in which the faculty member must remove himself/herself from any scholarly evaluation of the student..." (Robertson et al., 1988, p. 810), and others which go further to "...warn that once a faculty member has had a consensual sexual relationship with a student, all other relationships with the student can become liable to the charge of sexual harassment..." (Robertson et al., 1988, p. 810). Since it is the university's responsibility is to protect instrumental relationships between members, there seems to be a need to reinforce that while the university does not wish to patrol or regulate personal relationships between members, members can be held accountable for their behaviour when it interferes or can be seen as interfering with institutional responsibilities that members are contracted to fulfil.

If the university is to foster an environment free from sexual harassment, then it seems that policies should also try to encourage that all members of the university take on the responsibility to ensure this environment is maintained. The Canadian Association of University Teachers' (CAUT) Policy Statement on Sexual Harassment captures these ideals beautifully; it states:

> Members of the academic community have a responsibility to cooperate in the creation of a climate in which sexual harassment does not occur. They should not engage in practices which appear to condone or do condone sexual harassment. Sexual harassment may be condoned or appear to be condoned through active encouragement of unacceptable behaviour or by implicit acceptance of or support for offensive behaviour (CAUT Bulletin ACPU, 1989, p. 4).

This directive broadens responsibility from those who become involved in a complaint, or those who are members of advisory/supervisory boards for a policy or for an office dealing with sexual harassment, to the entire university community to ensure an environment which is seen as in keeping with the pursuit of the higher ideals.

The brief review of the literature on sexual harassment--specifically on transformation from private matter into public concern, definition, theoretical formulations and explanations, methodological issues and approaches, incidence and reporting, and prevention strategies--provides insights into the elements and dynamics involved in sexual harassment in academia. Based on this information, a theoretical framework broad enough to take all of these elements and dynamics into account needs to be formulated.

CHAPTER 3: Theoretical Approach

Psycho-Social Model of Culture as Lived Experience Applied to Sexual Harassment in Academia

A psycho-social model of culture can be seen as a useful framework for understanding the elements and dynamics involved in the process through which interpersonal relations between members of a culture are interpreted and negotiated in the lived experience of the world of everyday life. Although this model provides a broad theoretical framework for inquiries into understanding sexual harassment in academia, it can also serve as a conceptual tool for the study of many other phenomena.

What is meant by culture and how is this applicable to the study of sexual harassment in academia? Culture can be taken as referring to a population, however defined (those belonging to a collectivity--members), qualified by space (geographic/structural location--an institution) and time (period in history -a given time frame). Culture can also be seen as fundamentally focused on the concept of shared values, beliefs, and perceptions about the world which form and are behind human action (Haviland, 1987). Culture then can be seen as a shared lived experience composed of human actors and their products. This notion of culture is applicable to the study of sexual harassment in academia in that it takes into account a collectivity (members of a university), a space (an educational institution with its structural policies and procedures) and a time period (the present which is affected by the past but is looking to the future).

What theoretical relationships is this model of culture proposing to delineate? The

components of culture can be analytically distinguished as two dichotomous pairings: (1) the individual (the individual human actor) and the collectivity (the group of individual human actors), and (2) the subjective (orientations, including ideology, values, beliefs, perceptions, interests, feelings, expectations or world views etc.) and the objective (observable human action/behaviour and material manifestations). In relation to sexual harassment in academia, this model takes into account the individual, the collectivity (which refers to the university community with its established structural basis), the subjective and the objective components of
the lived experience of the culture that exists grounded in the educational institution. It is purported that horizontal, vertical and diagonal flows (relationships) exist between and among the dichotomous pairings.

There is a two-way horizontal movement between the individual and the collectivity spheres. From the individual sphere, there is an aggregating movement. Individuals come together to form groups, populations, or the collectivity. The implication is that individuals voluntarily (allowing for free will here) come together to form the collectivity even if this is a latent result of a manifest goal; that is, the manifest goal voluntarily chosen for entering academia may be employment or education, however, the latent result is that the individual has become a member of a collectivity, a member of the university community. This voluntary condition is mediated, however, by the collectivity.

SUBJECTIVE

voluntaristic   deterministic

INDIVIDUAL   **COLLECTIVITY**

deconstruction   aggregating

OBJECTIVE

From the collectivity sphere, there is a deconstruction which occurs. This deconstruction relates to the fact that collectivities are a phenomenon in and of themselves, however, they are also deconstructed into the individuals of which they are composed. The university community which exists grounded by the educational institution has a character and a dynamism all of its own, however, it is not only reflective but constitutive of the nature and dynamics of the individuals that comprise it. The deconstruction of the collectivity into individuals implies some form of determinism to ensure the continuity of the collectivity. Thus, the collectivity, which the individual may have joined voluntarily (or with a degree of voluntarism), prescribes some form of structure (shared rules or standards) which influence the individual human actor's

psycho-social functioning. Institutional policies, both academic and non-academic, provide the directive for appropriate and inappropriate conduct for individuals who comprise the collectivity.

In short, therefore, for the first pairing (individual-collectivity), it is proposed that a two-way flow is composed of one which arises in the individual human actor which involves creativity, will and agency; and one which arises in the collectivity which involves the transmission of the grouping's (collectivity's) set of rules or standards for acceptable behaviour. It may also be purported that the first pair involves an aggregation of individual human actors into a collectivity, and a deconstruction of the collectivity into individuals.

There is a two-way vertical movement between subjectivity and objectivity. It is proposed that the two-way flow is composed of one which involves the subjective meaning people attach to their lives in order to make sense of the world they live in and in order to guide their actions; and one which involves the objective material culture including the products (artifacts, behavioural manifestations) of the action/interaction of human beings. Subjective meaning and objective manifestations can be seen as being either reflective of each other in a coherent theory of congruence between motivation and action, or as being inconsistent when motivation and action are not reconciled in any coherent manner.

SUBJECTIVE

Motivational Understanding

INDIVIDUAL   **COLLECTIVITY**

Observational Understanding

OBJECTIVE

The distinction between subjective and objective is very important to the study of sexual harassment in academia because the definition of this phenomenon in relation to perceptions and behaviour seems to be ambiguous on the theoretical and on the practical (lived) levels. Given that actions/interactions have this dual component (subjective objective), this dichotomous pairing provides an analytical framework for the understanding of meaning based on intent as well as observation.

A further delineation of this model suggests that there are also vertical flows between processes which compose each of the individual and the collective spheres. These will be considered separately. In the individual sphere, the processes can be seen as involving a vertical movement between the intrasubjective imagination, the imagined

and the product of the imagination.

SUBJECTIVE

intrasubjective
imagination

INDIVIDUAL   imagined   **COLLECTIVITY**

product of the
imagination

OBJECTIVE

Intrasubjective imagination subsumes Lacan's condition of pre-verbal (Sarup, 1989), however, it is not limited to the visual or with the identification and duality of the subject's experience. It refers specifically to both unconscious and conscious sensations and feelings, bits and pieces of cognitive functioning, which are the yet undeveloped bud of creativity and of rationalization. In relation to sexual harassment, the intrasubjective imagination would include the feelings and sensations of the victim and the harasser (such as guilt, shame, repulsion, fear, attraction, desire, temptation, and so forth). The intrasubjective imagination does not refer to actionable behaviour but rather to processes

going on inside the individual which the individual may not be aware of or which the individual senses but may not be able to put into place.

The intrasubjective imagination becomes imagined through articulation, through communication (referring to any form of human communication; language in its broadest sense). Communication (and language in the broadest sense) requires some conscious cognitive processes (i.e., even if not fully rationalized or fully understood) that an actor may employ to bring the subjective into the objective (identifiable) realm (Lacan in Sarup, 1989). In relation to sexual harassment, the imagined is a process of coming to communicate the sensations and feelings which stem from the intrasubjective imagination. This process of coming to communication results in some actionable manifestation (product of the imagination) that is recognizable to the actor or to others.

Once the imagined has been articulated/communicated, it becomes the product of the imagination. Unlike the imagined, this is a matter of product not process. This product includes action/behaviour, material manifestations, or verbal or non-verbal forms of communication. In terms of sexual harassment, this product can include something as subtle as a smile to something as overt as a proposition which reflects, in identifiable form, the feelings and sensations stirring underneath. The product of the imagination is the result of the process of coming to communicate/articulate that which stems from the intrasubjective imagination.

It should be noted that the flow can also move from the product of imagination to the imaged (a re-articulation or modification through communication/language process) which can clarify the intrasubjective imagination or modify the message it inspired. In

relation to sexual harassment, the product of the imagination (behaviour) can be re-articulated in that perhaps the communication (a wink which was really a tic) did not reflect the intrasubjective imagination (often the rationalization of misinterpretation). The flow can also move from the product of the imagination to the intrasubjective imagination directly creating new feelings and intellectual stimuli which result from action/behaviour.

The interplay in processes arising in the individual sphere is between conceptualization and action in the creative process marked by articulation of unconscious and conscious sensations and feelings through a cognitive process which leads to observable products of communication or behaviour.

In the collectivity sphere, the relationship can be seen as involving a vertical movement between the intersubjective definition of the situation, the sharing through communication (language)/interaction experience, and the key symbols (orientational symbols) which are the product of symbolic construction.

The Thomases' definition of the situation states that "If men [women] define situations as real, they are real in their consequence" (Thomas and Thomas, 1928, p. 572). This conception can be used to define the intersubjective definition of the situation in the following manner: if individual actors perceive that they share the same values, feelings, ideology or situation/setting, they define themselves as a collectivity in objective consequence, whether or not their actual intrasubjective imaginations are subjectively shared. In relation to sexual harassment in academia, what this implies is that whether or not individual members of the university community share common values and beliefs by virtue of being a collectivity, they take on structural manifestations--institutional roles

and patterns of behaviour set for the collectivity through institutional policies and procedures. Cohen (1985) suggests that this is a sharing of a commitment to form but not necessarily to its content.

SUBJECTIVE

	intersubjective definition of the situation
INDIVIDUAL	communication/ **COLLECTIVITY** interaction
	key symbols o; product of symbolic construction

OBJECTIVE

The counterpart of the imagined in the collectivity sphere is the shared articulation of the intersubjective definition of the situation through communication (language in its broadest sense) and symbolic interaction. This communication/interaction is a process of creation and negotiation of meaning in relation to action/interaction, image (face), positionings, responsibilities and threats, and face-work (corrective interchange) guided by rules of interpersonal conduct (Goffman, 1967). In relation to sexual harassment, this

interactive communicative process is the site at which the phenomenon occurs (or is perceived to occur), the site at which the representatives (agents) of the institution interact with others surrounding this phenomenon in order to bring about a resolution, and the site at which any world of everyday life discussion in informal groups (a group of students or professors) or formal groups (committees) addresses this issue. This communicative/interactive process is one in which the intrasubjective and intersubjective feelings and thoughts of individual human actors are explored through a shared experience in the collectivity (or any grouping of the collectivity).

The product of this shared experience is the construction of key symbols. According to Ortner (1973), key symbols fall into two classes: (1) summarizing symbols which are seen as representing for the participants a complex system of ideas, and (2) elaborating symbols which are seen as sorting out and making meaning comprehensible and translatable into orderly action. The latter category is also broken down into those symbols whose primary power is conceptual (ordering categories for making sense of the world), and those symbols whose primary power is action elaboration (valued as implying mechanisms for successful action). As part of the action elaborating symbols, there are also key scenario symbols which are posed in metaphor form and which are culturally valued in that they formulate culture's basic means/ends relationships in actable form (Ortner, 1973). In relation to sexual harassment in academia, key symbols can be taken to represent an institution's rules for orderly and successful action. How can we be sure that the members of the university community connect to these expectational directives? Institutional policies and procedures not only

offer this orientation but enforce these standards of conduct. Allowing for the subjective variation of meaning, symbols which are objectively identifiable allow for the capacity to make meaning (Cohen, 1985).

Key symbols may influence the way in which the communication/interaction process is shared and thus reinforce or modify intersubjective definitions of the situation (giving impetus to new intersubjective definitions of the situation). In terms of sexual harassment in academia, for example, this implies that sexual harassment policy can influence actions/interactions in such a way as to either identify or reinterpret the materials (actions) of interaction which leads to the intersubjective definition of the situation as either involving or not involving sexual harassment.

Key symbols may also directly influence the intersubjective definition of the situation. In terms of sexual harassment in academia, for example, the sexual harassment policy may be seen as a guide for the creation and maintenance of the intersubjective definition of the situation rather than being a matter of having to process this definition through interaction. Therefore, key symbols (as delineated in the sexual harassment policy) may be seen as useful for either the creation and maintenance of the intersubjective definition of the situation or the negotiation or reinterpretation of the interactive process which has its own dynamic but which is also tied to the intersubjective definition of the situation.

The interplay in processes arising in the collectivity sphere is between intersubjective conceptualizations and collective action marked not only by communication/interaction but by the production of rules or standards which allow for

interaction, intersubjective understanding, and the production of prescribed norms (which may be negotiated through interaction/communication as part of the understanding process) governing behaviour set by the collectivity.

There are also diagonal flows among the processes of both the individual and collective spheres.

<div align="center">

SUBJECTIVE

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	intrasubjective imagination '	intersubjective definition of the ˙ situation	
INDIVIDUAL	imagined--	_communication/ interaction	**COLLECTIVITY**
	product of the· imagination ،	key symbols or `product of symbolic construction	

<div align="center">

OBJECTIVE

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The product of the individual/intrasubjective imagination (feelings and sensations) may influence, or be influenced by, the intersubjective definition of the situation (definition of what is happening) of a collectivity or the way in which intersubjective definitions of the situation are shared through communication/interaction (the process of presenting and

negotiating meaning). The key symbols (orientational directives) may influence, or be influenced by, the intrasubjective imagination (sensations and feelings) or the individual articulation process of the imagined (the process of cognitive processing). These relationships are extremely complex to map in lived experience, however, distinguishing them analytically is useful in marking the complexity of understanding and dealing with the phenomenon of sexual harassment.

This model of vertical, horizontal and diagonal relationships between elements which fall into the spheres of the individual-collectivity and subjective-objective dichotomies provides the theoretical framework for understanding the symbolic processes through which meaning is created and negotiated in relation to sexual harassment in academia as well as other phenomena.

<div align="center">

SUBJECTIVE

Motivational Understanding

</div>

voluntaristic   deterministic

INDIVIDUAL	intrasubjective imagination	intersubjective definition of the situation	
	imagined	communication/ interaction	**COLLECTIVITY**
	product of the imagination	key symbols or product of symbolic construction	

deconstruction   aggregating

<div align="center">

Observational Understanding

OBJECTIVE

</div>

It should be noted that this conceptualization creates a model which allows for any of these positions as the starting point for analysis, however, the decision of starting point will have implications on the interpretations and understanding of the particular phenomenon being researched. Since this model of culture focuses on the importance of lived experience in understanding any phenomenon, the methodology used to acquire data in relation to this theoretical framework needs to grounded in the psycho-social experience of the researcher and of the members of the culture.

Trust as the Link between Self, Others and the Abstract System

Sexual harassment in academia can be seen as a problem which brings us to the crossroads where the individual (personal lifestyle and behaviour) meets the structural (institutional roles). In grappling with understanding this problem, it is being suggested that the sexualization of instrumental relationships is really not very different from the sexualization of other interpersonal relationships. The distinction does not lie in the fact that the elements and dynamics of these phenomena are somewhat distinct, instead the differentiating marker is institutional structure which both gives and regulates power. What does this mean? It means that both instrumental and other interpersonal relationships are vulnerable to good and bad intentions, are affected by truth and by deception, benefit from pleasures and are adversely affected by disappointments, creating an interpersonal dynamic that can both liberate and entrap--all of this depending on the social actors involved and the environment in which they interact to create and negotiate

meaning. The environment in relation to sexual harassment in academia is the educational institution. Whereas personal relationships in general are self-regulated, instrumental relationships in the academic institution are under the regulation of policies and procedures aimed at protecting the rights of individuals to work and study and at ensuring an environment where trust constitutes respect and cooperation in the pursuit of knowledge and higher ideals.

How is the notion of trust conceptualized? Giddens (1990) begins with the Oxford English Dictionary definition which describes this term as "confidence in or reliance on some quality or attribute of a person or thing, or the truth of a statement" (p. 30), and continues to discuss Luhmann's distinction between trust and confidence. Whereas trust presupposes awareness of risk (alternative consequences of actions or decisions), confidence presupposes an attitude that the familiar (the taken-for granted) will remain stable (Luhmann in Giddens, 1990). Giddens (1990) suggests that trust needs to be seen as more of a continuous state than one which is based on circumstance specific contemplations of individuals in relation to alternative courses of action.

Giddens (1990) conceptualizes trust as: (1) related to the absence in time and in space, (2) linked with contingency rather than risk, (3) differentiated from faith in the reliability of a person or system but rather the derivative of that faith, (4) referring to faith in the system (symbolic tokens or expert systems) not in the agents of the system, (5) "confidence in the reliability of a person or system, regarding a given set of outcomes or events, where that confidence expresses a faith in the probity or love of another, or in the correctness of abstract principles (technical knowledge)" (p. 34),

(6) existing in the context (under the conditions of modernity) where there is a general awareness that human activity is socially created and where this human activity has a vastly increased transformative scope which is influenced by the dynamic character of modern social institutions, (7) presupposing risk which is distinguished from danger; the former presumes the latter but is not necessarily aware of it, (8) a minimiser of the dangers to which particular types of activity are subject, and (9) occurring not only as a matter of individual action but in environments where risk affects large groups of people.

How does this conceptualization of trust fit into the psycho-social model? In essence, trust can be seen as a connector between individuals and the system (key symbols). On the most basic micro level--the level of the individual--this sense of trust in the system (key symbols of the system) impacts at the level of the intrasubjective imagination. What this implies is that when all is going well, and experience and expectations coincide, the action (product) that results from the articulation process of the imagined reinforces the sense of trust in the system. However, when experience and expectations do not coincide, then something begins to formulate at the level of the intrasubjective imagination which does not feel right, does not make sense, which questions the confidence one has in one's self, in others, or in the system.

Although Giddens argues that faith lies in the correctness of principles of the system rather than the intentions of agents of the system, this must be questioned. Since our trust in the system is a result of our stock of knowledge at hand, and since this stock of knowledge is created through experience, trust in the system rather than being a given

must be seen as negotiated. What does this imply? It implies that trust in the key symbols is something which links the self and others to the system. The nature and degree of this trust is dependent on how much one's own self (identity, desires, needs) is directly linked to others in the system and the system itself. This is not just a question of acceptable risk, it is a question of how much trust one needs to have in the system in order to be able to function (or gain).

Security in the lived experience of the individual within a system (structure) may not only presuppose a balance of trust and acceptable risk but also a balance between agency (creativity) and structural directives for action. The suggestion is that one can live within a system, and function effectively within a system, without necessarily being secure (in the sense of balancing trust and acceptable risk) but rather because one has worked out a way of existing in the system. In relation to sexual harassment in academia, this approach may be one where the individual instead of trusting that he/she will not be sexually harassed assumes that this may happen and therefore takes appropriate protective measures to ensure that it does not happen. This may seem like an awful way to live, however, this approach may not only protect the individual from sexual harassment but may also make it easier for the individual to cope with sexual harassment if it occurs because trust is not assumed.

It seems that in order to be able to accept Giddens' conceptualization of trust, there is a presupposition that all social actors have the need/intent to trust. And although it is undisputable that a sense of trust in a taken-for-granted reality must exist in our day-to-day lives, to what degree does a social actor really need to trust in a particular system

for him/her to take it for granted? That is, does an individual social actor have to trust in the key symbols projected by a university, such as education equals better employment or an educational environment should be free of sexual harassment, in order to be able to get a degree or to interaction professionally with others to whom he/she is attracted or who are attracted by him/her? What is being challenged is the notion that one needs to believe in or trust something (or someone for that matter) in order to be able to gain some benefit/service/goal. What is missing from Giddens' approach is a discussion of the nature and degree to which distrust can allow the same conditions of successful existence for individuals within a system (structure).

Giddens (1990) introduces the notions of disembedding and reembedding which are involved in the development of modern social institutions. The first refers to "the 'lifting out' of social relations from local contexts of interaction and their restructuring across indefinite spans of time-space" (Giddens, 1990, p. 21), whereas the latter refers to "the reappropriation or recasting of disembedded social relations so as to pin down (however partially or transitorily) to local conditions of time and place" (Giddens, 1990, pp. 79-80).

Disembedding occurs in two types: symbolic tokens, which Giddens (1990) refers to as "media of interchange which can be 'passed around' without regard to the specific characteristics of individuals or groups that handle them at any particular juncture" (p. 22) and expert systems, which he refers to as "systems of technical accomplishment or professional expertise that organise large areas of the material and social environments in which we live today" (p. 27). The underlying importance of these disembedding

mechanisms is that their existence allows for a continuity in our day-to-day lives.

This continuity is forged, according to Giddens (1990), through faceless commitments, or the development of faith in abstract systems, which are a form of reembedding. Holding aside the argument presented in relation to the question of nature and degree of trust/distrust, it would seem that facework commitments (the second form of reembedding) are of primary importance to understanding the establishment and maintenance of trust in anything (any system or anyone). By facework commitments, Giddens (1990) is referring to "trust relations which are sustained by or expressed in social connections established in circumstances of copresence" (p. 80). The notion of facework needs to be more fully developed because, as I propose, the key to understanding the creation and modification of expectations (including those of trust and faith) occurs not at some abstract level but rather through interactive interchange.

There are three levels to interactive interchange. There is an over-arching framework which orients an individual's experience (Hershkowitz's [1977] horizon; Goffman's [1974] primary social framework). This orientational framework is presented, built upon, or modified through a participational event (Hershkowitz's [1977] ground; Goffman's [1967] face-to-face interaction). This participational event is based on the subject matter of interaction (Hershkowitz's [1977] figure; Goffman's [1967] behavioural materials). The kind of trust Giddens is referring to with faceless commitments seems to apply to an orientational framework.

What is this orientational (primary social) framework? Goffman (1974) writes that a primary social framework is "one that is seen as rendering what would otherwise

be a meaningless aspect of the scene into something that is meaningful" (p. 21). This primary social framework can be organized with discernable rules or it can "appear to have no apparent articulated shape, providing only a lore of understanding, an approach, a perspective" (Goffman, 1974, p. 21). Primary frameworks can, therefore, refer to a set of broad expectations or to specific rules for interaction. Since these primary social frameworks serve to provide actors with expectations, either general or specific, threat to the situation can be seen as occurring when these expectations are not met through interaction with others (in this case, representatives of the system). Trust, it is proposed, will be confirmed or challenged at the interactional level.

Whether or not trust is maintained or lost through interaction is really a cost-benefit analysis; that is, if trust is maintained more often than not, then facework commitments can reinforce or sustain faceless commitments, however, if trust is challenged and defeated more often than not, then the continuance of faceless commitments seems problematic especially since the face (and the powerful emotional and cognitive commitments to it) is missing from these latter commitments. Either one of two things is occurring: either trust may not have to exist in the same nature and degree in faceless commitments as in facework commitments, or faceless commitments can sustain trust easier than facework commitments because they are detached from face. Since trust is an emotional and psychological issue, it becomes impossible to accept that trust in a system (faceless commitments) could be sustained in situations where trust in individuals (facework commitments) is threatened. Perhaps trust is not necessary at all to living within the system, or perhaps some mechanisms of realignment are employed

to correct interactions within the system which are exposed to threat in order to rebuild trust.

In facework commitments where threat occurs, Goffman (1967) purports that actors employ face-work to realign expectations and interaction in order to maintain face. Face-work, according to Goffman (1967), consists of "actions taken by...[an actor]...to make whatever...[u· ictor]...is doing consistent with face" (p. 12). Why is face so important? Face, an image of self which expresses positive social values, is important for two reasons. The concern for face is primary in that it focuses the actor's attention on the current activity in order to maintain immediate and spontaneous interaction. The concern for face is secondary in that to sustain face in this activity, the actor must also "take into consideration his [her] place in the social world beyond it" (Goffman, 1967, p. 7). Face is a sacred thing, and therefore, the expressive order required to sustain it is a ritual one, involving the rule of self-respect and the rule of considerateness toward others (Goffman, 1967).

Face-work is used to counteract "events whose effective symbolic implications threaten face" (Goffman, 1967, p. 12). There are two basic kinds of face-work which counteract threats to the face and to interaction, and thus allow for the continuance of trust. First, there is the avoidance process which is the surest way for threats to be avoided; that is, to prevent threats to face, the actor can avoid contacts in which these threats are likely to occur (Goffman, 1967). Second, there is the corrective process which does not avoid the threat but rather aims at returning the interaction to proper functioning status; that is, when actors "find themselves in an established state of ritual

disequilibrium or disgrace" [or for that matter, lack of trust], they must make "an attempt...to re-establish a satisfactory ritual state" (Goffman, 1967, p. 19).

This tendency towards corrective interchange (face-saving practices) supports the notion that some level of trust in the system and others is sought after, however, distinct from Giddens' formulations, the suggestion here is that distrust (or lack of faith) does occur and that it is not a given that actors engage in faceless commitments which are not challenged by facework commitments. Although distrust can arise from either threats to facework or faceless commitments, it is suggested that an actor will attempt to use some technique to be able to align his/her own expectations with the interactions so as to be able to continue in the facework commitments more so than faceless commitments in order to protect the sacred, the face. The face, a part of facework commitments, is all important because it is the basis of trust in self, others and the system. Therefore, it is suggested that faceless commitments cannot be seen as withstanding the failure of facework commitments because there is no basis for trust if there is no maintenance of the sacred.

