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## **THREE STORIES AND FIVE QUESTIONS**

### **ARISING FROM RESEARCH ON ACADEMIC MOBBING**

A paper prepared for the conference, “Absender unbekannt. Verfahren der Wissenschaft zum Umgang mit anonymen Anschuldigungen,” 20./21.02.2020, Universität Passau, Bayern, Deutschland

Kenneth Westhues  
University of Waterloo, Canada

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Thanks and compliments to the organizers and participants of this conference. Its topic is of urgent practical importance, in universities as elsewhere. I am honoured to be invited to take part and regret that I cannot do so in person. The best way I can contribute may be to offer some provocative stories and questions that, whether as inspiration or foil, may facilitate conversation among those in attendance.

#### **Story No. 1, about an emperor**

The first story is one everybody knows, Hans Christian Andersen’s tale of imaginary new clothes that a vain emperor thinks are real. A team of crooked tailors has duped him, pretending to make him magnificent ceremonial robes that are invisible to worthless people. The emperor falls for the ruse, claiming he can see the clothes clearly. His courtiers and subjects fall for it, too. They marvel at how beautifully the emperor is attired, knowing that if they say otherwise, they will be

thought worthless. All except one small child who believes his own eyes instead of the tailors' illusion and who blurts out simply, "The emperor is not wearing any clothes."

Imagine the story with a different punch line: that a magistrate receives an anonymous tip that the emperor is parading naked through the streets, and therefore, in accordance with Policy 11, orders an investigation by an expert in men's fashion.

Such an ending would spoil the story. If the child kept his identity secret, he would be a political player like everybody else. What makes the child a hero is not just that he sees the empirical truth, but that he speaks that truth openly and honestly, without trying to hide from the consequences of his own actions.

Anonymous accusations form part of many, probably more than half, of the hundreds of cases of academic mobbing I have studied over the past twenty years. In addition, I have often had to deal personally with anonymous accusations in a workplace for which I have been responsible, as teacher, professor, academic administrator, or member of a governing board.

From these varied experiences I conclude that an anonymous accusation rarely makes a good story. It is never the whole truth, but at most a partial truth: asserting one thing, some kind of wrongdoing, while concealing a closely related thing, namely the accuser's identity. The protagonist of Andersen's story was not asserting and concealing at once. The child was transparent and uncontrived, throwing caution to the wind, without artifice, subterfuge or game-playing – human action at its best. That is why the story is a classic in Western civilization.

## **Story No. 2, about politics in Niagara Region, Ontario**

Now a true story from Canada's Niagara peninsula, where I live, a regional municipality of half a million residents. In 2015, a retired military officer named Ed Smith got involved in trying to save a 200-hectare wetland near Niagara Falls from being developed into hotels, businesses and condo towers. The next year, on his own initiative as a private citizen, he authored a long report alleging deceit and underhandedness by public officials charged with protecting the natural environment. His report was not anonymous. He took personal responsibility for what he said.

In response, the Niagara Peninsula Conservation Authority and its Chief Administrative Officer filed suit against Smith for defamation. They gave him what is called a SLAPP, "Strategic Lawsuit against Public Participation." The claims against Smith totalled close to €2.5 million.

In 2017, the court threw out the defamation suits, awarded costs to Smith, and wrote a strong defense of a citizen's right to criticize public authority. In 2018, most members of the governing board of the Niagara Peninsula Conservation Authority, indeed most members of the regional government, were voted out of office, and the top-ranking bureaucrats were fired. In 2019, an investigation by the Ontario Government corroborated most of Smith's accusations. He himself was appointed to the board of the Niagara Peninsula Conservation Authority. The regional government publicly thanked him for his outspokenness and activism.

Ed Smith was not alone in his campaign for political change in Niagara. Besides his signed accusations, there were anonymous ones, some true, others false. Smith, however, has deservedly become the main local hero. Like the child in Hans Christian Andersen's story, Smith stuck his neck out and honestly spoke his mind. Thereby he turned Niagara politics right side up.

His story gives us more hope than the one about the emperor's clothes. Andersen wrote that even after the crowd of onlookers, freed from their stupor by the outspoken child, were crying out, "He has nothing on at all," the emperor continued the procession, his servants carefully holding the long train of his imaginary robes. In real-life Niagara, the little emperors lost their jobs.

### **Story No. 3: about a school principal**

The third story is also true, the best story I know about what an official should do with accusations he or she receives. To understand this story, you have to know that we have two public, tax-supported school systems in Ontario, one for Catholics and one for everybody else. Schools outside these two systems are allowed, but they receive no tax support and are financed entirely by tuition fees and donations.

