The Discursive Framing of Sexual Harassment in a University Community

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ABSTRACT Sexual harassment in university communities is, at best, understood as the exercise of power by deviant individuals and is dealt with through sexual harassment policies, grievance procedures, reprimands and educational measures. Through a discursive analysis of one case of sexual harassment, this article illustrates how power is not merely attached to specific individuals. Rather, university communities provide the conditions under which sexual harassment is naturalised. The article illustrates how conservative and liberal discourses of academic freedom, juridical interpretations of collective agreements, and anti-feminist backlash discourses shaped knowledge in the public domain, while the voices of women students and feminist discourses on sexual harassment were either marginalised or silenced. The article supports the view that the discursive framing of sexual harassment constitutes power relations in the academy and ultimately legitimises sexual harassment. The article offers some discursive strategies for dealing with sexual harassment in university communities.

Introduction

As an academic feminist, I have been deeply troubled by cases of sexual harassment in university communities. Women students have confided in me about their experiences of sexual harassment by other students and by professors. Those students (a few) who registered formal complaints have spoken to me about their disillusionment with a process that appeared to them to be determined upon concealing problems of sexual harassment and protecting male faculty and male students. Other students have chosen to avoid the individuals involved by changing residence, programme, or university, and still others have withdrawn from the university community altogether. From these experiences, and in reading about cases at my own and other universities, it seems to me that sexual harassment policies and grievance procedures are consistently thwarted and that women's voices are undermined, distorted and silenced by those who hold powerful positions in the university community. As an academic, I have felt powerless—a point I

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will return to. But as a feminist researcher, it is incumbent upon me to examine social relations of power, including the part I have played in perpetuating dominant discourses and practices that normalise sexual harassment. As Sandra Taylor and her colleagues say, 'to ignore issues of power is to ensure our own powerlessness' (Taylor et al., 1997, p. 20).

In this article, I examine the public discourses surrounding a case of sexual harassment at a Canadian university [1]. Despite a considerable degree of feminist attention to sexual harassment, there has been little feminist analysis of actual cases of sexual harassment in university communities [2]. Sexual harassment cases in the academy are often governed by confidentiality clauses and dealt with behind closed doors, making analysis difficult. Examining this case may enable critical reflection on other cases, past and present. Perhaps it will help further more sophisticated analysis of sexual harassment in academic communities and, moreover, open up ways of responding to sexual harassment cases in the future.

The case has been in the public realm since 1993. I was not personally implicated, nor do I know the individuals involved. The case entered my life and my classroom through the usual university channels of communication, and through the media. As a new PhD graduate, I was drawn to the case by what appeared to me to be the reluctance of tenured academic feminists to get involved publicly. I read the feminist silences as both complicitous with patriarchy and symptomatic of women's subordination.

I began writing about the case immediately it happened. My first efforts were naive evidentiary accounts in search of truth. Not having access to all the 'facts' surrounding the case, I set the task aside. However, two recent cases of sexual harassment at the same university alerted me to similarities among the three cases that in my view deserved close attention. These similarities included the university's response to students' charges of sexual harassment, and the vociferous public outrage of women students to this response. Of particular interest to me was the lack of participation by academic feminists in the public debate on the three cases and the growth of private divisions in the feminist community over what constitutes sexual harassment and how it should be handled in the academy. Because the recent cases are still ongoing, it seems prudent to revisit the earlier case, this time shedding my modernist assumptions in order to look at the case through a discursive theoretical framework.

Discourse analysis enables me to engage with the problem of sexual harassment at a deeper level than is possible with an evidentiary account. It shifts the focus away from individuals and structures to forms of knowledge and relations of power in a specific site. It explores the material conditions and processes of university life under which sexual harassment is constituted and their ultimate hegemonic effects. To this end, I explore a range of discourses which surrounded the case: conservative and liberal discourses of academic freedom, psychological and managerial discourses on sexual harassment, juridical discourses about truth claims, and anti-feminist backlash discourses. I look at what holds the dominant discourses in place and relegates feminist discourses to the margins. The article illustrates how power operates discursively and works to support dominant interests. The situation is not entirely one of doom and gloom, however; I also point to the potential of oppositional strategies and tactics of resistance.

The article is organised in five parts. First, I provide an overview of 'sexual harassment' and raise questions about how the 'problem' is typically dealt with in university communities. Second, I situate the article in the growing body of research and policy literature on critical, feminist and post-structural understandings of power relations. Third, I provide an overview of the discourses employed in the sexual harassment
case in question and their connection to relations of power, regimes of truth and hegemonic practice. The fourth section raises questions about the limits and possibilities of the various discursive strategies. In the closing section, I point to what must be done in the long and short term to attend to ongoing incidences of sexual harassment in university communities.

