

ACADEMIC MOBBING at Grant MacEwan “University”

This document presents a factual account of the events leading up to my forced departure from MacEwan. There is no ‘smoking gun’ — no single event. Rather, there is a web of coordinated events, with significant care taken to hide portions of the web. Underlying these administrative activities is a web of corruption that pervades MacEwan Administration.

Dr. Kenneth Westhues is a sociology professor emeritus at the University of Waterloo. He has extensively studied academic and workplace mobbing. From his website, <http://arts.uwaterloo.ca/~kwesthue/>, he writes on academic mobbing:

The more clever and effective strategy is to wear the target down emotionally by shunning, gossip, ridicule, bureaucratic hassles, and withholding of deserved rewards. ... Many targets crumble, flee to a job elsewhere, or take early retirement. Others surrender to the collective will, behaving thereafter like a dog that has been bested by another dog in a fight for dominance. If the target refuses to leave or acquiesce, ... The object [becomes] to destroy the good name that is any professor’s main resource ... [leaving] the target stigmatized [and traumatized] for life.

Advocacy

Since starting at MacEwan in 2003, I was an active member of numerous MacEwan committees: Academic Council, Science Council, Student Success, Faculty Evaluation, Faculty Development, and others. On these committees, I advocated for changes that would better the academic and instructional environment. Some were accepted; others were not. I noticed that any suggestion that put responsibility onto MacEwan was not accepted. Additionally, I and others questioned policies brought for approval. Some were difficult to understand and some had questionable intent. This occasionally resulted in policies being sent back for revision to clarify meaning.

I was the VP Professional Affairs for the MacEwan Faculty Association during the transition from MacEwan College to MacEwan University. During this tenure, I published two articles expressing concerns regarding administrative practices:

- Sometime in 2008, Administration rewrote the administrative employment policies, significantly reducing the evaluation requirements of administrators and removing the statement that administrators should “maintain an appreciation of the instructional environment by teaching on a part time basis.” These substantive changes were submitted to the MacEwan Board of Governors as “changes to the signing authority”. It is clearly more than this.
- With the transition to a university, I advocated for MacEwan Administration to evolve itself from a college-style administrative model (permanently appointed administrators) to a university-style administrative model (term-appointed administrators). I argued that regular renewal of administrators allows for continuous innovation, keeps administrators in touch with academics, keeps academics as the first consideration of administration, and prevents an ‘old-boys-club’ from forming.

Academic Freedom

Section 3.5.4 of MacEwan policy C5054 (Academic Freedom) states that faculty are free to participate in university governance, to question University procedures and policies, and to propose and to work for changes without fear of censure and undue interference. Sections 3.5.1 to 3.5.5 further states that faculty are free to develop and use instructional material, to participate in new curriculum development, and in the selection of research topics without censorship or fear of harassment or reprisal.

My academic philosophy is to support and advocate for practices that serve the long-term best interests of students, faculty, their institution, and society. By providing students with the best possible education and best possible learning environment, graduates enter and continue in the workforce. Their distinguished service to their employer and to society builds the institution's reputation and ensures its' longevity.

Scholarly activities

My scholarly interests involve correcting and modernizing the information in instructional resources, developing instructional models and strategies that convey information at the current level and allows future courses to build on the material, and understanding the barriers faced by students transitioning from high school to post-secondary. This work has been presented at regional, national, and international conferences.

One outlet of this scholarly activity has been the development of a first-year textbook. Starting in 2007, Dr. David Higgins (Dean of Arts and Science) and Dr. Patrick Sullivan (Associate Dean of Science) formally supported my pedagogical scholarly activities with two course releases and permission to use my developing textbook in classes that I was teaching. I also received institutional funds to attend and present on these scholarly activities at conferences. In July 2009, I met with Dr. Robert Hilts (new department Chair) and we agreed that I could continue using my developing textbook in courses I was teaching. By April 2010, after two years of use with students, student feedback had returned to my original level. In October 2010, Dr Hilts sent a email demanding to know why I was using my textbook with students. In January 2011, Dr. Higgins declared that, "Your textbook is your undertaking.... No discussion about or request for support has ever reached me or Dr. Sullivan." This statement clearly contradicts years of documented approval and support from MacEwan, including Dr.'s Hilts, Sullivan, and Higgins!

