

April 26, 2011, Letter to Jim Turk, CAUT

Hello

I have contacted the CAUT three times regarding harassment and discrimination at the U of Saskatchewan and received no response.

Discrimination and harassment is real, increasing, and people including women faculty have no place to turn. There options are to leave or to fight on their own.

Clearly there is confusion as to what role the CAUT is playing. I would greatly appreciate clarification.

Regards

Dr. Monique Dube
Canada Research Chair, Aquatic Ecosystem Health Diagnostics
University of Saskatchewan

Dear Professor Dube,

Thank you for your inquiry. You mention you have contacted CAUT three times and received no response. I apologize for that but am unaware of any prior contact. In any case, I would be pleased to provide whatever information you would like.

We agree that discrimination and harassment are real, but not that there is no place to turn.

CAUT is a federation of academic staff associations at more than 70 universities across Canada and, to my knowledge, every one of them has a no discrimination and no harassment clause in their collective agreement. So, if you are experiencing harassment or discrimination, you should contact your academic staff association which has the best tools to deal with it.

As a federation of academic staff associations, CAUT tries to assist our member associations in representing their members, but it is the member association, not CAUT, that can take action against violation of the provisions of the collective agreement. The USFA is one of the oldest and strongest faculty associations in Canada, and I am sure would be willing to assist you. The Chair of the USFA Grievance Committee is Don Hamilton (966-7349).

Yours sincerely,

James L. Turk
Executive Director/Directeur général
Canadian Association of University Teachers/

Dear Dr. James Turk and Professor Dubé,

My personal experience attests to the veracity of Professor Dubé's statements: academic women facing harassment and discrimination have nowhere to turn. I would like to add that those women who fight back on their own need a lot of money, a lot of courage and good health. They also risk reprisals for many years to come, whether or not they are successful.

I did contact CAUT personally when the FAUW (Faculty Association of the University of Waterloo) was either unwilling or unable to help me fight against what I experienced as sexual discrimination in the treatment of my application for promotion to full professor. The CAUT instructed me to rely on the help of the FAUW. But I did not receive the assistance I needed from the FAUW which discouraged me from using the appropriate terms for describing my experience ("sexual discrimination, harassment, intimidation") in the complaint I filed with my university. And then, after I filed a complaint with the Human Rights Tribunal of Ontario, the FAUW actually hired a lawyer (paid for by the CAUT?? and my association dues??) to fight the Disclosure Order I had filed to obtain confidential documents which I believed were necessary to prove discrimination.

Those interested in the HRT can find them on the Human Rights Tribunal of Ontario website. These are also available on the website Academic Women for Justice www.academicwomenforjustice.org

The HRT presents other challenges for women that I will not develop in this message. But we can ask ourselves "how does one prove discrimination based on sex (or race, or religion, or sexual orientation, etc.) in a milieu of political correctness such as that found in our universities where no one is insane enough to tell you to your face that you will never be promoted because you are a woman (black, Muslim, homosexual, etc.)? Let's face it: "they" will always say (and create the circumstances to 'prove') that the differential treatment you have endured is not due to discrimination but to your personality. Little wonder many women prefer to poke their head in the sand or try to benefit personally from the mistreatment and exclusion of the female colleague who bravely (or insanely?) fights on her own.

I would like to take this opportunity to thank Professor Monique Dubé for raising this issue and I would like to invite other academic women who feel that they have nowhere to turn to make their voice heard. Why not send a copy of your story to Academic Women for Justice? Please do not name individuals.

Anne Marie Miraglia
Full Professor
French Studies

April 28, 2011

Dear Jim,

I am writing in wholehearted support for what has been said in numerous replies to your message below. (As some of you may know, I have initiated action at the Ontario Human Rights Tribunal against Queen's University for harassment of and discrimination against women in the Philosophy Department.)

The fact is that discrimination and harassment will most likely, and first and foremost, happen between colleagues.