In 1967, a plucky group of parents in the city of Waterloo established a private elementary school: secular, French-English bilingual, Grades K to 8, enrollment about 200. Against all odds, the school has endured and thrived for fifty years, the most recent thirty of them with the same man as principal, a motorcycle-riding Frenchman.

As a member and then president of the board of directors for many years, I had a chance to see at first hand how the principal kept the school afloat and made it a success. He did it by keeping his attention fixed on the school's purpose: teaching children to read and write and count and think in English and in French. He was singleminded, a zealot for learning.

As you can imagine, his daily life was a never-ending series of complaints, accusations, and demands by helicopter parents for whom no school could possibly be good enough for their little darlings. How did the principal respond? Generally, by diverting his eyes and ears from gripes and grievances, meanwhile steering conversation back to the school's essential purpose.

At our monthly board meetings, we did not sit around a conference table in chairs designed for important people. We sat in a classroom, in a circle of uncomfortably small school desks.

Board members often arrived eager for punishment of some teacher or child, but the meeting would begin with the principal's report, which radiated such joy in children's climb up the learning curve, and which usually went on so long, that by the end of it everybody was reassured and eager to go home.

One day, on the other hand, the principal heard whispers that a boy had brought a handgun to school, intending to sell it to another boy. The principal found the gun and with no hesitation at all he telephoned the police and expelled the boy.

No policy or procedure in an educational institution can substitute for good judgment and a sound sense of priorities among administrators. Mediating and adjudicating accusations will consume all of everybody's time and good work will be lost to internal bickering unless administrators keep their eyes on the ball, their sights on basic goals: teaching children in the case of an elementary school, preserving and advancing knowledge in the case of a university.

Several venerable British schools have as their motto, "Doce, disce, aut discede." Teach, learn, or leave. No school has for its motto, "Accuse" – even though accusation, like punishment, may sometimes be necessary. Recall that the principal took punitive action when the boy brought a gun to school. But that was exceptional.

The lesson of this story for a conference on anonymous accusations is what Goethe advised and Nietzsche repeated: "Distrust all those in whom the impulse to punish is powerful." Judging the truth or falsity of ideas is at the core of what a university is about. Judging the guilt or innocence of individuals is out on the periphery.

### **Anonymous accusations and power**

In different ways, these three stories point to this paper's overall thesis, that in universities as elsewhere, accusations generally do little good, and anonymous accusations even less. They turn attention inward instead of outward, toward achieving goals. What has been called a "[culture of complaint](#)" undermines and weakens academic life.

The effect of anonymity on an accusation is to shift the balance of power among those involved.

The power of the accuser is increased. He or she takes no risk. However false, malicious, or scurrilous the accusation may be, the accuser suffers no penalty.

The power of the accused is reduced. He or she is deprived of one of the most basic means of defense, namely challenging the accuser's credibility.

The big winner is the administrator who receives the anonymous complaint – a university's president, dean, department chair, or functionary appointed to handle some class of accusations like sexual harassment, bullying, or research misconduct. Whether or not to investigate the complaint, what form the investigation should take, whether or not to place restrictions on the accused person while the investigation is underway, when and how fully to inform the accused person, when if at all to make the complaint public – these decisions, even if bounded by policies, amount to power. Exercising that power entails risk, but it is still power, enough to destroy the career of the accused – or, should it backfire, an administrator's own career.

Academics in Germany need no reminder that encouragement of anonymous denunciations, receptiveness to them, is a hallmark of authoritarian governance. During the Nazi dictatorship, the SS and Gestapo welcomed tip-offs about dissidents. One of the enduring memories of my visit to Cuba years ago is the large, government-sponsored billboards urging Cubans to report suspected enemies of the revolution.

Benjamin Ginsberg's *The Fall of the Faculty: the Rise of the All-Administrative University* (2011) and Alan Kors and Harvey Silverglate's *The Shadow University* (1998) are just two of the books that document the growing power of academic administrations *vis-à-vis* the professoriate. Administrative advocacy of anonymous accusation is one way to advance this stultifying trend away from free inquiry and tolerance of difference. One must be wary of any administrator or professor who, perhaps out of real but misguided sympathy for the oppressed, encourages anonymous reports of alleged wrongdoing.