Shortly after MacEwan was granted university status in summer 2010, MacEwan Administration was encouraging science faculty to engage in scholarly activities that are recognized by NSERC. I was strongly encouraged to stop doing pedagogical scholarship and begin "real research". MacEwan policies clearly indicated that pedagogical scholarly activities (one of Boyer's types of scholarship) were acceptable. From 2003 to 2010, I gave over 30 presentations (eleven invited and two keynote) on my pedagogical activities at regional, national, and international conferences. Furthermore, MacEwan provides insufficient space, equipment, and resources for all science faculty to engage in scientific scholarly activity, so pedagogical scholarship is ideal for a teaching-focused institution.

Escalating issues

My first awareness of serious problems with administration was in September 2010. I was twice advised that “The Dean is out to get you.” In October 2010, I received a scathing email from Dr. Hilts demanding to know why I was using my developing textbook in courses I was teaching and accusing me of violating other departmental policies. The email contained numerous errors, and Dr. Hilts admitted that both Dr. Higgins and Dr. Sullivan had been involved in drafting the email.

Dr. Higgins and Dr. Hilts suddenly and without consultation imposed a policy that prevented me from using my developing textbook at MacEwan. This action is contrary to the interests of a teaching-focused institution that promotes pedagogical scholarly activity. It was discovered that the policy prevented Dr. Hilts from using a workbook he had developed, and the policy was quickly refined to target only my textbook. Furthermore, Dr. Hilts was responsible for informing the bookstore of course textbooks. At the same time that he was imposing this policy against my textbook, Dr. Hilts subvertly listed his workbook as a *required resource* for all first-year courses in the department. His *workbook* wasn’t even for the current *textbook*! Dr. Hilts did this without consulting the course instructors and taught less than 20 % of the first-year sections himself. His workbook cost over 40 \$ per term (profits were more than 20 \$ per book).

During meetings with administrators, usually Dr. Higgins, I was always at a disadvantage and on the defensive. Dr. Higgins refused to inform me of the meeting agenda. Most every meeting was a new allegation against me, with Dr. Higgins demanding immediate answers and me having to recall supposed events and provide my side of the story. I would routinely send Dr. Higgins a follow-up email summarizing my verbal submissions and with supporting evidence. Dr. Higgins ignored these submissions and was sometimes angered by them.

These and other administrative actions made me realize that these administrators were engaged in a coordinated effort to target me and my scholarly activities. Their actions were negatively affecting my ability to work and my personal well-being. I informed MacEwan Human Resources of my intent to file a harassment complaint against Dr. Higgins, Dr. Sullivan, and Dr. Hilts. Upon being notified of the impending harassment complaint, Dr. Higgins requested mediation (I agreed), but then requested that mediation be delayed. Dr. Higgins’ actions toward me became increasingly aggressive and oppressive. Senior administration did nothing to stop Dr. Higgins. In their inaction, they complicitly supported his actions; indeed, the actions of several administrators overtly and/or covertly supported Dr. Higgins actions.

I took six weeks of medical leave in summer 2011. During this time, Dr. Higgins blocked my email, office phone, intranet access, rekeyed my office, and stopped my pay after two weeks of leave (despite me having eight weeks of banked medical leave). I am not aware of any other person on medical leave that was similarly isolated from MacEwan. When I returned from medical leave, I received an email from Dr. Sullivan stating that, since I had not taken my vacation during summer 2011, my vacation days were voided as of 31 August 2011. There was no prior notification that I had to take them during the summer. Indeed, the vacation planning document gives faculty the option to take their holidays until June 2012 and many faculty defer holidays to Christmas or the following spring. I was not afforded the same benefits.

Dr. Higgins initiated three complaints against me in January and February 2011, targeting my scholarly activity. For two complaints, Dr. Higgins was the *sole* complainant, *sole* investigator, and *sole* arbiter.