**Sexual Harassment and University Communities**

Since the late 1970s, feminist attention has been focused on sexual harassment. In 1979, Catherine MacKinnon first gave a name to a practice long known to women. MacKinnon (1979) not only named ‘sexual harassment’, but she also identified it legalistically as a form of discrimination against women. The increase in the number of reported cases has also been enabled by MacKinnon’s (1993) publication, *Only Words*, which broadened the understanding of violence against women by incorporating words as potential acts of violence. However, too few women take cases of harassment forward, and when they do, the cases are often inadequately resolved and typically generate anti-feminist backlash (Thomas & Kitzinger, 1997).

What constitutes sexual harassment is not, of course, a given. Policy-making is deeply political: policy is not only a product, it is also a process with ‘contexts, texts, and consequences... [and] economic, cultural, political, and supranational connections’ (Taylor et al., 1997, p. 55). Indeed, there are significant divisions within the feminist movement about what sexual harassment actually is and how it should be resolved. Liberal feminism locates the ‘problem’ and its solution in knowledge, roles and behaviours; cultural feminism focuses on the patriarchal domination of women; and critical feminism locates sexual harassment in patriarchal hegemony and discursive practices, where both women and men participate in its construction and support systems of domination (Thomas & Kitzinger, 1997). Debates continue about what constitutes a ‘chilly climate’ for women in university communities (The Chilly Collective, 1995; Brodribb et al., 1996), and what constitutes victim-feminism (Roiphe, 1993; Garner, 1995), as well as issues of consensual and pedagogic relations (Gallop, 1997).

Important as these issues are, it is not the focus of this article to explore such debates. Rather, the focus here is to examine what happened when one case of sexual harassment in a university context was brought forward into the public realm. My point is to show how the dominant discourses that surrounded the case shaped public understanding of the issue and worked to discredit those who resisted the normalisation of sexual harassment as an institutional practice, and to analyse how their cumulative effect reinforced hegemonic power relations.

In the 1980s, charges of sexual harassment in university communities typically involved cases of sexual abuse of women students by male professors in return for favours that would supposedly benefit a student’s career. While these incidences continue, charges of sexual harassment now involve a range of power abuses (Thomas & Kitzinger, 1997). Approaches to dealing with sexual harassment on university campuses typically take an individualistic and legalistic perspective. Attention is given to the behaviour of the accused as if it were deviance, separate from its social surroundings, and correspondingly, the onus is on the target of harassment to prove the abuse. The role of faculty unions is to represent professors, while the role of the university is to represent its sexual harassment policy and to show that the institution has made efforts to educate students, staff and faculty in this regard (Briskin, 1998).

Carol Bacchi (1998) argues that typical approaches to sexual harassment separate the
institution itself from the ‘problem’ of sexual harassment. A focus on policy and procedures suggests that sexual harassment can be curtailed through improved management strategies, while a focus on education suggests that knowledge alone will change practice. As Eve Kosofsky Sedgwick (1990) says, ignorance is not a lack of knowledge but an effect of knowledge: ‘Ignorances are produced by and correspond to particular knowledges and circulate as part of particular regimes of truth’ (p. 8). Further, collaborative endeavours which aim to develop positive learning and working environments suggest that sexual harassment is a gender-neutral issue without connections to relations of power and difference. Bacchi argues that it is just as important to consider how the culture of the university supports sexual harassment as it is to look at sexual harassment policies, grievance procedures, education, and ways of managing the ‘lecherous professor’. Bacchi sees ‘the institution as the problem and sexual harassment as a symptom of the problem’ (p. 76). She reminds us that institutions are collections of persons with gendered—and I would add raced, classed and heteronormative—histories.

Alison Thomas & Celia Kitzinger (1997) argue that a more sophisticated analysis of the power dynamics involved in sexual harassment is needed. Sexual harassment is not merely a way that individuals exert power, but it also reinforces what Thomas & Kitzinger name as ‘heteropatriarchy’ (p. 15), which is particularly insidious when contextualised within the current anti-feminist and homophobic backlash. Shereen Bingham (1994) argues that considering sexual harassment as a discursive practice is preferable to psychological approaches that individualise sexual harassment and assume it can be stopped when specific criteria are met. Bingham also finds the discursive approach more comprehensive than critical approaches, which tend to reduce the ‘problem’ to insurmountable structural issues. She says that a discursive approach opens up sexual harassment by offering a ‘holistic, contextual, dynamic, circular, and temporal’ perspective, and exposes rather than conceals ‘the paradoxical and illogical elements and the contextual constraints in and surrounding these experiences’ (p. 7). For Bingham, a discursive approach envisions ‘power structures as more malleable and open to the influences of human activity’ (p. 8) than a critical approach allows. She argues that ‘new ways of envisioning sexual harassment are likely to emerge from juxtaposing what is already known with understandings that emanate from other conceptual frameworks’ (p. 8).