How is this discussion of trust and its links with facework and faceless commitments connected to the psycho-social model? Facework commitments occur as part of the communicative/interactive process through which the intersubjective definition of the situation is shared. To reiterate, this is a commitment to form not a commitment to content. Trust, in this context, involves a commitment to one's face and to the faces' of others. This commitment can be seen as guided by a faceless commitment to the key symbols of the collectivity, however, the commitment of face to the key symbols is

presented, negotiated and modified through the interaction process because until it is so shared with others, it remains only a matter of the intrasubjective imagination. When a social actor makes a facework commitment (the product of the imagination) to the key symbols, it becomes externalized through action. Commitments which rest on hope or faith are just thoughts and feelings, they do not become social until they become actionable. When an actor processes a faceless commitment through the imagined becoming the product of the imagination, then this commitment can be shared with others through facework commitments. The nature and degree of trust in faceless commitments is reflected by the line taken in facework commitments. Goffman (1967) describes a line as "a pattern of verbal and nonverbal acts by which...[an actor]...expresses his [her] view of the situation and through this his [her] evaluation of the participants, especially himself [herself]" (p. 5) and, to this can be added, an evaluation of the system in which these interactions are occurring.

What is being suggested in relation to the model is that trust in the system is a matter of the nature and degree to which an individual connects face with others' faces and with the key symbols of the system. Since these key symbols are the socially constructed and reconstructed products of the collectivity (institutionalized in the structures of a particular system), they are created, modified and sustained by the processes which arise in facework commitments but which can influence and be influenced by faceless commitments.

Giddens (1990) supports this formulation in his discussion of trustworthiness in relation to access points of abstract systems. Access points are the interactional

connectors between individuals (or groups of individuals) and abstract systems. Giddens (1990), while arguing that trust in abstract systems is necessary for taken-for-granted functioning in the world-at-large, also argues that "Attitudes of trust, or lack of trust, toward specific abstract systems are liable to be strongly influenced by experiences at access points--as well, of course, by updates of knowledge...via the communications media and other sources..." (pp. 90-91). Access points are areas of vulnerability for the abstract system; it is argued that it is at this interactional point of vulnerability that trust in self, others and the abstract system is challenged or confirmed.

In order to counteract this vulnerability, integrity and consistency of system representatives (agents) is of paramount importance. The demeanour of representatives acts as a means of reducing any loss of trust from the impact of imperfect skills and any perceived risk from human fallibility (Giddens, 1990). For agents of abstract systems, this demeanour needs to take into account the ethics of professional behaviour, as well as the policies and regulations governing the functioning of the system. Given our interest in studying sexual harassment in academia, and given that sexual harassment is clearly outside of the acceptable in relation to both professional standards of conduct and institutional rules and policies, further elaboration of interpersonal relationships which may occur within (as well as outside of) these abstract systems is necessary. The rationale is that even though interpersonal interactions/relationships occur within the system, they also take on a personal dynamics which is distinguishable from the instrumentality of the arrangement.

According to Giddens (1992), interpersonal interactions (intimacy between

individuals) are transforming as a result of democratization. This democratization of

intimacy involves securing relations between individuals which are free and equal and

which promote, according to Giddens (1992), the following outcomes:

1. The creation of circumstances in which people can develop their potentialities and express their diverse qualities. A key objective here is that each individual should respect others' capabilities as well as their ability to learn and enhance their aptitudes.
2. Protection from arbitrary use of political authority and coercive power. This presumes that decisions can in some sense be negotiated by those they affect, even if they are taken on behalf of a majority by a minority.
3. The involvement of individuals in determining the conditions of their association. The presumption in this case is that individuals accept the authentic and reasoned character of others' judgements.
4. Expansion of the economic opportunity to develop available resources-- including here the assumption that when individuals are relieved of the burdens of physical need they are best able to achieve their aims (p. 185).

Giddens (1992) contends that these aspirations are linked with the notion of autonomy.

"Autonomy," he writes, "means the capacity of individuals to be self-reflective and self-

determining: 'to deliberate, judge, choose and act upon different possible courses of

action'" (Giddens, 1992, p. 185). In order for there to be any real notion of autonomy

in the world of everyday life, and especially in the world of systems, there needs to be

some regulation or control of the distribution of power so that individual actors can

indeed make choices of their free (and unpressured) will.

How does this principle of autonomy fit into the psycho-social model? Key

symbols reflect the structure of the system and thus, may be seen as distributing and

regulating power and authority. The academic and non-academic policies and procedures

of an educational institution prescribe the nature and degree of power that representatives

(such as professors) of the system are to have over the users (students) of the system.

In allocating power to the representatives over the users, the system concomitantly guarantees that the users will be treated fairly and that power differentiation is necessary for evaluation of academic material. The system is not providing this distribution of power in order to allow for adverse effects which may result from the personalization of instrumental relationships; in fact, the system sets out guidelines for countering such infringements to the right to work and study. The notion of equality is specified within the framework (key symbols) which generates and limits power and authority and protects against abuses.

The democratization of intimacy, in keeping with the principle of autonomy, involves respect. The primary avenue of achieving autonomous choice in making connections between individuals involves the successful realization of the reflexive project of self. According to Giddens (1992), this reflexive project involves the condition of relating to others in an egalitarian way. Any relationship can become negative or abusive at times, due to the very nature of there being two individuals with needs which they are trying to maximize with and through each other, however, these adverse effects or abuses can be reduced by the guiding principle of respect for self and for the other. This respect must also extend to the notion that with rights come obligations, both of which are revisable through negotiation (Giddens, 1992).

In order to be able to negotiate both rights and obligations, there is a requirement of free and open communication (Giddens, 1992). It may be purported that this form of communication allows for the connecting of individuals and for the establishment and continuation of intimacy which allows for the development of trust. The presupposition

is that without communication there cannot be intimacy and without intimacy there is no room for trust. Refraining from communicating freely and openly leads to a lack of continued intimate contact which can lead to distrust because intimate communication provides the forum for accountability and balance of power which is necessary for trust. Giddens (1992) writes:

> Trust without accountability is likely to become one-sided, that is, to slide into dependence; accountability without trust is impossible because it would mean the continual scrutiny of the motives and actions of the other. Trust entails the trustworthiness of the other--according 'credit' that does not require continual auditing, but which can be made open to inspection periodically if necessary. Being regarded as trustworthy by a partner is recognition of personal integrity, but in an egalitarian setting such integrity means also revealing reasons for any actions if called to do so--and in fact having good reasons for any actions which affect the life of the other (p. 191).

If there is an end to intimate communication, then there is no allowance for accountability and therefore trust becomes problematic. The suggestion is that withdrawing from communicating, perhaps because of a perceived betrayal of trust, ensures that the trust will not be rebuilt.

There are two very important notions that Giddens does not deal with in relation to trust and accountability. First, there is the notion of self-protection. When he argues that one must be accountable for one's integrity to the other and reveal reasons for actions which affect the other's life, this points the burden of responsibility on the self. It can be argued that both parties in interpersonal relationships have responsibilities to each other, however, they also have responsibilities to themselves. In order for trust to exist and to continue to exist in an interpersonal relationship, it is important that social actors not allow themselves to be vulnerable to manifest or latent abuse from each other;

this is a responsibility each actor owes himself/herself as well as to the other.

A number of techniques can be employed to counter another's perceived or intentional destructive behaviour including openly communicating that another's actions are having an effect, removing one's self from the situation until the other has calmed down, and finally, making it clear that a particular behaviour is unacceptable and cannot continue within this relationship. Often, perhaps too often, social actors may let things slide until they get to a point where what could have been dealt with openly and solved relatively easily (as perhaps the other is not even aware of his/her behaviour) has become a paralysing, unsolvable stressor that envelopes those involved with hurt and anger, silencing communication, estranging intimacy, and forever severing trust. Personal responsibility for the effects of another's behaviour is an important element in relating accountability with trust.

Second, Giddens does not deal with the notion of forgiveness which is different than forgetting. Forgiving refers to acknowledging that another has done something offensive which is pardoned. It allows for the making of amends for human mistakes which are genuinely regretted. Pardoning does not imply erasing from memory. A serious offense may be difficult to forgive, however, if forgiven, responsibility to self and other necessitates that feelings and thoughts about markers which set off memories of the offense are communicated in and for themselves; forgiveness means that no further accounting based on the past offense is required or necessary. If a social actor chooses not to forgive another for an offense, and this must be seen as a choice based on a personal value standard, then it will be very difficult to rebuild trust.

One of the problems that may result is that while outward forgiveness can be expressed, it does not ensure that the wrong is inwardly released. Another problem that may result is that the offender may feel the need to continually account for an offense which is not recurring. Overtime, continual judgement and critical assessment or doubt may lead to frustration, double guessing and all sorts of other impediments to the kind of natural and spontaneous intimate communication which is the basis on which trust is built. If relationships are going to continue after some offense of whatever seriousness, then there must be room for redemption and for a forgiveness that lets go even if it does not forget.

Goffman (1967) offers four sequential moves involved in the corrective interchange of face-saving which delineate a process for accountability and trust realignment in interpersonal relationships. The first step is the challenge, by which actors "take on the responsibility of calling attention to the misconduct" (Goffman, 1967, p. 20). The second step is the offering, by which an actor, "typically the offender, is given a chance to correct for the offense and re-establish the expressive order" (Goffman, 1967, p. 20). The third step is the acceptance, by which the ritual offering is ceased by the acceptance of the offended "as satisfactory means of re-establishing the expressive order and the faces supported by this order" (Goffman, 1967, p. 22). The term acceptance refers to any action by which an actor motions that the offering is accepted for realignment. The fourth, and final step, is the thanks, by which the interchange is terminated through the forgiven offender's conveyance of a "sign of gratitude to those who have given...the indulgence of forgiveness" (Goffman, 1967, p. 22). Pride often

infers with this type of a process because it is difficult for a social actor to acknowledge that he/she has done something wrong (or so perceived by another) and to go through this corrective interchange process. This difficulty is often compounded by the offended actor's not wanting to let go of the incident which can keep this process going beyond what the pride of the offender can take.

The corrective interchange process provides a format for solving crises in a civilized manner. The problem with using this form of a process is that two separate forces are working simultaneously and, at times, rather detached from each other: rationalization and emotions. Emotional commitments, as Giddens (1992) argues, are a means of driving communication, the modus operandi of commitment to and cooperation with others. We feel and therefore we do. Social actors also evaluate and try to come to understanding especially when feeling that something is wrong. We rationalize, we explain, we justify, we come to conclusions, we make decisions based on our thoughts sometimes in keeping with our emotions and sometimes despite our emotions.

Is it necessary for rationalization and emotions to be connected to each other? I would argue that it is because when one or the other takes over there is a lack of balance. Reconciling what we think and what we feel is important in order for us to be resolved in the decisions we make and the actions we take. Giddens (1992) writes: "Emotions are not judgements, but dispositional behaviour stimulated by emotional responses...to evaluate feelings is to ask for the criteria in terms of which such judgements are made" (p. 202). All too often, social actors are conditioned by external

influences to take this and that into consideration when making decisions about emotional commitments when in fact these emotions should be seen as valuable in and of themselves. They are passionate, they are the drive which keeps us moving forward. When we come to the state of blocking emotions because of rationalizations, we become no more than dehumanized machines that are simply performing goal-oriented tasks without pleasure, without care, without meaning. As Giddens (1992) purports:

> There is no room for passion in the routinised settings which provide us with security in modern social life. Yet who can live without passion, if we see it as the motive-power of conviction? Emotion and motivation are inherently connected. Today we think of motivation as 'rational'...but if emotion is wholly resistant to rational assessment and ethical judgement, motives can never be appraised except as means to ends, or in terms of their consequences...the impossibility of evaluating emotion...
> Seen as a life-political issue, the problem of the emotions is not one of retrieving passion, but of developing ethical guidelines for the appraisal or justification of conviction (p. 201).

Balance and connectedness of rationalization and emotions are essential for any form of healthy functioning of the individual social actor as well as of individuals in interpersonal relationships. Once emotions and rationalizations become dislodged from each other, obsession and addiction, the hallmarks of unhealthy emotional and rational dependency occur.

The balance and connectedness of emotions and rationalization can be seen as occurring on a continuum with healthy relationships on one end and unhealthy relationships on the other. Healthy, intimate relationships can be seen as comprising the following elements:

> Development of self as first priority. Desire for long-term contentment; relationship develops step by step. Freedom of choice. Balance and mutuality in the relationship. Compromise, negotiation or taking turns at leading. Sharing

wants, feelings and appreciation of what your partner means to you. Directness. Appropriate trust (that is, knowing that your partner will probably behave according to his or her fundamental nature). Embracing of each other's individuality. Relationship deals with all aspects of reality. Relationship is always changing. Self-care by both partners. Loving detachment (healthy concern about partner's well-being and growth, while letting go). Sex grows out of friendship and caring. Problem-solving together. Cycle of comfort and contentment (Giddens, 1992, pp. 94-95).

In contrast, unhealthy, addictive relationships can be seen as comprising the following elements:

Obsessions with finding 'someone to love.' Need for immediate gratification. Pressuring partner for sex or commitment. Imbalance of power. Power plays for control. No-talk rule, especially if things are not working out. Manipulation. Lack of trust. Attempts to change partner to meet one's needs. Relationship based on delusion and avoidance of the unpleasant. Relationship is always the same. Expectation that one partner will fix and rescue the other. Fusion (being obsessed with each other's problems and feelings). Passion confused with fear. Blaming self or partner for problems. Cycle of pain and despair (Giddens, 1992, pp. 94-95).

The distinction between the two lies in that the former is emancipatory (liberating) while the latter is debilitating (entrapping).

In relation to the psycho-social model, this discussion relates to the way in which individual social actors interact with each other in the process (interactive communication) that allows for the intersubjective definition of the situation to be processed into key symbols or products of symbolic construction, and the reverse. Through the way in which social actors interact with others, the meaning of key symbols is created and recreated. If a university environment is to be one of respect, trust and cooperation (as key symbols), then interaction of social actors within this system (institution) needs to be of the healthy interpersonal type which allows for reinforcement of the faceless commitments through everyday engagement of and in facework

commitments. When threats (distrust) arise, it is essential that corrective interchange occurs because if it does not, depending on the severity of the offense, trust in others, as well as trust in the system, may be questioned or in some way to some degree abandoned. If there is a sharing of the key symbols on the level of form but not content, then the content is what becomes negotiable. This is a focus not on principles but on what these principles mean in practical behavioural terms for each of the interactants. This brings to the forefront individuality and the psycho-social process of self-awareness, self-understanding, and individual techniques for existence in the world.

Funnelling from the macro (connections of individuals to the abstract system) through to the midpoint between macro and micro (connections of individuals with each other), we arrive at the micro (connections a social actor has to himself/herself). Trust in relation to self is a question of ontological security and psychological surety. The self becomes a reflexive project in which the question "Who am I?" requires an answer that will guide not only identity but action. A clearly developed sense of who one is and what one wishes out of life are the basis on which respect for one's self is developed. It is difficult to have self-esteem and self-respect without having a clear delineation of what one stands for, what one believes in, what one will fight for, what one will accept from others, what one desires from others. Part of the reason, perhaps, that trust in abstract systems is seen as a given for Giddens may be that we live in a world where many people would just as simply give their lives up to abstract systems for care, so that critical self-evaluation and discovery, a sometimes painful and sometimes joyful process, is unnecessary. The trend is toward self-help books and a greater awareness of self, but

all too often, you can still hear the words "You think too much...you over analyze" and these are markers that we have not reached a point where understanding one's self and others is a legitimate goal.

The nature and degree to which one takes on the challenge of knowing and respecting one's self may be observed in the adaptive reactions identified by Giddens (1990). First, there is the reaction of pragmatic acceptance in which the focus is on "surviving." Pragmatic acceptance involves focusing on goal-oriented actions, such as eating, sleeping, working, without allowing any form of emotional or psychological interaction and totally avoiding problems or threats which may occur (this is similar to the avoidance process of face-saving practices). It is an adaptive reaction which either has an underlying pessimism or an underlying nourishment of hope, however, since it is non-active in addressing threats or risks, it is not without its emotional and psychological costs in that, as Giddens (1990) writes: "It implies a numbness frequently reflecting deep underlying anxieties, which in some individuals repeatedly surface at a conscious level" (p. 135).

Second, there is the reaction of sustained optimism. Sustained optimism involves "a continued faith in providential reason in spite of whatever dangers threaten at the current time" (Giddens, 1990, p. 136). This is the "don't worry...everything will be alright" stance. It holds its appeal upon the conviction that science/unfettered rational thought offers long-term security and can also be found in certain types of religious ideals (Giddens, 1990).

Third, there is the reaction of cynical pessimism. Unlike the avoidance

indifference of pragmatic acceptance, this adaptive reaction involves, according to Giddens (1990), "a direct involvement with the anxieties provoked by high consequence dangers"...it "is a mode of dampening the emotional impact of anxieties through either a humourous or world-weary response to them" (p. 136). Cynicism can be separated from pessimism in that the latter refers to a kind of desperate hopefulness and instead of leading to action, it tends to lead to paralysing depression (Giddens, 1990). When this pessimism is linked with cynicism, an emotional neutralizing occurs because of the power of humour (Giddens, 1990). This adaptive reaction, as well as the two previously mentioned, are not oriented toward doing anything about the situation, rather they are ways of accepting and dealing with life as it is.

Fourth, there is the reaction of radical engagement. Radical engagement involves, according to Giddens (1990), "an attitude of practical contestation towards perceived sources of danger" (p. 137). This adaptive reaction involves directly facing the problem through taking some action to overcome the problem (this is similar to the corrective process of face-saving practices). Giddens (1990) adds that "This is an optimistic outlook, but one bound up with contestory action rather than a faith in rational analysis and discussion" (p. 137). This adaptive reaction is a prime vehicle of social movements, and on the individual level, it is the prime vehicle for corrective actions towards problems. This adaptive reaction involves facing reality as it is, acknowledging that there is a problem, and setting about to do something about the problem to eliminate it.

These adaptive reactions can be seen as personal approaches to life which reflect to some degree a social actor's security in self and in the world of everyday life. How

so? On an individual basis, the choice of a particular adaptive reaction, or life action/reaction approach, reflects a social actor's ability to feel comfortable (trusting) with self, others and abstract systems. If a social actor chooses to totally ignore any problems and focus solely on existing, this reflects he/she does not trust himself/herself to solve problems with others or with the abstract system. If a social actor chooses to have a sustained optimism that all will be well whether it is or not in reality, this reflects he/she does trust but blindly in some power (which may not be real) to guide self, others and the abstract system in the right direction. If a social actor chooses to have cynical pessimism, this reflects he/she distrusts (expects nothing) from the self, others or abstract systems. If a social actor chooses to employ radical engagement, this reflects he/she has a certain amount of trust in self, others and abstract systems because he/she sets about to right a wrong in order to realign the situation. It should also be noted that the way in which an individual chooses to deal with the world around him/her is a choice, and a choice which may be seen as reflecting one's sense of esteem and respect for one's self and toward the surrounding world.

Where do these individual adaptive strategies fit into the psycho-social model? They can be seen as lying in the process of the imagined, the articulation process of the intrasubjective imagination. These are the personal, voluntaristic strategies which individual social actors select for the way in which they live (the product of the imagined) their lives and share these lives with others (the communication/interaction process arising from the intersubjective definition of the situation) and within a given abstract system (and its key symbols).

The notions of trust which have been discussed in relation to self, others (interpersonal relationships) and the abstract system (the structures and policies which set the guidelines for instrumental relationships) add important dimensions to the understanding of sexual harassment in academia. It is difficult enough to manage successful interpersonal interactions while balancing self, others and abstract systems, however, when these personal relations are attached to instrumental relationships, the distinction between personal duty and professional responsibility can become blurred. It is being argued that personal experience in one's own life, in relationships with others, and in interactions with abstract systems (such as educational institutions and their key symbols), are the forum for the development of trust. If institutional guidelines (key symbols) are clear and if social actors are fully committed to these directives, then trust should develop and be reaffirmed in the lives of social actors and in their sharing through interaction with others in the abstract system.

The study of culture as a lived experience, the study of sexual harassment in academia, and the study of trust, requires a psycho-social analysis of the subjective and objective understandings of social actors as individuals and as members of a collectivity in the everyday life of the educational institution.

CHAPTER 4: Methodology

The broad substantive theoretical quest is the exploration of the symbolic interfaces at which sexual harassment in academia exists as a lived experience in the culture of an educational institution. Three areas of study are selected from the strategic research site of Concordia University: (1) the Sexual Harassment Policy, (2) the Advisory Committee on Sexual Harassment, and (3) a case study of one of the sexual harassment experiences which was brought to the attention of the Sexual Harassment Office. For the first area, the aim is to examine the policy for its clarity and completeness as an orientational guide for appropriate conduct. For the second area, the aim is to examine how effective the Committee is with advising and supervising the Policy and the Sexual Harassment Office. For the third area, the aim is to show the links between the individual, others and the system at institutional access points.

The logic behind the choice of these three areas is as follows: (1) the Policy on Sexual Harassment, as a key symbol, sets and regulates the standards in relation to behaviour at the University; (2) the Advisory Committee is responsible for supervising the practice of the Policy and ensuring that the Policy functions as intended, and advising the Sexual Harassment Officer on its practical applications; and (3) individuals connect with the system based on their own experiences and their experiences with others in relation to the practice of the University policies. The ultimate aim of this research is to discover how well Concordia University (through its structures and policies) is responding to and dealing with the problem of sexual harassment in academia.

The research strategy is psycho-social frame analysis. Similar to content analysis, text is used as the spring board for inquiry. In the case of analyzing the Policy on Sexual Harassment, the text of the Policy is examined to assess completeness and comprehensiveness. In the case of analyzing the functioning of the Advisory Committee on Sexual Harassment, the text of the minutes of meetings (and pertinent correspondence) is examined to assess whether this Committee is fulfilling its mandate. In the case of analyzing the personal experience of sexual harassment, the text of the complainant's story is examined to assess the effectiveness of the practical applications of the Policy by the Sexual Harassment Office. Lived experience cannot be reduced to a script which social actors play out; the goal is not literary/text analysis. Instead, the goal is the exploration of lived experience using text as the starting point for the discovery of meaning through content analysis in conjunction with participant-observation in the world of everyday life.

This strategy allows for an interactive-introspective inquiry starting with an observable (a text which describes something) and going beyond to uncover the subjective meaning attached to what is observed by interpretive social actors in the lived experience of culture. The text (be it the Policy, the minutes and/or correspondence of the Advisory Committee on Sexual Harassment, or the story of a complainant) can be seen as rendering a facet of everyday experience comprehensible in an objective (observable) manner. The text can be read but the reader is removed from the practical consequences and from the live experience portrayed in it. Therefore, at best, the reader can only attain observational understanding which needs to be surpassed. To delve beyond this

surface (accepting the limitations of even this quest) into motivational understanding, an active, interpretive reader must attempt to link the text with lived experience in order to be able to understand what is happening. In order to focus on both observational and motivational understanding, the research approach involves interaction and introspection. Interaction comes into play through the interpreter's examination of the meaning of a text. Introspection comes into play through the interpreter's quest for finding the meaning of text inspired issues in the world of everyday life.

Interaction refers to an active reader who interprets the meaning of a text. The text is not active in itself in the sense that it does not make anything happen; rather, it is reflective in the sense that it "survives in the valley of its saying...a way of happening, a mouth" (Auden's elegy of Yeats in Geertz, 1973, p. 443). This does not negate a constitutive function for text, instead it grounds this function in the interactional experience of the interpreter. The constitutive function brought into play by the interaction of an active interpreter with text addresses the question of how it is that meaning is attributed to things. The power of any text involves the ability of the text to force together a dilemma with symbols/signification grounded in lived experience which inspires the interpreter to become active (intellectually and emotionally) in the process of coming to terms with some form of understanding. Fiske (1989) writes:

> ...texts are inadequate in themselves--they are never self-sufficient structures of meanings...they are provokers of meanings and pleasure [or pain], they are completed only when taken up by people and inserted into their everyday [lives]...relevance can be produced only by people...Relevance is the intersection between the textual and the social... (p. 6).

The interactional (text-interpreter) experience allows for relevance which is an

interpreter attribute (Fiske, 1989). Since it is the interpreter who makes meaning of the

text in relation to lived experience, it seems only appropriate that the interpreter's

process of meaning creation be examined. In essence, this methodological approach

takes text as field notes of an individual or a collectivity and tries to come to an

understanding of its interpretive meaning through analysis (sociological introspection).

Introspection refers to coming to a motivational (both intrasubjective and

intersubjective) understanding of the meaning of a text in relation to lived experience.

Sociological introspection is proposed as a method for the inquiry into subjective

understanding on the personal as well as collective levels. According to Ellis (1991),

introspection refers to

> ...a social process as well as a psychological one. It is active thinking about
> one's thoughts and feelings [this reinforces the idea of interaction of an active
> interpreter with text]; it emerges from...interaction; it occurs in response to
> bodily sensations, mental processes and external stimuli as well as affecting these
> same processes (pp. 28-29).

The generation of interpretive materials about the lived experience must study the self-

dialogue in process without detaching the emotional experience (Ellis, 1991). Ellis

(1991) writes:

> Introspection permits us to prompt and collect our own and other people's
> stories about the lived details of socially constructed experience. To stay as close
> as possible to the details reported, introspection is best presented as a narrative
> text...such accounts will provide a stimulus for discussing issues of the
> relationship between presented text and feeling/thought and for comparing
> experiences across groups and culture (p. 45).

Sociological introspection supports the investigation of connections between objective

(observable) text and the subjective reaction of an interpreter in relation to the model of

symbolic interface, and it allows for the investigation of expectations, interaction and

emotions in the world of everyday life.

Sociological introspection can occur at the level of the researcher or at the level of others surrounding the researcher. At the level of the researcher, self-introspection is a technique that allows not only for the description of what is observed but also provides a cognitive map for how the thought processes and feelings have led to a particular conclusion about what was observed. Understanding the complexity of phenomena, such as sexual harassment in academia, involves studying not only observable manifestations (such as the text) but motivations/intentions (the inner experience). Active interpretation is important because it allows for understanding which takes into account the individual's private processes in the interpretation of action, thought, and feeling (Ellis, 1991). This form of introspection allows for the understanding of the researcher as object of study instead of solely being treated as an objective observer.