The first complaint pertained to intellectual property agreements I made with students developing material for my textbook. MacEwan recommends faculty obtain intellectual property agreements with collaborators, including students, involved in faculty-led scholarly activity. However, MacEwan does not provide a template for agreements with students. Students had approached me about developing material for my textbook and I welcomed their enthusiasm and assistance. In the IP agreements I used, students retained ownership of their IP and gave me a non-exclusive license to use their work. I also agreed to credit the students in the textbook. None of the students involved has complained or even expressed concerns regarding the agreements. The students were not consulted during Dr. Higgins' investigation. So, without involving me or the students in his investigation, Dr. Higgins declared the agreements void and informed me that MacEwan will take action against me if I used the student's intellectual property. I had no opportunity to submit evidence or review and rebut evidence collected by Dr. Higgins during his investigation.

The second complaint pertained to an email I sent informing students of my free developing textbook. Dr. Higgins believed this to be FOIP violation. The MacEwan FOIP officer is responsible for investigating complaints and the Vice President Students Services must be involved if the complaint involves students. Neither of these occurred. When the FA Executive finally contacted the FOIP officer months later and informed him of the circumstances, the FOIP officer commented that my actions appeared to be a minor breach — if a breach at all — and that he would have used this as a “learning opportunity”.

In April 2011, without involving the appropriate personnel or following the processes outlined in policy, Dr. Higgins concluded his investigation into the FOIP complaint. He deemed my actions egregious breeches worthy of termination. In addition to the failure to follow policy and procedure, his April 2011 concluding letter contained numerous errors and inconsistencies, all of which I presented to the Faculty Association and to Dr. Janet Paterson-Weir (Vice President Academic). Neither did anything

During these investigations, Dr. Higgins recommended I resign and offered me a resignation package. The MacEwan Faculty Association Executive pressured me to accept the package while still adamant that Dr. Higgins' actions against me were not within the purview of the Faculty Association (not employment related) and without investigating anything themselves. I refused to accept the package and contacted a lawyer (see below).

The third complaint pertained to field testing of my developing textbook. In consultation with the former department Chair, we agreed that it was important to confirm that students were gaining the same understanding and decided to include some common assignment questions to assess this. Dr. Higgins stated that the agreement with the Chair was irrelevant, and condemned my actions. For this complaint, Dr. Higgins was the *sole* complainant, *sole* investigator, and was set to rule as the *sole* arbiter in June 2011 when I inquired with Dr. Paterson-Weir and Brian Pearson (Director of Human Resources) as to why policies dictating process were not being followed. (I

had just learned of the policies.) Pearson informed me that, “administration has the sole discretion to determine if and when a policy is activated.” I complained to Dr. Paterson-Weir, arguing that policies are always in effect and must be followed by both staff and administration at all times. She dismissed my complaint. However, Dr. Higgins immediately stopped his process and informed me he was “activating the policy”.

Harassment complaint

When I returned from medical leave, I filed the harassment complaint against Dr.’s Higgins, Sullivan, and Hilts. The harassment investigation proceeded slowly because the respondents “had difficulty finding time to meet with the harassment investigator”. The external investigator gave all parties the opportunity to review and respond to the submitted evidence (in legal terms, cross-examine). I was surprised by the many false and misleading statements that Dr.’s Higgins, Sullivan, and Hilts made to justify their actions against me. I submitted records correcting the false and misleading statements.

At no time during MacEwan’s internal investigations (Dr. Higgins’ investigations above and the investigations below) did I have nearly the same opportunity to cross-examine the evidence as I did during the harassment investigation conducted by an external investigator.

Subsequent MacEwan investigations

Dr. Patterson-Weir and Dr. Susan May (Associate VP Academic), both initiated investigations into Dr. Higgins complaint. Dr. May established and led an Investigative Committee. This process is dictated by policy. However, Dr. May prevented me from having representation at the hearing (a direct violation of policy), refused to let me see or respond to evidence submitted by others (no cross-examination), and put Samantha Kernahan (MacEwan’s in-house lawyer) on the committee (also a violation of policy). Kernahan failed to bring forth a 2006 Alberta court decision — readily found in the law databases — that likely would have exonerated me. Additionally, despite being an active member of the committee, Kernahan’s involvement is not documented on any official report. It appears the lawyer was a covert operative whose mission was to subvert the committee.