According to Bingham (1994), a discursive approach to sexual harassment assumes that communication goes beyond the event and the subsequent response of its target to an understanding of how our social reality is created by discourse as much as influenced by it. She observes that social structures are ‘produced and reproduced in discursive practices’ (p. 9) and that the dominant discursive practices will contribute to the maintenance of the very social conditions that normalise sexual harassment. According to this analysis, discourse not only reproduces the oppressive conditions that sustain sexual harassment, but may also serve as the means of liberating people.

**Critical Discourse Analysis**

Critical discourse analysis is grounded in Michel Foucault’s (1972) post-structuralist analysis of relations of power and systems of knowledge. In Foucauldian terms, power is not exercised from the top by a single authority (such as the model of the state-over-the-individual), but rather, it is pervasive throughout all social interactions. However, power operates not through force or consent but historically, through the promulgation of
institutional discourses or systems of knowledge. The dominant discourses infiltrate behaviour, ideas, beliefs and desires to the point that they appear to be natural and constitute individual subjects in a particular way, 'shaping grids and hierarchies for the institutional categorization and treatment of people' (Luke, 1995–96, p. 8). Influence is exerted through disciplinary practices of surveillance as well as internalised or inner surveillance. Thus, in order to study power, we must study the local sites where it is exercised.

Although Foucault's interest was in domination, his work has inspired others to consider the potential for resistance and oppositional pedagogies and practices (Hoy, 1986). Since power is socially constructed, it can also be reconstructed: 'It is not invincible, not impervious to dismantling, not unidirectional' (Said, 1986). Dominant discourses can be both constraining and enabling; they have cracks and fissures, and are replete with 'absences and silences ... contradictions and ambivalences ... lapses and limits ... confusions and double binds' (Epstein & Johnson, 1998, p. 44). Subjects can be thought of as active agents as well as victims of institutional domination; they 'both resist and become complicit in their own regulation' (Luke, 1995–96, p. 9).

Critical discourse analysis draws our attention to several forms of discursive structures ranging from the singular to combinations and complex formations (Epstein & Johnson, 1998). The latter constitute a range of dominant, hegemonic, subordinate and emergent discursive strategies that often contradict each other. In this framework, any discourse can be analysed for its enabling as well as its constraining facilities (Foss & Rogers, 1994) and explored for its capacity to 'transform, legitimate, naturalise, or disguise dominant relations of power' (Lemke, 1995).

A feminist approach to critical discourse analysis examines the subject positions available to women and other minority groups in the operation of power/knowledge. Kari Dehli (1996) argues that the positioning of women in dominant discourses embodies particular assumptions about women, as well as families—and that these are premises which 'naturalise particular forms of sexual identities, gendered labour, and generational relations' (p. 373). For Dehli, feminist work must look at how women are historically constituted through discourses of power/knowledge, and the implications of this cultural positioning in terms of sexism, racism, heterosexism and homophobia.

**Discursive Formations and Strategies**

In this part of the article, I identify the dominant discourses and the discursive formations operating within a particular case, and speculate on some possible social, cultural and political effects. My intention is to reveal how the dominant discourses position women as subjects and support gender ideologies. I interrogate texts for practices of exclusion, distortion and marginalisation, while keeping in play the power attached to those who speak (e.g. public figure, academic or student) within the context of their speech acts.

First, following Jenna Mead (1997), it is helpful to distinguish 'what took place' from 'what happened'—a strategy she gleaned from Toni Morrison's (1993) analysis of the Clarence Thomas case. To distinguish between a set of events and what happened as a result of these events is to bear in mind that 'not all the past is recoverable; not all the reasons behind events can be excavated ... [and that this case] is not actually part of the history of the past but a history of the present' (Mead, 1997, p. 41). First, then, I will present a brief overview of what took place.
What Took Place

In November 1993, a woman student charged a male student with rape. The rape allegedly took place following a social event in a university residence. In the wake of the publicity that surrounded the case, a tenured assistant professor of mathematics expressed his views about women and rape in the university's student newspaper. In his article, the professor stated that 'date rape' was a natural consequence of a 'boy's' uncontrollable sexual urges and that 'girls' who took 'boys' to their rooms should not be surprised if rape occurs. The professor further asserted that a 'girl' who has had sexual intercourse would not suffer rape to the same degree as someone for whom rape was her first sexual experience and that 'promiscuous girls' who have had previous partners should seek monetary compensation for the inconvenience or discomfort of rape 'rather than express moral outrage'. A week later, the university suspended the professor, pending an investigation of his teaching career. Shortly afterwards, the university reversed its decision and reinstated him without teaching responsibilities. In January 1994, the university and the university faculty association announced, in a joint statement, that the professor had 'exercised an early retirement option', the details of which were confidential.

