

teachers into one big teaching union, and if such a fusion were to occur, then the interests of general, non-academic staff would be submerged in the predominant interests of the industrial affairs of teachers.

Proceedings are ongoing before the Australian Industrial Relations Commission to resolve these issues. Demarcation applications are outstanding under Section 118A of the *Industrial Relations Act 1988*, and there is also a pending application for amalgamation between FAUSA and FCA, which involves the incorporation into the amalgam of those members of the general staff who are not covered, as a matter of actual membership and representation, by existing federally registered organisations. Agreement on the broad structure of a National Tertiary Education Union ("NTEU") has been reached, involving the major academic unions, but also some significant unions representing general staff at the Australian National University, the University of Adelaide and various campuses in Victoria<sup>11</sup>. It is this amalgam that is going forward under the provisions of the federal industrial statute in an attempt to forge a registered alliance between academic and general staff. The unions involved argue that their "collective strength and political/industrial influence will be immeasurably enhanced by an industry union"<sup>12</sup>. Clearly, a policy choice is looming for the IRC - one which has the capacity to influence industrial relations on the campus well beyond the 1990s.

### Academic tenure: Is it a myth?

Some commentators are scathing as to the supposedly protected nature of university academic employment - pointing to the tenured lecturer as having "a job for life" irrespective of performance.

However, the ironclad security of tenure is a myth. Since the mid-1950s, and the celebrated case of Tasmania's Professor Orr, it has been clear that there could be dismissal for misconduct. And the IRC has insisted on the possibility of compulsory redundancy. Award restructuring has meant the monitoring of performance.

Thus, security of employment has been heavily qualified. It remains important that there is, for a significant proportion of the academic staff, an expectation of an ongoing employment if that much abused term "academic freedom" is to have meaning, if heresy and fearlessness are to remain a vital part of scholarly life.

### University management: Are the private sector tests appropriate?

There is a real question as to whether private sector managerial techniques, with their emphasis on efficiency and profitability, are really appropriate to be applied to the community of scholars which constitutes the modern university.

No one can condone inefficiency, for example, the refusal of an academic to produce adequate standards of teaching and research. Such non-performance is not only unfair to the students, but also a squandering of public funds at a time when the assets allocated to tertiary education are preciously short.

On the other hand, it seems respectably arguable that a qualitatively different approach needs to be taken to an institution concerned with encouraging intellectual endeavour compared to an enterprise churning out manufactured metal products. Factor productivity is measurable in the metal manufacturing shop but is dauntingly difficult in a situation where the products are teaching and research.

Without falling into the trap of suggesting that laxity or incompetence are tolerable, one can respectably question the application of the new managerialism to the university, not as to its simple encouragement of efficient operations, but rather based upon a managerial ethos which dislikes, disrespects, and disregards public activity<sup>13</sup>. As Professor Gerald Caiden has argued, new managerialism may well be an inappropriate instrument for public administration in that it is "derived from a business culture whose mission - making money for business people regardless of how, at whose

expense or at what social cost - is quite different from a civic culture on which contemporary public administration in democratic societies is based"<sup>14</sup>.

### Conclusions

These are but some of the challenges for the 1990s. They are attended by controversy. They are not susceptible of any simple answers. But given the now accepted vital importance of education and training to our economy, sensible, acceptable answers to these dilemmas are critical to the harmonious, fair administration of universities in the years ahead.

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## Articles

# Sex on campus - where does 'consent' end and harassment begin?

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As a result of federal and/or state anti-sex discrimination legislation, most Australian universities have established committees and procedures to deal with sexual harassment complaints. The Commonwealth Sex Discrimination Act (1984) stipulates that sexual harassment<sup>1</sup> is unlawful, and under section 106 holds an employer vicariously liable unless "... all reasonable steps were taken to prevent the employee or agent committing an act of sexual harassment" (Ronalds, 1987, p.120). The Act refers specifically to the fact that it is unlawful for staff of educational institutions, including universities, to sexually harass students.<sup>2</sup>

In 1989 and 1990 I served on the Sexual Harassment Committee of the University of Adelaide. The Committee consisted of a Convenor, the Equal Opportunity Officer, representatives of academic and general staff, and postgraduate and undergraduate student representatives. Its function was to address complaints which came to it directly or through a network of contact officers based around campus. This structure was set up to provide students with numerous and less formal points of access for seeking assistance and advice. During my two years on the Committee we had few cases to deal with officially. The message from the contact officers was that students were still deterred by the formality of the complaints mechanism.