I was not aware of Dr. Paterson-Weir’s investigation until informed of its conclusion. I had no opportunity to submit evidence or respond to evidence submitted by others. I never received a copy of the report, yet Dr. Paterson-Weir relied heavily on the report as a foundational document in making the decision to terminate me.

MacEwan Faculty Association Executive

By fall 2010, there were numerous indicators of a deteriorating employment relationship. I expressed my concerns to the Faculty Association (FA) Executive. I requested FA representation during meetings with Administration. Sean Hillman (FA Resource Officer) attended these meetings, but said little. As things escalated, I questioned why he didn’t say much and was told that I was doing a good job of representing myself. After ten months, exasperated, I asked what

they were doing on my behalf, I was informed by Jerry Zdril (outgoing FA President) and Dr. Aimee Skye (incoming FA President) that the FA Executive were doing nothing. They stated that my problems were not employment related and not within the purview of the FA. This was said after I received the resignation offer — clearly employment related — and after attending meetings where everything from my scholarly activity to vacation was targeted. I was told that Hillman had attended meetings at my request, not on behalf of the FA. The FA Executive refused to get involved and, without conducting any investigation whatsoever, strongly recommended I accept the offer and leave. It was as if Administration had told the FA Executive, “He needs to go. Don’t get in the way.” and the FA Executive acquiesced without question.

I obtained an attorney in April 2011. The FA refused to respond to my attorney for over two months. Then in June 2016, after receiving a formal letter demanding a response, two things occurred within days: (1) Sean Hillman resigned, and (2) the FA Executive asked Administration for the evidence supporting their allegations and actions. The FA Executive discovered that MacEwan Administration had no evidence supporting their allegations and found serious problems with the process. The FA Executive reviewed my personnel file and found nothing negative in my file: *my personnel file was absolutely clean!*

The FA Executive launched grievances on my behalf, but most were beyond deadlines and Administration refused to consider them. The FA Executive didn’t push them. It appeared that the FA Executive were more interested in making things go away rather than effectively representing me against the false allegations. For example, recall that the FA Executive initially refused to get involved, arguing that the issues were not employment related. Later on the same issues, the Dr. Skye stated that the FA was refusing to get involved because they hadn’t been involved initially — I must continue to handle these issues on my own. I requested the FA involve CAUT; the FA Executive refused, stating they could handle my concerns in-house. A sympathetic member of the FA Executive informed me, in confidence, that the FA Executive had decided their “positive” working relationship with Administration was of greater importance than one faculty member. The FA’s lawyer also failed to find the 2006 Alberta court decision. These action and inaction have established a dangerous precedent and perpetuated a working environment that is not in the best interests of MacEwan faculty, staff, or students. I am aware that MacEwan Administration continues to target faculty and the FA Executive continues to do little for these members.

I met with members of the Dr. Skye in September 2014 to discuss the revelations from the FOIP’d documents (see below). She stated that “the FA is not in the business of challenging bad management”. Dr. Skye stated that the University has the right to terminate any faculty member at any time, even if there is no negative history between the faculty member and the University. She further stated that there isn’t anything anyone — including the Faculty Association — can do about it. Sadly, this philosophy fits the FA’s actions when I was being targeted from 2010 – 2012. This position is the death knell of academic freedom at MacEwan.

Departure

Recall that I had advocated for term-appointed administrators to prevent an 'old-boys-club' from forming.

As the seriousness of the allegations increased, one would expect an increasingly professional and impartial process. The opposite was true: Administration took increasingly desperate measures to ensure they were successful in terminating me and protecting fellow administrators.

With the harassment investigator close to submitting his report and the growing body of evidence questioning the fairness and appropriateness of the actions of numerous MacEwan administrators, Dr. Paterson-Weir informed me they were going to terminate my employment and go public with the allegations they had against me. It was grudgingly acknowledged that MacEwan may not have sufficient cause to terminate me, but they would terminate me, go public and destroy my reputation, and then deal with the consequences. That, or I could accept their offer and resign. Simply, I was gone *that day* in March 2012, one way or another.