At the level of others, interactive introspection is a technique that allows for an understanding of motivation of social actors. Interactive introspection resembles an intensive interview, however, it is far more interactive (occurring naturally rather than entirely structured/scripted survey investigation). The discovery process is emergent rather than structured. It involves focus on the identification of the researcher's and other social actor's (actors') perceptions in a number of areas. The generic (non-subject matter specific) areas, suggested by Stebbins (1969), are the following: (1) identity of participants; (2) evaluation of participants in the situation, including the moral and emotional or sentimental connotations of the immediate setting (physical as well as social)

as established with reference to the identification of the participants and of the symbols;

(3) goals or intentions of the participants while in the setting, including primary frameworks/orientations/expectations; (4) plans of action (strategies for reaching the goals) of the participants; and (5) justifications/rationalizations or vocabularies of motives associated with the participant's (participants') plans of action.

In coming to terms with the meaning attributed to events, symbols and behaviour, this form of investigation involves probing and feedback. Ellis (1991) writes:

> Here, the researcher works back and forth with others to assist in their introspection, but the object of study is the emergent experiences of both parties. Interactive introspection provides self-introspection from subject and researcher, since a researcher must introspect about her [his] own responses in reaction to experiences and feelings of respondents (p. 30).

The primary goal of this form of introspection is to describe the conscious experience of both the subject and researcher on the level of intended meaning or motivation. In a sense, this is an exercise of discovery which directly brings to consciousness and discussion the meaning that the researcher attributes to what he/she is observing with a concomitant emphasis on the meaning social actors attribute to the symbols and action which are inherent in their day-to-day lives. Interactive introspection occurs between and among interpreters' perceptions and ideas about the linkage of the text with lived experience.

Sociological introspection is employed as the technique for the psycho-social analysis of sexual harassment in academia. The text is the starting point onto which the other levels of sociological introspection are added through participant-observation in the world of everyday life of an educational institution. Participant-observation was a matter

of interacting as a member with other members (students, staff, faculty and administrators) of the Concordia community in relation to the text of the Policy, of interacting as a member (and representative of the Graduate Students' Association) with other members (who represent other interest group/associations, such as undergraduate students, staff, faculty and administrators) on the Advisory Committee on Sexual Harassment in relation to the text of the minutes and/or correspondence, and of interacting as an individual with other individuals of the university community in the sharing of personal experiences and stories about sexual harassment in academia. During participant-observation, all roles that I held (graduate student researching sexual harassment at Concordia, graduate representative on the Advisory Committee on Sexual Harassment, and eventually, President of the Graduate Students' Association) were openly disclosed and their impact on the research and on others was taken into account.

The use of interactive and introspective methodologies directly impacts on the type of analysis to be done. The quest for understanding the connection between text and lived experience requires more than a strict content analysis of the text, but a discourse between ideas presented in the text and their meaning as symbols for interpretation in relation to life experiences. This provides two frames of reference for the analysis of the data. The first frame of reference is that of the subject matter raised in the text. Analysis from this point of reference involves the analysis of the data (text) by the researcher/interpreter but directly in relation to the meaning that is created in the text. This can be done by examining what the text tells us about the world (institutional practices, standards, rules, etc.) and by the researcher/interpreter employing what has

been called sociological introspection (Ellis, 1991) through taking the role of the other (Mead, 1934) or methodological empathy (McGuire, 1982). This form of analysis invites the interaction of the researcher/interpreter in understanding and reacting to what is being presented in the text.

The second frame of reference is that of the interpreter. Analysis from this point of reference involves the analysis of the data (text and ideas presented in the text) from the interpreter's point of view as he/she connects elements of the text to lived experience. This can be done through self-introspection (Ellis, 1991) which provides a cognitive map for how the thought processes and feelings led to a particular conclusion about what was observed. Both frames of reference are necessary in the study of observational (objective; text) and motivational (subjective; lived experience) understanding.

The three texts selected (the Policy on Sexual Harassment, the minutes and correspondence of meetings of the Advisory Committee on Sexual Harassment, and the personal experience of a complainant) are sorted for data analysis. The Policy under examination is already divided into identifiable sections, each dealing with a specific issue, and these will be accepted as given. The minutes and correspondence of the Advisory Committee are also subdivided into sections, each dealing with a specific meeting or piece of correspondence, and these are also accepted as given. The personal experience of a complainant is divided into theme areas or issues from the overall stream of the telling. The simplification of these records is guided by a synthesis of Goffman's (1974) Frame Analysis technique and Hershkowitz's (1977) model of Horizon, Ground and Figure.

Each of the text divisions is called a strip. These strips are used to "refer to any raw batch of...[data/text]...that one wishes to draw attention to as a starting point for analysis" (Goffman, 1974, p. 10). Each strip contains a description of the frame and a frame analysis. Frame, according to Goffman (1974), refers to the basic identifiable elements which lead to the definition of a situation. The frame, then, is the description of what appears in the text--the words. The frame is also called the figure (Hershkowitz, 1977). Figure refers to the focal elements which are the basis on which interpretations are made in reference to interaction and orientation of the organization of experience.

Frame analysis refers to the examination of the organization of experience (Goffman, 1974) on two levels. The first level, the participational (interactional) level, refers to the interaction of the interpreter with the text. The participational (interactional) level is also called the ground (Hershkowitz, 1977). For the purposes of this paper, the ground focuses on identifying issues that need to be explored further.

The second level, the orientational level, refers to the examination of primary (social) frameworks. Primary social frameworks refer to a set of broad expectations or to specific rules for participation (interaction) which provide background understanding for events which guide action (Goffman, 1974). The agency involved in social frameworks makes reference to some sort of action which is seen as guided by the doer according to some standard which is socially appraised. The primary social framework (orientational) level is also called the horizon (Hershkowitz, 1977). In Hershkowitz's (1977) formulation, the horizon is an over-arching framework which orients an individual's experience in the world of everyday life. For the purposes of this paper, the

horizon focuses on identifying the expectations which the University tried to address through the creation of the Policy on Sexual Harassment, and support structures such as the Advisory Committee on Sexual Harassment and the Sexual Harassment Office.

In short, this psycho-social frame analysis is guided by the figure (focal events) of the text which is analyzed on the ground (level of interaction with the text) and on the horizon (level of orientations/expectations). This methodology supports the exploration of the processes delineated in the psycho-social model of sexual harassment in academia.

CHAPTER 5: Data and Data Analysis

Concordia University's Policy on Sexual Harassment[5]
(Effective Date: 1 February 1991)

Policy

STRIP #1: Purpose (Articles 1 through 6)

Figure:

Article 1:   *The University considers sexual harassment in all its forms,
              whether subtle or overt, to be a serious offence. Sexual
              harassment is a form of discrimination, of violence or both. It
              infringes on fundamental human rights and undermines personal
              dignity and integrity. It interferes with the work, study and
              academic environment of the University.*

Article 2:   *Concordia University endeavours at all times to provide a working
              and learning environment that is supportive of scholarship and
              research and of the fair treatment of all members of the University.
              The basis for interaction among all members of the University must
              be mutual respect, trust, cooperation and understanding.*

Article 3:   *The university does not condone behaviour, such as sexual
              harassment, that undermines the freedom, dignity, trust or
              productivity of any employee, or student.*

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[5]Although the general practice in psycho-social frame analysis is to begin with the
figure, proceed to the ground, and then proceed to the horizon. The horizon precedes
the ground in the analysis of the Policy because the Board of Governors' Advisory
Committee on Sexual Harassment established the expectations for the text previous to the
text's enactment.

Article 4:   *Although men and women can be victims of sexual harassment, women are most often the targets of these practices. Sexual harassment can be a form of abuse of authority, and, in the case of women a manifestation of the perception of women's subordinated societal status. It can be exacerbated by discrimination on other grounds such as disability, race, religion, ethnic origin or sexual orientation. It is a serious equity issue.*

Article 5:   *The University has the legal and moral responsibility to ensure an environment free from sexual harassment for all its members.*

Article 6:   *To fulfil this responsibility, the University defines, in this policy, the term sexual harassment, provides a choice of procedures for resolution, and outlines a range of disciplinary measures up to and including dismissal or expulsion. An infrastructure to promote the prevention of incidents of sexual harassment through education is established.*

Horizon:[6]

A strong statement of purpose (policy statement) is important because it gives directive to members of the University in relation to acceptable conduct at the Institution. It also mandates education about sexual harassment, investigation and determination of violations, recommended procedures for resolution, and sanctions or remedies.

Although the University wishes to protect the rights of those who are harassed, it also, wishes to protect the rights of those who are accused of harassing from frivolous and vexatious complains (these are distinguished, however, from unsubstantiated complaints).

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[6]It should be noted that information provided under "horizon" refers to the expectations outlined in the comments of the "Final Report: Advisory Committee on Sexual Harassment," submitted to the Vice-Rector, Institutional Relations and Finance on April 9. 1990, as explanation for content included in Concordia University's Policy on Sexual Harassment.

The policy statement also distinguishes between the right to academic freedom or the right of freedom of speech (rights which the University aims to protect) and offensive behaviour which is imposed on others and whose result is the infringe of the rights to work and study in an environment free from sexual harassment.

Ground:[7]

The policy statement presents the Institution's liability in terms of protecting instrumental relationships at the University; this is balanced with the rights of freedom of association/speech and privacy of members of the University.

The strength of this policy statement must be judged in relation to collective agreement at the University.

STRIP #2: Definition[8] (Article 7)

Figure:

Article 7: Conduct of a sexual nature such as, but not limited to, sexual assault, verbal abuse or threats of a sexual nature, unwelcome sexual invitations or requests, demands of sexual favours, or unwelcome and repeated innuendos or taunting about a person's

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[7]The "ground" identifies issues which need to be examined in the process of evaluating the Policy; these are issues which are problematic in that the expectations which were to be embodied in the text may offer an unclear or undesirable directive for dealing with sexual harassment in academia in terms of lived experience.

[8]The definition adopted is the same as that of the Canadian Association of University Teachers (CAUT) in its "Policy on Professional Ethics and Professional Relationships."

body, appearance or sexual orientation, constitutes sexual harassment when:

a.   submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status or academic accreditation; or,

b.   submission to or rejection of such conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decisions affecting such individual; or,

c.   such conduct interferes with an individual's work or academic performance; or,

d.   such conduct creates an intimidating, hostile or offensive working or academic environment.

Horizon:

A precise definition is important because it serves as an assessment tool for investigation, determination of violation of the Policy, recommended resolutions (including sanctions or remedies), and because it serves to educate all members of the University as to unacceptable and offensive behaviour.

This definition is aimed at being precise yet broad; it is aimed at including not only sexual harassment which involves abuse of professional authority or coercion but also more generalized behaviours (such as those between peers, those which are more subtle, those which are gender-oriented or sexist) if they fall into one or more of the consequences enumerated in the definition.

Ground:

The University has the liability of protecting instrumental institutional relationships. Sexualization of these instrumental relationships is problematic. The issue

is one of balance between protecting these instrumental relationships and intrusively patrolling private and personal interactions of members of the University. It is recognized that instrumental relationships can occur in the context of a formal power differential between a superior and a subordinate. Introduction of sexuality or sexism into these power differentiated relationships compounds the problem. The issue is one of questioning the appropriateness and acceptability of sexualization of instrumental relationships between members of uneven power and authority.

Categorization of sexual harassment as gender harassment (sexist remarks and behaviours which convey insulting or sexist attitudes toward women in particular), as seductive behaviour (inappropriate and offensive sexual advances), as sexual bribery (solicitation of sexual activity or sex-linked behaviour by promise of rewards), as sexual coercion (coercion of sexual activity or sex-linked behaviour by threat of punishment), or as sexual imposition (attempts to have sex-linked activity or sexual assault) has implications on identification and treatment of the problem. The issue is one of recognizing that all of these forms of sexual harassment can have devastating consequences on individuals and on the Institution, however, each of these forms of sexual harassment needs to be understood and approached on a distinct intentional and consequential basis.

Further issues for consideration are linked with the notions of "unwanted or unwelcome" and "repeated." The notion of "unwanted or unwelcome" can be problematic as the burden of responsibility, and by extension burden of proof, fall on the person being harassed. There is some question as to whether the question of wanted or

unwanted is appropriate in the context of differentiated power and authority. This notion often affords the harasser the defense of not knowing the mind (perceptions) of the other and therefore not knowing that certain behaviour is unacceptable or offensive.

This is especially compounded by the second notion, "repeated," in that sexual harassment needs to be seen as inappropriate and offensive even if it occurs only once (especially in relation to some of the forms mentioned earlier). In view of repeat offenses, especially in power differentiated relationships, the victim is held responsible for confronting the harasser which is not without potentially harmful ramifications. Although empowering the victim is an important part of countering sexual harassment, this empowerment needs to be seen in the context of institutional relationships which the University is liable to safeguard.

STRIP #3: Jurisdiction (Articles 8 through 12)

Figure:

Article 8: *The following individuals or bodies may initiate a complaint:*
a. *any member of the University;*
b. *the University, on its own behalf or on the behalf of one of its members, if it chooses hearings as the procedure for resolution;*
c. *any duly constituted University association or union, on behalf of one of its members, if it chooses hearings as the procedure for resolution; and,*
d. *any person seeking to become a member of the University, in circumstances directly affecting one's application to become a member.*

Article 9: *The following individuals or bodies may be the subject of a complaint:*

a. *any member of the University;*

b. *the University; and,*

c. *any duly constituted University association or union.*

Article 10: *Members of the University are defined as faculty, employees and students.*

Article 11: *Complaints may be made about any violation to this policy taking place on University premises, be they rended or owned, or in the course of any activities conducted by or on behalf of the University on other premises.*

Article 12: *Reprisal or threat of reprisal against a complainant or against a person who has participated in proceedings under this policy, whether the complaint was substantiated or unsubstantiated, may constitute grounds for a complaint under this policy or under the Code of Conduct (Non-Academic).*

Horizon:

The jurisdiction statement pinpoints that complainants and respondents of sexual harassment can be individuals, groups of individuals, associations and unions, bodies of the University (such as departments or faculties) and the University.

The statement also clearly stipulates that an incident can be considered sexual harassment within the University's jurisdiction whether or not it occurs on University premises or whether or not it occurs during working hours.

Reflecting Canadian and Quebec court decisions, this policy makes clear that employers are responsible for the actions of their employees. The University is responsible for ensuring an environment free of harassment and for mitigating the effects of inappropriate behaviour.

The University's responsibilities are also extended to students. Through

contractual obligation with the University, students have the right to and responsibility for an environment that is free of sexual harassment. The University's responsibility to provide an academic and social environment that is free of incidents of sexual harassment extends to University-related activities.

The Policy does not have jurisdiction over individuals who work on the University premises but who are under contractual agreements between the University and their direct employers. These individuals are not members of the university. Complaints against such persons should be taken up with their employers or with the University administrator responsible for their contracts.

Ground:

One of the things that is not clear in relation to jurisdiction is whether third party complaints can be made when they are not on the behalf of someone who has been harassed. If sexual harassment of another is interfering with a member's academic or work ability or environment, can this third party, who is not being harassed, make a complaint under the Policy? Furthermore, can a third party, who is not being harassed, report the observation of sexual harassment of another under the Policy if the other person's academic or work ability or environment is being affected? This issue has implications in terms of extending responsibility to all members of the University to ensure an environment free of sexual harassment.

Another issue which needs clarification is the notion of "in the course of any activities conducted by or on behalf of the University on other premises." The types of

activities need to be stipulated in order for there to be a clear understanding of what constitutes University-related activities and what distinguishes these from private and personal activities, especially when these occur between members of the University who are in instrumental relationships (where there may or may not be a differentiation of power and authority).

Another issue which needs consideration is the term "member." This is most clearly problematic with part-time instructors who may or may not be teaching (formal instrumental arrangement) during a particular term but who may be continuing contact/interactions with others at the University, in particular students with whom the instrumental arrangement of mentor is continuing as an informal arrangement. Further considerations in relation to this term include the question of whether visiting speakers/scholars can be classified as members of this Institution when they are hired or invited or are under some form of exchange or loan agreement.

STRIP #4:   General Principles (Articles 13 through 17)

Figure:

Article 13:   *Complaints shall be made in writing and complainants shall be willing to be identified to the respondent in order for resolution to occur.*

Article 14:   *The complainant shall choose the procedure for resolution of the complaint; this choice is without any future prejudice.*

Article 15:   *Both complainants and respondents have right to choose a member of the University, called an advisor, to accompany them throughout*

the proceedings.

Article 16:   *Failure to comply with a resolution agreed upon as a result of the mediation or the administrative resolution procedures may result in disciplinary action by the University.*

Article 17:   *A complaint may be withdrawn at any time prior to the conclusion of the hearing procedure, thereby terminating the procedures.*

Horizon:

The General Principles provide a formal procedure mechanism for complaints. This formal mechanism requires the identification of the complainant and the respondent which protects the basic principles of natural justice; those accused are informed of the complaint and the nature of this complaint. The complainant must make the request for this formal process (intercession of a third party for resolution) in writing. This requirement of formalizing complaints in writing to be able to get the assistance of a third party for resolution under this Policy has an acknowledged deterrent affect. As counterbalance, complainants are protected under this Policy against reprisals or threats of reprisals and/or against failures of complying with agreed-upon resolutions including disciplinary action.

The resolution procedure is of the complainant's choosing, reflecting the wishes of the complainant at all times. It has recognized that the skills of the Sexual Harassment Officer are a critical factor in advising and helping complaints determine the course of action which is most appropriate.

In keeping with the system of peer support and advocacy in effect at Concordia, the complainant and the respondent can select an advisor, a person to accompany either

party through the proceedings. This does not, however, negate the possibility that either party may seek legal counsel outside of the proceedings.

Ground:

One of the most important issues which arises from the General Principles is the lack of mandate for informal resolution. Since complaints must be made in writing identifying both the complainant and respondent in order for intercession from the Sexual Harassment Officer, there is no avenue for informal inquiries and resolutions of problems. The major ramification of this is that problems automatically become formalized which leads to adversarial stands and fear for both the complainant and respondent in relation to formal action under the Policy.

One issue which needs to be given far more importance is the use of advisors because under the Policy the Sexual Harassment Officer counsels both the complainant and the respondent as to rights and procedures under the Policy. As formal complaints, by their nature bring about adversarial positionings, the use of advisors counteracts the problem of having one person advise both parties as to plans of action.

Another issue which is raised which needs further examination is the statement of disciplinary action by the University in cases where resolutions of mediation or administrative resolution are not followed. This is problematic because these resolutions may be affected by collective agreements already in place at the University.

One very important strength of the General Principles is that the complainant can select the resolution procedure and can at anytime, prior to the conclusion of a hearing,

select to terminate the procedure. However, the practice of removing nominative information from files involving cases that have been withdrawn needs to be reexamined. An institutional record of respondents (and for that matter complainants) is vital information in the case of repeat offenses (or for that matter complaints) under the Policy. In cases where evidence is not sufficient in an individual case, this institutional memory can be useful in dealing with repeat offenders who breach this Policy.

Procedure

STRIP #5: General Procedures (Articles 1 through 5)

Figure:

Article 1: *The term "days" shall refer to working days.*

Article 2: *All deadlines are binding, except where the possibility of extension is stipulated herein.*

Article 3: *A detailed complaint shall be made in writing to the Sexual Harassment Officer as soon as possible, but no later than within nine (9) months of the alleged incident or of its discovery.*

Article 4: *The complainant shall make a written request, within five (5) days of the filing of the complaint, to proceed with one of the following procedures for resolution:*
a.   administrative resolution;
b.   mediation; or
c.   hearing procedure.

Article 5: *If administrative resolution fails, the complainant may opt either for mediation or for the hearing procedure. If mediation fails, the*

> *complainant may only choose the hearing procedure. Once a complainant selects the hearing procedure as the option for resolution, there is no further recourse upon its conclusion, except for appeal.*

Horizon:

The General Procedures have the purpose of providing a clear and expeditious process through which to follow cases of sexual harassment. Three avenues for resolution are offered in an arrangement where choice of procedure is limited by the order presented. If the administrative resolution fails, then either mediation or the hearing procedure can be selected; if mediation fails, then only the hearing procedure can be selected. In other words, once mediation is chosen the administrative resolution is no longer available; and once the hearing procedure is chosen, the administrative resolution and mediation are no longer available.

This ordering of procedures is intended to eliminate the multiplication of unnecessary procedures. It is argued that if the mediated solution is chosen as first choice and fails, then there is no reason to think that an administrative resolution could have been made. It is also argued that if the hearing procedure is chosen as first choice, the complainant either did not desire a mediated or administrative resolution, or there was simply no ground on which to base an agreed-upon resolution.

Ground:

One of the issues which requires further consideration is the mediation mechanism. Mediation can be seen as having different natures and purposes. Mediation

can be seen as a process whereby two people sit down and try to resolve a dilemma, or it may be seen as a negotiating mechanism through which the two sides come to an agreed-on understanding. The problem of placing mediation between the administrative resolution and the hearing procedure is that it does not allow for the use of mediation as a form of trying to resolve a problem as an initial procedure before administrative resolution (that is, perhaps a breach of the Policy has occurred and an administrative resolution is appropriate, however, the complainant would rather solve the problem with the respondent rather than through a formalized procedure). This placement of mediation also does not allow for the use of mediation as a form of bargaining during the hearing procedure when the parties may want to pull back and come to their own agreement. Furthermore, since mediation is not treated as binding arbitration, it is questionable whether mediation will work to resolve the problem if there is not enough basis for an administrative resolution.

STRIP #6: Administrative Resolution (Articles 6 through 14)

Figure:

Article 6: *A complainant may request, in writing, administrative resolution by an Appropriate Authority as the first stage in the process of resolution.*

Article 7: *Within five (5) days of receipt of the request for administrative resolution, the Sexual Harassment Officer shall forward a copy of the complaint and of the request to the respondent and to the Appropriate Authority.*

Article 8: *The Appropriate Authority is:*

a. *the Academic Dean, in the case of a complaint against a faculty member or a person employed in a faculty or in the Division of Graduate Studies; or,*

b. *the Academic Dean or the Director of Continuing Education, in the case of a complaint against a student; or,*

c. *the Chairman or Chairwoman of the Board of Governors, in the case of a complaint against the Rector; or,*

d. *the Senior Administrator (Rector, Vice-Rector, Secretary-General, Associate Vice-Rector or Director, as the case may be) to whom the respondent reports most directly, in the case of a complaint against any other employee of the University.*

Article 9:   *The Appropriate Authority shall assist the parties in the settlement of the complaint as expeditiously as possible, but in any case not more than twenty (20) days after receiving the request for administrative resolution. This delay may be extended, in exceptional circumstances, by the Sexual Harassment Officer.*

Article 10:   *The Appropriate Authority may consult with the Sexual Harassment Officer in order to resolve the complaint.*

Article 11:   *Administrative resolution may result in a mutually acceptable resolution or in failure to resolve.*

Article 12:   *If a mutually acceptable resolution is agreed upon, the Appropriate Authority shall write a report detailing the steps taken to resolve the complaint and have it signed by the complainant and the respondent within five (5) days of completion of the process. The report of resolution shall immediately be sent to both parties and to the Sexual Harassment Officer.*

Article 13:   *If there is a failure to resolve, the Appropriate Authority shall write a detailed report to this effect, within five (5) days of completion of the process, and shall immediately send the report to the Sexual Harassment Officer and to both parties.*

Article 14:   *If there is a failure to resolve and no additional written request for resolution through the use of another procedure is received from the complainant within ten (10) days of the date of transmission of the report of failure to resolve, the complaint shall be deemed to have been withdrawn.*

Horizon:

The administrative resolution involves the participation of an appropriate authority in dealing with the case. To respect the serious and confidential nature of sexual harassment cases, specific University administrators have been chosen for particular circumstances to deal with these complaints.

The appropriate authority need not meet both parties together in order to come to resolution; each party can be met with separately.

Failure to resolve can be seen as including the respondent's refusal to participate in any meeting for resolving the case through administrative resolution.

The appropriate authority may be called upon to ensure that the agreed-upon resolution is enforced. This may involve the role of arranging for transfers of employees to other departments or of arranging the grading of student work to other faculty.

Ground:

There are two major issues at play in the administrative resolution. One is the delineation of appropriate authority. Another is the extent to which an appropriate authority can make a ruling about a particular complaint.

In the first case, there has been the suggestion that the appropriate authority should be the Chair of a department for a complaint against a student, a faculty member, or an employee, however, this suggestion is problematic for several reasons. All these individuals work and study in the same environment and therefore their personal attachments seem to make impartiality a difficulty. Furthermore, Chairs of departments

do not have the authority to take disciplinary actions such as dismissal or other remedies, and therefore, their authority to enforce a resolution is at question.

In the second case, the Policy seems to imply that where the parties cannot agree, or where the respondent does not wish to appear before the appropriate authority, a report of failure to resolve must be filed. The implication seems to be that regardless of whether there is or is not evidence as to wrong doing, the appropriate authority does not have the same power to impose remedies as is possible through the hearing procedure if the respondent does not wish to participate in resolution or if he/she does not agree to the terms of resolution at this level. If both parties had been willing to participate in the resolution of a situation involving sexual harassment, and if they had been able to agree upon a mutually acceptable resolution, it would hardly seem likely that the case would have ended up at the Sexual Harassment Office.

Another issue which must be dealt with is the nature and degree of participation the Sexual Harassment Officer has in advising the complainant, the respondent, and under this resolution procedure, the appropriate authority. This can be especially problematic in that the Sexual Harassment Officer has heard the story of either or both of the parties involved, and now is available to be consulted by the appropriate authority. Even with the best of intentions, the problem is one of impartiality.