The problem with our unions is that they are torn between two interpretations of their duties: (1) one is to administer the Collective Agreement (and I have no reason to doubt Jim that "every union has a no discrimination and no harassment clause in their collective agreement.") But this should lead to censuring/punishing members who violate the Collective Agreement, for instance by discriminating against and harassing women (as I am told is the case in, e.g. the Actors Guild, where members who violate the C.A. can be and are punished for violating it, up to and including being excluded from the protection of the Union); (2) another is to protect their members, which in reality means that unions are reluctant to pursue cases of discrimination and harassment between members. I think this ambiguity about a union's duties is a genuine and serious problem, which I have witnessed firsthand.

Another problem with our unions is that they reserve the right to be our sole legal representatives. This might be fine, indeed ideal since we pay them handsomely, if we could trust them to BE our legal representatives. But the fact of the matter is that (a) unions will refuse to BE one's legal representative in any dispute with one's colleagues, thereby leaving one effectively defenceless before one's colleagues; and (b) there are so many grievances and so little money to see them through, that "light" grievances like discrimination and harassment take a back seat to grievances affecting someone's job (as perhaps they should in tough times), and there is the danger that there is no money left for grieving harassment and discrimination. (Of course, university managers know this, and take full advantage of it.)

From my position as someone who has put her entire career on hold for the past three years to follow through on a case of harassment and discrimination against women, I cannot in good conscience say that I have felt greatly supported by my union. Yes, in the end, the union was there for me (it still remains to be seen to what extent), but only from the moment I persisted in pushing to grieve the University for its failures to implement its own policies with respect to harassment and discrimination (and the union is all the while working to protect the colleague culprits from their own culpability). Let's just say that with the money I have contributed to my union so far, I might have been inclined to hire myself a rather more aggressive lawyer instead, and get the job done more efficiently and faster.

What is needed, methinks, is a considerably more serious commitment on the part of our unions to combat the disease of discrimination and harassment of women in universities (and urgently to find a resolution to the problems identified above). Thus it is with considerable alarm that I noted the disappearance of a major position dealing with women's issues at CAUT.

I have been frankly outraged by my experience dealing with discrimination and harassment of women (faculty, grad and undergrad students). I hope the Tribunal will be more receptive than either my colleagues, the administration, or the union, have been in engaging on this very important topic. It is only because I am healthy, extremely energetic, and a fighter --*and* have

personal legal resources (my representative at the Tribunal is a judge who also happens to be my father) -- that I am able to do anything about this. It is costing myself, my profession, my family, my health, my energies, my time, SO much, JUST to have the University implement the policies to which it claims to be committed, that I pity the poor woman with less resources than I have who so much as tries to be heard.

The situation, from my vantage point, is very, very bad. And if asked to nutshell it, I would say: there really IS no place to turn.

Adèle Mercier

Dept of Philosophy, Queen's University, Kingston

Dear Professor Anne Marie Miraglia:

Thank you for sharing this story and for the courage and determination you obviously had to demonstrate in order to achieve what you had earned -- you now are a full professor, one of ... 20-25 percent in Canada? We all know there are scars to show for it so when I say congratulations it is also for your ongoing determination to speak the truth to power and to act for social change.

I also want to thank Professor Dubé for coming forward with her story. You both are right -- and I would encourage us all not only to listen but to **hear** and heed the call to action. Over the past year alone I have heard similar stories (including from women in senior administration) about the very real sense in which women, as Aboriginal scholars and racialised scholars, feel there is nowhere to turn to be heard and to be taken seriously. That is the perception, based on having knocked on many doors to no avail.

And, yes, I did recommend faculty associations, university human rights offices and CAUT. So this begs the question: Why do so many folks feel like CAUT is not listening/hearing/responding, given what Jim Turk has indicated previously about CAUT's commitment? What accounts for this apparent disconnect? What are other national organisations doing on equity in 2011?