What Happened

In this case, what happened involves a diversity of influence and association, including the terms of the collective agreement between the university and the faculty association [3]; the pervasive climate of anti-feminist backlash in the university as well as in local and national communities; and relevant neo-conservative shifts in government policy and programmes. Further factors to consider are the powerful influence of the media to shape knowledge in the public domain, and divisions within the women's movement that worked against any unified interpretation of events or collective action.

The immediate public reaction to the article was one of outrage. Several letters to the editor of the student newspaper condemned the professor's views. The incident was reported in the provincial newspapers as well as the national press, and attracted national television coverage. The professor, reportedly, offered media interviews, at a cost of $5000 an hour for local reporters to $25,000 for US journalists. Students in the professor's courses delivered a petition to the university demanding that a different instructor be hired. The university responded quickly. The academic vice-president issued a statement that said the students' concerns would be 'handled sympathetically'. A few days later, the university president announced that the professor was suspended, pending 'a full review of [his] total employment record'. Canada's then only national newspaper reported the academic vice-president as saying the university would 'seek legal counsel' to see whether the professor's article had created an 'offensive environment', and whether the article was in violation of the university sexual harassment policy.

As well as reverting to policy, the university further separated itself from the 'problem' in an 'Opinion Piece' published in two provincial newspapers and the student newspaper. The president wrote that the professor's views on date rape were wrong and did not reflect his own position or that of the university. The president also defended the university's record in dealing with sexual harassment. He said that the university actively supported its sexual harassment policy, carried out research on dating violence, and provided relevant workshops for residence staff and incoming students. At that close of the article, the president invoked liberal discourses about 'academic freedom'. He said, 'It is
true that freedom of speech is inherent in a democratic society. But free speech does not
equal irresponsible speech'. In other words, the university would support the principle of
unrestricted expression in so far as it inflicted no direct harm on others.

Some individuals and women's groups upheld the university's decision to suspend the
professor, supporting the view that the article had created a hostile environment for
students on campus. However, vociferous outrage came from academics, nationally and
internationally, feminist and non-feminist alike, who objected to the suspension because
it violated 'academic freedom'. Several letters to the editor (written largely by men) also
condemned the university's actions. Some of the professor's departmental colleagues
followed suit. In a letter published in the national and provincial presses and the student
newspaper, they wrote:

When sexual harassment can be construed to encompass the expression of
opinion, none of us is safe ... The point we wish to make is that freedom of
speech consists in the right to express views, regardless of how ridiculous or
unacceptable they may be. Freedom to express only views which are accept-
able is no freedom at all.

The authors concluded their piece with a poem that evoked memories of the Holocaust.
The double irony here is worth naming: the department's support for the professor's
right to promulgate misogynist discourses missed the point that discourses diabolising
the Jews helped create the context for the Holocaust; and the professor was well known for
his public support of a local teacher who lost his teaching position after he published
books denying the Holocaust.

The faculty and student unions used celebrities to fuel the debate. The faculty
association's national body published a piece by Canadian patriarchal icon Pierre
Berton, and the student newspaper ran a centrefold interview with US feminist/anti-fem-
inist Camille Paglia. Both Berton and Paglia publicly supported the professor's right to
free speech. It was rumoured that a Donahue television show was in the works.

Some who supported more liberal views of academic freedom/free speech employed
juridical arguments to the effect that there was no evidence that the professor's beliefs
had spilled over into his classroom teaching, nor proof that he had created an offensive
environment. Lack of evidence was given as a reason for not taking the women students'
concerns seriously.

Letters expressing outrage against the professor's article were mostly confined to the
pages of the student newspaper, and most were written by women students. Some
exposed flaws in his argument; others dealt with his lack of sensitivity to women. Many
letters portrayed women as victims of male violence. However, the author of a letter who
identified herself as 'a student violated by one of her peers' challenged the victim
discourse:

I felt that [the professor's] article was directed at me because of what I have
presently been going through. In his eyes, he would want a girl to take money
and shut up; well that is what a prostitute does. The mental torment that I
have been undergoing in the past few weeks is not anything I would want
another person to experience. Yes it was a 'discomfort' [a word used by the
professor to describe rape] when I was violently assaulted, going into shock,
telling my family and friends, being seen in the public eye as the victim, and
then dealing with attitudes like [his].