While I think that it is probably possible to design a more responsive and 'user-friendly' administrative structure, other complementary approaches are necessary. Part of the problem<sup>3</sup> it will be argued here, is the ambiguity which surrounds the nature of sexual relations between staff and students. And this, of course, is directly related to the fact that most senior academic staff are male and many students are female.<sup>4</sup>

So long as it is generally accepted that romantic affiliations between students and staff are to be expected as only 'natural', students will hesitate to take action against harassers. Since, in their eyes, it will only be their word against an employee of the institution and a member of a highly esteemed profession, their hesitation is understandable. All the complicated issues about the 'intent' of the approach, whether the student was 'complicit' up to a point, whether she might be punishing an academic who rebuffed her after a brief affair, whether the academic was aware that his advances were unwelcome, will mean that students will be reluctant to make complaints.

Changing the culture of the university so that it is assumed that academic staff will avoid romantic involvements with students would clarify the situation and empower students with harassment problems. It would also acknowledge and respond to the distinctive nature of staff-student interactions which are characterized by dependency and unequal power.

In this paper I develop a two-part model for regulations to govern staff-student consensual sexual relations to be included in university sexual harassment policies, and suggest that similar rules be written into the code of teaching practice currently under consideration (*The Australian*, 4 December, 1991, p. 18).<sup>5</sup> Under the first part, it will be held to be unethical and reprehensible for any academic to have a sexual relationship with any student under his or her

supervision. This would include students who are being marked by the staff member. In these cases, other staff members would have a moral and ethical obligation to report such cases should they become aware of them.

Under the second part, there would be a general understanding that all staff-student sexual relationships are unethical and unacceptable. Crucially, in these cases, for reasons to be explained later, action against the offending staff member could be taken only by the student concerned.

The first proposal is gaining acceptance and is being incorporated in sexual harassment policies in a number of American universities, including Harvard and Iowa (Clark, 1991, p. 545; Cole, 1990, pp.180, 195). It is also FAUSA policy, as is shown later, though in my experience few people appear to be aware of this fact (FAUSA, 1989, p. 43-44). The second proposal is more contentious. The remainder of the paper is a defence of the recommended model.

### Sex and power

It is necessary to consider the situation on university campuses in the context of society-wide gender relations. This is because universities emerge from and reflect the attitudes and power relations in society at large. In fact, it could be argued that universities are archetypal patriarchies. Historically they were created to educate men, and women were excluded. Today a significant number of students are women, but the positions of power are still largely in male hands (Gale and Lindemann, 1988). While it is impossible to do justice here to the meaning of patriarchy in women's lives generally, a few salient points about the connections between power and sexuality need to be made.

Recent literature has drawn attention to the way in which our working environment is 'sexualized' (Hearn, 1989). Many boss-worker relations, with the male most often the boss and the woman most often the employee, have a sexual component. We are all too familiar with the jokes about secretaries who fill the ambiguous role of mother and sex object.<sup>6</sup> The doctor-nurse situation is comparable.

The idea that female employees have a sexual role to fill is seen in the presumption that they should be attractive, by some twentieth-century Western standard. They are to be attractive for the boss, of course, but also for the clientele who in many instances are presumed to be mainly men. A few years ago it would have been considered completely acceptable, for example, for an airline to dismiss a pregnant employee for 'aesthetic' reasons. Women are still expected to 'present' in a particular way, to uphold appearance norms which go beyond any expectation of tidiness or cleanliness. Appearance then for many women has become a work qualification, and the links between personal attractiveness for women and success permeate every part of our culture, including universities.<sup>7</sup>

At the very same time those who 'measure up' to some generalised view of beauty and those who do not are equally susceptible to insult and assault. Almost invariably, when these behaviours occur, the women involved are chastised for dressing in a 'provocative' manner or for going out to places or at times deemed 'inappropriate'. There is a neat circularity in the way in which these injunctions serve to

constrain women's activities.

The problematic way in which sex and power are connected in our society is clear in both rape and sexual harassment. For some time now feminists have been emphasising that rape and harassment are more about power than about sex. Susan Brownmiller described how rape is a weapon to keep women 'in their place', how the fear of rape restricts women's activities and how the act itself is meant to humiliate (Brownmiller, 1975). It is perhaps even more accurate to describe the problem we are addressing as the way in which power is exercised through sex. This problem is dramatized in the eroticization of violence in much pornography and in some advertising.

Sexual harassment, like rape, is a mechanism of social control. It is a way of telling women that they don't belong, that their most important characteristic is their sexuality. This interpretation is supported by evidence that women who enter male preserves are those most likely to be sexually harassed (ACOA, 1983, p.39). In this case it serves to reinforce the segregation of the labour market, keeping the majority of women in low-paid, low-status, often service occupations.

Caroline Ramazanoglu sees a similar role for sexual harassment at the university. She describes it as a 'structural mechanism' which reproduces a patriarchal order and '... which constructs women as actual or potential threats to this order' (Ramazanoglu, 1987, p.61). A study of sexual harassment at Berkeley University provides support for this view. It concluded that one of the main long-term consequences of sexual harassment has been the '... cumulative effect of eroding women's commitment to careers in male-dominated areas' (Benson and Thomson, 1982, p.236).

