

## In Search of Civility: Higher Education and the Discourse of Disdain

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Oceania is the image of a totally regulated society yet has no regulations.

—*Orwellian Linguistics*, 1979

James Gee defines discourse “as a socially accepted association among ways of using language, other symbolic expressions, and *artifacts*, of thinking, feeling, believing, valuing, and acting that can be used to identify oneself as a member of a socially meaningful *role*” (1996, p. 131). These behaviors, beliefs, and ‘artifacts’ which of course include one’s choice of clothing, shoes, hair style and color, the manner in which one composes a memo, or addresses a colleague, the degree one holds, one’s area of interest, and so forth, mark one either as a member of a discourse community, or as an outsider.

In this article I discuss the communicative encounters—oral and written—between members of two discourse communities—human resources and faculty—housed within an urban university in the Northeast. I focus on one individual’s attempts to articulate and impose a component of her community’s implicit rules for behavior upon a member of the faculty. Since what the individual wished to enforce was tacitly accepted as part of the discourse of the community of which she was a member, the rule carried ideological weight (Belsey, 1980; Eagleton, 1984, 1986), if you will, but was, nonetheless, amorphous within the greater community, i.e., the university at large. The effort to enforce a tacit component of a discourse community as if that tacit assumption were shared across separate and differing discourse communities within the institution led in the end to a total breakdown in communication and to a flagrant misuse of bureaucratic power.

It is this interplay with the tacit assumptions held within a discourse community, and the concomitant efforts on the part of the community’s representatives to make the *tacit* seemingly concrete or *real*, that bear the crux of the will to power and deceit that emerged over the course of one semester of an academic year. It is this will to power shrouded in a cloak of disdain that I seek to uncover.

### The Office of Human Resources

Human Resources (HR) consists of staff charged with overseeing personnel support services such as payroll, benefits, retirement, medical leaves, and return to work from medical leaves, and so forth, for both faculty and staff. In essence the principle role of HR is to maintain the paperwork necessary to insure that the overall system—in this instance, the university—functions appropriately principally from a monetary and contractual perspective in relation to personnel. The office has no say in such financial matters, for example, related to allocation of resources to departments for faculty hiring or for infrastructure repairs and development, for that matter. Nor does HR have any say in matters related to teaching load, allocation of teaching assistants, or anything remotely connected to the academic domain. As the name of the department implies, HR is to *serve* as a *resource* to the community in matters related to those listed above. In fact, not so long ago at the university of which I write the Office of Human Resources was labeled: Personnel Services.

Those who work in HR are “members of the staff” and not “members of the faculty” and as such have not gone through the ranks of academic scrutiny or review: one can reach an upper level administrative position in HR with a bachelor’s degree, or with a degree in administration or management, or one comparable, though doctorates are now offered in applied psychology with a concentration in human resources, marking, from my perspective, an uncomfortable blurring of boundaries between staff and faculty.

The structure and bureaucratic functioning of HR, in good part, mirrors that of the corporate environment. In fact, a HR department at a bank would look much like the HR department at the university of which I write; it would just serve very different discourse communities, i.e., bankers, financiers, tellers, loan officers, bank maintenance staff, and so forth. It would be rare, though not impossible as noted above, to find a Ph.D. working in HR, and if one were to be found, the Ph.D. would not signal behaviors endemic to academia, for if this were the case, the employee would not remain a member of the HR staff for very long. As a member of the staff of HR a Ph.D. would need to display the behaviors appropriate to the *discourse of HR*, a discourse that is strikingly different from the discourse of the academy. Therefore, despite its location—housed in a university and at the service of faculty and other members of the academic community, as well as members of the staff—HR does not display behaviors congruent with faculty. In fact, human resources at any university shares more in common with other departments of human resources no matter the occupational context in which the department is situated. Sharing space and place does not necessitate shared discourse systems.

### The Faculty

The second discourse community I consider here is that of the faculty, of which

I am a member. In choosing as I have to study the professional world of which I am a part I am

Obliged to confront, in dramatized form as it were, a certain number of fundamental epistemological problems, all related to the question of the difference between practical knowledge and scholarly knowledge, and particularly to the special difficulties involved first in breaking with inside experience and then in reconstituting the knowledge which has been obtained by means of this break. (Bourdieu, 1984, p. xxvii)

In this article I seek to do what Bourdieu characterizes above: I will break with the experience involving a series of encounters between HR and myself, my program director, and my dean in an effort to make sense of an experience that made little, if any, sense as it culminated in a climatic communicative encounter and a serious bureaucratic action of potentially momentous consequences. In fact my understanding of the encounters that occurred over the course of one semester after I had returned to work from a medical leave did seem to make some sense, or so I thought, until I was confronted with a very different understanding of the communicative intent—Grice's illocutionary force—on the part of HR at the very beginning of the second semester of my return (Finegan, 2004, p. 297). So what I had at first thought to be a minor miscommunication that was quite quickly settled, turned into a major confrontation, an assault that I was not only totally unprepared for, but had not expected at all. Had I expected the confrontation and consequences, I would have done everything in my power to prevent them from occurring. What I did not recognize at the outset was "that the problem of cultural interaction emerges only at the signficatory boundaries of cultures, where meanings and values are (mis)read or signs are misappropriated. Culture only emerges as a problem, or a problematic, at the point where there is a loss of meaning in the contestation and articulation of everyday life, between classes, genders, races, nations" (Bhabha, 1994, p. 34).

As a member of the faculty engaged in a communicative encounter with a member of HR regarding my need to comply to a *tacit* policy for return to work from a medical leave, I had no idea initially of the degree to which our—faculty and HR—assumptions regarding compliance, power, authority, performing one's job, and basic human decency differed based upon our diverse discourse community's values and assumptions regarding these issues (Fairclough, 1989, 1995; Gee, 1989, 1996, 1999; Giroux, 1992, 2003; Gumperz, 1982, 2001). Nor did I understand the degree to which my medical leave of absence served to resituate me within the university such that I now was positioned under the control of HR, as well as faculty. Illness had repositioned me within the institution in such a way that I was denuded unknowingly of my faculty status, while at the same time unable to barely comprehend, let alone negotiate the discourse of HR.