The student took the professor's words and flipped them, signing her letter, 'A
promiscuous girl'.
One lone woman student made it to the national press. In an interview with a national magazine, the university's student union safety coordinator is reported as saying:

too much of the media attention ... [has] focused on the professor's right to free speech and far too little on the student's right to study in an atmosphere free of harassment and intimidation.

Her statement was dismissed in the same article by a quotation from a sexual harassment officer at a larger Canadian university, who said: '[the university] is cutting its scholastic head off if they are maintaining that you can't say things that offends people'.

Anti-feminist backlash discourses (Faludi, 1991) also abounded. Members of the academic community published editorials and letters to the editor in the student newspaper and in both the provincial and national presses that included talk about political correctness, authoritarianism, and feminist conspiracies, as well as other anti-feminist language and slogans. Those who invoked political correctness used terms such as small mindedness, thought police, torquemadas of the politically correct, and feminist morality squad. Others likened the objectors to fascists, Soviet tanks, Stalin's regime, and big brother. Some appropriated feminist concepts drawn from the chilly climate literature, such as the chill and the deep freeze. Still others co-opted atrocities against women and claimed that the case against the professor was akin to a witch hunt and the Salem witch trials—a response that is also ironic given the professor's misogynist views on women. Individual feminists also came under attack, with a reference to the messianic forces of Judy Reibick. The dangers associated with singling out individual women do not need to be further reiterated here.

A backlash strategy that deserves specific attention is Paglia's cry of 'eurocentrism'. In her interview in the student newspaper, Paglia is reported as saying that she agreed wholeheartedly with the professor's views, and condemned the university for its 'white ... anglo-saxon ... eurocentric' response. The subversion implied in Paglia's accusation reminded me of what Paula Giddings (1992) described as the most remembered phrase of the Clarence Thomas hearings: 'high tech lynching' (p. 442). As Celia Morris (1994) argues, Thomas's accusation diverted attention away from 'what men do to women' to what 'white men have historically done to black men' (p. 23). Paglia said the university did not listen to the professor because he was 'outside of the culture', thereby drawing attention away from the issue of sexism to fuel fears of racism.

Juridical discourses about lack of evidence and conservative discourses about free speech were juxtaposed in a statement from the faculty association. The association announced its intentions to file a grievance about the suspension because 'the university had not established sufficient cause'. The association president was also reported as saying that he supported the professor's right to express his opinion, but he avoided any reference to the possible harm that conservative notions of free speech might generate. This announcement was followed immediately by a bulletin from the university and the association which said that the professor would be reinstated (without teaching responsibilities), and that 'both parties have been assured that [the professor] does not advocate nor does he condone violence of any form against women'. The bulletin asserted that the university supported 'a spirit of free intellectual inquiry based on an honest search for truth'.

The bulletin contradicted both the president's earlier statement that 'free speech' should be curtailed if it inflicts harm and the collective agreement which recognises words as potential acts of harm. It was not clear how the university and faculty association had obtained assurances that the professor did not advocate violence against women, or why his teaching duties were suspended. The only reason given for the
reassignment of the professor’s responsibilities was ‘to prevent any further disruptions for students’. The bulletin further said that the initial suspension had been exercised in the interests of ‘public safety and an orderly campus environment’, and was not to be perceived as ‘a disciplinary action’. Opposition to the dominant discourses was reduced to an issue of student disorderliness and disobedience.

The university was pulled from its initial stance by the juridical discourses of the faculty association and the neo-conservative university community and national agendas. The ‘problem’ had been stripped of its gender connections. The voices of the woman student who said she had been harmed, and the students who publicly supported her, were effectively dismissed. Ultimately, the announcement legitimised the professor’s actions and effectively naturalised sexual harassment. By supporting conservative and liberal discourses of academic freedom and juridical discourses of sexual harassment, the university was able to achieve the difficult balance between addressing a social issue, albeit from an individualistic perspective, and separating itself from the ‘problem’. But what was to happen to the professor? A return to the campus would create more ‘disorderliness’. In the following January, the university announced that the professor had ‘exercised an early retirement option’. According to a report in the national press, the option included a full pension and 3 years’ full salary. The university had managed the ‘problem’; the professor had been dealt with.