More than enough such reports will land on administrators' desks without their being invited. Each one must be studied carefully in light of the university's purposes. Maybe action is required, maybe not. The recipient should keep in mind what the accuser asks: that the recipient carry a hot potato (*heißes Eisen*) that the sender will not carry himself or herself. There is a contradiction between hiding one's own identity and accusing another of having something to hide.

### Five questions

In the final part of this brief paper meant to stimulate productive conversation, I list questions that this conference may help answer. These questions arise regularly in research on academic mobbing. I submit for discussion the best answers I have found in my studies in this field.

#### **1. Under what conditions should an academic administrator act on an anonymous accusation?**

Every accusation is different, every situation unique. Nonetheless, guidelines can be formulated that reduce the risk of harm:

- If the probability of damage to a university's purposes appears to be higher by taking action than by doing nothing, then the accusation is best ignored until somebody puts his or her name on it – an assessment analogous to Type 1 vs. Type 2 error.
- If the accusation is vague ("disrespects and talks down to students"), it deserves less attention than if it is specific ("was obviously drunk, slurring words and staggering, in three of the past six meetings of our class").
- An accusation has more credibility if it is accompanied by supporting evidence (for example, a photocopy of pages of a book allegedly plagiarized from somebody else's book). If the evidence is clear and compelling, whether the accusation is signed or unsigned makes little difference.
- To the extent the anonymous accuser offers a plausible explanation for the anonymity (for example, that the accused has threatened physical violence to the accuser if he or she makes a complaint), there is more reason to take the accusation seriously.

- If the truth or falsity of an anonymous accusation could be determined only by the accuser's own testimony, evidence known only to him or her, if the recipient has nothing to go on but the accuser's word, the recipient should think twice before doing anything.

## 2. Who should handle an anonymous accusation?

I mean this question at the level of policy, not individuals. In every university administration some people, regardless of position, have better judgment than others. In a number of mobbing cases I have studied, the departmental secretary, despite having little authority, solved difficult interpersonal problems with good sense, ability to tell right from wrong, courage, and imagination. Apart from personal considerations, however, the policy question is which positions in the administrative structure should have authority to deal with anonymous accusations.

My studies of mobbing and other forms of workplace conflict suggest the following:

- If the accusation is of a serious crime (battery, sexual assault, or property theft, for example), it should be turned over to the police – what the school principal did in Story No. 2 above. Academic administrators should not try to play cop. Campus tribunals are no place to adjudicate charges of criminality.
- Accusations, anonymous or signed, are generally best handled by administrators with line authority – president, vice-president, dean, department chair – because they are more likely to have a broader perspective from which to handle the accusations sensibly. Offices, whether individuals or committees, specially appointed to deal with accusations of bullying, sexual harassment, or research misconduct tend to encourage zealotry and do more harm than good. This is one lesson of [the case of Marcella Carollo](#) at ETH Zurich. My own university, Waterloo in Canada, established a special tribunal called the "[Ethics Committee](#)" in 1982, to handle accusations of unethical behaviour, but disbanded the tribunal in 1998, amidst public embarrassment, and returned that responsibility to administrators in the overall chain of command.
- Never should the recipient of an anonymous accusation handle it himself or herself, regardless of the position the recipient holds, if he or she has a close personal relation with the one accused. This rule is generally followed if the relation is positive: husband, wife, lover. It should be followed equally if the relation is negative: spurned lover, ex-lover, opponent in academic politics. Many mobbing cases can be traced to a false anonymous accusation received and acted upon by an administrator against a colleague who opposed the recipient's appointment to the administrative position.

## 3. Do multiple accusations against the same person, as opposed to a single accusation, give added cause for investigation of and action against the accused?

A multiplicity of complaints against a professor or student does not necessarily make the case against the accused more credible. If the accusations are unsigned, ten of them may be the work of a single accuser, or two or three.

In any case of multiple accusers, a key consideration is whether or not they know one another and have spoken to one another about the accused. Multiple accusations gain credibility if they are entirely independent, made by people unknown to one another. If the accusers know one another, this may well be a mobbing case. I have many examples in my files. A student shares a suspicion with fellow students, or a professor with colleagues. The suspicion is exaggerated and embellished as it is told and retold. It "hardens" through social contagion, until it becomes an accusation strongly affirmed by multiple accusers – even when scant evidence supports it.

#### **4. Under what conditions, if any, should an anonymous accusation be made public, in advance of a court or quasi-judicial authority hearing the matter and reaching a decision?**

The presumption of innocence has been enshrined in Western jurisprudence at least since the Justinian Codes of the sixth century, but its force is much reduced in our time by social media and other forms of mass digital communication. If an accusation is made public and "goes viral," the accused can lose everything – reputation, position, career, health, friends, family, life itself – even if he or she is later found not guilty by a court, university, or professional body.