I know of colleagues who have raised similar issues about 'nowhere to turn' to be heard in relation to chilly climate, harassment and hostility for Aboriginal and racialised scholars. Here, again, I recommended faculty associations and CAUT and, again, the response was similar to what Professors Miraglia and Dubé have said about their experiences; everyone passes the buck or say the cases are too difficult to prove, or some such. Nothing happens.

Faculty members rightly feel set up. They take associations at their word -- commitment to equity, diversity, inclusion, to addressing chilly climate and a hostile work environment, to working for pay equity, etc etc -- but when these same associations are needed most there is a perception of intransigence. What gives?

Given Jim's email indicating that CAUT is committed to addressing harassment and discrimination I would really like to hear more about the process and, more important, I would like to know how many cases (not who or where) on harassment and discrimination have been taken up. I am not asking for names or institutions. Also, what, exactly, is being done to publicize the commitment and the mechanisms for addressing harassment and discrimination for those less familiar with how national associations work?

What is being done on bullying? I know of atrocious examples.

What I can say is this:

* First, in this moment (2011) the *perception* is that few national associations seem willing or able to take on longstanding equity issues; that the backlash is as pervasive as it has ever been; and that there is a lot of passing the buck. The result? Demoralised, sick and discouraged colleagues who are then less likely to either achieve tenure and/or promotion.

* Second, what worries me is the question raised by Paddy and responded to by Jim Turk. Why? Because in a moment of backlash -- and I would even say retreat from national conversations on equity -- we cannot afford to have divisions among those of us who are committed to equity. These two conversations need to be brought together somehow differently. I would like to hear if the new structure works better and whether it achieves results that ensure intersectional analyses (Falguni A Sheth argues that sometimes we need to drill down within specific groups and, at the same time, we need to have shared forums.) I think we need to be careful not to throw those who differ under the bus as none of us have the Truth, but we all are committed to greater equity.

What troubles me more than ever is how many times I've heard conversations that *seem* to pit one equity group against the other, to all of our disadvantage. This tendency is all the more puzzling as it happens even when colleagues also say they are committed to inclusive notions of equity, to gender equity, to anti-racism equity, to decolonisation, and so on.

Personally I do not think *any* equity group is getting more than token attention. On the one hand, there is cherry-picking (sometimes prioritising, sometimes, privileging - we need to sort out) ... LGBTQ, Aboriginal peoples, disabilities -- but more as "one-off" projects or initiatives rather than as systematic thinking through. The equity group that is both hyper visible and invisible is racialised minorities. I think it is no accident that the attacks on the majority group that cuts across all equity groups -- women -- was the first to be attacked, defunded, demobilised (the Janine Brodie 3 Ds argument).

First 'they' came for the women... Then multiculturalism but the desire for the 'ethnics' and 'very ethnics' led to a backing off. Then it was the LGBT Then last August the spectre of employment equity review and more recently the defunding immigrant groups...

We may look at each tree or see this all as a systematic effort to raze the forest, as an attack on the equality and social justice agenda of the past 50 years or so. I would say look at the collective story: This all is bad news and we all need to be part of a broad-based movement, coalition (taboo word) to reclaim the national equity conversation.

Which brings me back to thinking about what is to be done. While I appreciate all of our various conferences, Symposiums, etc on anti-racism, or for Aboriginal faculty, or for women in some ways I also worry these reinforce our dilemma as they locate us as this or that (despite commitment to intersectionality). It makes building solidarity more difficult (mindful of time limits, funding and travel limits, etc).

So, what is to be done? May be CAUT, the CFHSS, SSHRC, NSERC, CIHR, AUCC -- etc etc need to be engaged in a conversation about a major gathering on equity, following on the heels of Women World.

2. We need better data profiles of each group in the academy (yes representation and pay equity/disparities) but what are the broader experiences with tenure, promotion, and climate? What's similar/different? What are best practices?

3. Can CAUT work with others to develop an Equity Report Card? Can we consider a way to identify institutions with best practices on harassment and anti-discrimination?

What is to be done?

M. S.
University of Alberta