**Discursive Formations**

The dominant discourses came together in mutually sustaining ways. Conservative and liberal notions of academic freedom worked together to silence the less powerful and less privileged; in this case, women students. Conservative views of academic freedom dominated the media and detracted from the professor’s misogynist utterance in a public space. The focus on individual opinion rather than cultural practice created a distortion that diverted attention away from ‘chilly climate’ issues. Indeed, the voices of students who raised the harm entailed by the article were dismissed by authority figures or marginalised to the student newspaper. Such journalistic practices of course raise questions about selection, censorship, and the packaging of national and international news for consumption. In short, anti-feminist headlines and celebrities with anti-feminist views capture attention. Complex issues take more space and time to address.

Paradoxically, the voices of academic feminists—the voices of those who question relations of power and privilege—were noticeably absent in the public discourse surrounding the case. Where were the voices of those who teach cultural studies, feminist theory, and women’s studies? Where were the voices of those who teach and do research on family violence and violence against women? Where were the critical pedagogues when they were needed to challenge conservative and liberal notions of ‘academic freedom’ and managerial discourses of sexual harassment? Where was my voice?

Perhaps academic feminists did attempt to enter the public discourse and their voices were selectively excluded. As Linda Mahood & Barbara Littlewood (1997) illustrate, the media shapes public knowledge about ‘campus sex crimes’ by reproducing patriarchal points of view and subordinating feminist positions. They argue that feminists are rarely brought in as expert witnesses—they are seen as ‘having an axe to grind’, whereas other commentators are viewed as ‘impartial experts’ (p. 181). Hopes for the possibility of future changes under a new media generation were thrown into question by this case, however, for it was the editors of the student newspaper who selected the professor’s piece for publication, and the same group chose Paglia as their ‘expert witness’. The
letters to the editor which condemned the professor’s piece were written predominantly by female and not male students.

*What happened* illustrates what Foucault meant by the connection between power and knowledge and the role of dominant discourses in constructing subjectivities and maintaining systems of oppression. The dominant individualistic, juridical and anti-feminist backlash discourses together formed a system of knowledge—a ‘regime of truth’—that silenced, distorted and marginalised a broader feminist analysis. Clearly evident was the power of individuals in positions of influence (feminist and non-feminist) to frame the debate about sexual harassment in the public realm, or in Foucauldian terms, to shape understanding through the discourses available to them. The discursive framing of the case served to legitimise sexual harassment and ultimately to support the idea that the university is not a place for women. Domestic ideologies and discourses about ‘family values’ (Young, 1997) were consequently strengthened. Bannerji (1997) argues that the ‘paradox of belonging/non belonging simultaneously’ is a ‘relation of ruling’ (p. 26), a strategy that enables the state ‘to extend its governing and administrative jurisdiction into civil society, while, at the same time, incorporating the everyday person into the national project’ (p. 25). The cultural positioning of women in this way, illustrates Foucault’s point that the limits of dominant discourses also place limits on how individuals and groups are constructed in the public realm.

The narrowness of the public debate also supports Foucault’s argument that communities both resist and become complicit in their own regulation. It draws attention to the contradictions of feminist academics who restrict their work to the privacy of the classroom, rather than providing a visible public challenge to the wider institutional practices of higher education (Ramazanoglu, 1987). Our silence as feminist academics safeguards our own privilege and at the same time reflects a sense of our powerlessness and marginalisation as pedagogues. I am not, here, suggesting that critical and feminist pedagogues speak with one voice, for it was the discordant feminist voices in relation to the case that brought me to this article. My point is that the voices of feminist academics, other than those that supported conservative views of academic freedom, were absent from the public debate in this case.

The potential danger for women who speak out, of course, must not be underestimated. Dorothy Smith (1997) writes about the response to a report written by Sommer Brodribb about conditions for women students in the Department of Political Science, University of Victoria. Brodribb’s report was intended to create a framework for discussion about the quality of life for women students in the department. In a letter to the university community, male members of the department dismissed the entire report, claiming lack of evidence and due process. Smith argues that such juridical discourses served to undermine the original intent of the report, which was to raise concerns about the conditions for women in the department. She explains the response in terms of the history of the university as a masculinist institution that privileges and protects dominant male perspectives and power.

I would go even further to suggest that the naturalising of sexual harassment is also deeply connected to larger technical and instrumental discourses of economic rationalism. Indeed, this province’s ‘economic restructuring’ agenda for health, education and social services is closely intertwined with the university’s move toward a market-led system. When the present case unfolded, the university was launching a highly orchestrated and intense effort to seek funds from private donors and the corporate sector for research endeavours, education programmes and facilities. However, market discourses are not merely about keeping things ‘orderly’ to attract funding. They also depend on
individualist and ‘blame the victim’ ideologies that require the state to downplay its equity agenda and undermine forms of collective action (Kenway, 1995). The university is a vehicle for such values, which in turn support a masculinist culture and hegemonic ideologies that oppress women.