### Bureaucratization of the Academy

I argue in this article that the over-bureaucratization that has become so much a part of academia serves to undercut a culture of collegiality—and this is but one of the discourses of the academy—that has, since the Medieval Period, dominated faculty practices (Baradat, 1980). In essence, I present a case study and a series of discourse analyses of oral interactions and written communications between two members of HR and two faculty members. My analysis draws from the framework of critical discourse analysis which defines power in terms of *control*, and more specifically situates *social power* within groups or institutions (van Dijk, 2001, p. 354). With this in mind, the struggle to be analyzed must be understood, not as an argument between individuals, but as an ideologically driven, socially-constructed movement on the part of one community within an institution to integrate its tacit laws, rules, habits, norms, and general consensus in such a way that the hegemonic practices represented emerged cloaked in an institutional validity that was seemingly taken-for-granted across the institution (p. 354). At the end of the series of exchanges and written communiqués from a HR staff member, a dean's actions and her response in writing to the HR staff member are analyzed as well.

I argue that the faculty members and the staff of HR engage in a power struggle—clearly controlled by HR—defined by ideological dimensions embedded in discourse recognizing that language use is “imbricated in social relations and processes which systematically determine variation in its properties, including the linguistic forms which appear in texts.” (Fairclough, p. 73). I hypothesize, following Fairclough that “significant connections exist between features of texts, ways in which texts are put together and interpreted, and the nature of the social practice[s] (p. 73) which dictates the production of texts. Essentially the HR staff member, in particular, of whom I write sought to create a discourse not only to “sever the adherence to the world of commonsense by publicly proclaiming a break with the ordinary order,” but also to “integrate within it the previously tacit or repressed practices and experiences of an entire group, investing them with the legitimacy conferred by public expression and collective recognition.” (Bourdieu, 1991, p. 129).

In so doing, she sought to enforce, without directly communicating her intent to do so, a policy that—though unwritten—had been successfully carried out in the context of staff returning from work after a medical leave of absence, but until I returned after an extended leave, no returning faculty had been required to conform to this unwritten policy held within the collective consciousness of HR. What I will uncover in what follows is not only the “power *in* discourse, but . . . the power *behind* discourse” and how particular conventions of discourse are policed by power-holders within institutions, and what dire consequences are possible if sanctions are imposed when conventions are not followed (Fairclough, 1989, p. 61).

## Academia

From outside the community some see academics as effete elitists, wordy know-it-alls who lack any real world knowledge, knowledge that could be put to good use, for example, like making money, which is something most academics do not do well at all. Nor do those outside the culture understand that academics work, real hard. What outsiders see are individuals who teach what they consider to be very few hours per week, and for the rest of the time live a life of leisure. Nothing could be further from the truth. What outsiders do not understand is the continual stress and pressure academics are under to produce, to remain abreast of their field, to contribute to the development and evaluation of the institutional structure within which they work, and to teach and mentor their students, to name just some of the responsibilities faced by those who have chosen the profession. I chose the profession, and here I choose to study it as well presenting me with the challenge that Pierre Bourdieu articulates clearly in his own study of academics:

When faced with the challenge of studying a world to which we are linked by all sorts of specific investments, inextricably intellectual and 'temporal', our first automatic thought is to escape'; our concern to escape any suspicion of prejudice leads us to attempt to negate ourselves as 'biased' or 'informed' subject automatically suspected to abolish the self even as knowing subject, by resorting to the most impersonal and automatic procedures, those, at least in this perspective (which is that of 'normal science'), which are the least questionable. (1984, p. 6)

I accept this challenge with the recognition that I am the subject of the inquiry and analysis, and also present as the object of the discourse of disdain that I analyze in context.

### First: On Becoming an Object of Disdain

In early February 2000 I sustained a fall on the ice outside my home which resulted in a severe wrist break and trauma to my upper body. Incompetent medical intervention contributed to the onset of a rare, disabling condition for which I continue to be treated. Had diagnosis occurred when symptoms first emerged my disability would never have reached its level of severity, and in fact I might be today symptom free, but that is not the case, nor is this the story of medical incompetence, though my original physician's inability to listen to my complaints of pain, and his lack of attention to the symptoms that I pointed out to him communicate a level of arrogance that highlight a lack of civility that is present in his profession, and that I later found present in the HR sector of the university of which I write.

It was not until two and one half years after my fall that I was recovered to the degree that my treating physician—not the incompetent one—agreed that I could give fulltime work a chance again. I had tried to return to work eight months after my accident—with great optimism for success as I knew not yet of the power of the

disabling condition I had contracted—but was forced to leave after three weeks realizing I had not yet regained the physical strength necessary to carry out the responsibilities of a faculty member. I needed more than a full year more of intensive physical therapy—which ended when health insurance no longer would cover the treatments. But I continued on my own with the physical regimen, took my medicine and entered the hospital on a regular basis to keep symptoms at bay. I worked harder at getting better than I had ever worked at any job I had ever had, and I am a hard worker. The long medical leave caused extreme financial difficulty, as one can imagine, and the continued medical treatment necessitates insurance coverage best maintained through the university's health plan.

### Attempting To Follow Administrative Decree

Prior to returning to work Fall Semester 2002, I notified my program director— orally and in writing—in July to clear the return with him and so that I could be scheduled to teach; I notified my college dean at the same time— orally and in writing—so that money would be allocated for my position, which was guaranteed; and I called the vice-chancellor of HR to notify her of my intention to return to work fulltime just so all avenues were covered. The vice chancellor asked that I have my doctor write a letter indicating I was returning to work so the university would have it on record. Now I had called the vice chancellor of my own accord just to assure that all bases were covered, no one had suggested that I do so and no where was it written that I was required to do so. I asked the vice chancellor if providing a doctor's letter upon return to work from a medical leave was university policy, and if so, was it written down anywhere. I asked as I had not been required to supply the university with a note upon my first return, and wondered why I was being asked to do so at this time. The vice chancellor, who was very polite and understanding, said that no, there was no official policy thus nothing was in writing that she was aware of but she felt it would be a good idea if I were to do so, and even apologized for having to ask me to go to this trouble after having been out so long, and recognizing that I would need to make an appointment with my doctor, get a ride into Boston, and traverse yet another bureaucracy in order to respond to her request. She was very kind. She also suggested that she would look into the issue just to make sure that she was asking me to do what was required, and then get back to me.