STRIP #7:   Mediation (Articles 15 through 23)

Figure:

Article 15:   *A complainant may request, in writing, mediation in the following circumstances:*
a.   *as the first stage in the process of resolution; or,*
b.   *if administrative resolution fails.*

Article 16:   *In the case of 15b., a complainant shall make a request for mediation to the Sexual Harassment Officer, within ten (10) days of the date of transmission of the report from the Appropriate Authority that administrative resolution has failed.*

Article 17:   *Within five (5) days of receipt of the request for mediation, the Sexual Harassment Officer shall forward a copy of the complaint and of the request to the respondent, and shall seek an agreement from the respondent to participate in mediation. The respondent shall reply within ten (10) days of the date of transmission of this request.*

Article 18:   *If the respondent has not agreed to participate in mediation within fifteen (15) days of the date of transmission of the request to participate, the Sexual Harassment Officer shall write a factual report of failure to resolve, and send copies to both parties.*

Article 19:   *If both parties consent to mediation, the Officer shall provide them with a trained Mediator, within ten (10) days of agreement to mediate.*

Article 20:   *The mediation process shall be concluded as expeditiously as possible, but in any case not more than twenty (20) days after the appointment of a Mediator. This delay may be extended, in exceptional circumstances, by the Sexual Harassment Officer.*

Article 21:   *If a mutually acceptable resolution is agreed upon, the Mediator shall write a report and have it signed by the complainant and the respondent within five (5) days of completion of the process. The report of resolution shall immediately be sent to both parties and to the Sexual Harassment Officer.*

Article 22:   *If a resolution is not reached, the Mediator shall issue a report to this effect, within five (5) days of completion of the process, and shall immediately send copies to the complainant, the respondent and the Sexual Harassment Officer.*

Article 23:   *If there is failure to resolve and no additional written request for resolution through the use of the hearing procedure is received from the complainant within ten (10) days of the date of transmission of the report of failure to resolve, the complaint shall be deemed to have been withdrawn.*

Horizon:

Mediation is seen as a process which presents many advantages because it allows for the intervention of an impartial and neutral third party whose role is to aid in resolving the dispute or negotiating a resolution. This neutral, impartial third party has no authoritative decision-making power. The role of this third party in the resolution process is meant to aid the complainant and the respondent in coming to a voluntary and mutually agreed-upon settlement of the issue. The main advantage of this procedure is that it is designed to avoid the adversarial procedure of a hearing. The parties can meet together or separately with the mediator, and they can negotiate an agreement to terminate or continue an instrumental relationship. For mediation to be successful, there must be enough common ground between the parties to bring about an agreement. The advice and guidance of the Sexual Harassment Officer on the appropriateness of using this procedure is recommended in order to ascertain whether there is enough common ground for it to be a effective mechanism for resolution.

The Sexual Harassment Officer, however, is not designated as the neutral, impartial third party. Instead, external consultants should be used for several reasons

until the University trains internal mediators. The reasons for this are: even though external consultants may be more expensive, their services can be seen as more confidential than those which can be offered by insiders; internal staff may not be able to mediate on short notice and irregular use of their skills may lead to less effectiveness in these specialized skills; and outside consultants are more likely to be perceived as fair and unbiased than internal ones. External consultants will be provided with training on Concordia's Policy on Sexual Harassment, and on other pertinent practices and agreements (such as employment practices and collective agreements), so that mediated resolutions comply with other mechanisms in place at the University. This training will be provided by the Sexual Harassment Officer.

Ground:

The mediation procedure for resolution is aimed at providing a non-adversarial atmosphere for resolution, however, since it can only be sought through a formal complaint, it is difficult to see how parties can come to the bargaining table without some form of adversarial positionings. Since mediation has not been used at Concordia, it is difficult to judge its effectiveness as a resolution procedure but it should be kept in mind that it is a formal procedure and that there are serious ramifications to participating in this form of resolution. What is being suggested is that the formalized nature of this mechanism of resolution may cause problems which could be avoided if it was possible to request mediation through some informal procedure. This brings up the potential of seeing mediation as twofold in nature.

Mediation could be introduced as an informal procedure which does not require a formal complaint. In this case, adversarial positionings would be minimized. Parties agreeing to an informal mediated resolution can be seen as coming in the spirit of wanting to work out a dispute, rather than wanting to solve a formal complaint. This allows a complainant, who does not wish to make a formal complaint, an informal option for resolving the problem. In this case, the holding of common ground may not be that necessary, since it may be the complainant's wish to communicate to the respondent the effects and ramifications of his/her actions, and it would give the respondent a chance to be made aware of how his/her behaviour is perceived. Misunderstandings and miscommunications can be brought out and discussed, and hopefully worked out without fear on the side of either party that the formal mechanism will be engaged.

An informal mediation procedure in which the request for assistance does not identify the respondent as having engaged in an offence under the Policy but rather identifies a situation which has made one or both parties uncomfortable, may save the instrumental relationship which is in jeopardy of becoming a sexual harassment case. The lack of focus on blame attribution replaced by focus on desire to clarify an instrumental relationship may make this procedure more desirable and more effective in dealing with interpersonal problems which are hedging on sexual harassment between individuals who are engaged in instrumental relationships at the University.

One other issue which needs to be examined in relation to the first type of mediation proposed is whether or not the Sexual Harassment Office is the best place for this request to be levied. Since sexual harassment is such a sensitive social issue, it may

be preferable to have the first type of mediation request brought to an office (such as the Ombuds Office) where the alarm bells can be kept from sounding. A respondent may be more likely to participate in resolution of an interpersonal problem (which hedges on sexual harassment) with the complainant if he/she does not feel intimidated by the fact that the Sexual Harassment Office has been approached. If resolution of the problem and ensuring the continuity of the instrumental relationship between the complainant and the respondent are the goal, then it may be advantageous to move this type of informal mediation procedure out of the auspices of the Sexual Harassment Office and move it to an office of the University where fear and apprehension of being associated with sexual harassment are minimized.

Mediation could also be used in a formalized form as a bargaining session in which parties may hold adversarial positionings, however, desire to bring the dispute to closure through a formal negotiated settlement. In this case, the goal of attending mediation would be to put an end to the resolution procedures, avoiding a formal hearing. Again, it is questionable as to how much common ground must exist between the parties as the purpose of this formal mechanism would be to resolve the dispute before it is actioned through a formal hearing procedure. It allows both parties the opportunity to examine and question the evidence that exists, and come to a settlement that would be acceptable to both parties given the evidence and argument that has been presented.

Whether agreement on particulars of the case is necessary needs to be reexamined. The respondent has been charged with an offence and this may lead to a

desire not to engage in this process because it may be seen as an acknowledgment of guilt. However, if the hearing procedure is the next option to be taken, then the respondent will have to deal with accountability for his/her actions in any case, and therefore, may wish to do so through mediation rather than through a formal hearing.

STRIP #8:   Hearing Procedure (Articles 24 through 44)

Figure:

Article 24:   *A complainant may request, in writing, the hearing procedure before a Sexual Harassment Hearing Board in the following circumstances:*
a.   as the first stage in the process of resolution; or,
b.   if administrative resolution fails; or,
c.   if mediation fails.

Article 25:   *In the case of 24b. or 24c., the complainant shall make a request to the Sexual Harassment Officer, within ten (10) days of the date of transmission of the report of failure to resolve.*

Article 26:   *Within five (5) days of receiving a request for the hearing procedure, the Sexual Harassment Officer shall forward a copy of the complaint and of the request to the respondent and to the Code Administrator.*

Article 27:   *The Standing Panel, consisting of pools of students, employees and faculty, as established under the Code of Conduct (non-Academic), shall receive appropriate training.*

Article 28:   *Members of the Standing panel shall elect from among themselves a Chair to preside over the Sexual Harassment Hearing Boards. The Chair shall be a permanent, non-voting member of every Hearing Board established to hear complaints of sexual harassment and shall:*
a.   maintain order during the hearings;
b.   answer procedural questions;
c.   schedule hearings;

          d.   grant or deny delays; and,

          e.   arrange to tape-record the hearings.

Article 29:   *Within five days of receipt of a request for the hearing procedure, the Code Administrator shall request a written response to the nature of the complaint from the respondent. The respondent shall forward his or her reply within ten (10) days of the date of transmission of this request.*

Article 30:   *Within fifteen (15) days of receipt of a request for the hearing procedure, the Code Administrator shall constitute a four-person Sexual Harassment Hearing Board from the Standing Panel. The Hearing Board shall be composed of:*

          a.   the Chair of the Sexual Harassment Hearing Boards;

          b.   one member from a pool that has been selected by the complainant. If so desired, the gender of the member may also be selected by the complainant;

          c.   one member from a pool that has been selected by the respondent. If so desired, the gender of the member may also be selected by the respondent; and,

          d.   one member selected by the Code Administrator from any pool.

Article 31:   *Prior to the hearing, the Code Administrator shall:*

          a.   inform both parties of the Hearing Board's composition;

          b.   inform both parties and members of the Hearing Board of the date and time of the hearing, at least five (5) days in advance;

          c.   provide both parties and members of the Hearing Board with a list of the advisors and a tentative list of witnesses; and,

          d.   provide both parties and members of the Hearing Board with copies of the complaint and the response.

Article 32:   *All hearings shall be closed and confidential unless one or both parties petitions the Hearing Board to have an open hearing, in which case the Hearing Board may decide, at its discretion, to admit members of the University.*

Article 33:   *At the beginning of the hearings, the Hearing Board may grant, at its discretion, intervenor status to the University or to any duly constituted University association or union, and may restrict their comments in order to avoid duplication of testimony.*

Article 34:   *All Sexual Harassment Hearing Boards shall adhere to the principles of natural justice including, minimally, the rights to:*

         a.   make oral or written statements;

         b.   object to the choice of Hearing Board members for valid reasons;

         c.   defend oneself;

         d.   present witnesses;

         e.   offer rebuttal; and,

         f.   make representations on sanctions and remedies.

    Furthermore, advisors have the right to speak on behalf of the party they are accompanying.

Article 35:   *The hearing shall be concluded as expeditiously as possible, but in any case not more than forty (40) days after the Hearing Board has been constituted. This delay may be extended, in exceptional circumstances, by the Chair of the Sexual Harassment Hearing Boards.*

Article 36:   *Within ten (10) days of concluding the hearings, the Hearing Board shall write a report and shall decide if there is clear and convincing evidence that sexual harassment as defined in Article 7 has occurred, thus constituting a violation of this policy. The burden of proof is on the complainant.*

Article 37:   *Decisions of the Hearing Boards shall be made by a majority vote.*

Article 38:   *Reports of the Hearing Boards shall present a summary of the facts, shall include reasons for the decision or recommendations, and shall be signed and dated. They shall immediately be sent to both parties, the Sexual Harassment Officer and the Vice-Rector responsible for the application of this policy.*

Article 39:   *The Vice-Rector responsible for the application of this policy shall be designated by the Rector.*

Article 40:   *If a violation of this policy has occurred, the Hearing Board shall request that the Sexual Harassment Officer forward any records of resolution that have been filed on the respondent, in this case or in any other case, and shall use this information in recommending appropriate sanctions and remedies.*

Article 41:   *Within ten (10) days of the date of transmission of the decision of violation of this policy, the Hearing Board shall provide the*

opportunity to both parties to submit written or oral comments on appropriate sanctions and remedies.

Article 42: *The Hearing Board shall write a report to the Vice-Rector to recommend appropriate sanctions and remedies within fifteen (15) days of the date of the decision of violation of this policy.*

Article 43: *Within five (5) days of receiving the recommendations, the Vice-Rector shall render a decision on the appropriate sanctions and remedies, and shall immediately inform both parties, the Sexual Harassment Officer and the Chair of the Sexual Harassment Hearing Boards.*

Article 44: *The Vice-Rector shall release the above decision, without nominative information, to the University newspapers if the decision is not appealed.*

Horizon:

To ensure consistency of decision-making and the application of sanctions and remedies for cases heard under the hearing procedure, a trained board of members is necessary. Instead of creating a separate standing panel, it was decided that the Sexual Harassment Hearing Boards be established using members of the twenty-four person Standing Panel of the Code of Conduct (Non-Academic). Three groups (called pools) of members make up the Standing Panel: twelve students (selected by Concordia University Students' Association [CUSA] and Graduate Students' Association [GSA]); six academic staff members, up to two can be part-time faculty (selected by Concordia University Faculty Association [CUFA] and Concordia University Part-time Faculty Association [CUPFA]); and six non-academic staff members (selected by Concordia University Electoral College). Gender balance within each pool is aimed at. Membership to the Standing Panel is for renewable one-year appointments.

Although members of the Standing Panel should be chosen due to their concerns with rights and natural justice in a number of settings, the Sexual Harassment Officer (along with constituency groups and the Advisory Committee on Sexual Harassment) will ensure that all members of the Standing Panel are trained and are familiar with the issues involved in hearing a complainant. Furthermore, consistency is also ensured by the establishment of a permanent Chair of the Sexual Harassment Hearing Boards. Further consistency and accountability is ensured by the appointment of one Vice-Rector to be responsible for applying this policy.

The hearing procedure must ensure that the acknowledgement of a social problem is balanced with a safeguarding of the reputations of the parties involved. Therefore, hearings are closed, however, members of the University may be able to attend under certain circumstances. These circumstances allows for the possibility of granting intervenor status to the University or any duly constituted internal association/union in order that these groups can sit through the proceedings and address the Hearing Boards on the wider ramifications of individual cases being heard. Furthermore, in order to allow for public awareness, the Vice-Rector can release decisions on sanctions and remedies to the University newspapers without nominative information.

In order to safeguard the reputations of all concerned, the evidence must be clear and convincing. The burden of this proof rests with the complainant.

Ground:

The most significant problem of the hearing procedure is the issue of clear and

convincing evidence and the burden of proof resting on the complainant. Since most cases of sexual harassment occur during private interactions between two individuals, it is difficult to grasp at what would be considered as clear and convincing evidence. Furthermore, since the University is responsible for safeguarding the rights of individuals to work and study, and since the University is responsible for the actions of its employees in relation to sexual harassment as well as other problematic behaviours, and since the University is required by law to investigate breaches of conduct if it knew or should of known of their occurrence, the laying the burden of proof on the complainant should be reexamined to include independent investigation conducted by the University.

The Sexual Harassment Officer, the constituencies and the Advisory Committee on Sexual Harassment are to ensure suitable training of members of the Standing Panel in order for members of the Standing Panel to be able to preside over hearings. Clear guidelines on clear and convincing evidence need to be established to direct this training process. At present the Advisory Committee on Sexual Harassment has a tendency not to want to act independently of the Sexual Harassment Officer and therefore since members on this Committee represent the various constituencies at the University, it seems that the Sexual Harassment Officer's training directive may not be balanced by the constituencies and by the Advisory Committee on Sexual Harassment. Furthermore, since the Sexual Harassment Officer has heard the facts of either or both of the parties involved in the case, training may be unintentionally biased. Clear guidelines as to the necessary forms of evidence should be established to counteract the possibility of potential training bias.

In fact, it may be useful to develop a training pamphlet as reference for members of the Standing Panel. If members of the Standing Panel need further assistance, it may be worthwhile to consider training by another Officer of the University who does not have intimate contact with the parties and/or awareness of the facts and evidence of the sides.

The Policy has the tendency to drop all matters of counselling, advice and assistance of the parties and of others involved in resolving disputes at the door of the Sexual Harassment Officer. This practice needs to be reexamined in that there must be a safeguarding against any potential bias which may occur at any point throughout the use of the resolution mechanisms of this Policy.

STRIP #9:   Sanctions and Remedies (Articles 45 through 47)

Figure:

Article 45:   *If a violation of this policy has occurred, the Hearing Board may recommend to the Vice-Rector that one or more of the following sanctions be taken against the respondent:*

   a.   written reprimand or warning, copy to be kept in the personnel or student file;

   b.   imposed conditions, with or without a deposit not exceeding $200, returnable at a specific date. Such deposits may be forfeited should any conditions be violated;

   c.   a fine not exceeding $100;

   d.   payment not exceeding $1000 to compensate the complainant for injury or damage to or loss of property;

   e.   exclusion from an area or function of the University for a stated period of time. If this exceeds twelve (12) months, the sanction shall be reviewed by the Hearing Board at the end of each twelve (12) month period. This sanction does not encompass the authority to suspend from any academic

activity;
f. probation;
g. apology, as an alternative to any or all of the above;
h. community service, as an alternative to any or all of the above;
i. suspension, dismissal or expulsion, subject to confirmation by the Rector;
j. a combination of any of the above; or,
k. any other appropriate sanction the Hearing Board deems necessary to guarantee that the behaviour is not repeated.

Article 46: Should the sanction be covered by a collective agreement or a University policy, the provisions of that collective agreement or policy shall apply, including grievance and arbitration procedures on sanctions.

Article 47: If a violation of this policy has occurred, the Hearing Board may recommend to the Vice-Rector that one or more of the following remedies be taken in favour of the complainant:
a. reinstatement in courses;
b. reinstatement in a position, salary adjustment or promotion;
c. reassessment of an essay or final grade;
d. counselling;
e. apology;
f. receipt of payment for compensatory damages;
g. receipt of payment from a fine;
h. a combination of any of the above; or,
i. any other remedy the Hearing Board deems appropriate.

Horizon:

A number of different sanctions and remedies are provided to be taken against the respondent and/or to be taken in favour of the complainant.

Ground:

One of the issues which needs to be addressed is that there is no guidelines for the types of sanctions and remedies that will result if the case is found to be substantiated. One of the reasons that guidelines should be provided on the types of breaches of this Policy and their ensuant sanctions and remedies is so that the Policy can act as a deterrent to behaviour which is inappropriate. Although all forms of sexual harassment are serious, there are different degrees of breaches of Policy (for example, sexual jokes are not the same as forced sexual intercourse) and corresponding punishments should be clearly outlined.

There is no mention of what happens when the Hearing Board finds that there is insufficient evidence to find for the complainant, however, there is enough evidence to suggest that the complainant and the respondent cannot continue to work or study together and that some action must be taken to ensure that both can continue to work or study at the University.

Another very important issue which must be contended with is whether the Vice Rector, based on the Hearing Board recommendation, can prescribe appropriate sanctions and remedies which are not in conflict with collective agreements. It needs to be determined that a decision can be made and upheld given the existing collective agreements because if one of the parties is protected by a collective agreement, the decision of the Vice-Rector may not be upheld. This issue is particularly of concern at this time as most collective agreements in the University are now being negotiated, and therefore it is important that these collective agreements and this Policy can be seen as

working together instead of oppositionally on the problem of sexual harassment at the University.

STRIP #10: Appeals (Articles 48 through 49)

Figure:

Article 48:   *Appeals shall be heard in accordance with the procedures established under the Code of Conduct (non-Academic).*

Article 49:   *The Vice-Rector shall release the decision of the Appeals Committee, without nominative information, to the University newspapers.*

Horizon:

Appeals of decisions made under the Sexual Harassment Policy are to be dealt with under the appeal procedure of the Code of Conduct (Non-Academic) in order to avoid duplication of appellant bodies. The Appeals Committee is a Standing Committee of the Board of Governors. Appeals are initiated by written request to the Secretary of the Appeals Committee within fourteen days of the date the decision being appealed was rendered. Three grounds are permitted for appeal: (1) the discovery of new evidence, (2) the presence of serious and prejudicial procedural defects, or (3) a breach of natural justice. The request for authorization to appeal is heard by a panel of three to five members of the Appeals Committee. If authorization is granted, then the appeal can be heard by either the same panel or a new panel, at the determination of the Chair of the Appeals Committee. The decision authorizing appeal is sent to the parties and to the

Code Administrator. The Appeals Committee can confirm, reverse or modify the decision under appeal or it can require a new hearing of the complaint. Since the appeal procedure is the measure of last resort, the decisions of the Appeals Committee are final.

Ground:

> There are no issues arising in relation to Appeals.

APPENDIX A: SUPPORT MECHANISMS

STRIP #11: Sexual Harassment Office (Articles 1 through 4)

Figure:

Article 1: *A Sexual Harassment Office shall be established to allow for the centralization of education and complaint services relative to sexual harassment.*

Article 2: *The mandate of the Office shall be to promote actively an environment free from sexual harassment at the University.*

Article 3: *For this purpose, a Sexual Harassment Officer shall be designated and shall report to the Office of the Rector.*

Article 4: *The Officer shall provide educational services and shall carry out the responsibilities enumerated in this policy. More specifically, the duties of the Officer are to:*
a.   increase awareness on the issue of sexual harassment and provide extensive education to members of the University;
b.   publicize the Policy on Sexual Harassment to the University community, explaining the University's responsibility to act in such cases;

c. *chair and participate actively in the Advisory Committee on Sexual Harassment;*

d. *assist and advise complainants and respondents involved in cases of sexual harassment;*

e. *maintain confidentiality with respect to nominative information in complaints of sexual harassment;*

f. *provide appropriate training to the members of the Standing Panel established under the Code of Conduct (Non-Academic);*

g. *provide information to Mediators on the University's employment practices, policies and collective agreements;*

h. *consult with senior administrators who may be involved in the resolution of sexual harassment complaints;*

i. *maintain statistics on requests for information, advice and assistance;*

j. *maintain confidential files on all complaints; in cases where a complaint is withdrawn before a report of resolution is made, the name of the respondent shall be deleted;*

k. *maintain a file on all records of resolution, with nominative information deleted; and,*

l. *prepare an Annual Report for the University to be submitted to the Office of the Rector and to the Advisory Committee on Sexual Harassment.*

Horizon:

Centralization of all sexual harassment related services in one office is an effective way of integrating all procedural aspects of the Policy and provides one central access point for information on the University's services related to this matter. The focus on education in fostering an environment free from sexual harassment is very important. A number of different strategies are used for education, including workshops, presentations, brochures and posters.

The Sexual Harassment Office is to be run by a Sexual Harassment Officer, who is appointed for the term of two years with the possibility of renewal. Although the

intent was to have the Sexual Harassment Office report to the Office of the Rector (as do other similarly ranked University Officers), the practice has been that the Sexual Harassment Officer reports to the Vice-Rector, Institutional Relations and Finance. The Sexual Harassment Officer should be appointed on the recommendation of the Advisory Committee on Sexual Harassment.

Ground:

Although centralization has many advantages, and should be maintained as a goal, one of the issues that arises is that too much of the Policy rests in the discriminating hands of one individual. This power can be balanced by the Advisory Committee on Sexual Harassment. However, one of the problems of this set up in reality is that the Sexual Harassment Officer not only chairs and participates actively in the Advisory Committee, but also directs most of the activities of this Committee. (Issues dealing specifically with this Committee will be discussed in the next section.) In essence, we have one individual who advises and assists both the complainant and the respondent, any third parties who are approached for intervention, and the Advisory Committee on Sexual Harassment. With a strong and clear Policy, this power can be controlled, however, with ambiguities in the Policy, emphasis is placed on the Sexual Harassment Officer's role as interpreter of the Policy. The nature and degree of contact the Sexual Harassment Officer has with the complainant, the respondent, third parties who intervene, and the Advisory Committee must be reexamined. If this role is one of

information provider only than less problems have the potential to arise than if this role is one in which the Officer is intimately involved in the details of cases.

Another issue which must be addressed is the maintenance of files and nominative information in these files. Currently, the practice has been that the Sexual Harassment Officer keeps statistics which do not discern between inquiries which are University-related and those which are not University-related. It would seem imperative that these be differentiated so that accurate figures of what goes on at the University are kept. Furthermore, the issue of removing nominative information must be questioned. The current practice is to delete the name of the respondent in cases where a complaint is withdrawn before a report of resolution is made, and to delete nominative information on all records of resolution. Since all matters going to the Sexual Harassment Office are confidential, it must be questioned as to why nominative information is removed from these confidential files. Institutional memory is very important, especially in the case of repeat offenses, and since the position of the Sexual Harassment Officer is not a permanent one (up for renewal every two years), it may be advisable to consider keeping nominative information on cases with strict adherence to confidentiality.

STRIP #12:   Advisory Committee on Sexual Harassment (Articles 5 through 8)

Figure:

Article 5:   *A permanent Advisory Committee on Sexual Harassment shall be established.*

Article 6:   *The mandate of the Committee shall be to:*

a.   *assist in the development of educational programmes;*
b.   *make recommendations on the continued development of the*
     Policy on Sexual Harassment;
c.   *receive and review the Annual Report of the Sexual*
     Harassment Officer.

Article 7:   *The Advisory Committee shall be formed of representatives from*
             different constituent groups of the University.

Article 8:   *Appointments shall be made for one year and shall be renewable.*

Horizon:

The involvement of constituent groups on the Sexual Harassment Advisory Committee is very important and can be an effective way of developing and supporting educational programmes. The representatives from the different constituencies can influence the contents and ensure the promotion of information on sexual harassment through providing points of access to each of the constituencies. In relation to assessment of the Policy, the role of each of the constituency groups can provide input on the refinement and improvement of the Policy and its application. The goal is to unite the Sexual Harassment Officer and the constituencies represented on the Advisory Committee to provide an infrastructure to promote the prevention of incidents of sexual harassment at the University.

Ground:

Several issues need to be addressed in relation to the Advisory Committee on Sexual Harassment. First, it would be helpful if the composition of the Committee was

clearly stipulated in the Appendix of the Policy. The general directive to form the Committee by representatives from different constituent groups of the University does not provide a clear mandate or rationale for the number of representatives from each constituent group, nor does it outline which groups are to be represented. Second, the mandate of the Committee needs to be clarified. The question which arises here is just how autonomous should the Committee be from the Sexual Harassment Officer in order to be able to offer assistance in the development of educational programmes, make recommendations on continued Policy development, and receive and review the Annual Report.