In conclusion, I am not at MacEwan because I — in a positive and professional manner, as part of the committees and positions I held, and in accordance with MacEwan policies — advocated for changes that would benefit students, staff, faculty, and MacEwan as a whole.

I never signed a confidentiality agreement, so am free to share this factual account publicly.

The human cost

I continue to experience trauma from the academic mobbing. Unfortunately, there is another human cost: other faculty and staff, including some of those who supported me, have been targeted. Additionally, some administrators named in this account suddenly left MacEwan, and their departure correlates with times that their actions against me failed. Others retired with full honors. And others are still in administrative positions at MacEwan, free to find new targets. The human cost for the corruption within MacEwan Administration continues to grow.

My departure sent the strong message to faculty still at MacEwan that they will suffer similar fates if they dare question administration (even if it is permitted by policy).

FOIP requests

After leaving MacEwan, I requested records through Alberta's Freedom of Information and Protection of Privacy (FOIP) legislation. Interestingly, my personnel file was significantly redacted. The unredacted components contain numerous revelations; below are just a few.

- The face of the allegations against me was Dr. Higgins. However, it is clear from the records that Dr. Paterson-Weir and Jeff Wasalenchuk (Interim Director of Human Resources) were intimately involved with planning and strategizing my termination. Their involvement was purposely not disclosed.
 - They (Dr.'s Higgins and Paterson-Weir, and Wasalenchuk) strategized who would sign documents so that other administrators (specifically Dr. Paterson-Weir) would appear neutral to hear appeals. This ensured no chance of fair and impartial processes.
 - They weighed two options: follow policy or bypass policy. They chose to bypass policy because it was the expeditious route to my termination.
 - They strategized ways to prevent me from appealing decisions and strategized ways of separating the appeal from the disciplinary action taken.
 - Dr. Higgins filed three complaints against me. They chose to conclude two early (April 2011) with harsh discipline and planned to conclude the third with my termination. They convinced themselves this constituted "progressive discipline" (it doesn't).
 - With the knowledge that Dr. Paterson-Weir was intimately involved, I understand why my concerns regarding policy and process violations by other administrators — concerns that I submitted to her — were ignored.
- Dr. Paterson-Weir was very concerned that Dr. Higgins' April 2011 letter would be questioned and discredited. (The FA Executive didn't push administration on the numerous errors in this letter or the numerous errors in process by Dr. Paterson-Weir.)
- Dr.'s Higgins and Paterson-Weir, and MacEwan Human Resources received an independent legal opinion on their desire to terminate me. *The legal opinion indicated that MacEwan did not have sufficient cause*, yet these Administrators proceeded despite this legal opinion!
- The legal opinion discussed the third complaint by Dr. Higgins that was being investigated by Dr.'s Paterson-Weir and May. The lawyer provided an arbitration decision from a similar situation (significantly greater supposed violation by that faculty member). The arbitration decision repeated many of the *arguments I tried to make* (see below) and *exonerated the faculty member of any wrong-doing*.
 - The arbitration decision was withheld from the Investigative Committee.
 - Dr. Higgins continued with his complaint and Dr. Paterson-Weir continued with her investigation despite the legal opinion and arbitration decision showing their action was not supported in law.
- The records substantiate my belief that MacEwan planted their in-house lawyer on the Investigative Committee to subvert the committee.
- At Dr. Higgins' request (a subject of my harassment complaint), MacEwan sent misleading information to the harassment investigator to bias his investigation.

- Dr. Paterson-Weir purportedly obtained an independent review as part of her investigation. This review was obtained specifically because it was faster than the process outlined in policy. This review was critical in her decision making. However, MacEwan has no record of this review nor the report prepared by Dr. Paterson-Weir. (*I specifically requested these records in another FOIP request and was explicitly told they could not be found.*)
- Administrators identified ten separate issues that they would use to support their decision to terminate.
 - Four issues have never been brought to my attention. These and several other issues are differences of opinion dredged up over my nine years at MacEwan. Differences of opinion addressed professionally at the time that were resurrected into major issues.
 - I was not at all involved in two issues.
 - I had administrative permission for three activities that they now consider issues.
 - *None* of the issues were ever in my personnel file.
 - One issue is that I made “allegations of supposed committee manipulation”. The supplied records confirm this!