I never heard from her again. I felt as if I were back in grade school. But I made an appointment, arranged to be driven into Boston—an hour's drive, and met with my physician to discuss both my overall feelings about my ability to carry out the responsibilities of my position and the wording of the note. My doctor and I settled on at my urging: Candace Mitchell will return to work beginning Fall Semester 2002. Yours truly, (signed by the doctor). Contained within the wording of this very short note is the presumptive notion that the work I will return to is the same work from which I left when I first injured myself. Obviously the note was on official stationery, typed,

signed, dated, and sent, as I had been directed to do, to my program director, who then forwarded it to HR. I settled on the short note recognizing that no one had the right to details of my medical condition—the records are confidential—and assuming that my doctor's note indicating that I would return would be sufficient to cover the university's unstated, inexplicit requirement. I assumed as well that the understanding would be that if I did not have the note from my doctor described above, I would therefore not have his permission to return to work. This was all taken care of in August 2002 prior to the onset of the semester.

### Collegiality

I was back, nervous, but back. Two and a half years is a very long time to be away from one's job, no matter what the position. To return with a disability made the transition from home to work even more difficult. I was fearful—scared to death would be a better description—that despite all my efforts to regain my strength I might experience a setback and find myself in the position of letting my program down if I could not complete the semester. This would put undo pressure on other faculty as it had previously since my courses had to be covered in my absence both when I first fell and then again when I tried to return and had to leave after three weeks. I assumed a second failed attempt to return would, in effect, mark the end of my career as an academic, and even more importantly as a wage earner. This would have left me with no recourse other than to seek public assistance until I was able to obtain another position since the university's disability insurer had denied my claim for coverage, and though I was appealing this decision, the return to work automatically disqualified me from ever again collecting benefits from this insurer or any other. I was not in a good position.

Every faculty member in my program offered without question the support that speaks to what a major component of what collegiality is really about: all took it upon themselves to do everything possible to make my transition back into university life as free from stress as possible. Our faculty partnership, or "collegium," provided me time to readjust and to write. At issue as all knew, was the fact that I had not yet been reviewed for tenure and for two and a half years had for the most part not even been able to read as I could not concentrate due to pain, could not drive to a library (or anywhere else for that matter) to do research, nor could I type. If I were ever able to accomplish what I needed to accomplish in terms of publishing I had to be buffered. In addition to my teaching, this was my sole focus: I needed to publish to survive.

This support and care, so generously given without the intervention of bureaucratic dictate or filing of forms, marks a major component of the implicit rules of the culture of academe: collegiality suggests that if you are accepted as a member of the community other members will always be there for you, to take over as my colleagues did in the event that the need to do so emerges. It is not as if deans were not aware in some instances that this implicit cultural system had been put in place



as more than likely, they in fact supported the process, knowing that most important was the fact that the university continued to function, and that faculty be protected to the degree possible so that they could return to their positions when whatever trauma had pulled them away was no longer a hindrance to full participation in the community. The culture works.

### Heretical Discourse

I was blindsided when I received a call from my program director the first day of class second semester, 2003. This was the second semester of my return to work. My director was distraught. Agitated. Dumbfounded. (As I was when I heard what he had to say.) He informed me that he had received a call that morning from the dean indicating that I was to be placed on leave of absence without pay because I had failed to comply with university policy regarding procedures for return-to-work after a medical leave. (Understand that a leave of absence without pay would not only have eliminated my income but would have also stopped completely all medical insurance coverage. Without coverage I would not have been able to undergo the treatments necessary to maintain the physical status that had allowed me to return to work in the first place.)

My director urged me to go to my doctor immediately and get a new letter, but I had no idea what a “new” letter was to say, nor was I in any position to gain access to my physician at a moment’s notice—compassionate as he is, my physician is not Dr. Kildare. My doctor is internationally renowned and is often out of the country at medical conferences; when in town he is in the operating room; with patients during office visits, attending to his residents, conducting research, and any number of other activities that disallow “immediate access.” And I would never even have considered asking for his intervention for such a matter: this was bureaucratic absurdity and blackmail. I was being charged with not fulfilling a human resources’ requirement yet on 23 September 2002 of the previous semester, three weeks into classes the HR accommodations administrator, Fatima Gorda,<sup>1</sup> had written me a letter indicating that I was back at work fulltime, noting in full:

Dear Candace,

This letter serves to document our conversation of today regarding your return to work without a “Release to Return to Work” from your doctor (name of doctor).

Your reinstatement after approximately two years away from (the university) and the appropriate route for your paperwork was not followed. Since you have already returned to teaching, and since the PA [payroll] form has already been processed in the Human Resources Department, you will be permitted to continue to teach.

Based on the documentation I have in HR, your return to the classroom does not seem to present any direct “threat” to re-injury or exacerbation of your condition. However, I state that as an HR Administrator not a medical practitioner and without any updates from a medical doctor to suggest otherwise.



If you are requesting any disability-related accommodations, please complete the attached paperwork and return it to me.

Welcome back to the University.

Fatima Gorda  
Accommodations, Benefits and Leave Administrator

cc. (to my program director, and the HR assistant vice-chancellor)

The conversation—actually there were two—to which the “ADA/504 Compliance Officer,” also known, as noted above, as the “Accommodations, Benefits and Leave Administrator,” and on the website for HR, as “Manager” occurred earlier in the same day the letter was written. Months later my assumption was confirmed that the more titles one has, the more power one has as well. The HR officer had no doubt finally gotten around to reading the letter from my doctor and to reviewing my file thus took it upon herself to call me in my office on September 23 to make it known that my return to work was her job. She was persistent—much like a bulldog with speech abilities—with her concern that I had not fulfilled the university’s return-to-work policy, but when I asked her to specify what the policy was she provided the following examples: first she discussed the case of a clerk who had just returned to work with a letter from her doctor which specified that the woman work for two weeks for just twenty hours a week, and then return to a full forty hours a week.