Ramazanoglu makes a powerful case for understanding mechanisms designed to keep women in their place as 'forms of violence'. Violence is defined here as '... any action or structure that diminishes another human being' (Ramazanoglu, 1991, p.64). The techniques most prevalent in academia in her experience are verbal and vocal violence and sexual harassment.

Our social norms characterise male sexuality as assertive, even aggressive. Women are seen, by contrast, as passive and receptive. When women appear to threaten male preserves, such as certain jobs, they are put in their place by invoking male sexual dominance. Since this is less easily invoked against the women doing the actual challenging, the male can assert his masculinity through harassing women with less power.

### Power in academia

Given this background it is essential to be aware of the complex power dynamic at work on a university campus.<sup>8</sup> Vita Rabinowitz describes what she calls the 'diffuse power' of the professoriate. While it is true, as she says, that academic staff do not have hiring and firing power over most students, they do indirectly control access to future advancement through the assigning of grades, the writing of letters of recommendation, and the provision of research and clinical opportunities (Rabinowitz, 1990, p.104). These roles are most often filled by a staff member with direct supervision over a student, but other staff members may occasionally perform these tasks for students not officially their responsibility.

Academic staff also have power as a result of the mystique associated with their position. They are 'wise', the 'intellectual elite'. Students look up to them and aspire after their skills and their recognition. This mystique extends beyond the official relationship between a staff member and students under his supervision.

As in many other professional relationships, such as doctor/patient, priest/parishioner, there is also a special relationship of dependency and trust between academic and student. The very nature of the teaching relationship means that students are open to influence. Many academics in fact see their role as 'shaping the minds' of students.

Academic staff also have the opportunity to make subtle and slow, rather than blatant, advances given the nature of staff-student

contact. They can accumulate credit over time for potential sexual favours through extra help with assignments and extended deadlines, for example (Rabinowitz, 1990, p.106). Again, staff members without direct supervisory responsibility for a student may offer assistance with particular academic assignments. Academic staff often have students referred to them for specialist advice on particular topics.

The structure of the university also interacts in particular ways with psychological dynamics to increase women's susceptibility to seductive behaviour and makes it difficult for female students to see male academic behaviour as harassment (Zalk, Paludi and Dederich, 1990, p.106).<sup>9</sup> Most often female students are younger and less experienced than male academic staff (Rabinowitz, 1990, p.105), increasing their vulnerability. The power academics wield can also create an atmosphere of tension and fear. Psychologists tell us that the physiological arousal accompanying fear can mistakenly be interpreted as love (Middlebrook, 1974, p. 437).<sup>10</sup>

This combination of circumstances means that the staff-student relationship needs to be considered a special case. It is not directly analogous to an employment situation and therefore stricter regulations are required.<sup>11</sup>

Bruce Wilshire believes that, in the circumstances of a staff-student relationship, genuine consent to a sexual involvement is impossible:

*The teacher holds an advantage in power, and can take advantage of the student in ways which the student may not be able to understand. Hence, for example, consent by the student to sexual overtures made by the professor cannot in itself legitimate such practices* (Wilshire, 1990, p.94).

Peter Rutter goes further than this to suggest that the power imbalance imposes obligations on the one holding the power. In his view male doctors, academics, priests, lawyers and other professionals who have this special relationship of trust with clients have moral, legal, and ethical responsibilities '... not to allow themselves to become sexually involved with their female patients, clients, parishioners, students, and proteges' (Rutter, 1989, p.19).

### The meaning of consent

It is relevant in this context to consider the problematic way in which consent figures in understandings of male-female relationships. Carole Pateman describes the understandings as ambiguous and contradictory. Women are seen as incapable of consenting, and yet as consenting all the time, even when apparently consent is being refused (Pateman, 1989, p.72).

Classical social theorists, Pateman tells us, seldom included women on the same footing as men in discussions of relationships to the state. Women's 'consent' to a marriage meant historically subsuming their personhood under their husbands (Pateman, 1979, p.74-76; see also Pateman, 1988). It was long assumed that a married woman was represented politically by her husband. For men, 'consent' implied informed judgment and commitment; for women, obedience to a spouse. While today these anachronistic limitations on women's social and political status have been removed in some countries, the sexual division of labour and women's assumed dependency on a male continue to regulate and limit the nature and extent of women's involvement in 'civil' society.

The way in which the notion of consent has been applied to sexual relationships is also problematic for women. In the first place, as Pateman perceptively notes, the whole idea that legitimate sex depends upon the woman's 'consent' reproduces a range of assumptions about gender roles, with the male the sexual aggressor and the woman compliant (Pateman, 1989, p.84).