**Limits and Possibilities**

The article has attempted to draw out the discursive strategies used to frame a case of sexual harassment. It is important, however, to illustrate how *all* discourses can be both ‘constraining and enabling, constituting some objects, ideas, and relationships while excluding others’ (Foss & Rogers, 1994, p. 159). It is this recognition of contradictions and discontinuities in diverse discourses that offers possibilities for intervention and social change.

The principle of academic freedom, for example, was introduced into North America at the turn of the century (Tierney, 1993). Before faculty associations negotiated this clause, it was not uncommon for professors to lose their positions for speaking out against the university establishment or dominant ideologies of the times. Indeed, ‘academic freedom’ has enabled me to write this article. However, as William Tierney argues, ‘a concept such as academic freedom has never existed in a political vacuum; rather, the parameters of knowledge define what we mean by academic freedom, which, in turn allows some topics to be worthy of investigation and others to be unworthy of study’ (p. 144). As Dorothy Smith, in the video *Inequity in the Classroom* (Concordia University, 1992) puts it, ‘I treasure academic freedom … but I have never known academic freedom to be used to protect women’.

Freedom of speech is inherent in ‘academic freedom’. Stanley Fish (1994) argues that while conservative discourses about freedom of speech keep discourses about harm out of sight, liberal discourses assume that harm is the same for everyone. Fish says that liberal approaches to freedom of speech deny the gender politics involved in deciding who and what should be protected or silenced (p. 110). Conservative discourses about freedom of speech are also employed as if freedom of speech is accessible to everyone when, as this case has illustrated, it was employed to support some people, and not others. In arguing for freedom of speech for one group, but denying it to others, a conservative position is obviously contradictory (Spivak, 1992).

Similarly, although juridical discourses have named sexual harassment as a form of sex discrimination and provided a channel for dealing with the ‘problem’, legal avenues are not equally available to everyone. When difference is ignored, certain individuals and groups are constructed as ‘other’ and particular versions of masculinity, whiteness, and class constitute the taken-for-granted norm; what appears to be ‘a language of inclusion obscures a politics of exclusion’ (Rizvi, 1997, p. 92). As Smith (1997) argues, juridical discourses can also be used to support modernist arguments about truth so that lack of evidence and due process are frequently given as reasons to undermine women’s claims of sexual harassment.

As post-structural feminist critics point out, discourses of critical and feminist pedagogies can also operate as regimes of truth (Ellsworth, 1989; Gore 1993; McWilliam, 1997). Feminist discourses tread a difficult line between supporting women who have been targets of harassment and portraying women as victims—a position that can easily slide into blaming the victim (Evans, 1997). By incorporating everything from a ‘wolf’ whistle’ to rape, the term sexual harassment may diminish the harm caused by life-threatening forms of abuse. There is also a danger of essentialising women’s experience of
sexual harassment by ignoring difference. There is concern that the concept 'sexual harassment' itself may focus attention on gender difference (Butler, 1993), thereby serving to naturalise heterosexuality. By emphasising the 'sexual', sexual harassment policies may also undermine the existence of what might more accurately be defined as sexist harassment (Epstein, 1997). It also may deny women sexuality by focusing on 'a crime of sexuality' rather than on the act of discrimination (Gallo, 1997, p. 10). And, as the anti-feminist backlash discourses circulating around the present case illustrate, feminist and post-colonial discourses can be appropriated by dominant groups for their own interests.

**Where to from Here?**

This article illustrates that mere attentiveness to sexual harassment policies and procedures and gender-neutral approaches to a 'chilly-climate' cannot on their own change university communities for the better. Discourse analysis reveals the historic processes by which power relations in university communities are constituted—something that my earlier evidentiary approach to find out 'what really happened' could not deliver. This analysis has illustrated how the academic community's response to a case of sexual harassment supported cherished principles of academic freedom and jurisprudence, but the effect of this regime of truth was to legitimise oppressive practices. The anti-feminist discourses were also symptomatic of the gendered relations of power that lie buried within the systems of knowledge that are part of the taken-for-grantedness of daily life in university communities.

The analysis of this case has revealed the conditions that made sexual harassment possible, what Foucault calls the 'archaeology' of power. However, the question of 'what must be done?' still remains. Naive suggestions for change do not fit within this methodological approach; discursive analysis calls for recommendations at a discursive level.