This clerk’s position entailed typing for most of the day. I noted that the example had no relevance to my responsibilities as a faculty member and that I was already back fulltime, and functioning quite well, and that she—the HR officer (Fatima) with whom I was speaking—had in hand a letter from my doctor indicating that I would return to work, and though I did not say this to her I assumed the understanding implicit within the word “work” was “my fulltime position as defined by the university,” which was in fact what I was doing—with the support of my colleagues, though I did not mention this to her either. The officer gave a second example after I asked if she could clarify further: another member of the staff had been out on medical leave and when he returned his doctor specified as to the amount of weight the employee could lift at work. Actually in response to my comment that the amount of weight that I could lift really had no relevance to my ability to carry out my weighty responsibilities as a member of the faculty, the HR officer did laugh and comment that I was right on that account. During this conversation I recall clearly that I even complimented the HR officer on her promotion, and she laughed again, noting that she was not sure that she would characterize it as a promotion.

Despite the laughter and the seemingly overt camaraderie, I was beginning to feel as if I had fallen through the rabbit hole, so to speak, but remained calm and polite and tried tact. I asked if the university had a policy statement that I could use to guide my doctor in composing an “appropriate” letter. Her reply was a very direct “no” as to the policy statement, but she was undeterred and suggested, nonetheless, that

my doctor be more specific about my condition—what it entailed, what restrictions I might have, what the symptoms were, and so forth. I did not have any restrictions that I could see at this point, and noted this, indicating that I might at some later date seek accommodations. Here a major point of miscommunication emerged: the HR's "restrictions" overlapped with "accommodations" both in my interpretation of the term, and in her response to my use of the term. Actually I learned at the end of January 2003, that the two words had entirely different meanings within the context of a return to work, though never did the HR officer clarify this distinction to me. I responded that my understanding was that restrictions were to be dealt with in an accommodation plan, and that I could apply at any time for consideration through a 504 accommodation request, and that I did not have any restrictions that I could think of at the moment. She agreed with my assumption regarding the accommodation plan. So, in effect, she was confirming my understanding of the overlapping meaning between restrictions and accommodations.

What I now perceived as an attack was relentless. Though I was winning, or so I thought, this was a battle I had no desire to wage. I wanted to teach, to write, to remain strong, and to make it through the academic year. This added pressure from HR was not helping matters at all. And even though the officer did not have a comeback for any request for clarification that I made, I felt a creeping unease that the situation was spinning out of control. From my perspective there was no logic to the pursuit, as I was functioning and accepted in my community at the university. In a final effort to make some headway I asked if HR had a form that my doctor could fill out and return to the university that would satisfy the unspecified return-to-work policy. Again the answer was no. With that I replied that I felt we had reached an impasse: I did not know what she wanted from me, and I was not going to continue to ask my doctor for letters until by chance he hit upon a formula—unnamed and unspecified—that would satisfy her. The HR officer agreed that the examples she had offered me were irrelevant considering my position at the university, and that she really had no idea what a return-to-work letter in my case should contain, as she had no examples, had no policy statement, or form of an official nature to offer to me to facilitate her, what I considered to be, quite absurd request. Please note that I never overtly characterized her request as absurd, this was a feeling I kept to myself and that I reveal now as part of the analysis of the exchange.

I want to make it clear that I was not attempting to be an obstructionist during the conversation. I would have gladly supplied another letter but I honestly did not know—nor did the officer—what the doctor needed to write. And we both agreed that I was already at work fulltime anyway, and my doctor had written a letter indicating I would return to work. The call ended on a cordial note, though I felt violated, as if someone had intruded too far into the personal reaches of my life in a context in which it was totally inappropriate to do so. I also sensed that this HR officer, new to her position, had no idea what she was talking about, but could have cared less because real communication, compassion for my situation and context

were not the issues here: power was. She never asked me how I was feeling or how it was to be back at work. Or never did she even comment that the transition must be difficult after such a long absence. She never asked about my fall or the long recovery period; and this was a woman who had previously overseen disability services for students. What the officer needed was to be in control.

That same day I received a call back from the HR officer after she had spoken to a university lawyer. The lawyer told her to drop the issue as I was already back to work and on payroll. He told her further that HR had better “get its act together” and put a policy statement together to handle situations such as mine. The HR officer was new enough to the position that the absence of a policy statement was not a reflection of her inefficiency, but that of her predecessor’s. I thanked her for being candid with me and that was that.

I was soon thereafter in writing officially welcomed back to the university by the “Accommodations, Benefits and Leave Administrator”—the HR officer with whom I had had the conversation just summarized—and “permitted to continue to teach”, as specified in the letter of September 23 printed in full above. Despite the fact that the HR officer writes “This letter serves to document our conversation of today . . .” it does no such thing. There is no mention in the letter of the lack of a return-to-work policy within HR which made it difficult for me to adhere to an unspecified requirement, or to the statement made by the university lawyer who had told her to put the issue to rest. I was dismayed by this omission, and by the assumption that it was HR who was now permitting me to teach though HR had had no say initially in whether I was fit—intellectually, academically, in terms of background experience, and so forth, to be hired on in a tenure-track position at the university in the first place. I was confused by the fact that my return to work is characterized as a return to “teaching.”

Contained within the language of this letter is the notion that what my work entails is solely teaching. This HR officer either does not know, or does not wish to acknowledge that faculty not only teach, but provide service to the community, and do research for publication. I was writing a book and serving as director of a center but my position is so diminished by the tone of this letter that I might just as well be a part-timer, as what part-timers do is teach and only teach. I was very confused by the opening sentence of the second paragraph which reads: “Your reinstatement after approximately two years away from (the university) and the appropriate route for your paperwork was not followed.” I understand this sentence to mean that I am reinstated, but my paperwork found its way through the bureaucracy through an inappropriate route, but nonetheless it reached its destination.

I am also notified that my “return to the classroom does not seem to present any direct ‘threat’ to re-injury or exacerbation of your condition.” Here I believe the HR officer has clearly over-stepped her boundaries in that she is not a medical expert, which she does note. Nonetheless, with this in mind, she should not have ventured an opinion on my “condition.” And finally, I am addressed by my first name, with no acknowledgement of status within the university, whereas the HR officer signs the

letter with her full name and very full administrative title. The power implications in the contrast are far from subtle.