Rape cases have come to hinge upon establishing the woman's 'consent' or lack thereof, and the man's awareness or assumption about that consent. The focus then has been upon the woman's behaviour and what she might have done to lead him to believe she consented.

The common presumption that when a woman says 'No' she

really means 'Yes' (a presumption Pateman traces back to Rousseau<sup>12</sup>) has increased the onus on women to prove that refusal could not have been misinterpreted as 'consent'. In the past this has meant that a woman had a better chance of securing a conviction if she could display the bruises of resistance, and next to no chance if it were established that she was a 'loose woman'. It also provides the rationalization for much sexual harassment, the argument being that male 'persistence' is both expected and necessary. The simple claim that a female student 'consented' to a sexual encounter cannot be removed from this complex of attitudes.

Consent theorists also start with a presumption of 'freedom' and 'equality' among the contracting parties which ignores the reality of power and domination in our sexual and political lives (Pateman, 1989, p. 83). Discussions about consent and consensual sexual relations need rather to be framed in the context of existing inequitable relations between women and men.

Catharine MacKinnon doubts that any woman today ever really freely enters a sexual relationship. They are constrained to do so by the reality that their economic future often hinges upon finding a 'good provider' and keeping him. In MacKinnon's words, '... the social relation between the sexes is organised so that men may dominate and women must submit and this relation is sexual - in fact, is sex' (MacKinnon, 1987, p.3).

Other feminists would not wish to go this far and insist instead that women are not always powerless. Some, if fact, would see Rutter's injunction that male academics not 'allow themselves' to become sexually involved with students as patronizing to the women involved. A balance must be struck between recognizing the problems caused by the unequal power between men and women while retaining a place for women to exercise some control over their own lives.

The way in which the even greater imbalance between a female student and a male academic, and the particular dynamics of a teaching relationship further complicate notions of consent has been touched on above. It still remains essential, however, to provide some room for the female student's agency. Not all will be disempowered equally.

The model endorsed here achieves this balance. In general the student will be the initiator of any complaint, be it against an official supervisor or some other male academic. Hence, the action is empowering. The provision for complaints by other staff members in cases where supervision or marking is taking place is justified by the possibility that a form of nepotism could be operating which disadvantaged other students.

### Men and manners<sup>13</sup>

In recent work Jeffrey Minson has been arguing that more could be accomplished in changing men's objectionable behaviour by abandoning '... the onus of purifying the motives and desires of male populations' and adopting instead a more modest approach which concentrated on 'tangible changes in attitude, conduct, reparations, etc.' (Minson, 1989, pp.213-216). He emphasises that the goal for women should be changing men's behaviour and that some strategies which focus upon personal responsibility, good manners and professional conduct could be useful in achieving this end.

Minson is sensitive to the feminist concern that the ethos of 'good manners' or 'gentlemanly conduct' in the past was closely linked to men's 'possessory interest' in women. But he remains convinced that the tendency to take the 'moral high ground' and to engage in what he calls 'ethical emotivism' may be less successful in securing acceptance of the problem.

There is no doubt that a generalized challenge to particular behaviours in the workplace, in other public institutions, and in domestic life, along the lines Minson suggests, could do much good. In fact, one of the great strengths of this approach is the emphasis on behaviour separated from disputes about intentions.

But it is a path which must be trod warily. The terms of the

challenge must be clear and they must no longer be the terms of sexual etiquette. Confronting men with responsibility for their actions and indicating that harassment of women is simply unacceptable behaviour may have some effect. But emphasis must be placed on the reasons for this — that is, it is not because women require particular respect, but simply because women should not be harassed or victimized. As Minson stipulates, sexual harassment should be seen as a '... breach of a code of practice of "equitable manners" bearing on women's status as an industrial citizen' (Minson, 1991, p.i. Emphasis added.).

It should be possible then to invoke Minson's suggestion as one strategy among many to address entrenched habits so long as some version of the old double standard is not recreated. The reason that this is so important is that the kind of paternalism appealed to in references to 'gentlemanly conduct' is the 'flip-side' of the kind of attitude which produces sexual harassment. You cannot, I'd argue, use one version of sexism to fend off another when they, in point of fact, feed off each other. Language is important here. It seems both more appropriate and safer to refer to 'ethical conduct' than 'manners'.

### Codes of ethics and sexual harassment

There is a good deal of talk about ethics in the community these days, reflecting perhaps a desire for more certainty in the nature of our social interactions. Since such codes have not eliminated unethical behaviour among those groups which have them, I am not totally convinced that appeals to ethics will prove effective.