The current practice of the Committee has been one in which there seems to be little desire by Committee members to remain autonomous at all from the Sexual Harassment Officer. The Committee has been used mainly as a sounding board by the Sexual Harassment Officer. A clearer expression of the nature of the mandate and the degree to which the Committee should be differentiated from the Officer may be useful. In essence, the Advisory Committee on Sexual Harassment has the potential of being an important forum for the raising of constituent concerns on the issue of sexual harassment, and with some distancing from the Officer, this Committee could provide vital guidance and support to the Officer on education, Policy and review of Annual Reports.

Concordia University's Advisory Committee on Sexual Harassment[9]

STRIP #1: Minutes of Meeting held on December 10, 1991

Figure:

> *Present: Diane Adkins, Marie Benoit, Maria Paradiso, Laurel Stevens, Sally*
> *Spilhaus*
> *Apologies: Bill Gilsdorf, Susan Hudson*
> *Absent: Charlene Nero, G.S.A. representative*
> *Approval of Agenda: Sally presented the agenda, which was approved.*
> *Review of Activities:*
> *1.   Review of activities:*
>> *There was a wide ranging discussion of the report entitled "Update*
> *on activities, September to December, 1991" which had been circulated*
> *with the notice of the meeting.*
>> *Laurel Stevens reported that she was disturbed by a statement*
> *attributed to Sally by the <u>Link</u> in an article on November 22 which covered*
> *a panel discussion on sexual assault at Loyola. She is apparently reported*
> *as having said that she would try to bring the victim and the rapist*
> *together in an attempt to resolve the complaint. It was agreed that she*
> *should write to the <u>Link</u> in order to correct the distortion caused by being*
> *quoted out of context.*
>> *Sally distributed a compilation of her telephone log statistics for*
> *October and November, which show an increase in calls for information*
> *and educational activities, but a decrease in calls for advice or*
> *complaints. The "Thomas/Hill" affair and subsequent media attention to*
> *sexual harassment provoked much of this interest.*
> *2.   Short term goals and balance of academic year:*
>> *Sally reported that she would be focusing on two areas from*
> *January to April: attending as many academic departmental meetings as*

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[9]It should be noted that my participant observation began with the February 9, 1993 meeting. Therefore, analysis of the Advisory Committee's meetings previous to this time is based solely on an analysis of the minutes. The minutes of all meetings are reported for the entire period of the Committee's existence in order to provide information on its functioning.

*possible, in order to have discussions with faculty, and reaching students
by getting invited to lecture in the classroom. For the latter purpose, she
will send memos to selected teachers to offer her services.*

3.   *Application of the policy:*

*Sally reported that she has already identified some anomalies and
weaknesses in the policy. She proposes to devote most of the next meeting
to examining the policy more closely and to making a preliminary plan for
a full scale review.*

Ground:

This is the first meeting of the Advisory Committee on Sexual Harassment. For
a first meeting, its content seems appropriate in that the activities of the Office, goals for
the year, and a commitment to examining the Policy are discussed. Since the role of the
Advisory Committee is to develop educational programmes, make recommendations on
the development of the Policy, and receive and review the Annual Report of the Sexual
Harassment Officer, this first meeting covers all points. From the minutes, it appears
that the Committee seems to be functioning as expected.

Horizon:

On the orientational level, it seems that the Sexual Harassment Officer (and Chair
of this Committee) is making a commitment to leading the Committee toward fulfilling
its mandate. Reporting on the use of the Office also indicates that the Sexual Harassment
Officer is sharing the experiences of the practice of the Policy. The Sexual Harassment
Officer's commitment to making a preliminary plan for a full scale review of the Policy
also shows that problems are being identified in relation to improvement of the Policy.

STRIP #2: Minutes of Meeting held on February 14, 1992

Figure:

*Present: Charlene Nero, Diane Adkins, Bill Gilsdorf, Susan Hudson, Marie
Benoit, P. Subramanya, Sally Spilhaus*
Apologies: Maria Paradiso
Absent: Laurel Stevens
*Agenda: Bill asked that a report on the meetings with academic departments be
added to item 3.*
Minutes: The minutes of the meeting of December 10, 1991 were approved.
Business:
1. *Recent cases:*
        *Sally reported briefly on the impact of recent newspaper coverage
    of the Trudel arbitration hearings. She will continue to attend the
    hearings.*

        *One of the concerns emerging from this case is the fit, or lack of
    fit, between the Sexual Harassment Policy and Concordia's collective
    agreements. The committee recommended that discussions be opened with
    the bargaining units, especially CUFA, who will start new negotiations
    soon, and CUSSU, who are negotiating their first agreement. Charlene
    offered to put Sally in touch with Fred Sweet of the CSN, who could
    provide some useful advice.*

        *Sally also reported that most of the cases dealt with this year were
    "environmental" in nature, usually reported by support staff or by women
    students complaining of harassment by men students. Often the complaint
    contains a number of elements, only some of which are sexist or sexual in
    nature. The Office's current experience matches that of the Ombuds
    office, which reports a sudden increase of complaints of general
    harassment from support staff.*
2. *Meetings with academic departments:*
        *To date Sally has attended department meetings with about twenty
    departments (i.e. about 50%). Only one department has so far refused to
    invite her. Male faculty members have expressed a fairly high level of
    concern about the possibility of malicious or unfounded complaints being
    filed. Some departments were implicitly hostile, one quite explicitly rude.
    The majority however, seemed pleased to have the information, and
    seemed relieved to have their fears allayed.*
3. *Discussion of education strategies:*
        *Charlene suggested a technique used at York U. They published
    S.H. scenarios in University papers, and asked readers to write in saying
    whether they agreed or disagreed that this was S.H. If they disagreed,*

they would get a letter back "educating" them about S.H.

4.   *Planning for review of policy:*

       There was lengthy discussion about some of the problem areas already identified, and the process to be used to review the whole policy. Bill suggested that all members examine the policy carefully and send Sally their questions and concerns prior to the next meeting. This would give us a framework for examining the policy in the light of one year's experience.

5.   *Closure: The meeting ended at 3:30.*

Ground:

In relation to the issue of the Policy, one approach of evaluation is the focus on cases as an important way of judging the effectiveness of the Policy. This is important because it reflects how the interaction/communication process of the intersubjective definition of the situation occurs in daily life and how sexual harassment occurs.

The issue of the enforceability of the Policy in light of collective agreements is another area which requires further examination. This is important because it reflects how the key symbols are communicated to members of constituent collectivities and how they are enforced/reinforced in lived experience.

Although the minutes report lengthy discussion on problems with the Policy, the commitment to Policy review seems limited to the Sexual Harassment Officer raising her concerns and members of the Committee being requested to prepare their own questions and concerns for further discussion. Since the Policy has only been in effect for one year, at this point, an analysis of its comprehensiveness and effectiveness in dealing with various forms of sexual harassment between members of various status at the University is in order. The members of the Committee seem committed to

interacting/communicating their intersubjective definitions of the situation in regards to the Policy and this is important for the creation, negotiation and modification of meaning in relation to the key symbols (horizon level).

The dissemination of the Policy and concomitant educational programmes are discussed and this reinforces that the key symbols are being communicated to members of the University as support for the orientational guidelines.

Horizon:

On the orientational level, there seems to be a commitment to reviewing the Policy, however, no detailed process for this is determined. The starting point for this review seems to rest at present with the members of the Committee. This is not a bad place to start in that each of the members represents a constituency with particular interests, and the sharing of constituent concerns is a valuable beginning for further discussion.

On the level of expectations, the Sexual Harassment Officer reports that most cases are a result of male student harassment of either female students or support staff. This "environmental" harassment suggests that power and authority are not necessarily the crux of the problem at Concordia, and that sexual harassment is not common in instrumental role relationships.

Awareness of the Policy and about sexual harassment has been facilitated by educational meetings with departments. The response of departments suggests that there is a need for further work on educating the University community about the Policy, the

Office, and the behaviour in order to promote understanding, sensitivity and commitment to creating an environment free from sexual harassment.

STRIP #3: Minutes of Meeting held on March 25, 1992

Figure:

1) and 2): The agenda and minutes of the February 14 meeting were approved.
3) Membership: Most members will remain for 92/93. However, Maria Paradiso must resign because of her new position and Susan and Laura are in doubt for next year.
4) Update: Sally provided the committee with an update on activities. It has been a busy period. 47 cases to date dealt with in one way or another. Currently cases of faculty harassing staff or involving them in general harassment of colleagues.
5) Unions: Sally met with CSN reps. CUPFA apparently has a clause honouring university policies and procedures like harassment. After Spring elections, Sally will meet with CUFA and CUSU reps with help from appropriate committee members.
6) Policy Review Plan: Members are to flag areas for redrafting in writing to Sally. Sally will redraft changes in consultation with others over the summer. The committee will discuss the proposals in the Fall.
7) Varia: Concern was raised about protection and support for non-members of the Concordia University community. A recent case involving the assault of a McGill student on University property was discussed. The University has provided some support and could initiate action on behalf of the student if the student consented to being witness.

Concern was also raised about several incidents in the residences last year that may require investigation and/or follow-up.

Questions were raised about recourse for part-time and full-time staff whose jobs are jeopardized because of harassment and complaint. A policy is being drawn up and will be circulated.
8) The next meeting will probably be in the Fall, earlier if Sally deems it necessary.

Ground:

Interactions between members are focused on the same issues as in previous meetings, such as Office activities, nature of cases, and unions.

There seems to be no further interaction in relation to Policy review. In fact, it seems that the request for identifying problem areas is made again. However, instead of committing to sharing these ideas in the forum of the Committee meetings, the request is written comments to the Sexual Harassment Officer, who will, with consultation of members, redraft the Policy making necessary changes. These proposals are then to be discussed in the fall.

Horizon:

On the orientational level, the Committee has held three meetings. As yet, there is no comprehensive plan for the review of the Policy; there does not appear to be any organized commitment to reviewing the Policy. In fact, the redrafting of the Policy seems to be moving in the direction of being removed from the interactional process and instead being left in the hands of the Sexual Harassment Officer. The question which must be asked is are Committee members (representatives of the various University constituencies) really committed to reviewing the Policy, or is this process being guided by the Sexual Harassment Officer? Furthermore, is the Sexual Harassment Officer leading the process in such a way as to seek and encourage the participation of all constituencies in active dialogue, or is she satisfied that the redrafting can be done at her sole discretion? These are questions that should be clarified.

On level of guiding frameworks, there is also the suggestion that there should be a concern with sexual harassment, protection and support, for non-members of the University community. Although this is a noble quest, one needs to question whether this is within the purview of the Institution's goals and of the Policy (which guides the operation of the Office and the Advisory Committee).

Faculty harassment of staff and each other seems to be the only focus added to the nature of sexual harassment at Concordia. The commitment to drawing up a policy to deal with recourse for part-time and full-time staff whose jobs are jeopardized due to harassment or a complaint of harassment is important in dealing with this identified type of harassment.

The previous meeting identified that sexual harassment was mainly a result of male students harassing female students and staff. The orientational framework does not seem to focus on the fact that there does not seem to be much discussion of faculty harassing students, and if these cases are not being reported, investigation should be aimed at discovering whether this is in fact a problem.

STRIP #4: Minutes of Meeting held on February 9, 1993

Figure:

> *Present: Sally Spilhaus (Chair), Diane Adkins, Marie Benoit, Bill Gilsdorf, Diane Hastings, Cecile Sly*
> *Business:*
> 1.   *The notes of the March 25, 1992 were read and accepted.*
> 2.   *Two new members joined the committee--Diane Hastings representing CUSSU and Cecile Sly, G.S.A.*

3. *Sally provided the committee with an __update__ on fall activities--many of which resulted from the murders. She had 22 different requests for help, none of which were pure sexual harassment cases. Concerns were about harassment, sexism and behaviour of boyfriends or ex boyfriends.*

4. *Sally stressed that she would like to be seen as a kind of broker as opposed to an adversary in her attempts to improve the __climate__ of the university community and to change behaviour of the constituents.*

5. *Sally asked for comments on her response to Dr. Bertrand's DRAFT Guidelines for Handling Disruptive Behaviour.*
    Questions raised were: (1) a. How should the university deal with threatening or disruptive behaviour in the immediate future? b. How will it deal with this behaviour over the long term? (2) Can sexual harassment be dealt with adequately within a more global policy?

6. *The committee agreed to make a strong statement to __Dr. Bertrand__ recommending collaboration and consultation with others in the university community before developing a policy to handle disruptive behaviour. In the letter that Bill Gilsdorf will draft, the committee's desire to be part of this larger forum will be voiced.*

7. *The committee agreed to re-evaluate the __Sexual Harassment Policy__ considering what does and doesn't work presently and where and how it could fit within a larger policy. Cecile offered to review the policy carefully in order to develop some pertinent questions and reactions. Sally will provide the group with her input and experience.*

8. *Two further __meetings__ were scheduled: Tuesday, March 2, at 09:30 and Tuesday, March 23, at 09:30, both in BC 110.*

9. *Sally informed the committee of the outcome of the __Trudel case__.*

Ground:

The interactions of this Committee are quite friendly and there is an openness to dealing with many issues. Many of the interactions are focused by the Sexual Harassment Officer's statements about her experience after the murders and her devotion to the creation of an all-encompassing policy to deal with disruptive behaviour. At her initiation, the Committee agreed to draft a letter to Dr. Bertrand to support the need for examining issues which arose as a result of the murders.

Even though the Committee is willing to pursue the issue of reexamining the Policy on Sexual Harassment, this dedication is minimized by the need to deal with the concerns of the Sexual Harassment Officer which, at this time, were focused on disruptive behaviour.

Horizon:

On the orientational level, there seems to be a surface commitment to reviewing the Policy. Fostered by the push of a Committee member, this topic was brought back to the agenda for discussion. There was a commitment made to exploring the way in which the Policy should be reviewed. The Sexual Harassment Officer did not guide this process, instead she expressed that a few minor changes to the Policy would be sufficient, and that she was not sure that the entire Policy needed extensive reevaluation.

There is also the reinforcement of the sense that this Policy is not being called upon to deal with sexual harassment in teaching relationships (professor/student). The Sexual Harassment Officer stated that most of the cases were concerned with behaviour of boyfriends or ex-boyfriends. It is difficult to believe that faculty/student sexual harassment is not being discussed; if it is not coming to the attention of the Sexual Harassment Office, then the awareness and educational programmes need to be examined for their content and their effectiveness especially in view of the data from the Sociology 410 Student Surveys.

STRIP #5: Letter of Advisory Committee to Vice Rector Services
RE: Disruptive Behaviour

Figure:

Date: February 15, 1993
To: C. Bertrand, Vice Rector, Services
From: Advisory Committee on Sexual Harassment
Re: Draft Guidelines for handling disruptive behaviour
Content:
        We are pleased to have an opportunity to examine your draft guidelines at the recent meeting of our committee on February 10, 1993. It is our unanimous wish to support efforts to explore the need for a clear and coherent policy and a process that deals with such an important area that touches directly on our concerns regarding sexual harassment. We stand ready to assist and/or consult with you. In that vein, we wish to take advantage of your desire for feedback on the document to express several concerns and recommendations:

        1)   While we see the need to explore a larger, more encompassing policy and process that deals with situations of inappropriate and disruptive behaviour, we want to be assured that the special problem of sexual harassment and its redress will not become less visible.

        2)   At the same time, we are concerned about the possible proliferation of separate structures, policies and procedures dealing with similarly inappropriate behaviour. Already, we are aware that many individuals, especially students, are confused and/or uncertain about where to turn when confronted with such a problem. In addition to our Sexual Harassment Office, with its own policy and process, there is a Code of Conduct Officer, an Ombudsman, an Employment Equity Officer, a student advocate, university lawyers, guidance counsellors, an intervention team, the administrative chain of command, etc.

        3)   While we support the need for an immediate and temporary team to be in place to handle urgent situations, we hope that it, and the guidelines, will not evolve into a permanent structure without a full and deliberate examination and evaluation of existing policies and anticipated needs.

        4)   We applaud your desire to involve members of the community in commenting on your draft, and we are pleased that you have arranged a meeting with the Sexual Harassment Officer. We urge the widest possible consultation with experienced professionals and experts, both within and without the University, with the appropriate associations, and with the community at large in developing a comprehensive response to ALL forms of inappropriate or disruptive behaviour.

        These are the committee's major concerns. We are ready to help, especially in the area of sexual harassment. Thank you.

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W. Gilsdorf, M. Benoit, D. Adkins, C. Sly, D. Hastings

Ground:

The Committee works on a less discursive approach in that letters (and documents in previous meetings) tend to be left in the hands of one person for final drafting, taking in the commentary of members, however, not discussed in the open forum of the Committee. Although this is an effective way of getting things accomplished, it shows a tendency to avoid argumentation which in effect does not give voice to the various, and often conflicting, voices Committee members represent.

The letter which was finally drafted reflects the importance of this Committee's concern being sexual harassment. The first draft was geared more at concern with disruptive behaviour in a broad context rather than ensuring that sexual harassment was dealt with effectively in and of itself first, and then within a broader context. This may be as a result of the Sexual Harassment Officer's preoccupying concern with disruptive behaviour, however, the Committee does seem prepared to focus its concerns on sexual harassment even if Committee members do feel that a broader policy encompassing all types of disruptive behaviour would be useful.

Horizon:

On the level of orientations, it is difficult to understand why the Advisory Committee has not been able to put any of its plans for reviewing the Policy in any written form when the necessary energies are available for drafting a letter for handling

disruptive behaviour. It seems that there may be a lack of commitment to dealing with

issues specifically related to modifying the Policy. The reasons for this are not evident.

STRIP #6: Minutes of Meeting hold on March 2, 1993

Figure:

Present: Sally Spilhaus, Cecile Sly, Diane Hastings, Diane Adkins, Bill Gilsdorf, Marie Benoit

Minutes: Minutes of meeting held on February 9, 1993 were accepted as read.

Report:

Sally reported on her meeting with Vice-Rector Bertrand, on the subject of his proposed draft policy to deal with disruptive behaviour. It was largely inconclusive, but he did appear to be interested in the idea that all the policies which cover questions of behaviour should be reviewed together, in order to rationalise and extend their coverage.

Review of Policy:

Cecile presented a draft proposal of a structure and process to review the policy and the performance of the office. She suggested that the review committee should be composed of members of ACSH, but emphasized that it must be seen to function at arm's length from the officer and the day-to-day operations of the office. She proposed a review which would include a user survey, a "non-user" survey, input from internal officers, constituent groups and associations, a legal review and finally a university-wide survey.

Bill suggested that it would be important to consult with the V-R Institutional Relations and Finance, to get his approval of the process and to make sure that the venture would receive adequate support in manpower and funding. He was not keen to do too much work on a detailed proposal before having this kind of assurance.

After further discussion, it was unanimously agreed to create a review committee composed of the current membership of the ACSH, with the exception of the Officer, i.e.: Diane Adkins, Marie Benoit, Bill Gilsdorf, Diane Hastings, Cecile Sly. Bill agreed to chair the next meeting, scheduled for March 23.

Ground:

The Sexual Harassment Officer attempted to continue to keep the interactions

focused on disruptive behaviour, however, at the insistence of one member, the Committee was brought back to the issue of discussing Policy review in order to ensure that the needs of sexual harassment could be incorporated into a larger policy on all forms of disruptive behaviour.

Since informal discussion on the issue of Policy review had seemed to lead nowhere, one of the members proposed a full-scale plan and then moved a motion to support the review process. The structure of Policy review included the creation of a committee composed of members of the Advisory Committee, while functioning at arm's length from the Sexual Harassment Office (and the Sexual Harassment Officer) in order to maintain some objectivity. It was suggested that this committee should begin with a review of the Policy, asking for input from community members on issues raised by the committee as well as other issues community members felt were important. It was also suggested that the review committee include a user (those attending the Sexual Harassment Office) survey, a "non-user" (those being sexually harassed but not attending the Sexual Harassment Office) survey, input from internal Officers of the University (including the Sexual Harassment Officer, the Ombuds Officers, the Code Administrator, and other Administrators), input from constituent groups and associations, input from legal experts, and finally a university-wide survey to determine the amount of sexual harassment being experienced.

To ensure that the work of this committee would be supported, it was suggested that the Vice-Rector Institutional Relations and Finance (who is entrusted with the supervision of the Policy and its support mechanisms) approve of the process and ensure

adequate resources. Without this kind of assurance, it was felt that the review may not be accomplished.

The interactions on this topic culminated with a unanimous agreement to create a Policy Review Sub-committee to review the Sexual Harassment Policy and the operation of the Sexual Harassment Office. The composition of this Sub committee was the current members of the Advisory Committee on Sexual Harassment with the exception of the Sexual Harassment Officer.

Horizon:

This is the first tangible step towards affirming the commitment to reviewing the Policy (a sentiment that was expressed for the first time on December 10, 1991). On the orientational level, it also marks a movement away from general discussions and discussions on disruptive behaviour. The decision to exclude the Sexual Harassment Officer from the review process is also important in that it shows that the Advisory Committee is finally choosing to act as an independent unit rather than simply being led by the Sexual Harassment Officer. This is significant because it may lead to the Committee developing skills that will allow it to act as a better advisor to the Sexual Harassment Officer. Furthermore, if there are problems in the practice of the Policy (that is problems with the way in which the Sexual Harassment Office works), then these can be identified and improved.

STRIP #7:   Meeting of Policy Review Sub-Committee held on March 23, 1993

Figure:

> *Minutes are not available (minutes were not kept). Issues of discussion included identifying problem areas in the Policy, determining the process of review, and electing a chair for the Sub-committee.*

Ground:

Only three members of the Review Sub-committee attended this meeting; the constituencies represented were faculty, non-academic staff, and graduate students. Perhaps this reflects a lack of commitment on the part of other members to participate in the review of the Policy, or it could reflect, as raised by the sentiments of these other members, that they did not feel qualified to review the Policy without the assistance of the Sexual Harassment Officer.

Interactions in this meeting attempted to raise very important issues; and it should be noted that this is the first time that any group of Committee members were really willing to discuss some of the important issues which needed to be addressed.

The Sub-committee pinpointed the following problem areas: the introduction of informal procedures, third party complaints, the definition of 'member,' time restraints loosened for complainants and tightened for respondents, encouraging the use of advisors and advocacy, stipulating sanctions for specific behaviours, and the definition of 'sexual harassment' itself.   No conclusions were made on these issue but it was felt that they would provide a beginning point for gathering further information for discourse.

One of the first issues which was addressed was whether the Policy could be reviewed without an assessment of its practice (that is, a review of the operations of the Sexual Harassment Office). It was agreed that the review of the Office was within the mandate of the Advisory Committee and that continuing development of the Policy necessitated examining how it was being used. It was also decided that an evaluation of the Policy would require the input of the Sexual Harassment Officer as well as the input of University community members.

The Sub-committee also discussed whether it was really within the scope of Advisory Committee members to devote the amount of time required for a full-scale review. The suggestion that the investigation and review process may be better served by a committee of the Vice-Rector rather than an Advisory Sub-Committee, especially in relation to resource allocations. It was felt that a committee set up by the Vice-Rector would be more effective in ensuring that the assessment report and its recommendations were enacted.

Interactions between those present also focused on the effectiveness of the Advisory Committee in relation to its mandate. Members expressed that they felt the Committee needed to function better. Concerns expressed that the Committee was apt to be led by the Chair (the Sexual Harassment Officer), being used as a sounding board rather than working together as a group to achieve certain aims and goals.

At the participational level, this was a balanced and enthusiastic meeting in which all members interacted with each other and on specific issues which would need to be dealt with. The atmosphere was hopeful of actually accomplishing necessary changes.

Horizon:

It became clear in this meeting that although members were concerned with the practicalities of time and resource commitments to the review of the Policy and the Office, the need and desire to tackle these problems was acknowledged. On the orientational level, tangible discussions occurred, forming a foundation for further inquiry. It was also evident that without the Sexual Harassment Officer, other members of the Committee were more likely to participate with each other in expressing their views on important Policy issues. Of all the meetings to date, this Sub-committee meeting was the best indication of members' commitment to the expectations which had only been vaguely touched upon before, particularly the review of the Policy (and the practice of the Policy through the Sexual Harassment Office).

One of the interesting questions was who was responsible for fulfilling the orientational commitment to Policy review. Even though it seems that this job falls to the Advisory Committee, the commitment of the Vice-Rector is important in supporting the process and accepting the work of the Committee.

STRIP #8:   Internal Memorandum; Sexual Harassment Office

Figure:

To: Members of ACSH
From: Sally Spilhaus, Sexual Harassment Officer
Date: March 26, 1993
Content:
        I have been thinking about the last committee meeting which I attended
and have come to the conclusion that I am not happy with the decision taken to

exclude me from the process of reviewing the Policy. Firstly, since it is the Vice-Rector rather than the committee who is responsible for the performance appraisal of the Officer, there is no reason on that score to exclude me. Secondly, I am the Chairperson of the committee, and as such must continue to convene it and preside over it, although this does not mean that sub-committees which do not include me cannot be struck for certain purposes. Thirdly, the committee is not mandated to assume exclusive responsibility for reviewing the Policy. It may make recommendations as to the ongoing development of the Policy, which may include a recommendation for any type of modification or review, but is somewhat different from what is currently being suggested. Finally, the committee is currently short of members, and should perhaps try to fill the gaps before any final decision is taken.

For these reasons, I would like to convene a general meeting of the committee within a short while: Beth Crevier will be calling you soon to set it up. In the meantime, please call me if you would like to discuss the points which I raise above.

Thanks.

Ground:

This is the first indication on the interactional level that the Sexual Harassment Officer is not happy with an evaluation of the Policy from which she is excluded. Her reasons for this are multifold.

First, she does not feel the Committee is responsible for reviewing the performance of the Office. This indicates that she has an aversion to the Committee evaluating the practice of the Policy, perhaps exhibiting discomfort about being evaluated at all. Since the Advisory Committee is to review and receive the Annual Reports, it would not seem inappropriate for the Committee to evaluate the performance of the Office.