The HR officer knew that I was driving to campus only one day a week—Friday, the day my class met. She knew this because I had asked her to please mail any correspondence to my home address since I would most generally be on campus only one day a week. I was writing and the only way one gets writing done is to stick to it. Other responsibilities I handled over the phone—I was not even connected to the new email system, and returned paperwork when I drove in for class. I do not think this arrangement sat well with HR, who saw my schedule as an indication that I was working part time. And finally, all I am asked to consider in this letter of September 23 is the possibility of “requesting any disability-related accommodations,” the forms for which were enclosed. No other requirements are stated. I may have returned to work without a “release”, but I was reinstated, or so I thought. I had no reason at all to assume I had to do anything else to satisfy HR requirements.

### A Clash of Cultures

After having been away from the institution for two and a half years I was glad to have the return-to-work issue and its incumbent absurdity seemingly behind me. I just wanted to work, and I had no reason not to believe that the September 23 letter from the HR officer had put closure to the matter of my return to work from a medical leave. But, little did I know what awaited me the coming semester. The bull dog was rabid. And as I was to find out at the outset of second semester for some reason enraged that I was at the university without having provided a “Release Form to Return to Work” (which did not exist) from my doctor, despite the fact that neither she—the HR officer, nor anyone else at the university had been able to characterize to me what a “Release to Return to Work” was, or why my doctor’s original note was insufficient to fulfill HR’s implicit policy for faculty returning to work from a medical leave.

### The Meeting about Accommodations

Neither I nor my director, who also did not attend to his email over semester break, had any idea that there was any concern with my status at the university. In fact, during my first semester back my program director met at his request with the HR officer who sent me the letter above to learn how one applied for accommodations. He wanted to understand the process so he could best advise me how to proceed if I found, for example, that teaching a class at 7:00 p.m.—which our program does—was going to be a problem for me, or if I needed to be assigned a classroom in the same building as my office was located. He wished to find out if I needed to go through an official process to teach only at 4:00 p.m. rather than alternating times as all faculty in the program do, or to restrict room assignments, and so forth. During the meeting

with my director and the HR officer nothing at all was said about a need for a new letter from my doctor, more important, nothing was mentioned of the ramifications I would face if a new letter were not to appear.

Nonetheless, quite surprisingly the HR officer later implied in an email analyzed below that the need for a new letter had been the topic of the meeting, and further that I had also been at the meeting. I was not at the meeting. My director flatly denies that the HR officer discussed the need for a new letter from my doctor at the meeting and has done so in writing. The HR officer has since admitted in writing that the need for a new letter was not discussed at the meeting.

### A Duplicitous Discourse

The HR officer phoned me a third time first semester. This call came December 10, 2002, the very last day of the semester. I had not heard from her since receiving the September 23, 2002 letter. She caught me in my office and we again discussed accommodations. She asked me why I had not applied for any accommodations, and I replied that I had wanted to wait at least a full semester to see if any were in fact necessary before applying, and that I understood that there was no timeframe for applying. She replied that this made sense. I asked directly if there were a timeframe for applying, and she replied that I could apply for accommodations at any time, thus I felt it odd that she was calling me to see why I had not yet applied. This was my business, not hers.

I asked if she would not mind forwarding me new forms as I did not know what had happened to the ones she had sent September 23. She said she would. She agreed, too, that I was free to apply whenever I felt it might be necessary, and then we wished one another happy holidays. End of conversation. Not long after we spoke, unbeknownst to me, or to my director to whom the email was cc'd, the HR officer (Fatima Gorda) wrote the following email, cc'd also to the vice-chancellor (Susan Allen) with whom I had first learned that a doctor's note was necessary and who had never gotten back to me to clarify what one should contain, my program director (David Rosaldo), and the new head of labor relations in HR (Robert Smith). The email read as follows:

From: Fatima Gorda  
Sent: Tuesday, December 10, 2002 3:17 PM  
To: Candace Mitchell  
Cc.: David Rosaldo, Robert Smith, Susan Allen, Vice-Chancellor HR  
Subject: Release Form to Return to Work

Dear Candace,

I know that you have been back to work this semester and "active" on our system, but I thought you said that you would have a release to return to work filed by your doctor early in this Fall semester. As of this time, HR does not have that

release, stating restrictions if there are any, and your return to full time or modified time schedule.

The HR department needs to put some closure to this case. Have you been provided the necessary documentation from your doctor? If not, will you please have the doctor forward the release to the HR department as soon as possible. Our fax number is 617-287-5179. And please let us know if there will be a further delay.

I have included in this email our new Director of Labor Relations, Robert Smith, who will be following through on your situation as well as many others along with me and our colleagues in HR.

Thanks Candace,  
Fatima

I did not see this email until I accessed the system with a friend's help the first day of the second semester—Monday, January 27, 2003—after receiving the frantic call from my director. With this in mind I turn now to a discussion of the language of disdain that the email contains. First the subject of the email is odd in and of itself: To repeat, I had just finished speaking to Fatima and nothing we discussed is contained in the email. Why did she not ask me these questions on the phone? I am already back to work so why should I now need a Release Form (which *does not exist*) to Return to Work? Second the HR officer is careful to distance herself from stating directly that I had promised a release form to HR by writing “*I thought* you said that you would have a release to return to work filed by your doctor early in this Fall semester.” Since I never had been able to learn what a release was, and since I had also heard from her that the university lawyer had told her to drop the case, I never would have even considered saying such a thing to her, nonetheless she asserts she “thinks” I did say so.

In addition, the HR officer makes the assumption that I might have received the “documentation” but not forwarded it to her office. Again I had just been on the phone with her prior to the writing of this email and she never even mentioned the release, just accommodations. A pattern has begun to emerge that is very troubling: the HR officer has a phone conversation with me and then follows it up in writing as if to document the conversation, but in fact deals with an entirely different topic altogether. She followed the same pattern with my director. After discussing only accommodations, she then in writing states that the meeting had been to discuss the need for a release to return to work from my doctor. The parallel is Kafkaesque: the written version does not reflect what was talked about, but creates a new, now more permanent, yet falsified “reality.”