As Nordenstam and Tornebohm point out, 'Codes of professional ethics often have the character of defenses of the interests of the profession rather than of instruments for protecting the interests of all parties concerned'. In their view such codes must be accompanied by education in 'ethical competence' (Nordenstam and Tornebohm, 1978, pp.14-15).

Still, the notion of a code of ethics for teaching professionals appears to be an ideal way to establish and publicize a community expectation about appropriate behaviour. In my view, such a code would be supplementary to and not substitute for the sexual harassment procedures outlined above.

The Canadian Association of University Teachers has recently produced a set of guidelines on professional ethics for university teachers and is encouraging individual universities to consider enacting them with appropriate grievance procedures (CAUT, 1990). These guidelines might provide a useful starting place for something similar in Australia, though I will argue that the clause on sexual relations ought to be stronger.<sup>14</sup>

Under the heading 'University Teachers as Teachers', clause 2.8 stipulates:

*Where a professor<sup>15</sup> and a student are in a close personal relationship such that there is, or may be perceived to be, a conflict of interest or possible favouritism (such as being spouses to one another, parent and child, or siblings) then the professor is advised to decline or terminate a supervisory or evaluative role with respect to the student in question, and, when necessary, to make appropriate alternative arrangements for the supervision and/or evaluation of the student's work* (CAUT, 1990, p.25-2).

The specific case of close relationships of a sexual nature, unfortunately, is not mentioned here. Instead there is a separate Appendix II entitled 'Abuse of Professional Authority: Sexual Harassment'. This provides a useful introduction to the meaning of sexual harassment and to the university's commitment to develop '... a cooperative educational program to sensitize members of the community to the unacceptability of such conduct'. Clause 6 explains that:

*These principles are not intended to inhibit normal social relationships of freedom of expression which are in accord with professional ethics as set out in the CAUT Policy Statement on Professional Ethics and Professional Relationships. An individual entering or involved in a*

sexual relationship with a consenting adult who will be or is subject to that individual for evaluation or supervision should decline or terminate the supervisory or evaluative role (CAUT, 1990, pp.25-8).

CAUT also produced a 'Model Clause on Abuse of Professional Authority: Sexual Harassment' which lecturers would be expected to sign. It begins: 'The parties agree that sexual harassment as defined herein is an abuse of professional authority and may be the subject of discipline'. Item 5 is similar to clause 6 in Appendix II:

*This article shall not be construed so as to inhibit freedom of expression or consensual social or sexual relationships. A member who is involved in, or is entering into consensual relationship which the member is concerned may relate to matters dealt with in this article may advise the dean of those concerns and ask the dean to relieve him/her of any related supervisory or evaluative role. The dean shall make every reasonable effort to meet such a request.*

There is much that is useful in these proposals. The idea of a 'model clause' which must be signed could play an important educative role. The inclusion of a specific directive to terminate an evaluative or supervisory role with persons with whom one is intimately involved is absolutely essential. This, as stated earlier, is already FAUSA policy. FAUSA has in fact gone further in its condemnation of 'sex based harassment' which includes sexist harassment, sexual harassment and harassment based on sexual preference.<sup>16</sup> With regard to marking and supervision, the policy states:

*The structurally unbalanced power relationship between academic members of staff and their students means that they are particularly vulnerable to accusations of sexual harassment if they engage in sexual relationships with students.*

*Members of academic staff should therefore take suitable measures to remove themselves from any supervisory or assessment role involving students with whom they have or have had a sexual relationship (FAUSA, 1989, p.43-44).*

The implication here is that FAUSA will have no obligation to defend a staff member who fails to abide by this policy.

Despite the good intentions of the above proposals, there remain problems. There seems throughout a prior concern with the rights and liberties of the academics concerned. The repeated guarantee in the CAUT document that nothing in the provisions would infringe 'freedom of expression' is inappropriate in the context of staff-student sexual relations. The problematic nature of such 'consensual sexual relations' has already been discussed, together with the reasons for endorsing a blanket condemnation.

And FAUSA is, perhaps appropriately, more concerned with legal obligations given the vulnerability of staff members to sexual harassment charges than with the vulnerability of the student. I would expect, however, that a code of teaching practice would want to strike a better balance with the assumed rights of students, and perhaps more to the point with the responsibilities of academics.

### A duty of care

A professional code of ethics is meant to stipulate what those served by the profession can expect in the way of conduct and treatment. Drawing up such a code could prove a useful exercise at this time in the Australian academic community given the expressed concern with accountability (*The Australian Universities' Review*, Vol. 34, 1991). And, as students are increasingly being made to pay for that education, their right to know what they can expect from their educators has increased.

Bruce Wilshire defines 'professionalism' as '... a way of life which provides a livelihood through the practice of a skill valued by society'. This skill requires a 'cognitive base' of expert knowledge which can be acquired '... through protracted training in a special field'. Since the skill is valued by society, its exercise constitutes a form of 'public service' and is therefore subject at some level to the scrutiny of the public (Wilshire, 1990, p.48). Allen Dyer agrees that

'... a profession is defined by its ethics and specifically the ethic of human service' (Dyer, 1988, p.11).