Second, she feels that as Chair of the Committee she should continue to convene

and preside over it even though she admits that sub-committees which exclude her can be struck for certain purposes. Her guidance has, for the last year plus period, not shown movement toward seriously embarking on any review process and therefore it becomes difficult to understand why she feels she should convene and preside over the Sub-committee unless she is uncomfortable with losing control over the Committee. In essence, the Committee is supposed to be acting in an advisory capacity, and therefore, it does not seem necessary for the Sexual Harassment Officer to continually direct its functioning.

Third, she does not feel that the Committee is mandated to assume exclusive responsibility for reviewing the Policy. It was never suggested that the Committee should unilaterally make modifications to the Policy. Instead, the intent of the Review Sub-committee, composed of constituent groups, was to provide an objective (removed from the day-to-day operations of the Office) forum for the gathering of views from different types of University members and coming up with recommendations based on this input.

Fourth, she raises the issue of membership composition. Although it would be nice to have an ongoing group of members of any committee, the nature of voluntary committee participation across the University is that membership changes, and yet other projects are not stopped or curtailed due to this. This seems like another rationalization for the fact that for whatever reason the Sexual Harassment Officer does not want to be left out of directly being involved in the nature and content of the review of the Policy on Sexual Harassment.

Horizon:

In the year plus period that the Sexual Harassment Officer has been convening and presiding over the Advisory Committee, there has been no real movement toward embarking on the process of Policy review, and now that there is, she is making clear that she is not happy because she does not wish to be excluded. Instead of providing encouragement and support for the review of the Policy by the Sub-committee, the Sexual Harassment Officer is showing that she wishes to alter a process that has already begun.

STRIP #9: UNAPPROVED Minutes of Meeting held on April 21, 1993

Figure:

Present: Sally Spilhaus (Chair), Bill Gilsdorf, Cecile Sly, P. Subramanya, Diane Adkins, Diane Hastings, Lana Grimes, Marika Giles, Marie Benoit
Observing: Aziz Sharafi, Fine Arts GSA Council representative
CUSA Representation: Lana Grimes explained that the new CUSA officers had not yet had time to appoint permanent representatives to the ACSH, therefore she and Marika Giles were attending in order to keep CUSA informed of the committee's work in the transition period.
GSA Representation: Cecile Sly reported that she is now president-elect of the G.S.A., and as such would probably not continue to act as representative to the ACSH. She had invited P. Subramanya, the former G.S.A. representative, to attend and to continue as an interim representative until a successor was appointed. Mr. Sharafi was attending as an observer.
Business:
1) Minutes of the meeting of March 2, 1993:
The following amendments were made at the request of Cecile Sly:
Item "review of policy"--to be added at the end of paragraph 1: "The report of this subcommittee would be made to the Advisory Committee."
Item "review of policy"--to replace the last paragraph: "The committee unanimously moves to create a subcommittee to review the Sexual Harassment Policy and the operation of the Sexual Harassment Office.

This review committee will be composed of the current members of the ACSH, namely Diane Adkins, Marie Benoit, Bill Gilsdorf, Diane Hastings and Cecile Sly, with the exception of the Sexual Harassment Officer. "

On a motion by Cecile, seconded by Bill Gilsdorf, the minutes were unanimously approved as amended.

2)   Agenda:

Cecile Sly requested that the agenda be amended to include a discussion of the committee's procedures, in particular the recording of minutes. The discussion of procedures becomes new item 3.

3)   Procedures:

Cecile Sly expressed the view that we should be more formal in the way we do our business, particularly with regard to the making of motions and the recording of minutes. Since committee members represent certain constituencies, it is important that the views and contributions of members be accurately recorded.

There was lengthy discussion on this issue, some members expressing a dislike of excessive formality, while others noted the need for clear structures to protect the democratic process. There was also the question of how much discussion to include in minutes, or whether it was only necessary to record the outcome of discussions. The committee also considered the use of tape recorders and the need to have a regular recording secretary.

At the end of the discussion, the following motions were put forward:

- It was moved by Cecile Sly, seconded by Lana Grimes, that the ACSH use a recording secretary to take minutes and that tape recordings be allowed of non-confidential proceedings, while reserving the right of any member to speak off the record. The motion was passed unanimously.

At this point in the proceedings, Diane Hastings and Mr. Sharafi had to leave the meeting.

- It was moved by Cecile Sly, seconded by Bill Gilsdorf, that all meetings of the ACSH be open meetings, unless confidential matters are discussed, or unless a majority of committee members vote to close. The motion was passed unanimously.

- It was moved by Bill Gilsdorf, seconded by Lana Grimes, that speaking and take recording privileges of non-members be granted by majority vote of members present. The motion was passed unanimously.

4)   Report on meetings with Vice-Rector Services:

Sally Spilhaus reported that she is participating in a series of meetings which have been called by the Vice-Rector Services to discuss strategies for dealing with disruptive behaviour at the University. She is encouraged by the receptivity shown by the Vice-Rector to the ideas and tactics which have been put forward by participants.

5) *Policy review:*

These was renewed discussion of the question of reviewing the policy. Cecile was concerned that the process established at the last ACSH meeting was not being pursued according to plan, and re-iterated her position that any review should be undertaken at arm's length from the Sexual Harassment Officer. Diane Adkins and Marie Benoit expressed the position that input from the Sexual Harassment Officer was of primary importance, since she was the only person with an overview of how the policy works in practice. Bill Gilsdorf wanted to put on record the fact that he was not opposed to the idea of a full policy review: nevertheless, in his view the policy is not an abstraction, but is operationalized in a university-wide context in which many other forces are at work. For this reason, he feels that the review should be planned with due regard to other policy changes which might be occurring in the near future.

Cecile Sly then proposed the following motion, which was seconded by Lana Grimes: "We move that there is a need for a review of the Policy on Sexual Harassment and that Vice-Rector Cohen be requested to provide guidance and support for this process (i.e. its modus operandi, composition of the review committee, resource allocations, etc.)."

The motion was not carried. (Vote: Five against, one for, one abstention.)

Bill Gilsdorf proposed the following motion, seconded by Marie Benoit: "That the sub-committee created at the meeting of March 2, 1993 in order to undertake a review of the Policy be disbanded."

The motion was carried. (Vote: four for, three abstentions.)

6) *Date of next meeting:*

The date of the next meeting will be Tuesday, May 11, 12 noon. [It should be noted that this meeting was latter cancelled by the Sexual Harassment Officer.]

Ground:

On the participational level, it has become evident that the laissez-faire fashion in which the Committee has been working has not been conducive to accomplishing any real benefits. Therefore, the Committee discussed procedures for functioning and for the recording of minutes. The fact that unanimous motions were passed in relation to the taking of minutes (including recording meetings), opening meetings to visitors, and

speaking privileges to non-members points to the fact that members feel the need to set some rules for continued conduct.

Again as in previous meetings, the Sexual Harassment Officer tried to focus the meeting's attention on meetings with the Vice-Rector over disruptive behaviour. It is questionable as to why so much time is being spent, at the Sexual Harassment Officer's direction, on disruptive behaviour when it would seem more appropriate for the Committee to be focusing on review of the Policy.

Interactions at the meeting, in relation to the question of reviewing the Policy, were raised despite the fact that the Committee had already discussed the review plan and had decided unanimously on the creation on the Review Sub-committee. Some members did not feel that objectivity (arm's length review from the Sexual Harassment Officer) was as important as having the guidance and input of the Sexual Harassment Officer. Perhaps one of the reasons for this is that members do not feel confident in their own abilities to embark on such a process. Another member felt that even though a full scale review was important, he felt that it should occur within the context of other policy changes occurring in the near future. At this point, it seems impossible for the Committee to move forward without receiving a mandate to do so from the Vice-Rector (which was one of the issues raised at a previous meeting), however, a motion requesting the Vice-Rector to guide and support the process for reviewing the Policy was defeated. And subsequently, the Policy review Sub-committee was also disbanded. No future plans for reviewing the Policy were made.

Horizon:

The degree of commitment, on the orientational level, to reviewing the Policy must be seriously questioned. Since the inception of the Sexual Harassment Office, and the year and a half that the Advisory Committee has been meeting, there is always discussion about reviewing the Policy and the need to do so, however, any real moves in that direction have not been supported. One needs to question whether or not the expectation is that the Policy should be reviewed. If there is a commitment to reviewing the Policy (and it seems appropriate for the Policy to be reviewed after approximately two years of operation), then what factors are inhibiting this process? One factor may be that there is a need for a clear mandate for the Advisory Committee on Sexual Harassment to do so. The direction of the Sexual Harassment Officer toward this goal would seem not only appropriate but imperative.

STRIP #10: Internal Memorandum; Sexual Harassment Office

Figure:

To: *P. Subramanya, G.S.A. representative on the ACSH*
From: Sally Spilhaus, Sexual Harassment Officer
Date: May 18, 1993
Content:
  I enclose a copy of a draft for a pamphlet about sexual harassment which is directed to graduate students. The School of Graduate Studies includes a pamphlet from this office in a general mailing to students every year. I am open to suggestions as to other ways in which it can be distributed.
  Please let me know as soon as possible if you have any comments or suggestions to make about the content, as I would like to proceed to production. The format would be a single folded sheet, back-to-back English and French.
  I have also submitted the draft to various members of the Graduate Student

Life Task Force for their comments.
Brochure Content:
<u>*Concordia and sexual harassment*</u>

We hear a great deal about sexual harassment in the media there days. Unfortunately, the media's appetite for sensational or trivial stories promotes many misconceptions about a problem which can affect the health and productivity of students and employees alike. In Canada, sexual harassment is recognized in both federal and provincial human rights legislation as a form of discrimination. It is behaviour that can jeopardize the right of students and employees to pursue an education or a career on an equal basis. It undermines personal dignity and integrity. It poisons the atmosphere in which we learn and work together. At Concordia, students and staff who feel that they are being harassed can get advice and support from the Sexual Harassment Office.

<u>*What is sexual harassment?*</u>

When someone draws attention to your sex or sexual orientation in a way which is offensive and demeaning to you, you are being sexually harassed. It may take the form of gestures, words or actions, such as leering, sexual comments or jokes, inappropriate comments about appearance, persistent sexual invitations, unnecessary touching or deliberate grabbing. It may be subtle, as when someone gets "too close for comfort", especially when that person is in a position of authority over you. Or it may be overt, as when someone repeatedly makes sexual jokes or comments about your appearance, causing embarrassment and stress when you are trying to work. You will find a complete definition of sexual harassment in Concordia's Sexual Harassment Policy.

<u>*Does this mean we can't have fun on campus?*</u>

The Sexual Harassment Policy is not intended to discourage expressions of affection between friends, mutual flirtation, private, light-hearted joking among a group of intimates, or relationships of genuine mutual consent. The underlying purpose of the Policy is to promote work relations which are based on respect and trust and which avoid professional conflict of interest.

<u>*Who is covered by the Sexual Harassment Policy?*</u>

The Policy applies to all Concordia students, faculty and staff. It recognises that sexual harassment can happen to anyone, regardless of factors such as age or appearance. Although women are most often harassed by men, the reverse can occur, as can same-sex harassment. Students may be harassed by other students, or by teachers, supervisors or staff members.

<u>*Advice and support from the Sexual Harassment Officer*</u>

You should know that you can consult the Sexual Harassment Officer at any time, no matter how unsure or uneasy you may feel about a problem. Just talking to someone can help you to sort our your feelings and options and may help to prevent serious problems from developing. You are assured of complete confidentiality, and you will not be pressured into taking any action. You are the person who decides how to deal with your problem. Remember, ignoring sexual harassment won't make it stop--in fact, the longer you ignore it, the worse it may

get.

Graduate students may be vulnerably

Graduate students may be particularly vulnerable to sexual harassment because of their special dependence upon supervisors or members of thesis committees. They may be hesitant to complain, fearing reprisals that could be very damaging to their scholarship and careers. The Policy can help to protect complainants from reprisal.

If you are being harassed

You are encouraged to quietly and firmly communicate your right to respect, and to say no to offensive behaviour. If a "NO" does not work, or if you cannot say "NO" because you fear the consequences, it is time to seek help.

- *Contact the Sexual Harassment Officer at 848-4875 for confidential advice: you can take your time to consider your options in a quiet, safe place.*
- *Don't pretend it isn't happening. It will not go away.*
- *Don't blame yourself--you are not responsible for someone else's behaviour.*
- *Write down what is happening, keeping a record of dates, times, locations, witnesses and details of incidents. If you ever decide to file a complaint, this record will help you to build your case.*

Guidelines of teaching assistants

Becoming a TA changes your status as a student--you find yourself in a position of authority over your former peers. This may make you vulnerable to charges of sexual harassment. You might want to think about the following potentially tricky areas:

Teacher/student relationships

A romantic or sexual relationship with a student whose work you supervise or mark places you in a conflict of interest situation. If you find yourself in this situation, you would be wise to declare a conflict of interest and ask your supervisor to arrange for someone else to evaluate that student's work.

Physical conduct

Many of us habitually touch others when we are talking to them, or hug friends in greeting, or put an arm around shoulders when offering encouragement or support. This is fine when the other person is well known to us or an equal. However, differences in personal style or cultural background could lead to misunderstanding with regard to such physical contact., Be attentive to the non-verbal cues people give you when you interact with them. A little sensitivity goes a long way to making others feel comfortable and respected in their academic activities.

Verbal conduct

Students want to be taken seriously in their academic pursuits. A person's feeling of worth or competence can be undermined when a supervisor focuses on their personal attributes rather than their scholastic abilities. Personal comments or questions about a person's looks, sex life, personal life or sexual orientation

are inappropriate in professional relations. You can be relaxed and friendly without being intrusive and demeaning.

If you have questions or concerns, feel free to discuss them with the Sexual Harassment Officer.

The Sexual Harassment Policy and formal complaints

If you wish, or if your attempts to resolve a problem have not been successful, you may choose to file a complaint using one of three procedures available under the Policy. A complainant has nine months in which to decide whether to file. A written complaint detailing all relevant information about the harassment is filed with the Sexual Harassment Officer. The complainant must be identified to the person against whom the complaint is made. Both parties to a complaint are given every opportunity to present their case, and both may be accompanied throughout the process by an advisor who may be any member of the University. The complainant may withdraw the complaint at any stage of the process. All proceedings are completely confidential. There is provision for a range of remedies and sanctions to be imposed, including the possibility of expulsion or dismissal in serious cases.

You will find the full text of the Policy in the Undergraduate Calendar, or in the "C" Policy Manual, or you may obtain a copy from the Sexual Harassment Office.

The provisions of the Policy do not supersede those of any collective agreement in force at the University, nor do they inhibit the right of any member of the University to seek redress through the civil or criminal courts of the Human Rights Commission.

For information or assistance, contact Sally Spilhaus, Sexual Harassment Officer at 848-4857 (FAX--848-4514, Room K-110, 2150 Bishop Street). Evening appointments can be arranged on request.

Ground:

Without going into a discussion of the content of this brochure, it is important to note that this brochure never came to the attention of Advisory Committee. In fact, the graduate student representative only received this text after hearing that it had been presented to the Task Force on Graduate Student Life. It was at his request that the Sexual Harassment Officer sent a copy for feedback.

On the participational level, this shows a return to the type of one-on-one

consultation which occurred at the end of the Committee's first term. It would have been very useful for the entire Committee to discuss the way in which the University community is made aware of the problem of sexual harassment and the kinds of materials used to educate the community about this unacceptable behaviour. Although this brochure is aimed at graduate students, the Sexual Harassment Office also puts out material aimed at educating other members of the University. Input of various constituency groups would allow for the design of promotional material that could meet the concerns of these groups.

Horizon:

Although the Sexual Harassment Officer is very willing to respond to requests for information, she exhibits a tendency not to feel comfortable consulting in a open forum with representatives of constituency groups on specific issues. This may seem as a harsh assessment, however, given the lack of direction toward actually discussing or allowing the discussion of Policy matters, and given that she did not bring to the attention of the Advisory Committee any proposed promotional materials for feedback, the Committee spends a great deal of time listening to the Sexual Harassment Officer's concerns, particularly about disruptive behaviour, and really no time at all fulfilling its advisory function. On the orientational level, if the Advisory Committee is not provided with the opportunity to advise, to review and to guide the practice of the Policy, then there seems little reason for its continuance.

Case Study of an Experience of Sexual Harassment at Concordia University[10]

STRIP #1:   Concerns and Hesitations about Retelling the Experience

Figure:

> *To start, I feel slightly uncomfortable talking about what happened to me. First, more than a year has passed, and I am not sure that I can recall everything that happened and the way it happened in detail. Second, since I have come to terms with the whole experience, I feel strangely detached from the emotional intensity that affected me so greatly at the time. I am not sure that I can retell the experience as accurately and as vividly as it occurred, however, I feel that trying is important. Third, I was warned by the Sexual Harassment Officer that everything that happened at the Sexual Harassment Office was confidential and that I should not be discussing it outside of the Office, and that doing so could have negative consequences for me. Before agreeing to share my experience, I consulted with the Code Administrator on this final point, and as it is my experience, I am free to tell it.*

Ground:

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[10]This case of an individual experience of sexual harassment at Concordia University is an account of a member of the University, who approached the Sexual Harassment Office for assistance, and who lodged and then withdrew an official complaint before a formal hearing.   All identifying information has been removed in order to protect the identity of the complainant and the respondent.   This account does not shed light on going through all of the Policy redress mechanisms (the complainant did not select the administrative resolution or a formal hearing), however, it does provide glimpses into how the Policy is put into practice by the Sexual Harassment Office.   It should be noted that this is one individual's experience; whether or not it can be taken as reflective of the way in which all cases are dealt with by the Sexual Harassment Office is, at the writing of this thesis, impossible to determine.   This experience is told by the complainant in her own words.

On the participational level, the complainant's hesitation about sharing her experience is natural. Unfortunately, if stories of individual experiences are not brought into the open, it becomes difficult to understand sexual harassment in academia. Instead of silencing victims with threats of breached confidentiality, an open and accepting environment should encourage the airing of problems in order to understand and respond.

Horizon:

On the orientational level, the level of primary frameworks, the decision of sharing an experience of sexual harassment must rest with the complainant. It is not being suggested that individuals be identified or that stories be released without permission; instead what is being suggested is that a forum for discussing experiences is a necessary basis for understanding what it is like to be sexually harassed, what it is like to seek help, and what the effects of the entire experience are on the lives of those who are affected. An orientational commitment to voicing experiences is an important precondition to awareness and to education. It needs to be recognized that sexual harassment is not about numbers, it is about individuals.

STRIP #2: Sexual Harassment Experience

Figure:

>*Many years ago, I became acquainted with the respondent through a formal professor/student relationship. He was my teacher and I was a student in several classes. Over the years, the relationship changed from a rather impersonal one (contact restricted to classroom interactions only), to a more*

friendly one (contact extended to office hour conversations about course work and guidance in relation to my academic career). Through both interactions, my academic experience was intellectually stimulated and enriched. Not only was I comfortable with the fact that the professor/student relationship was becoming less impersonal, but I felt very fortunate to be developing a mentoring relationship which was invaluably beneficial to my academic development.

As I moved through the education system, my relationship with the respondent was altered; the professor/student relationship changed since he was no longer my teacher and I was no longer his student in the formal sense. Nonetheless, he was still a professor and I was still a student in the same department at the same university. I wanted to maintain the mentoring relationship, while the respondent treated me more as a colleague than his subordinate. Instead of meeting at the university, the respondent encouraged me to come to his office off campus, he invited me to coffee, and he expressed that I should feel free to call him at home anytime. With this change, the nature of the relationship became ambiguous. To tell the truth, I became very confused about the parameters of acceptable behaviour in our interactions.

Before proceeding, I think that one of the things that led to confusion was the subject matter of our interactions. At the time, I was working on understanding various types of intimate relationships, and the respondent guided and supported this intellectual inquiry. He suggested ideas that I should explore, recommended readings and other available materials, which we then discussed together. One of his suggestions was that I watch the movie "Manhattan," which is about a sexually intimate mentoring relationship. Discussions also focused on such topics as the excitement of doing things that one knew to be wrong, such as infidelity/adultery. The way in which thoughts were expressed by the respondent, especially certain innuendos, seemed to suggest his views about sexual relationships between mentors and mentorees.

During these interactions, certain behaviours were introduced which further confused the nature of the relationship. Although I do not feel uncomfortable hugging friends or kissing acquaintances in greetings, I feel there is a difference between being affectionate and being sexual. The behaviours which were respondent initiated began with sitting very close, and proceeded to prolonged focusing on the body, to suggesting actions which would expose better viewing of cleavage, to unnecessary touching, and finally to inappropriate touching of the thighs. My initial reaction was to ignore these behaviours because I didn't really know how to deal with them. I was sufficiently concerned about the direction of this relationship. Upon sharing my experience with friends, I decided to adopt their opinion that it was necessary to convey my feelings to the respondent, especially if I didn't want the relationship to move into the sexual realm.

At my request, the respondent agreed to discuss the nature of our relationship and acceptable behaviour within it. At the end of a lengthy conversation, we agreed that we both wanted to continue the intellectual

relationship and also agreed that behaviours suggestive of sexuality should not enter into our interactions. To my expressions of discomfort with the changing status between us, the respondent assured me that he was married, committed to his family, and that his sole interest in a relationship with me was contributing to my intellectual development and the sharing of knowledge. He said that he hoped that I would decide to continue our intellectual relationship. I hesitated before agreeing readily to this because something still didn't feel right; it seemed to me that he was saying one thing and yet was sending implicit contradictory messages. However, after a week, I decided that the intellectual exchanges and professional socialization were important enough to my academic career to attempt to con e the relationship.

Shortly thereafter, I invited the respondent and his wife to a dinner party at my home. The dinner was arranged on the occasion of my former supervisor's visit to Montreal; at the time, the respondent was co-authoring a book with my former supervisor. Several other people were also invited. After the invitation and before the party, several uncomfortable situations occurred. The respondent began expressing that his wife was plain, that she did not share his passion for his field, that he did not love her the way he loved his children, and so forth. Finally, he said his wife would not be attending the party, but that he may come alone. His behaviour during this time also transgressed our agreement.

It became clear that our agreement was not being honoured. I did not feel comfortable with the respondent's attending the party if this type of behaviour was going to continue. I, therefore, wrote a note to the respondent telling him that unless he was willing to seriously work at the relationship with me, I did not want him to attend the dinner. He subsequently called and left the message that he would not be attending the dinner.

A week latter, I called the respondent as a second attempt to resolve the problem in order to be able to continue the mentoring relationship. At this time, the respondent first agreed to a meeting and later refused. I tried to express how betrayed I felt by his behaviour and by his refusal to interact with me any further. His response was that he did not know what I was talking about, and that my allegations about his inappropriate behaviour were my own delusions.

Not only was I hurt by his betrayal of my trust, but I was also angry at the fact that he was proposing that I was delusional. I discussed what had happened with friends, family, and members of the University community, and decided that I would consult the Sexual Harassment Office.

Ground:

There are several issues which need to be identified on the participational level.

First, is this a case of sexual harassment? Since the respondent engaged in sexual

behaviour, and since the complainant clearly attempted to set guidelines for appropriate behaviour, and since the respondent refused to live according the agreement, and since the respondent refused to interact with and was abusive to the complainant when the complainant called the respondent's behaviour into question after it had been made clear that she did not want his sexual contact, it can be suggested that the continuation of the mentoring relationship was conditional upon the complainant accepting the sexual behaviour of the respondent. Not only did the respondent introduce sexual behaviour into a professional relationship, but he did so even after the complaint had made it clear that it was not wanted.

Second, does this case fall within the Policy? On the participational level, it was at the request of the respondent that the complainant met the respondent off campus. Nonetheless, both are members of the University community, and the material being discussed pertains to the complainant's course work. The respondent is no longer the complainant's professor, however, he is a member of the complainant's department. Even though there is no explicit instrumental arrangement, the University does encourage informal mentoring. It could be argued that the implicit informal mentoring arrangement is a personal matter and not one that is of institutional concern. However, this would be suggesting that members of the University are free to make sexuality a precondition for professional academic relationships which are not formally bound. As well, it is difficult to remove the power differential that exists in that the relationship began as a professor/student instrumental arrangement, and the respondent can have an affect on the complainant's career. Therefore, going to the Sexual Harassment Office for assistance

seems to be appropriate because the University should not be seen as closing its eyes to coercion into sexual activity by any member of any other member in an academic environment free from sexual harassment in the pursuit of knowledge and education.

Horizon:

On the orientational level, two types of trust must be differentiated. First, there is an assumed trust. This refers to the fact that when students enter into instrumental arrangements with professors they assume that they will not be sexually harassed. That is, there is an assumed trust when entering into a professor/student relationship that the goal is education (teaching/learning) and not sexual activity. Second, there is an earned trust. This refers to the fact that when the student and the professor got to know each other on a personal beyond the strictly professional level, each earned the other's trust. Earned trust can be seen as the basis of collegiality and professional association. That is, when the student stopped being in a formal teaching relationship with the professor, the student trusted that the professor would continue to offer guidance and support to her academic activities without the intrusion of sexuality. On the level of primary social frameworks, there was no expectation of sexual relations. Had this been the case, then the student would not have expressed her discomfort and she would not have considered seeking assistance from the Sexual Harassment Office.

There is another point which must be addressed in relation to trust at the orientational level. The key symbols, the Policy of the University, commits itself to guaranteeing an environment free from sexual harassment. Even though the abuse of an

assumed trust between two people who have impersonal contact can have negative consequences, the abuse of an earned trust between two people who have invested time and energy in the academic relationship is even worse. Therefore, on the orientational level, the Policy should address not only formal professor/student relationships, but also informal academic relationships, such as mentoring.