And finally, this email is framed in the personal: Fatima writes directly to me—Candace. In fact, she even ends the email by again thanking me by name. Little or no real communication occurred between us over the course of the semester—we spoke by phone twice on September 23 and once on December 10, yet we appear in writing to be on an intimate “first name” basis. This suggests to the outside reader that a relationship between the two of us has been established, suggesting further that

more than just the three phone calls and the follow-up letter in September constitute the basis of our implicitly implied “on-going” exchange.

Further in the email above I am transformed from being a fulltime member of the faculty by a member of HR’s staff into one who is “active on our system.” Note also that “our” connotes HR and not the academic community: in essence I have been denuded of my place in the academy, and repossessed by a staff-run bureaucratic office far apart from the culture in which I have heretofore built my career. The HR officer, in the third sentence seems very concerned about characterizing whether or not my return to work is “full time or modified.” I had just finished a semester as a fulltime member of the faculty.

But nowhere in this email am I even referred to as a member of the faculty. In the second paragraph I am a “case” that needs “closure” as “soon as possible,” and apparently the only way I can obtain this closure is to have my doctor forward a release—though again I have no idea what a release is. The “release” must now be transferred by fax. Obviously this is a matter of extreme urgency, but the urgency is only characterized as a need to close the case, there is no discussion of *implications*. In the third paragraph I am informed that many others will be following through “on your situation”. I never heard a word from anyone in HR by email, mail, phone, or carrier pigeon from December 10, 2002 to January 27, 2003, nor had anyone contacted me regarding “my situation” prior to December 10, other than Fatima, who again only contacted me on September 23, 2002.

I did not read this email, as noted above, until after I received the call from my director, Monday morning, January 27, 2003, the first day of second semester, my first year back as a “case” that had become a real “situation.” One would think that on the basic level of human decency, in the name of civility, this woman, Fatima Gorda—the HR officer—would have tried other avenues in which to contact me once she did not receive a response to her email considering the implications she had in mind: having me placed on leave of absence without pay. This is a situation that I would never in my wildest imagination have considered. Quite to the contrary, I had considered the issue resolved in September when I returned to work and began again as a fulltime member of the faculty with the full knowledge and permission of my program director, my college dean, the vice-chancellor of HR, and after receipt of the odd letter of September 23 from Fatima welcoming me back to the university.

### The Will to Power

Never in any communication, either written or oral, did the HR officer characterize what my doctor needed to do to satisfy HR’s needs so that they could put “closure” to my “case.” Nor did the officer—Fatima Gorda—ever communicate to me or to my director, until 6:53 p.m., Friday, January 24, 2003, again by email that was not read by me or by my director until Monday, January 27, 2003, the first day of classes, that HR



was going to take any action against me. After not following up in any way on the email of December 10, 2002, the HR officer writes the following:

From: Fatima Gorda  
To: David Rosaldo (my program director)  
Cc: Dean Sampson (my college dean), Laura McMurray (staff member in charge of medical leaves), Candace Mitchell, Marshall Best (vice-chancellor of HR)  
Sent: Friday, January 24, 2003 6:53 PM  
Subject: Candace Mitchell's Return to Work

Dear David,

Despite the results of our meeting in Fall 2002, and my conversation with Candace at that time regarding her issuing a "Return to Work" document from her doctor, Human Resources has not received this release. We can only assume, therefore, that Candace would be going out on "Leave without Pay" for the Spring 2003 semester and the Dean's Office will be following this email with a Personnel Action Form to accomplish this action.

I believe we have been patient in HR by allowing Candace to complete the Fall 2002 semester, since she had already met her class prior to our knowledge of her return. Rather than cause disruption at that time, and because this document was expected in September, Candace continued in full-time faculty duties. However, based on recommendations of our legal counsel, the University must proceed with this course of action for Spring 2003.

Please call Robert Smith or myself with questions. I personally had hoped that we would have had a different solution for this issue months ago.

Thank you,

Fatima

Unlike the letter of September 23 and the email of December 10, this email is not even addressed to me, but to my director. I have now become the subject of the email, and as such I am completely objectified as: "Candace Mitchell's Return to Work." Obviously the matter is totally out of my hands since I have failed to respond in the manner the HR officer expected. She begins the email by writing: "Despite the results of our meeting in Fall 2002" which suggests that an agreement had been reached among the participants at the meeting—the HR officer and my director. These "results" relate to "my conversation with Candace at that time" which implies that I also was at the meeting therefore agreed to the "results" of the meeting. Now what were the "results"? The "results" are in regard to my "issuing a "Return to Work" document" from my doctor. Again I was not at the meeting. The meeting was not about a release letter. And further, how could I "issue" a letter from my doctor? Only my doctor could "issue" a letter of release; I would be able only to ask for a letter from him. HR, of course, has not received "this release" since I did not know one was required, or what one was to contain.

Now, since no letter has been received, and even though no letter was requested,

“We”—all in HR and my dean, I soon learn—“can only assume, therefore, that Candace would be going out on “Leave without Pay”” . . . Now, in my opinion, that assumption, particularly considering the use of “would” rather than “will” is a great leap in logic, unnecessary, and frightening as well in that “would” assumes a done deal. All the HR officer had to do was pick up the phone, call me and ask: “Candace, are you planning on going out on Leave of Absence without Pay this Spring semester?,” and I would have promptly replied, “No, I have no intention of doing so.” A phone call to me would have negated HR’s assumptions regarding my plans for second semester. But the courtesy of a call was not provided, and it seems that even HR is somewhat out of the picture at this point as it is the Dean’s Office that will follow through with the Personnel Action Form to “accomplish this action,” leaving no doubt that the action will in fact occur.