Clearly the notion of academic freedom remains important since that is the best guarantee to the public that the information and analysis produced has not been censored by some outside interest. It seems an equally legitimate expectation, however, that teaching professionals should exercise a 'duty of care' towards those in their charge. Good teachers, as Wilshire explains, cannot separate their professional role from their personal relationships with students. They are by definition involved in their students' lives. Hence, it is absolutely essential that they know where and when to draw boundaries to protect students. In Wilshire's words, 'Professors must place one foot in the ethical if they would contact the pedagogical' (Wilshire, 1990, pp.48, 94).

A code of ethics for teaching professionals which spelt out the assumed impropriety of academic/student sexual relations and which included a signed model clause against sexual harassment could provide a useful tool, therefore, in the attempt to change the culture of the university. It would establish in clear and uncertain terms what is acceptable and what is not. It would also create an additional mechanism for fellow staff to use against colleagues when breaches occur. As a recent article in the *Canberra Times* explained, referring to the government's campaign against domestic violence, it is not enough simply to ask men to change their attitudes. You need to be able to criticize the behaviour in public: '... by embarrassing them in front of their peers you are effectively letting society know that such behaviour is unacceptable' (*Canberra Times*, 26 February, 1991).

### Conclusion

As suggested at the outset, one reason a female student might hesitate to lodge a sexual harassment complaint against a male lecturer is due to the ambiguity surrounding the nature of academic/student sexual relationships. She may be uncertain if a male staff member was simply being attentive or friendly. He may in fact have been thinking of her in 'serious' romantic ways. As things stand, the student has no reason to believe that any of this is unacceptable. It therefore becomes difficult for her to decide just when the staff member's behaviour has crossed some boundary of impropriety. And, registering a complaint is clearly a serious decision with all sorts of ramifications for her academic future, short-term simply because of the disruption, and long-term perhaps if she fails to establish her case.

If, however, sexual relations between academic staff and students were deemed to be unethical and unacceptable rather than expected, harassment cases would become more clear-cut and students would have less hesitation about making complaints. For example, the question about whether or not this was a first approach would be removed. Nor would there be any need to establish if the lecturer knew if his advances were unwelcome. There would simply be no advances!

Students would also be protected from the charge that they initiated the interaction through flirtatious behaviour. In a climate where sexual contact between staff and students is deemed unacceptable, a male staff member who is approached would simply explain this fact to the student. Given his position of power, we can assume that that would end the encounter.

It is unfortunate that some commentators attempt to represent sexual harassment legislation and similar reforms as a 'return to the pedestal' for women when they are clearly intended to put some power in women's hands.<sup>17</sup> Others simplistically run the line that 'men will be men', and that such behaviours are the result of uncontrollable biological urges (Moens, 1990, p.26).

Universities are ideally suited to lead the way in making serious attempts to address the problem of sexual discrimination. If the pursuit of knowledge and excellence is to mean anything, it ought to mean discovering ways to improve social relations. Taking the initiative in formulating a forward-looking code of teaching practice

and sexual harassment regulations precluding staff-student sexual relationships would demonstrate the kind of intellectual and moral leadership which is needed right now.

### Endnotes

1. The Commonwealth Sex Discrimination Act (1984) defines sexual harassment as having two aspects: the *conduct* and the *result* or the *assumed result* of that conduct (Ronalds, 1987, p.118). The conduct includes unwelcome sexual advances, unwelcome requests for sexual favours, or other unwelcome conduct of a sexual nature. This conduct becomes illegal if the person harassed suffers some detriment for rejecting the advance or thinks she will suffer some detriment should she refuse. Detriment or disadvantage could include factors such as a hostile work environment, mental anguish, or lack of job opportunities.

2. As Chris Ronalds explains, the limitation to the harasser being a staff member '... is a recognition that sexual harassment is the enactment of a power relationship more than it is the enactment of a sexual relationship' (Ronalds, 1987, p.120). Unfortunately, this ignores the serious problem of student-student harassment and the way in which this reflects the power men often exert over women generally in our society. In this article I will be dealing only with the problem insofar as it concerns academic staff/student harassment, though there is a clear need to incorporate in legislation a broader understanding of power dynamics in society so that student-student, and co-worker harassment can be dealt with adequately. As Cynthia Cockburn says, 'Men's power in the extra-organizational world, in the family, the state and civil society, enters the workplace with them and gives even the most junior man a degree of sexual authority relative to even senior women' (Cockburn, 1991, p.143).