STRIP #3:   Experience with the Sexual Harassment Office

Figure:

> *I went to the Sexual Harassment Office for several reasons. First, I felt that there was implicit coercion on the part of the respondent to make me accept his sexualization of the relationship as a precondition for its continuation. Second, the respondent's assertions that I was delusional and that I was imagining his inappropriate behaviour were an abusive reaction to my request for working on respecting the parameters of the relationship. Third, I was adversely affected by this experience, both personally (there were times when I could not stop from crying in public) and professionally (I had trouble concentrating and was not able to finish course work), and I wanted to ensure this would not happen again to anyone. Although no one can be made to understand that what they did was wrong, I wanted to at least ensure that the respondent was aware of how his behaviour was perceived and what affect it had on another person.*
>
> *After speaking with the Sexual Harassment Officer, I decided that I wanted to request mediation. In order to do so, it was necessary for me to lay a formal complaint. I did not want my actions in seeking assistance from the Sexual Harassment Office to have a negative consequence for the respondent's professional career. All I wanted was for the opportunity to tell him how I felt and to find a way to save the mentoring relationship. It seemed to me that mediation offered this opportunity in that it would allow for the setting of acceptable parameters which would then be enforceable under the Policy.*
>
> *I had several meetings with the Sexual Harassment Officer. She seemed very confused about whether or not this experience fell under the Policy (she referred to it as a love affair gone wrong), however, she agreed to accept the formal complaint because of the importance of this relationship on my academic studies and career. I was asked a number of questions about my feelings toward the respondent, the nature of past relationships, and my need for counselling. I*

answered the questions honestly, although I found many of them to be inappropriate and unnecessary intrusions into my personal life. I was thankful for the concern expressed about my emotional and psychological well-being, given the effect of the harassment and betrayal, however, I did not need for the Sexual Harassment Officer to arrange any counselling as I was being supported by friends, family, and other members of the University community.

When the respondent did not agree to mediation, I discussed my options with the Sexual Harassment Officer. I did not feel that I could drop the matter because the respondent did not show any form of responsibility in his letter. He expressed that as he was not my teacher, any help which he offered was voluntary, and therefore discontinuation of any help was also at his will. Furthermore, he stated that he did not feel that this matter should be dealt with by the Sexual Harassment Office. I felt that it was important to establish the idea that even in informal (non-contracted) relationships, the University had the responsibility to ensure that sexuality was not a precondition for their creation or maintenance. In expressing to the Sexual Harassment Officer that I did not feel right about discontinuing this matter, I sought advice for further action. She told me that the only option left was a formal hearing.

The notion of a formal hearing was not desirable to me because I did not want the respondent to be harmed. He had been very helpful to me for a number of years, and I very much appreciated everything he had done for me. I was not being given any other option. I decided to take some time, and engage in quite a bit of discussion, before coming to the decision to proceed. During this time, I met with the Sexual Harassment Officer several times. By saying that she was trying to prepare for a hearing, she engaged in questioning and allegations that were personally detrimental. The Sexual Harassment Officer's insensitivity to my feelings led to my losing belief in her credibility to advise me. The Sexual Harassment Officer seemed to be questioning what happened to me and its significant ramifications on my ability to study. Instead of helping me deal with what had happened, she was further victimizing me.

I sought out and received the help of an advisor. I chose an advisor because I felt that I needed objective feedback on how to proceed and because I felt that I needed someone to be with me when I met with the Sexual Harassment Officer to ensure that I would not be put through unnecessary interrogation. The use of an advisor was an incredible advantage. Through his assistance, I came to the conclusion that the interactions I had been having with the Sexual Harassment Office were not appropriate. I had not decided that I wished to proceed to a formal hearing, and yet, the Sexual Harassment Officer was interrogating me as if I had done something wrong. Furthermore, the Sexual Harassment Officer was very willing to set the date for a hearing, even though I had not made the decision to proceed. In fact, I decided upon the advice of my advisor that I would withdraw my complaint even though I did not want to leave the matter without getting an opportunity to face the respondent.

When I attempted to withdraw the complaint, the Sexual Harassment

Officer refused to accept it because she felt that I should think more carefully about whether this was what I truly wanted given my desire to face the respondent. She also relayed to me that a formal hearing would allow me to face the respondent and that I may find this helpful in letting me put this matter behind me. She further expressed her desire to speak with the Code Administrator about this case. I felt that the complaint was beginning to have a life of its own, and was getting out of my control.

My advisor was very useful in helping me set clear goals for what I wanted to achieve. I wanted to face the respondent in order that he could understand how his behaviour had affected me. My advisor was helpful in pointing out that a formal hearing would not make the respondent understand and as a matter of fact, it could not even make him listen. Therefore, I decided to withdraw my complaint before it went any further toward a formal hearing. Since the Sexual Harassment Officer would not accept my letter withdrawing the complaint, my advisor and I sought the advice of the Ombuds Office. The Ombuds Officer suggested that I send the withdrawal by registered mail, keeping a copy, because the Sexual Harassment Officer could not refuse to accept it. However, this would not facilitate facing the respondent.

Since the Sexual Harassment Officer had not made any progress in assisting me in this direction, I decided to call the respondent myself. I explained to him that I felt like I was being pushed to a formal hearing even though I did not want this, and I asked whether he would agree to meet with me in the presence of the Sexual Harassment Officer. Without hesitation, he agreed. I called the Sexual Harassment Officer and asked her to make arrangements for this meeting. She agreed and she also relayed to the respondent, at my request, that I had withdrawn my complaint. There was no use in facing the respondent unless he chose to come voluntarily.

And upon further advice from the Ombuds Office, I proposed a structure for this meeting. First of all, since the complaint had been withdrawn, no further or future actions could be taken by either party. This way, both of us could speak freely without fear of reprisals. Second, since there was no need to gather evidence since the case had been removed from the formal process, no recording or notes were permitted. This reinforces free speech. Third, the complainant and the respondent would take turns speaking in two periods of ten minutes each. In essence, this was not a conversation, it was closure, and therefore, there was no need for interaction. Instead each person would be allowed to tell the other how they felt and then listen to the other, and then had a time to respond. The respondent agreed to these terms, and the Sexual Harassment Officer ensured this structure was followed.

The closure was extremely difficult and painful for me, and from the way the respondent looked for him as well. As I told him how much I had trusted him as my advisor, and how upset I had been by his behaviour, how hurt I was by his calling me delusional, and how much I felt the loss, he was shaking and close to tears. When he spoke, he expressed that he was not intending to do anything to

me, that he was concerned about me and my career, and that he was sorry for the effects of his behaviour. In the end, we both agreed to interact with each other professionally in the future.

The respondent attempted to carry on a conversation about mentoring, and my needs as a student, after the official structured closure was over, however, I did not wish to engage in conversation. Sensing this, the Sexual Harassment Officer told the respondent that if he wished to carry on his conversation with me he could do so now or at a later point, however, that our meeting had ended and that she did not think that we should continue any further in her presence. The respondent waited for my response to further interaction before leaving the Sexual Harassment Office, however, I did not take the opportunity for further interaction because I did not feel we could have a mentoring relationship after everything that had happened.

When the respondent left, my advisor came in to make sure that I was ok. My advisor had helped me prepare the things that I had wanted to say to the respondent, and he had also set aside the afternoon to help me deal with any unresolved issues. The Sexual Harassment Officer asked me how I felt, and it is strange, but it was as if an enormous weight had been lifted from my shoulders. At the time, I felt that the experience had come to a resolution inside myself through the closure...I still feel this way more than a year later.

Ground:

On the participational level, one must question the practice of the Policy. It seems that the Policy does not deal with informal academic relationships, and thus, offers no assistance directing the Sexual Harassment Office's dealings with cases of sexual harassment that fall into this category.

Furthermore, since the respondent did not hesitate to agree to a meeting with the complainant, there is the question of why he did not agree to mediation. It seems that one of the reasons for this may be that in responding to a formal complaint, he may have been perceived of as having done something wrong under the Policy. If meetings could be arranged informally without an official complaint, respondents may be more willing to work out situations without feeling threatened or without feeling that they have agreed

to a process which may have serious ramifications on their careers. The notion of informal mediation should be explored.

One of the other issues which must be addressed is the performance of the Sexual Harassment Officer in this case. There are several occasions on which the behaviour and advice of the Sexual Harassment Officer does not seem in keeping with the spirit of the Policy. In advising both the complainant and the respondent, it can become difficult for the Sexual Harassment Officer to remain objective and to maintain support and guidance for both parties with sensitivity when the case is moving toward an adversarial resolution. Furthermore, it seems that since both parties were prepared to meet, and neither expressed any hostility or lack of care toward the other, the process could have been handled in such a way so that a formal hearing was not considered and interaction (outside of the formal procedure of mediation) could have been arranged before the case escalated.

Horizon:

The main issue at the orientational level is whether or not the practice of the Policy (the experience at the Sexual Harassment Office) led to a continued trust in the system (the Policy, key symbols), in the access points of the system (the Sexual Harassment Office and Officer), and in others. After having gone through an experience like this, it is difficult to say just how trusting the complainant will continue to be of the system which promises to provide an environment free from sexual harassment, and in those who are entrusted to ensuring that this environment is maintained. The escalation

of the matter from a request for mediation to almost setting a date for a formal hearing also suggests that the Sexual Harassment Office did not assist the complainant in maintaining control about what would be done with her case, and furthermore, did not assist her with support and guidance which reflected her own needs in dealing with what had happened to her. As for trust in others, it is also difficult to say just how much trust the complainant will have towards other professors given what has happened. The one promising thing is that both the student and the professor did agree to meet and were able to express to each other how they felt, and in a sense, they took responsibility for resolving the matter out of the hands of the institutional structures and tried to deal with the matter themselves.

On the orientational level, this case shows how difficult it is to understand and deal with sexual harassment. It also shows that there is a difference between the Policy (key symbol of the Institution) and lived experience (the ambiguities of interpersonal relationships and the practice of the Policy). Further examination of personal experiences of both sexual harassment and the practice of the Policy (and the Sexual Harassment Office) would offer a better understanding of areas that need to be discussed and improved.

STRIP #4:   Published Report of this Case

Figure:

In the First Annual Report of the Sexual Harassment Office, on the topic of formal complaints, it was reported that "In another case, the complainant's

request for mediation was turned down by the respondent, after which the complaint was formally withdrawn. While the procedure failed, the two parties did manage to achieve a compromise resolution on their own, a result which I believe was encouraged by the counselling which both received" (p. 4). This is how my personal experience of sexual harassment at Concordia University was reported publicly. For a long time, I did not discuss this experience with anyone because of the Sexual Harassment Officer's warning that I would be breaching confidentiality. Posters advertising the Sexual Harassment Office speak of "Breaking the Silence." I hope my story will give a voice to the difference between what the experience is like and how it is reported.

Ground:

On the participational level, the Advisory Committee and the members of the University all read the report of the above case. There is a great deal missing in the translation of the experience in its reporting. The way the experience was described leaves a great deal unsaid. As the complainant points out, the reporting just does not seem to do justice to what happened. Furthermore, when members of the Advisory Committee and members of the University community at large read the report, they are not aware of the complexities and the problems which exist and therefore there are no calls for action; there does not appear to be any need to examine the Policy or its practice (the Sexual Harassment Office), because it appears as if all is well. Without the sharing of personal experiences at the participation level, there will not be the motivation to continue to work toward awareness, understanding or education about sexual harassment in academia and its consequences.

Horizon:

Without a commitment to caring about the problem of sexual harassment at

Concordia on the interactional level, there is not a sufficient push for or commitment to examining structures which have been established to fight against this unacceptable behaviour. On the orientational level, this personal experience points out some of the problems with the Policy and with the operations of the Sexual Harassment Office. Further examination of problematic areas of the Policy and of the workings of the Sexual Harassment Office needs to occur. This can only happen if members of the University are given an opportunity to voice their experiences and if there is a body mandated to respond to these concerns. The Advisory Committee could be such a forum, however, to date, it has not even shown itself capable of carrying out its own mandate. The University's commitment to ensuring an academic environment free from sexual harassment must go beyond a commitment of creating structures to ensuring that these structures are responding to the problem. At least six hundred students are experiencing sexual harassment at Concordia, while only thirty-seven are coming to the Sexual Harassment Office for assistance. Of all those who sought assistance at the Sexual Harassment, only four cases employed the formal redress mechanism. This personal experience was one of these four. It is time that Concordia University make a real commitment to end the silence and the detrimental occurrence of sexual harassment in academia.

CHAPTER 6: Discussion

Concordia University has created three institutional structures to deal with the problem of sexual harassment in academia. These include the Policy on Sexual Harassment, the Advisory Committee on Sexual Harassment and the Sexual Harassment Office. To explore the effectiveness of these structures in responding to the problem of sexual harassment, psycho-social analysis commenced with the observable (text in form of Policy, minutes and correspondence of meetings, and personal experience) and proceeded toward uncovering motivational understanding, delving beyond the surface of the structure to evaluate the Institution's response to the problem of sexual harassment in academia.

Key Symbols Textualized in Institutional Policy[11]

It was suggested in the theoretical framework that the key symbols are important markers of an institutions' expectations, acting as orientational guides for appropriate and acceptable conduct of members of the institution. In relation to sexual harassment in academia, the key symbol guiding the behaviour of the University community at Concordia is the Policy on Sexual Harassment. It is argued that there is a difference between key symbols as text and as practice in the lived culture of everyday life. In

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[11]Strip references for this section pertain to the analysis of Concordia University's Policy on Sexual Harassment.

order to evaluate how well these key symbols operate as a prevention strategy, the Policy on Sexual Harassment has been analyzed with the intention of identifying issues which may not meet in practice (lived experience) the expectations set out at the time of the writing of the text.

Key symbols provide orientational/expectational guidelines for understanding and existing within a collectivity (particularly here, an educational institution). Even though meaning is created and recreated by individuals and collectivities within the academic institution, and even though key symbols (policy) can be seen as negotiated and modified, it may be argued that the clearer and more comprehensive these key symbols (policy), the more effective they will be in directing and regulating behaviour. Policies dealing with sexual harassment must be examined in terms of the degree of clarity and completeness that is embodied in the text since this text is required to provide orientational/expectational guidelines in lived experience. This discussion will focus on critically evaluating Concordia University's Policy on Sexual Harassment in order to identify issues from the text which need to be addressed in order for the Policy to be a better guide for lived experience.

Referring to the theoretical framework, key symbols are textualized in institutional policy. These symbols summarize a complex system of ideas and make them translatable into an orderly action. Therefore, sexual harassment policies can be seen as guiding conduct of members of an institution so as to create an environment devoted to learning, teaching, and striving for knowledge. Sexual harassment policy both reflects and reinforces the institution's rules for appropriate conduct. Key symbols (policy) influence

the way in which members communicate and interact with each other and the way in which members define their everyday life situations. Key symbols also influence how individuals feel about situations/interactions and the articulation of these feelings into action. Key symbols can also be conversely affected by how individual's interpret them and how they negotiate these interpretations through interaction with others. It can be argued, therefore, that key symbols (policy) play a very important role in dealing with sexual harassment in academia.

Concordia University does have a written sexual harassment policy and a specific grievance procedure for dealing with sexual harassment. Returning to Aggarwal's (1985) checklist for a comprehensive policy as prevention strategy, Concordia's Policy on Sexual Harassment will be examined for its completeness as an orientational/expectational guide in lived experience. To meet the objectives of mandating education as a sensitizing and preventative scheme and providing a mechanism for the resolution of sexual harassment incidences, five areas of the policy must be examined.

First, does the Policy provide a statement of the University's commitment? Strip #1 demonstrates that Concordia University's Policy on Sexual Harassment does provide a statement in relation to the University's liability in protecting instrumental relationships and ensuring an environment free from harassment. While protecting the rights of individuals to freedom of association/speech, the statement makes clear that sexual harassment is prohibited since it results in conditions which are not conducive to interactions of respect, trust, cooperation and understanding. The University purports that sexual harassment is not within the moral and ethical guidelines for conduct and it

will not be tolerated. This statement makes clear that a formal procedure has been established to deal with breaches of the Policy. Therefore, Concordia University's Policy on Sexual Harassment can be said to meet all the requirements on a statement of commitment as proposed by Aggarwal (1985).

Second, does the Policy provide a clear and comprehensive definition of sexual harassment? The definition in the Policy provides for a range of behaviours with some examples as well as encompassing prohibitions against intentions/motivations such as the abuse of power and the notion of safeguarding against the "unwanted." Shortcomings of this definition seem to have been acknowledged in the statement "such as, but not limited to." This definition follows the guidelines of the Canadian Association of University Teachers' Policy Statement on Sexual Harassment, however, it does not include the Canadian Association of University Teachers' directive on protecting instrumental (professional) relationships, especially between those who hold evaluative functions and those who are being evaluated. The discussion of the issues raised in Strip #2 shows that the definition included in the Policy could be tightened in order to be more comprehensive. In particular, although the definition does mention verbal and psychological aspects of sexual harassment, apart from sexual assault, it makes no mention of physical behaviours which are inappropriate. The inclusion of this sort of directive may be useful as an orientational/expectational guide for appropriate conduct.

Third, does the Policy provide a clear and comprehensive redress mechanism? The Policy does (1) provide procedures for dealing with sexual harassment separate from other University complaint procedures, (2) makes assurances of safeguarding

confidentiality and reputations, (3) purports to protect complainants and assure that respondents who are in breach are sanctioned, (4) includes a choice of formal procedural mechanisms for resolution involving impartial third parties, (5) is devoted to safeguarding natural justice and fair hearing, and (6) offers an appeal mechanism. However, referring to the ground analysis of Strips #3 to #9, it is apparent that there are issues which need to be addressed. These include: a clarification on whether third parties can make complaints if they have not been directly harassed, on the notion of "in the course of activities conducted by or on behalf of the University on other premises, on the term 'member,' on clear and convincing evidence, on burden of proof resting with the complainant (rather than also involving an independent investigation conducted by the University), and so forth. Beyond these issues, there are several problems which need to be examined.

One of the major problems with the redress mechanism is that it does not provide for informal investigation of complaints; it does not mandate the Sexual Harassment Officer with the authority to engage in informal resolutions. The analysis of this issue in Strip #4 shows the need for introducing some form of informal resolution mechanism that can deal with cases of sexual harassment before a formal process is engaged and before parties take on adversarial positioning.

Another problem which needs further thought is the notion of mediation. The analysis of this issue in Strips #5 and #7 shows that mediation can take on two roles; one as part of an informal resolution mechanism and one as part of the formal resolution mechanism. The nature and goals of each of these types of mediation are distinct. In

the first case, mediation can be used to clarify a situation and realign interactions between the parties in order to avoid the need for using the formal procedures and to modify interactions so as not to be in breach of the Policy. In the second case, mediation can be used to strike a deal between the parties so as to avoid a formal hearing. The advantage of both types of mediation is that the parties are actually the ones who are directly involved in the decision-making process as the resolution must be mutually agreed upon.

A further issue which must be addressed is the role of the Sexual Harassment Officer in the redress mechanism. In keeping with the Canadian Association of University Teachers' directive that no third party who has been involved in any informal resolution/mediation should adjudicate or serve as a witness in any formal hearing of the case, the Policy seems to put the Sexual Harassment Officer in an awkward position. The Officer is to be referred to as a resource person by the parties and any third person involved in the resolution of the case. As stated in the analysis of Strip #11, the role of the Sexual Harassment Officer must be reexamined. If this person is to act only as a resource person, then it is imperative that the Officer remain as objective as possible, and this objectivity demands distancing from the intimate details of the case and of the mechanisms which have been for resolution. Counselling and support for the parties can be provided by Counselling Services or other trained resource people, and the Sexual Harassment Officer can act as a impartial resource person focused predominantly on ensuring that the Policy is implemented as intended.

Fourth, does the Policy provide a clear and comprehensive procedure for

remedies and sanctions? Reference to Strip #9 shows that a broad range of sanctions against a respondent and remedies for a complainant are provided under the Policy. Two major issues arise from the analysis: stipulating appropriate sanctions and remedies for various types of sexual harassments, and acknowledging problems of enforceability of these sanctions and remedies under the collective agreements. These issues must be addressed in order for sanctions and remedies to act as a deterrent safeguarding against sexual harassment in academia.

Fifth, does the Policy provide a clear and comprehensive mandate for long range preventive schemes? Since dissemination of the Policy is an important part of its implementation, publicizing and making all the members of the University community aware of its existence and its meaning through education are very important. The Policy provides this mandate in the text of the Support Mechanisms (refer to Strips #11 and #12). It is difficult to judge the effectiveness of long-range preventive schemes from an analysis of the Policy because these are not stipulated therein.

This analysis and discussion of Concordia University's Policy on Sexual Harassment shows that there are issues to be addressed in the text of the Policy. Since the Policy has been in effect only a little over two years, the time is right for a review of the Policy and its relationship as an orientational/expectational guide for lived experience. In order to make modifications to the Policy so that it is clearer and more comprehensive, further research should be conducted on the Policy and its practical applications.

Politics of Interests[12]

In order to explore the processes (and the politics) involved in the creation and recreation of meaning in relation to key symbols, it is important to evaluate the functioning of Concordia University's Advisory Committee on Sexual Harassment. The Advisory Committee is mandated by the Policy on Sexual Harassment to assist the Sexual Harassment Office/Officer in the development of educational programmes, making recommendations on the continued development of the Policy on Sexual Harassment, and receiving and reviewing the Annual Report of the Sexual Harassment Officer. Therefore, the role of creating and recreating the meaning of the Policy and its operationalization falls directly in the hands of the members of this Committee.

Referring to the theoretical framework, three elements of the collectivity sphere can be identified. The key symbols, as orientational guides, are found in the text of the Policy on Sexual Harassment. The collectivity involved is the Advisory Committee on Sexual Harassment, and this Committee has a intersubjective definition of the situation, outlined by the Committee's mandate in the Policy. The purpose of this Committee is communication/interaction in relation to the key symbols, the Policy. It should be noted that in this case, the intersubjective definition of the situation and the communication/interaction process should be directly influenced by the key symbols since the Policy has created an institutional arrangement for the creation and maintenance of

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[12]Strip references for this section pertain to the analysis of the records of meetings and correspondence of the Advisory Committee on Sexual Harassment.

this Committee. It should also be noted that the actual negotiation of the meaning of the key symbols can be seen as occurring at the level of communication/interaction of this Committee.

In order to evaluate the effectiveness of this Committee in relation to its mandate, it is important to describe the nature or character of its functioning. It may be expected that this Committee, entrusted with the supervision of the Policy and of the Sexual Harassment Office, would be ruled by a formal structure in which discussion occurs. What is surprising is that this Committee has, until recently (refer to Strip #9), operated for approximately a year and a half rather informally without any clear rules for its operations. Since many of the members of the Committee have served more than one term (refer to members identified as Present in all Strips pertaining to minutes of meetings), there is an atmosphere of friendliness and intimacy in which personal lives are discussed interspersed with serious issues, stories about sexual harassment, and observations about the University-at-large. The focus on issues not directly linked with sexual harassment at times overrides discussion on issues more pertinent to the Committee's mandate (refer to the continued introduction of disruptive behaviour in Strips #4, #5, #6, and #9). As well to date, the only written document produced by the members of the Committee is a statement on disruptive behaviour (refer to Strip #5) rather than any document on issues more directly connected with sexual harassment. Many of the discussions are not reported in the minutes because they are outside the purview of the Committee's mandate.

It is difficult to assess the degree of knowledge of most of the Committee

members (with the exception of the Sexual Harassment Officer) regarding sexual harassment. There is a willingness to learn and there is care expressed about the issue, and at times, individual members have made important contributions (refer to comments on the <u>Link</u> article in Strip #1, assistance with making connections to deal with the fit of collective agreements in Strip #2, suggestions on education strategies in Strip #2, concerns for non-members in Strip #3, plans to review the Policy in Strip #6, and concerns about procedures in Strip #9). On only two occasions did members of the Committee act without direction from the Sexual Harassment Officer (refer to the letter in Strip #5 and to the Policy Review Sub-Committee meeting in Strip #7). Otherwise, Committee members have not shown clear initiatives in addressing and fulfilling their mandate.

It can be suggested that the fulfilment of the Committee's mandate should be directed by the Chair (the Sexual Harassment Officer). In most meetings, the Chair (the Sexual Harassment Officer) speaks and members listen. This seems to be a comfortable arrangement for the members and the Chair (refer to the Sexual Harassment Officer's Internal Memorandum in Strip #8 which is reinforced by members comments in Strip #9). In fact, it seems that the Committee functions in a way that centralizes the compilation of materials in the hands of the Sexual Harassment Officer rather than Committee meetings acting as a forum of exchange (refer to the suggestion to send comments on Policy review to the Sexual Harassment Officer in Strip #2 and to the Sexual Harassment Officer's request for comments to redraft the Policy in Strip #3).

The Committee has been committed to reviewing the Policy since its first

meeting, on December 19, 1991 (refer to Strip #1), and yet by the last meeting to date, on April 21, 1993 (refer to Strip #9), there has been no movement towards accomplishing this (with the exception of the creation of the Policy Review Sub-committee in Strip #6 and the one meeting of this Sub-committee in Strip #7). The direction of the Chair on this issue must be noted; the Chair's Internal Memorandum (refer to Strip #8) questions the unanimous motion of the Committee on the establishment of an objective Policy (and its practical applications) review process. The Chair has also not made any steps toward committing to further attempts at Policy review at the last meeting (refer to Strip #9). Since the Committee at the Chair's direction or at its own initiatives has not been able to move forward on making recommendations for the development of the Policy, it may be necessary for the Administration to take the leadership role out of the hands of the Sexual Harassment Officer (this is not out of line from other advisory committees, for example, the Supervisory Board for the Ombuds Office and the Code of Conduct is composed of a chair and members who are not officers of these structures) or mandate clearer direction for this process (although it should be noted that the Committee itself rejected this suggestions in Strip #9 even though Administrative support was seen as important in Strip #6).