In the second paragraph we learn that HR has been “patient” in “allowing Candace to complete the Fall 2002 semester, since she had already met her class prior to our knowledge of her return.” I called the vice-chancellor of HR in July 2002 to notify her of my intent to return, and the doctor’s letter was in the HR office by the end of August 2002. It was the HR officer who did not get around to checking the letter until three weeks into the semester, after I had already been cleared on payroll and through all other official channels for a return to work. Now she is relying on “legal counsel” to support her course of action, without having provided any forewarning. I question the use of legal counsel. Did the HR officer again consult a university lawyer as she had in September, or just speak to the newly-hired head of labor relations who was also a lawyer, but not hired to practice at the university? The words, “legal counsel”, carry great weight and may have swayed the dean to act prematurely to sign the LOA form without even proceeding with the courtesy of calling me to see what I had to say of the “situation.”

In addition to emphasizing that HR has been “patient” the officer also argues that “they,” now implicating again the whole department, did not want to cause “disruption” as I had already begun to teach. Further, Fatima writes, “because this document was expected in September, Candace continued in full-time faculty duties.” I was cleared to teach in September, so why would there be an expectation that “this document” was to arrive in HR? It had not been requested. And what is the logic of the relationship between the expectation and my continuing to teach? In all this email lifts the burden of responsibility for the action that is to be taken against me from *Fatima Gorda’s shoulders*, next places it upon the *back of HR*, then passes it off to the *Dean’s Office*, and finally, based on “legal counsel” argues that “the *University* must proceed with this course of action for Spring 2003.” The HR officer constitutes a discourse which frames her case such that her failure to communicate first; the need for a new letter from my physician; second, what that letter must contain; and third, the implications if I were not to follow through with the “unstated” “tacit” “rules” for return to work from a medical leave, is buried so deeply in a bureaucratic paper trail that only the truly determined participant could possibly uncover the truth of the affair.

What could possibly motivate an administrator in HR to blindside me in such a way? Especially one who writes in her final email: “I personally had hoped that we would have had a different solution for this issue months ago.” Note the “I personally” indicating that she is involved at a level that runs deeper than that of a mere functionary—she cares. She “hoped” for a “solution” signifying that I am a problem, or that I have caused one for HR. And again, she distances the reality of what is happening here: I’m being set up to lose pay and benefits without notification, without being told what I need to do to satisfy HR’s requirements, and without even being aware that I was still obligated to do something for HR as I was fully under the impression—and it was in writing—that I was back at the university and welcomed, no less.

### The Collapse of Collegiality

Right before the HR officer wrote the email dated Friday, January 24, 2003, discussed above she spoke with the dean, who signed the Personnel Action Form on Monday, January 27, 2003, despite her confusion over the issue of the return-to-work letter as well. This is memorialized in the email below:

From: Dean Sampson  
To: Fatima Gorda, David Rosaldo  
Date: January 24, 2003  
Cc: David Rosaldo, Susan McMurray, Candace Mitchell, Marshall Best  
Subject: Re: Candace Mitchell’s Return to Work

Dear Fatima,

David phoned me this morning to say that a medical clearance letter had been sent early last fall and had been received by the ADA [HR] office. Apparently, this letter is not adequate.

It would be helpful if you could explain what remains to be said in the medical clearance letter we are now seeking. From the conversation you and I had on Friday at about 5:45 p.m., I understand the doctor’s letter should simply say that Dr. Mitchell is able to return to work. Is that correct? Should it specify full-time?

If we need to get together with David on Tuesday, please let (secretary) know.

Meanwhile, I have signed the LOA form and sent it to (the vice-chancellor of HR).

Best wishes to all, (DS).

From the information contained in the first paragraph it is clear that the HR officer did not share with the dean during their conversation on Friday, January 24, 2003, the fact that my doctor had already provided a letter to the university in August 2002. This is apparent since the dean indicates that she has learned just “this morning” that “a medical clearance letter had been sent early last fall.” Also the dean seems to have had the same problem understanding what a medical clearance letter should contain as I did. In fact, she understood after speaking with the HR officer that the doctor’s letter should read just as my doctor’s letter did. And clearly it is an understatement

to indicate that “It would be helpful if you could explain what remains to be said in the medical clearance letter we are now seeking.” I had tried unsuccessfully to find out the same information from the vice-chancellor of HR in July 2002, and from the HR officer in September 2002, both times during phone conversations. And though I did not have an appropriate letter for a release to return to work—though “appropriate letter” is an oxymoron in that no policy statement was in place characterizing what such a letter was to contain.

### On Becoming the Object of the Discourse of Disdain

Why had I become such an object of disdain? I was objectified to such a degree that no one who was participating in this serious action against me even took the time to speak with me about it, other than my program director. And even after he spoke with the dean on my behalf, she still went ahead and signed the LOA form. It was as if I no longer existed. Case closed. My assessment is that HR did not like the fact that I was teaching one course, a schedule approved by the dean. This I assume HR considered a “modified schedule.” But from HR’s perspective, with little understanding of the workings of the academic context, or of my responsibilities within the community, my situation was viewed quite differently: HR thought I was being “accommodated”. Thus, in turn, HR saw my situation as an effort on the part of the faculty and the program director to control and protect returning faculty, thus diminishing HR’s power in the decision-making process.

The culture of HR overtly clashed with faculty culture in such a way that HR felt that I was somehow getting away with something that they needed to set right. This was confirmed when I called the HR director after learning that action had been taken against me to have me placed on LOA without pay to try to make some sense of the act, and to learn why no one in the office had made any attempt to contact me directly at any time during the semester, first to tell me that a new doctor’s letter was required; what that letter needed to say; and what the consequences were if a letter were not forthcoming. The HR director avoided the references to the manner in which HR had carried out its communication with me and instead commented, “Well, you only teach one course, don’t you?” Now this came totally out of the blue, a nonsequitur, if you will, but I immediately understood the implications of the comment.

From the perspective of an HR staff member teaching one course signified part-time employment, i.e., a modified schedule. To this I responded: “First, let me make something clear to you, it is not HR’s business to monitor the academic domain, but since you have chosen to do so, and to imply incorrectly that I am somehow skirting my responsibilities, let me explain: I teach in a graduate program. Each course counts as one and a half courses. I also direct a center at the university. As director I receive a graduate course load reduction. A full course load in my program is two courses. This is equal to three courses per semester at the undergraduate level. I am fulfilling a full course load as required of a full-time faculty member. This arrangement was

negotiated through my dean's office after I received an offer from another university. And finally, what I teach, when I teach, how many courses I teach, and so forth, in fact anything having to do with the academic domain is absolutely none of your business, or the business of anyone else in HR." To this she replied, "You are absolutely correct." I had not raised my voice, but I was furious. What right had the Office of Human Resources to intervene in the academic affairs of the university and to arrive at false conclusions regarding my contributions to the community; I was to be evaluated by peers, not by managers and functionaries, angry, I believe because they were at their desks from 9 to 5 and thought that I was working only from 4 to 6:30 on Friday evening, the hours my course was scheduled.