3. I refer those who doubt that sexual harassment is a problem in universities to the following references: Benson and Thomson, 1982; Dziech and Weiner, 1984; Cammaert, 1985; Reilly, Lott and Gallogly, 1986; Ramazanoglu, 1987; Soutar, G. 1988; Herbert, 1989; Cole, 1990; Paludi, 1990; Clark, 1991. According to Michele Paludi (1990, p. xiii), the most reliable figures '... indicate that 30 per cent of women students are sexually harassed by at least one instructor in college'. On the more general problem of workplace harassment, in 1986 the Sex Discrimination Commissioner, Pam O'Neill, reported that at least one in two Australian women had been sexually harassed in the workplace (*Adelaide Advertiser*, 14 July, 1986). The same year one third of all complaints to the South Australian Equal Opportunity Board concerned sexual harassment (*Adelaide Advertiser*, 20 November, 1986). More recently, the Human Rights and Equal Opportunity Commission noted that there has been a 30% jump annually in the number of cases of sexual harassment being recorded.

4. I realize that some men experience sexual harassment but most often women are the victims. The way in which male/female sexual dynamics are constructed in our society has, I believe, a great deal to do with this fact. This is not meant to suggest that all harassment takes place between heterosexuals. In the event, the proposal that teaching professions have a responsibility to avoid sexual involvements with students would apply to homosexual as well as to heterosexual involvements.

5. I would like to thank Jenny Morgan for her contribution to the development of the argument in this paper.

6. There is no suggestion here that secretaries are powerless in this situation (See Pringle, 1988). The point is to establish the nature of a working environment where sex is built into the power dynamics of the situation.

7. Clark refers to a practice on American campuses called 'scoping' which consists of college men loudly rating the physical attributes of women as they walk by (Clark, 1991, p. 543).

8. Though the description which follows could be seen to apply equally to female and male staff, it is important to remember that in each case the problem is exacerbated in male staff/female student relations due to the power men exercise over women generally in our

society. For this reason gender-specific language will be used.

9. According to one American study, undergraduate women typically do not label their experiences as sexual harassment, '... despite the fact that their experiences meet legal definition' (Zalk, Paludi and Dederich, 1990).

10. I would like to thank Michael Booth for providing me with this insight.

11. Margaret Mead suggested some years ago that all sexual relations should be banned from the work environment. More recently, Rosemary Pringle has pointed out that this is often a managerialist strategy to encourage a strict separation between private and public (work) lives. I take Pringle's point but do not agree that sexual harassment policies by their nature conform to this managerialist ethic. In Pringle's words, 'In seeking to banish sex from work it denies or ignores the operations of pleasure and power'. When a woman invokes sexual harassment regulations, it is not all familiarity, however, but unwanted familiarity which is banned. The reason for extending the ban to all staff-student sexual relations is the complex power imbalance described in these pages. Here too I will be drawing a distinction so that in non-supervisory situations the power to make a charge will rest with the student, retaining some place for genuine and egalitarian relations (In Clark, 1991, p. 546; Pringle, 1988, p. 262).

12. The quote from Rousseau deserves repeating because of its resonance with contemporary attitudes. In *Emile* he states:

Why do you consult their words when it is not their mouths that speak? The lips always say 'No,' and rightly so; but the tone is not always the same, and that cannot lie. Must her modesty condemn her to misery? Does she not require a means of indicating her inclinations without open expression? (In Pateman, 1989, p.76).

13. The heading comes from an article by Jeffrey Minson (1989).

14. There are useful suggestions on how to deal with intellectual property and extra-university consulting or related work, for example.

15. In Canada all university lecturers are called professors.

16. The complicated question of whether it is indeed wise to try to expand the understanding of sexual harassment to include sexist or gender harassment cannot be pursued here. Jenny Morgan is currently investigating this question. Still, it is important to note that currently FAUSA policy condemns all such behaviours.

17. Following a recent horrendous assault on a woman in a Victorian nightclub, Premier Joan Kirner proposed the establishment of patrolled car parks for women only. A half-page article in *The Australian* featured the State historian, Dr. Bernard Barrett, who was reported as saying that '...it's all rather reminiscent of sexist shackles of the past century'. The feature included a large photo of Dr. Barrett kneeling in front of the 'ladies only' seating in Swanston Street, Melbourne (*The Australian*, 27 February, 1991: 3).

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# The Dawkins revolution:

## Plan, performance, problems - University funding formulae, over-enrolment and cuts in operating grants per EFTSU

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### Introduction

The Dawkins "revolution" in Australian higher education is a controversial break with the past.<sup>1</sup> The "revolution" was aimed at facilitating system growth, economic relevance, greater equity and access, and greater efficiency, without undermining academic quality, flexibility, freedom or autonomy. In a time of economic stringency and budget cutting, it was designed to get more for less government money. However, it has created many problems and as yet solved few. It has been flawed by an unwarranted faith in the possibilities of redistributions within higher education and major efficiency gains. Tight funding limits and an increasing tendency toward bureaucratic uniformity have created significant problems, without creating an equal playing field for all universities. The relative funding model exercise and the limited amounts of new money available for it (over 3 years too) insure no early end to financial pressures.