At the last meeting of the Advisory Committee (refer to Strip #9), some steps were taken to ameliorate the functioning of the Committee. First, it was decided that some formality was necessary (in particular that minutes should be kept in a more detailed manner, that motions should be made and voted on, that taping of meetings could be done by any Committee member under conditions which respected

confidentiality and off the record comments, and so forth). Second, it was also decided that meetings of this Committee would be open unless confidential materials were being discussed or unless a majority of the Committee voted to close. These are very important steps in clarifying the way in which the Committee is to operate (at the communication/interaction level) and they also show an awareness that the Committee does have a responsibility to the University in fulfilling its mandate.

There was no decision on any future formal and objective review of the Policy at the last meeting (refer to Strip #9). It is clear that there is no real commitment from the members to continue with the process (refer to Strip #9) that had been agreed upon (refer to Strip #6) and that had actually begun to do the work of Policy review (refer to Strip #7). One member moved that the Committee approach the Vice-Rector in charge of the Sexual Harassment Policy for guidance (mandate) and support (resources), however, this motion was defeated (refer to Strip #9). Instead, it was decided that the Committee begin a general discussion of the issues surrounding the Policy (a recurring theme in most of the Strips of minutes of meetings). One Committee member opposed this form of a review process. This opposition is not unexplainable given the general desire and tendency of the Committee to rely on the Chair (the Sexual Harassment Officer) to direct meetings leading to a non-objective (arm's length from the subjectivism of the Office which applies the Policy) evaluation of the Policy and its practical application as experienced by members of the University community. Non-student members of the Committee have not shown any desire to pursue the evaluation process further until it is made clear as to how sexual harassment fits into the proposed policy

on disruptive behaviour. This latter proposed policy, which may be years off, was the main concern occupying the time of the Committee at the direction of the Chair. This is the state at which things remain at present with the Advisory Committee on Sexual Harassment at Concordia.

Even though small steps have been taken to clarify the Committee's operation on the communication/interaction level, there is no clear plan on the orientational level for an evaluation of the Policy and there seems to be no concern about this evaluation being kept at arm's length from the Sexual Harassment Office in order to be able to call upon and balance a multiplicity of voices on this issue. It is suggested that blocking strategies have kept the meaning of the key symbols (the Policy) from being interpreted, negotiated or dealt with. There is no reason to believe that the Committee will come to understand the mandate given by the key symbols (the Policy). It is difficult to see how things may improve so that the true interests of the constituencies are raised on issues of the Policy for examination and modification.

In essence, the Committee appears to have been used as more as a sounding board for the Sexual Harassment Officer's concerns. This laissez-faire attitude seems to be accepted by most of the Committee members. It does not seem that members feel any pressing need to be product oriented toward their mandate and there is limited exhibition of concern in representing the interests of respective constituencies. In this Committee, there is no apparent movement toward any changes (be they positive or negative) of the status quo. As a result, the effectiveness of the Committee in meeting its mandate is questionable.

Although an atmosphere of cooperation can be seen as beneficial to any Committee, total informality and familiarity can be seen as a blocking strategy. Since the Committee is vested with the duty of negotiating the meaning of the key symbols (the Policy and its practical applications), and since the communication/interaction process does not occur with any disciplined dedication to the Committee's mandate, the result is discussions which more-or-less ignore the issues which need examining. The Committee has been trying to discuss reviewing the Policy for well over a year, and yet there has been no progress on committing and sticking to any one plan for evaluation. Even though the Committee does meet with the goal of dealing with issues of sexual harassment in relation to Policy and to practice (there does seem to be a commitment to the same intersubjective definition of the situation as mandated by the key symbols), the negotiation of meaning is not backed by any commitments of constituency representatives. This informality and exhibited lack of commitment results in blocking discussion of interests which may surface during interchanges between members of the various constituency groups. Committee members share a commitment to working together and this commitment is maintained, however, issues are not dealt with. The real politics of argumentation never arise, and therefore, the meaning of the key symbols (Policy and its practical applications) is not negotiated.

This situation has other consequences which affect the Committee's ability to fulfil its mandate. If there is no interpretation of the Policy, then how can the Committee assist in the development of education programmes which would aid in the dissemination of the Policy. The result is that the Sexual Harassment Officer devises educational

programmes and materials on her own initiative (refer to Strip #10) without seeking the assistance of the Committee. Since many of the educational programmes and promotional materials are aimed at either all University community members or specific constituencies, it would seem helpful to solicit the feedback of the Committee and the constituent representatives on the Committee in the development of these materials rather than sending out the material to members as a more-or-less completed product with only a short period in which suggestions can be incorporated before publication and distribution.

Another mandated role of the Advisory Committee is to receive and review the Annual Report of the Sexual Harassment Officer. There is no mention in any of the minutes of meetings of the Committee that an Annual Report has been introduced or discussed. Instead the Sexual Harassment Officer sends the Annual Report to members individually for their commentary. In fulfilment of the Committee's mandate it would seem imperative that the Annual Report be presented to the Committee for formal approval. It may be difficult for Committee members to adopt these reports when they are not aware of what is going on in the Sexual Harassment Office, however, the reports should be open to Committee examination in order to ensure that they are sufficiently complete and reflective of the operations of the Office and the practical applications of the Policy.

It is important to note that membership composition reflects constituent groups and their respective interests. This is a forum for discursive argumentation of positions; its functioning cannot be detached from politics. Sexual harassment, as a public concern,

grounded in institutional arrangements (contradictions or antagonisms), is met with reactions of anxiety and political struggles; this phenomenon cannot be detached from the political arena in which interests and interest groups rival for directive influence.

Although not incorporated into the analysis of the minutes of meetings and other pertinent material relating to the Advisory Committee, my participation on this Committee lead to some very interesting developments in relation to multiple-role commitments. What were these roles, why were they considered problematic, and what does this reflect about the politics of interests in this Committee? I was balancing the responsibilities of the various hats that I wore; when devising an objective review plan in keeping with other University review strategies, I was acting as a sociologist; when I was fighting to ensure that graduate student interests (and student interests in general as no undergraduate representation was present at most of the meetings I attended) were addressed, I was acting as the graduate student constituency representative on this Committee; when I contributed my knowledge on sexual harassment in the form of presenting information from the literature and in comments on the practice of the Policy and of the Office, I was acting as someone with knowledge about the topic; when I was taking notes during the meetings and recording observations of conversations outside of meetings, I was acting as a researcher; and when I was pushing to move forward to improving the Policy because of my concerns for the effects of sexual harassment on individuals, I was acting in keeping with my own agenda of fighting to ensure protection against sexual harassment for members of the University community. The issue of being in conflict-of-interest was raised by members of the Committee outside of formal

meetings. It was felt that I should provide a clarification of my agenda.

Even though no other member had been asked to justify their participation on the Committee, this concern brought to the forefront the fact that Committee members had never understood the fact that they all had agendas, both personal and those resulting from responsibilities to roles. Role commitment of members was not discussed before even though members can be seen as having volunteered to participate on this Committee because of their own personal interests, sat on the Committee as representatives of constituency interests, and in some cases, also contributed their professional interests (such as counselling in that one representative also works as a University counsellor). The reaction to my participation may suggest that members of the Committee were, perhaps, not aware of the interests they held or represented and, furthermore, that there seems to be a fear of or lack of desire to deal with interests (and perhaps opposing ones) which are part and parcel of the politics of Policy making and enforcement.

The Advisory Committee on Sexual Harassment is mandated to deal with the negotiation of meaning of the key symbols (the Policy on Sexual Harassment). The key symbols (the Policy) needs eval   tion and modification as a number of issues need to be considered. Interests of the various constituencies within the University need to be heard on these issues, and by extension, a process of argumentation needs to occur where evidence is presented and where persuasion occurs, in order to improve the Policy. The history of the Advisory Committee shows there is a blocking/stalling of the policy review process.

If there is consensus that a policy review needs to occur, as there is among

members of the Committee, then it is difficult to understand why this has not happened in the last year and a half during which this item has repeatedly arisen in Committee meetings. The Committee has a tendency to allow for direction to come from the Chair (the Sexual Harassment Officer); it is difficult to understand why the Chair is not directing the Committee to remain embarked on the policy review process which began in the Sub-committee. Either a lack of commitment or politics are involved in what is occurring at the Advisory Committee on Sexual Harassment. The true causes for delay (blocking/stalling) cannot be observed because they lay below the surface. Perhaps sexual harassment is not only a matter of political interests played out in a democratic forum, but also of silent manoeuvring aimed at stopping the former from attaining visibility.

Links between Individuals and the Institution[13]

The notion of trust is suggested as a link between individuals and abstract systems. Trust can be seen as flowing in two directions: a trust in abstract systems extended to self and others (facework commitments grounded by faceless commitments), and a trust in self and others extended to abstract system (faceless commitments grounded by facework commitments). It is argued that although trust can be globalized in abstract systems, lived experience is composed of powerful interactions between social actors

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[13]Strip references for this section pertain to the case study of an experience of sexual harassment at Concordia.

(who may be representatives/agents of the system or who may be users of the system). These individuals go through their own psycho-social processes in coming to a product of the imagination. This product of the imagination, shared through the communication/interaction process of the intersubjective definition of the situation, leads to a commitment to the key symbols. Even though notions of trust can be guided by the key symbols of abstract systems, the psychologically and emotionally powerful connections of trust begin in the individual social actor and move outward to the world of everyday life with its actors and systems. What is being suggested is that trust in self and others extended to the system is of equal, if not greater, importance than trust in the system extended to self and others.

Although trust in the abstract system (and its key symbols) can be perceived as a given (refer to the discussion of assumed trust in Strip #2, and the indication of trust in system structures is the seeking of assistance in Strip #3), it is trust in self and trust in the other which determines the nature and degree of trust relations at the level of the abstract system. At the beginning of the personal experience account (refer to Strip #2), both actors seem to have trusted the abstract system (educational institutional and its prescribed role behaviours) and seem to be committed to the key symbols of this system and their directive on the instrumental relationship between the agent (professor) of the system and the user (student) of the system. The key symbols (specifically in relation to directive for teacher/student roles) can be said to influence the intrasubjective imagination of each of these actors which is processed through the imagined into a product of the imagination (put simply, the professor instructing and aiding the student's

education process, and the student working toward fulfilling course work in order to acquire knowledge and a degree). Through the intersubjective definition of the situation, the two social actors share a commitment to the form of this set-up even if their individual roles differ in content.

This understanding and commitment to form is reiterated through the communication/interaction process between the two. At the beginning, this appears to be a healthy instrumental relationship which has slowly been transformed into a healthy interpersonal (emotionally, psychologically and intellectually intimate) relationship. It is a relationship in which the autonomy of each, given the power differentiation distributed by the system to the professor over the student, is respected; it is a relationship in which the professor does not abuse the rights of the student to autonomy. This is a relationship in which the actors trust in each other and in themselves within the structure of the system and on an interpersonal level. Facework commitments reinforce faceless commitments.

The formality of the instrumental relationship begins to vanish slowly and with it, the rules which governed interaction dissipate (refer to Strip #2). As with any interpersonal relationship, with the dropping of distancing, a vulnerability occurs based on the fact that confidence in what was taken-for-granted becomes questioned and risk or the awareness of alternatives arises. Let us assume that there are no intentions to harass, sexually or otherwise, and that both parties have the best intentions in keeping

with the key symbols in the quest for knowledge.[14] Assuming that this is an open and honest relationship, the actors begin a negotiation process in order to redefine the relationship. Why is this redefinition necessary? This redefinition is necessary because of the power differential that existed and because the nature of the interactions have changed from the institutional setting to one which involves meeting outside of the institutional context. This process of redefinition is marked by a growing intimacy between the two in behavioral terms (it was already established in relation to motivational understanding through emotionally, psychologically and intellectually intimate interchanges). The two now, for example, meet for coffee and speak on the telephone (at home) (refer to Strip #2). Furthermore, the two are exchanging gestures of intimacy, such as friendly pats of encouragement, hugs, and other shows of affection which correspond to the emotional, psychological and intellectual intimacy which has already been established (refer to Strip #2). The relationship is transforming beyond the instrumentality (institutional roles) which was the basis; the assumed trust has also become an earned trust.

Even though the two are not in a formal instrumental relationship at the institution, they have entered into an informal arrangement focused on academic development. How can this relationship be defined? Is this a friendship? Is this collegiality? Is this a mentoring arrangement? These questions are a part of the

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[14]Instead of determining whether or not the complainant was harassed by the respondent under the Policy, the discussion of trust in relation to the personal experience is leaving aside the question of intent. Instead, it is aimed at examining, even under the best light, what can happen in interpersonal interactions which lose their instrumentality and the resulting consequences on trust in self, others and the abstract system.

redefinition process. They are also alternatives which introduce risk and danger into trust relations.

In essence, these new interactions impact at the level of the intrasubjective imagination in that the two parties now feel something new and try to come to terms with what is happening because the product of the imagination (behaviour) is moving out of line with the key symbols and the intersubjective definition of the situation as shared through communication/interaction. This becomes a matter of redefinition of facework commitments which are influenced by, and reinforce, faceless commitments to the system (the educational institution and its directives). Since both parties can be seen as being unclear about what is happening and what should be made of it, face-work in essence, is necessary to realign what is happening because without this, the ambiguity of the situation may lead to a withdrawal of trust from the principles of the abstract system overshadowed by the risk and danger which arises from this face-to-face interaction.

There are a number of psycho-social processes that are occurring within each of the individuals. For one thing, there is a conciliation process occurring where the new and foreign events are being balanced with the expectations which were established by the instrumental relationship. The power differential and responsibilities of this authority are also up for reexamination. The professor may feel that he owes the student a responsibility to remain the mentor, however, his own actions are moving outside of this realm. The student may feel that she wants to continue the learning process and, therefore, cannot address these concerns fearing a loss of the relationship which has been academically and intellectually rewarding (refer to Strip #2). The problem which arises

necessitates some calling of the uncertainty. Otherwise, this situation can get out of hand and the trust which was established can become tried or even lost.

The resolution of this dilemma requires the use of the four sequential steps of the corrective interchange of face-saving practices. How the two actors decide to deal with the problem also depends on their chosen adaptive strategy. The student becomes very confused about what is happening and is uncomfortable with the physical/affective intimacy which is starting to develop (refer to Strip #2). The conduct to date, although not inappropriate in itself, is leaving the student with unanswered questions. So the student approaches the professor, with anxiety and confusion, and requests that the two sit down and express their feelings and come to an understanding (refer to Strip #2). Both admit that the behaviours (in particular the intensity of the physical/affectionate interaction) should be curtailed in order not to confuse the academic and intellectual relationship which they both value (refer to Strip #2). The student and the professor have used radical engagement (corrective process) to face and deal with a potential problem, reaffirming trust in self, other and the key symbols of the abstract system. However, resolution at the level of words and resolution at the level of feelings and actions are two different things. What we have here is a commitment to the key symbols to guide interactions, however, trust at the intrasubjective imagination level is not totally secure. Time and continued non-questioning of this trust through interactions is based on consistency between commitments and action.

After the clearing of the air, interactions stabilize and trust in the principles of the system, and in each other, as well as in themselves is established. However, it should

be noted that once a trust is threatened and then resolved, it is essential that this responsibility (the obligations that come with the rights) be continued with discipline. Since interaction once again comes to involve unwanted intimate physical/affective contact, the student must make it clear that the relationship cannot continue unless both parties are going to respect the agreement they made to each other (refer to Strip #2). Without a commitment on the part of both parties to respect this commitment, the relationship can become destructive and trust can dissipate. The professor's refusal to work on the relationship any further and termination of contact altogether (refer to Strip #2) further questions trust and commitment to the key symbols. In order to reaffirm trust in the other and commitment of both parties to the key symbols of the abstract system, the student tries to use radical engagement (corrective process) again to resolve the situation, however, the professor uses pragmatic acceptance (avoidance process) to leave the situation.

The result of this is that the student (who has not questioned the intentions of the professor but has tried to resolve the difficulty of physical/affectionate behaviours which were leading to discomfort) has lost a vital and important academic relationship. This relationship has ended in a betrayal of trust on the part of the professor toward the student and on the part of the professor toward the key symbols of the abstract system. The professor, having engaged in behaviour which is questionable in view of the key symbols of the institution, decides to employ his prerogative to end the relationship and does not accept the request to mediate the problem (refer to Strip #3). However, the professor has gone one step further in alleging to the student that she is delusional (refer

to Strip #2). This leads to the student examining trust in herself, her own perceptions. This can be seen as a form of radical engagement in which the professor attempts to make the student accountable for the betrayal of trust and for accusations about breaching the key symbols of the abstract system. By telling the student that she is imagining things and that she is exaggerating (a typical response to sexual harassment complaints by harassers), the professor is trying to bring the situation under his control. In essence, this action makes the student reexamine her trust in herself versus her trust in him in relation to what occurred and how that matches with the key symbols.

In order to align the lived experience with the key symbols (that is, realign the feelings of being harassed and manipulated by someone who has the authority to punish the student for calling attention to what felt problematic in their interactions and not in keeping with the key symbols), the student addresses this conflict in order to realign trust in self, others (in this case, the Sexual Harassment Officer is called upon to reaffirm trust in others in general and in the system) and the abstract system (the guiding directives of the institution's key symbols). In order to resolve this problem of facework commitments being incompatible with faceless commitments, the student approaches an Officer of the system, filing a complaint of sexual harassment.

Now the agent (Sexual Harassment Officer) of the system must deal with the reaffirmation of the key symbols. Both parties are called upon to give their own intrasubjective evaluations of the situation. Accountability now becomes a matter of third party involvement as the student has called upon the agent of the system to intercede so as to be able to reaffirm trust in herself and trust in the system, and ensure that the

professor is made aware of this responsibility in keeping with a commitment to the key symbols.

Whether or not trust can be reaffirmed in the system and in others and in self is influenced by the procedural mechanisms of the Policy on Sexual Harassment and its practical application through the Sexual Harassment Office. It should be noted that once a formal compliant has been lodged, this process becomes by nature adversarial. Positioning are taken for self-protection because the ramifications of laying a charge or breaching the Policy are serious for both parties. After some experience with the system (and its practice through the Sexual Harassment Office), the reaffirmation of trust in the system (in the agent of the system to do the right thing) may be outweighed by the dangers of proceeding with formal redress mechanisms. Once a complaint is made which requests the assistance of the agent of the system, the complaint can take on a life of its own (refer to Strip #3), given the system's mechanisms for reinforcing its own key symbols, and this may not be helpful to reaffirming the student's trust in the system or its agent. The student may need to take control over the process and remove the resolution of this matter from the system if continued participation with the system, and the system's agent, is leading to a further distrust of the key symbols (refer to Strip #3).

The student places trust back in herself to deal with the problem (refer to Strip #3 where the complainant withdraws her complaint) and requests a process of informal resolution (refer to Strip #3). By requesting that the professor attend an informal process of resolution, a meeting of closure, the student also shows that she is more willing to allow another opportunity for trust with the professor than continuing with trusting in the

system to help resolve the matter satisfactorily (refer to Strip #3).

It should be noted that the formal compliant made by the student requests a process similar to the informal closure under mediation. Perhaps mediation was rejected by the professor because he either did not want to resolve the problem or he did not trust in the system enough to engage in a resolution process offered by the system. Since the professor did not hesitate to agree to an informal meeting (refer to Strip #3), the latter seems more appropriate.

If both parties had trust in the system, then it would be expected that they would have pursued the system's mediation. In the end, in order to protect against the ramifications of system action (refer to Strip #3 identifying the push toward a formal hearing), the communication/interaction has been removed from the official trust and commitment channels of resolution offered by the system (refer to the withdrawal of the complaint in Strip #3). However, even though each of the parties may trust in themselves, they do not trust each other enough to go unsupervised. What occurs is a controlled corrective interchange process under the supervision of the Sexual Harassment Officer, who has agreed to act informally and not in her role as an agent of the system (refer to Strip #3).

The purpose for this exchange is to allow for the expression of rationalizations and feelings in order to be able to reconcile what has happened with trust in self, other and the system. What is meant by this? Since it is being suggested that neither party intended to abuse or harm the other, and since both parties originally were committed to the key symbols and their directive for interaction, this allows for a reestablishment

of trust through working out the facework commitments in order to be able to align the experience which occurred with faceless commitments. The parties were able to discuss what made them uncomfortable, why the relationship ended, and acknowledge their importance to each other in the instrumental academic relationship they shared (refer to Strip #3). This closure is a corrective interchange, however, its purpose is not realignment for the continuity of the interpersonal relationship but rather for the continuity of trust in self, others and the abstract system.

This form of closure brings into play accountability to self and to other, as well as forgiveness, and allows for a peace within each individual to go on without unresolved lingering rationalizations and feelings (refer to the complainant's closing statement in Strip #3). Since both parties have been able to come to terms with what went wrong and why, trust is reaffirmed with the acknowledgement that certain behaviours cannot be allowed to occur if trust in the system's principles (key symbols) is to guide trust in interacting with others.

Although the relationship has been terminated (refer to Strip #3), both parties, through agreeing to closure, show respect for themselves and each other. Respect is an important foundation for trust. This allows for the opportunity that trust can be rebuilt, although in an altered nature from the blind trust which existed before this incident, as long as threats do not exceed a limit that challenges this process of trust building or maintenance. The account of this personal experiences shows how vulnerable the academic environment can be to the intrusion of sexual harassment and how difficult it is for the system to devise structures which will effectively address this phenomenon.

Sexual harassment in academia can be seen as a matter of symbolic creation through an interactive process. And although trust in abstract systems needs to be present in some form and to some degree, this commitment to the abstract system is negotiated through interactions with agents and users of the abstract system. The argument being made is that faceless commitments can in essence be only as strong as facework commitments. This provides a two-way flow for trust relations: one from a global to micro (faceless to facework commitments) perspective and an other from the individual to others and to the abstract system (facework to faceless commitments). Instead of focusing on abstract systems (and their structures) as having sole responsibility, we as social actors should be prepared to play our role in eliminating sexual harassment from academia.

Three levels of commitment are required: a commitment to being clear with one's self (clear about what one stands for, clear about what one wants out of a given situation/interaction/relationship, clear about what one is willing to give to a given situation/interaction/relationship); a commitment to being clear with others (negotiating terms for satisfactory interpersonal relationships, while allowing and respecting the right of others to express their own perceptions of self); and a commitment to living by the rules (key symbols) of the systems in which we live and interact. At the basis of all three levels is the notion of full or total commitment because partial commitment can lead to ambiguity, misunderstandings, and the development of distrust. These levels of total commitment apply to individual social actors as well as to agents of abstract system, because key symbols are aligned, tested and realigned through interactions at access

points. Total implies a commitment to continued working to ensure the maintenance of trust through respect of self, other and key symbols of the system. Clarity, consistency and continued communication are the markers of respect. This respect reinforces trust in one's self and in others within the world of everyday life and within the abstract systems that guide and support this lived experience.

In attempting to discover how well Concordia University is addressing the problem of sexual harassment in academia, three observations can readily be made. First, the Policy on Sexual Harassment requires review and modification because a number of problem areas are identified. Second, the Advisory Committee on Sexual Harassment needs guidance and support to fulfil its mandate because it is not providing strong supervision of or guidance to the Sexual Harassment Office. Third, the Sexual Harassment Office needs to be appraised in order to ensure that its functioning reflects the spirit of the Policy and that its practical applications are properly carried out. If Concordia University is to continue its fight towards ensuring an environment free of sexual harassment, and of experiences like the one reported, then the University must be prepared to study how much of a problem sexual harassment is at Concordia and how well the structures the University has created are able to deal with this problem. From the available data, at least six hundred students are experiencing sexual harassment. At present, how well this Institution is responding to these individuals can hardly be determined.

CHAPTER 7: Recommendations

Directives for further research on sexual harassment at Concordia University need to be focused on three areas:

1. Discovering the nature and amount of sexual harassment occurring in order to be able to assess the effectiveness of the Policy and the Sexual Harassment Office.

2. Reviewing and modifying the Policy on Sexual Harassment to ensure it is clear and complete.

3. Evaluating the Sexual Harassment Office to ensure that it is functioning effectively in its application of the Policy.

A task force should be created with the mandate of acquiring information and making the necessary recommendations in these three areas. Ideally, this task force should receive guidance (its mandate) and support (necessary resources) from the Vice-Rector, Finance and Institutional Relations who is responsible for Institutional responses to sexual harassment. The task force composition should include representatives of constituency groups of the University. Its mandate should include an analysis of the Policy on Sexual Harassment to identify and correct problem areas, an evaluation of the effectiveness of the Sexual Harassment Office in dealing with this problem at the University, and carrying out a University-wide survey to discover the nature and amount of sexual harassment so as to be able to make recommendations on the Policy and the

Office which take into account the experiences of University members.

It is important that the task force solicit briefs from Officers of the University (most importantly the Sexual Harassment Officer, as well as other vital resource persons, such as the Ombuds Office, the Code Administrator, Health and Counselling Services, Legal Counsel, and so forth) as well as from constituency groups (particularly to ensure a fit with collective agreements), and accept briefs from those who wish to voice their opinions on this problem. A public hearing of the draft report should be held to give members of the University the opportunity to comment on the recommendations before they are adopted.

Two important groups should also be targeted for study: users and non-users of the Policy/Sexual Harassment Office. A user refers to a client of the Sexual Harassment Office, either a complainant or a respondent, and to advisors or advocates. Opinions on the Policy and its practical application by those who have had personal experience is vital. A non-user refers to a person who has experienced sexual harassment but has not approached or sought help from the Sexual Harassment Office. Since an extremely large number of those who have been sexual harassed never make use of the structures provided by the University to seek assistance or redress, it is important to ascertain the reasons for this.

Beyond blind trust in structures, listening to the voices of University community members forms a vital basis for task force recommendations on changes to the Policy and on improvements to its practical application (the Sexual Harassment Office) in order to ensure that the Institution is effectively meeting the needs of the University community in its attempts to eliminate sexual harassment from academia.

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