The absurdity of it all nearly caused me to totally lose my bearings as I was still bound by HR to come up with a release or I was out of a job. It was Monday, and I was given until Friday to get the release into HR. I had no idea whether my doctor was even in the country. I called my lawyer. My lawyer called the HR officer who had "handled my case" since September and had initiated the paperwork to have me placed on LOA. My lawyer left a phone message. A day later the HR officer returned the call. My lawyer was out of the office. Finally on Wednesday, January 29 the two spoke by phone, and my lawyer was able to learn that my doctor needed to insert into the original letter the following words: "fulltime" work "without restrictions" and I would be cleared through HR to return to work.

I was incredulous. Three words. Why had no one in HR been able to articulate these words to me in September? Why had HR failed to communicate that a new letter from my doctor was required until the last day of the semester, December 10, 2002, and then by email after having just spoken to me by phone and never mentioning the need for a new letter? When HR did not hear back from me after the December 10 email, or from my director, why did HR not make an effort to contact me by phone, by mail, or certified mail which would have been the most appropriate route considering the seriousness of the yet-to-be-articulated consequences of failing to provide a rewording? How could HR treat not only me, but my program director, with such a lack of regard and respect? This was a bureaucrat office and a representative functionary enraged and out of control.

### A Functionary's Final Affront

My doctor, of course, agreed to provide the new note, but in order to do so his transcriber—large teaching hospitals handle correspondence, grant writing, report writing, and the writing of research through a central office of transcription—not out of each separate clinic location. So my physician's transcriber had to shut down the whole system—she was working on a tight schedule to meet a grant deadline for my doctor—to search the files for the original August 2002 letter in order to insert the required words, to change the date, and to print it out so that it could be transferred to my doctor's office for his signature. HR had managed to stop the important work

of one of the most highly regarded research and teaching hospitals in Boston; upset the program in which I teach; and cause me enough stress that I needed to schedule an emergency hospital procedure. My physician provided a copy of the letter he had faxed to my lawyer and to HR to me while I was in pre-op, and noted with irony that the bureaucrats were out to take over the world. I agreed.

Once the release was received in HR by fax and I was back on the books so to speak, my dean congratulated in an email cc'd to my director the HR officer, Fatima Gorda, for her fine work and described her as "indefatigable." I could find far better words to describe her, but will refrain from so doing. I did not let the matter rest, but set about to document the case at the university. A return-to-work from a medical leave policy was put in place, in writing, that is clear and easy to follow. HR forwarded the policy statement which includes a form for one's doctor to fill out upon return to work to me for my approval and suggestions prior to implementation. Faculty and staff have different forms, though both are very simple to fill out. The director of HR left the university for another position. She sent me a long letter of apology prior to her departure. There is an interim director now in place who also sent me a long letter of apology. The HR officer who orchestrated the action against me sent a strained letter of apology. She was directed to do so. I think she should have been fired. She was directed to phone me to apologize as well; I have yet to receive a call.

### In Search of Civility

The case study and discourse analyses presented herein highlight the dangerous intersection between academia and the bureaucratic mentality endemic to the corporate world. On the one hand academia struggles to maintain a modicum of civility; while the corporate world has long ago succumbed to a discourse of disdain. Along with Henry Giroux, I too "believe that intellectuals who work in our nation's universities should represent the conscience of this society because they not only shape the conditions under which future generations learn about themselves and their relations to others and the outside world . . . [but they] are by their very nature moral and political rather than simply cost-effective and technical." (2003, p. 191). Giroux argues that the "emerging corporate university radically alter[s] the vocabulary available for appraising the meaning of citizenship, agency, and civic virtue." (p. 196).

With this in mind, I argue we must not address these issues solely within the pedagogical spaces of our classrooms, but in all contexts in which we confront, as I did, oppositional, oppressive discourses. Our only option is to fight back, record, critically assess, and seek avenues for change that will provide opportunities "to win back democracy" (p. 196). We need to take special care not to allow administrative and bureaucratic communities both within and outside our borders to engage in hegemonic practices that speak more to the culture of reality TV as typified in Donald Trump's hit show "The Apprentice" which ends each episode with the ultimate

words of power situated within a discourse of disdain: “You’re fired!,” than to a culture of academia grounded in collegiality, civility and democratic citizenship.

In the end we must recognize that “what drives the authoritarian tendency of this global corporate worldview is the desire to reshape the whole of reality in its image.” And that “the hubris of this worldview is the belief that reality is nothing but the corporate world and that whatever is not part of that world must be made to conform to it—hence, the desire to redefine higher education in corporate terms.” (Edler, 2004, p. 101). HR’s efforts to insinuate its authoritarian corporate model inappropriately into the affairs of a faculty member returning to work from a medical leave serves as a warning that higher education may not be far from experiencing the lean-and-mean “obliterate” approach designed to re-engineer corporations in order to arrive at “super efficiency” characterized in the following metaphor: “‘In reengineering, we carry the wounded and shoot the stragglers’” (Davenport & Pruseck, 2003 as cited in Edler, p. 96).

I despise the metaphor, but will go with it: I shot back not only to save my position, salary and dignity, but to prevent the encroachment of corporate values and processes from further shifting “from the periphery of an educational institution to its defining center,” thus, for a time at least, preventing educational values and processes “from becoming peripheral and perhaps even expendable” (Edler, p. 96). And though I report on and critically analyze but one instance of corporate incursion into the academic domain; unfortunately the assault occurs in multiple contexts across the academy, and more unfortunate still, the movement is relentless. There is no recourse but to resist.

### Note

<sup>1</sup> All individuals, other than me, mentioned in this article are referred to by pseudonym.

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