As members of an academic community, we must consider carefully how we constitute ourselves when a case of sexual harassment occurs. By this, I mean that we must think of ourselves as active agents or as subjects of power/knowledge acting on others. This article has illustrated that defensive knee-jerk reactions grounded in dominant discourses have the effect of legitimising sexual harassment. Through what Foucault calls 'self-forming' activity (in Hacking, 1986), we must inculcate a desire to critique the dominant institutional discourses, including the canons of academic freedom, juridical defences and anti-feminist positions. We must foster a will to consider how these discourses construct women as Other, and limit the subject positions available to them. In short, in order to act as moral agents, we must develop a greater awareness in ourselves of how the discursive framing of sexual harassment contributes to the maintenance of dominant power relations and thereby assist in the perpetuation of sexual harassment.

Along with the will to change, academic researchers can engage in critical analyses of how power operates in specific instances. For example, research that explores how individuals who are targets of sexual harassment discursively frame their experiences may reveal important variations across difference. Research that investigates how policy administrators frame sexual harassment and how this shapes the work that they do may assist them in understanding how their constructions of sexual harassment benefit some while marginalising others. This knowledge may also assist targets of harassment to act proactively, and advance the formulation of more appropriate policies and responsible action.
Further investigation of forms of resistance is also needed. In the present case (and in the two subsequent cases), women students engaged in tactical efforts at the local level that had the effect of challenging the dominant relations of power. While the students did not, perhaps, succeed to the extent they wished, their work certainly challenged taken-for-granted academic practices and structures. After all, the professor no doubt believed that he was secure in saying what he did, the editor of the student newspaper thought it appropriate to print the professor’s piece, and the university assumed that a private chastisement was sufficient. Identifying tactics of resistance not only helps to fill gaps in theories of power, but it has the potential to foster change at the local level.

The response of members of the feminist community to cases of sexual harassment also requires further investigation. This article has shown how discourse analysis has the power to reveal recurring patterns in responses to sexual harassment in the university setting. In this case, the silence of feminist academics and their apparent reluctance to engage in oppositional discourses suggest dynamics that could be addressed and re-dressed by the feminist community. The narratives of feminist academics might also reveal the particularities of our individual contexts and the techniques of what Foucault calls ‘surveillance’ and ‘inner surveillance’ which influence our daily actions. An understanding of how feminism works at different levels, i.e. publicly and subversively, will contribute to understanding the role of resistance in theories of power, and could lead to greater collaboration in feminist efforts for social change.

While attending to discourse, it is incumbent upon us not to forget the advocacy work that is still needed. Sexual harassment continues to be part of daily life in academic communities. Those who hold formal power and prestige in the university continue to be protected, while targets of harassment struggle to have their voices heard. Universities continue to disguise punishment for sexual harassment as a ‘leave of absence’, reward perpetrators with lucrative ‘early retirement’ packages, and hide discussions of sexual harassment under administrative euphemisms such as ‘positive learning environments’. Students are still growing disillusioned with administrative policies and procedures, and leaving university life altogether. This situation must not continue.

All members of the university community (administration, faculty, staff, and students) must be involved in ongoing discussions about what counts as sexual harassment. Universities must have clear policies and procedures for appropriate and fair handling of sexual harassment cases, and these must be regularly monitored and evaluated by individuals who work at arm’s length to the university administration. Academic communities must create the material conditions that enable those directly involved to take their cases forward; individuals must be able to act as agents of change rather than being further victimised by the university system. Sexual harassment in university communities deserves our most urgent and continuing efforts and attention.

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NOTES

[1] To keep the focus on the discursive practices that surround sexual harassment, the location and names of those involved in this one case have been withheld. All document and media sources referred to in this article are on file with the author.


[3] The sections of the collective agreement that deal with sexual harassment and academic freedom are particularly pertinent. The collective agreement says that sexual harassment 'may be the subject of discipline'. The definition of sexual harassment includes 'verbal abuse' and conduct 'that creates an intimidating, hostile or offensive working environment'. The university also has its own policy on sexual harassment, which states: 'The University is committed to creating and maintaining an environment for all students and employees that is free of objectionable and disrespectful conduct. Sexual harassment will not be tolerated.' The collective agreement refers to academic freedom as 'the unimpeded search for knowledge and free expression ... including that which may be considered by some elements of society to be unconventional, unpopular or unacceptable'. The agreement does not state that academic freedom is subject to any clause that relates to moral responsibility, other than to say that 'academic freedom does not confer legal immunity'.

REFERENCES

Concordia University (1992) In equity in the Classroom (Video) (Ontario, Concordia University, Office of Status of Women).
Fish, S. (1994) There’s No Such Thing as Free Speech: and it’s a good thing too (New York, Oxford University Press).