In particular, the handling of over-enrolments, and the lack of clarity on the funding of different discipline mixes in the crucial 1988 to 1990 period created significant new inequities and anomalies. Perversely, smaller/newer universities (who had already grown faster in the 1980s and been more fully committed to access and equity policies), tended to suffer quicker and larger budgetary declines than the older, "established" institutions as a result of these anomalies.

It appears unlikely that the cost of the Dawkins' initiatives can be accommodated within resource ceilings now in place. After more than ten years of funding erosion which the Dawkins period has accelerated, and with the explosion of funding needs in the late 1980s and early 1990s, financial constraints constitute a significant threat to the quality of higher education and to Australia's international academic reputation.

The pre-Dawkins universities and the pre-Dawkins system of "arm's length" funding and control were neither perfect nor universally supported. Whether the present system is better and more interestingly, meets its own promised goals, is still, however, problematic.

One knowledgeable, experienced, and constructive critic, Peter Karmel has attempted to specify the immediate needs of the higher education system (post-Dawkins):

*We have to accept these changes, ... growth, emphasis on better management and performance-based evaluation, competitive research funding, appropriate consolidation. But we need to proclaim...that the institutions have served Australia well...that...institutions of higher education...are neither business nor bureaucracy, ...that they are engaged in the pursuit of truth...Finally...we must resist unwarranted political and bureaucratic intervention and argue for a return to the days when the institutions were at arms length from the Government. (-Karmel 1989: 25)*

Others have gone even further, criticising some of the goals, and especially, the means, methods, and financial limits imposed by the Government.<sup>2</sup> It is not possible or intended here to assess Dawkins' reforms fully. Rather I seek to place the debate in a wider context and to draw some preliminary and tentative conclusions about how some reforms are being implemented and with what consequences. Major changes have taken place. But questions remain. Is a proper balance being achieved between competing priorities? Are out-

comes compatible with declared objectives? Are the costs of change too high, especially for some, and more than for others?

### 1987/1988: The abolition of CTEC, the Dawkins' revolution, and over-enrolment

#### The CTEC system vs the Commonwealth Government

The pre-Dawkins Commonwealth Tertiary Education Commission (CTEC) system and tradition were not without tensions.<sup>3</sup> Differing (and seemingly incompatible) interests and objectives clashed. There was tension between universities and CAEs (as rivals for resources, esteem and autonomy). There was also tension between the academic sector as a whole and the wider governmental or community interests (which found it difficult to accept institutional autonomy and academic traditions, particularly in times of budgetary restraint and high youth unemployment). Critics argued that the system was costly. It was perceived as remote and only indirectly accountable, protected from everyday concerns. It was enormously complicated, difficult to manage, resistant to change, and excessively "generous" (with free tuition for students and "low" formal contact hours, employment tenure and academic freedom for staff).

CTEC created a tradition based on both legislative intent and a rather broad consensus within the policy-making network of the higher educational professionals. It attempted to link, explain and reconcile these competing claims and views, to maintain a dynamic balance between different institutions, types of institutions and competing goals, via a "rational" and open division of labour between disciplines, institutions and sectors of higher education. The system was not to last.

Commonwealth reluctance to continue to finance the bulk of higher education expenses and to respect traditions of indirect control, coupled with a demographic explosion in demand for places in tertiary institutions and a further acceleration of financial demands (for more staff, buildings, catch-ups for past relative underfunding) created conditions destabilising to the CTEC balance. By 1986-1987, especially after its *Review of Efficiency and Effectiveness*, CTEC had concluded that there was no longer scope for major resource gains through further cuts and efficiency measures, and that the system required a major new input of funds, to remain viable and capable of responding to increased student demand and higher costs. This the government was unwilling to do, particularly as sole underwriter to the system.

Furthermore, the government had little room to move within the CTEC system. In its "rational", bureaucratic and solidly-argued way, CTEC in 1986 and 1987 opposed many of the changes critics proposed, (many of which, ended up on Dawkins agenda). And it asked for more money.

In April 1987 CTEC recommended a 7% increase in all higher education (non-TAFE) expenditure for the next, "normal", 1988-90 triennium: \$2,594m in 1988, rising to \$2,775m in 1990 (in 1986 dollars). (-CTEC 1987a. Vol. 1, Part 1: 178) Despite CTEC's claim that it had reduced its recommendations to what it perceived as absolutely necessary, the total 1988 recommendation was cut to