Regarding the third complaint, the arbitration decision and Alberta court decision states that the factors, intent, and rationale leading up to a perceived violation are critically important in determining guilt or innocence. This is common sense and part of the *arguments I tried to make*. I explained the discussion and agreement with the department Chair to Dr. Higgins, who dismissed it as irrelevant. Dr. May knew of this agreement, but prevented me from disclosing it to the Investigative Committee, also stating it was irrelevant. Indeed, for all the issues and allegations leveled against me, my attempts to put them in context were aggressively and repeatedly dismissed by MacEwan Administrators. The more I investigate and understand the law, the more I realize how critically important it is for investigators to know the background, intent, and actions preceding the event in question. MacEwan administrators clearly weren't interested in fair and impartial processes.

In summary, the records show significant planning and subversive actions by numerous MacEwan Administrators to get to their desired result — my removal from MacEwan — by any means necessary. The processes were not impartial and were purposely subverted. MacEwan Administrators chose not to follow policy because it was expedient, because it prevented appeals, and because it was more likely to succeed compared to following policy.

MacEwan today

It is not a coincidence that the bulk of these events started shortly after the former MacEwan President announced his retirement, and the expediency was to have me gone before the new President took office. This did not occur. I contacted Dr. David Atkinson, the incoming President, before he took office. He responded that he was unable to act until he took office. Upon assuming office, Dr. Atkinson repeatedly informed all employees that he was interested in meeting with them. When I requested to meet, Dr. Atkinson informed me that, “it would be inappropriate to meet at this time.” When I left in March 2012, I provided Dr. Atkinson with a 40 page document summarizing the events (a more detailed version of the first five pages of this document), but he again chose not to get involved. In April 2014, I provided Dr. Atkinson with the revelations

discovered through the FOIP requests and asked how he was planning to protect current faculty and staff. No response. Simply, *President Atkinson repeatedly turns his back on faculty being harassed and bullied by other MacEwan administrators*, passively supporting and perpetuating the abusive culture at MacEwan.

This document is therapeutic. I also want to effect positive change at MacEwan for the betterment of current and future students, staff, faculty, and society. I communicated my concerns to the Minister of Education, who directed me to the MacEwan Board of Governors. The Board directed Administration to investigate itself. This has resulted in denials, delays, and threats. All with the likely goal of continuing the cover-up of wrongdoing by MacEwan Administrators.

It is interesting to note that MacEwan's Public Interest Disclosure Framework document states that, "[MacEwan] is committed to the highest standards of legal, fiscal, ethical and accountable conduct." Apparently, these standards do not apply to MacEwan Administrators, so again, nothing has really changed within MacEwan Administration.

MacEwan faculty DO NOT have academic freedom.

MacEwan administrators reserve the right to determine if and when policies are activated or deactivated. Faculty freedom to engage in scholarly activity, to question administrative actions, and to advocate for change — all actions permitted and encouraged by MacEwan policies (notably the Academic Freedom policy) and common at real universities — lies with MacEwan Administration, and Administration can and has rescinded these freedoms without notice.

MacEwan faculty DO NOT have tenure.

The concept of tenure is not in any MacEwan policy nor the Collective Agreement. While faculty may believe they have tenure, MacEwan Administration and the FA Executive function in a way that does not support this belief. Without tenure, academic freedom is dead.

MacEwan administration SELECTIVELY supports scholarly activity.

Scholarly activity is at the discretion of MacEwan Administration. They decide what is and is not scholarly activity and award workload adjustments accordingly. They change their minds at their discretion. They actively impede activities they deem not to be scholarly activity. These actions are not consistent with — are antithetical to — the operation of a real university.

MacEwan administrators are NEVER wrong.

The merest suggestion of possible administrative error exposes that person to the collective wrath of administration — a body that protects itself at all costs. These actions are antithetical to the operation of a real university.

MacEwan faculty DO NOT have protection from the Faculty Association.

The MacEwan Faculty Association Executive have and will sacrifice members of the Faculty Association to maintain their "positive" working relationship with Administration.