New terms have been coined to describe the public, collective debasement of people through the new information technologies, in effect a finding of guilt, long before any official verdict or even without any charge being formally laid: [cancel culture](#), [internet vigilantism](#), [online shaming](#), [virtual mobbing](#).

Tom Flanagan's *Persona Non Grata* (2014), Jon Ronson's *So You've Been Publicly Shamed* (2015), and Helen Andrews's "[Shame Storm](#)" (2019) are three perceptive analyses of virtual mobbing in our time. Clint Eastwood's 2019 film, *Richard Jewell*, powerfully illustrates this phenomenon in the case of a security guard falsely accused of planting the bomb he discovered and responsibly, even heroically, reported to the police.

The Swiss newspaper, *Neue Zürcher Zeitung*, broke the Carollo story in October 2017, without naming either the student accusers or the accused professor, though the latter's identity could be guessed. That same month, [ScienceMag](#), a blog of *Science* magazine, flagship publication of the American Association for the Advancement of Science, repeated the story, still leaving the accusers anonymous but naming Professor Carollo. Among astronomers and physicists, the story spread like wildfire. The online shaming of this professor went a long way toward destroying her career and effectively undermined the presumption of innocence. By the time she was formally dismissed in July 2019, almost two years later, amidst widespread recognition that a witch burning had occurred, her good name and work were already spoiled.

In general, fairness requires symmetry in the public naming of parties to a dispute. If the accused person is named, so also should the accuser be.

#### **5. With what words should the accused and accusing parties be described?**

Out of fear of a defamation lawsuit, newspapers routinely insert the word *alleged* in stories about somebody accused. Other language may nonetheless undermine the presumption of innocence and sneakily bias public opinion against the accused.



*Victim* and *survivor* are two words that should never be used to describe the accuser unless and until the accusations have been found to be true by due process of law. The same goes for *bully* and *predator* when applied to the accused.

Another common word best avoided is *whistleblower*, since it, too, lends premature credence to the accuser, as if it is already clear that a serious wrong has been uncovered. The "Whistleblower Protection" policies that have become common in universities protect not only noble accusers with well-founded complaints, but mistaken tattletales, shameful leakers, self-serving liars, and chronic complainers. Neutral language should be preferred, as in "Accuser Protection Policy."

Out of fairness to all concerned, policy-makers and administrators should use plain, accurate descriptors that do not have guilt or innocence built into them. There are but two main parties to any accusation, the one accusing and one accused. Calling either party by a value-laden term, whether complimentary or pejorative, says more about the speaker than the one spoken of.

## **Conclusion**

This paper has not set forth a comprehensive argument about anonymous accusations, but only raised questions that need to be addressed. I know of no institution with a blanket rule that such accusations should be ignored, much less a rule that they should be routinely investigated. I would not propose any such rule. Academic life is complex. This paper has merely identified some of the factors that recipients of anonymous accusations should weigh, when deciding what action, if any, to take.

There is no mistaking, however, the overall thrust of this paper: that accusations in general, anonymous ones in particular, distract from the essential work of a university, namely teaching, research, and scholarship. A detailed policy on how to deal with anonymous accusations would likely exacerbate the distraction. The perennial challenge professors and administrators face is how to keep resources mobilized for serving public purposes and not get bogged down in a swamp of cavilling, bickering, fault-finding, and recrimination.

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## **BIO**

Kenneth Westhues (PhD Vanderbilt 1970), sometime Chair of Sociology and Distinguished Teacher at the University of Waterloo, Canada, is now Professor Emeritus. He has taught also at Fordham in New York, Memorial in Newfoundland, Graz in Austria, and elsewhere. Workplace mobbing, especially in universities, has been the main focus of his research since 1998. On this topic he has lectured widely across Canada, the U.S.A., Mexico, Australia, and Europe, and consulted as expert witness in about 20 court cases and arbitrations. Among his dozen books are *Eliminating Professors* (1998), *The Envy of Excellence: Administrative Mobbing at the University of Toronto* (2003), *Workplace Mobbing in Academe* (ed., 2004), and *The Remedy and Prevention of Mobbing in Higher Education* (2006). Much of his writing is freely available online at <http://www.kwesthues.com> His email address is: [kwesthue@uwaterloo.ca](mailto:kwesthue@uwaterloo.ca)