

Academic harassers are protected with public resources

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Bullying, discrimination and harassment are epidemic in academia, and scholars belonging to minorities/underrepresented groups are more often the targets of such behaviors than other groups.¹ If members of groups who often experience intersectional disadvantage² perform excellently, they are at an even greater risk of being targeted.³ Though anti-harassment and non-discrimination policies have existed for decades, they have had little and too often no discernible effect.

It has become increasingly clear that universities' zero-tolerance statements and complaint procedures often do not work adequately.² Scholars reporting misconduct either as targets or bystanders often find their institution siding with the perpetrator rather than protecting them. Some of the reasons for this include: i) guarding the institutional reputation, ii) the vulnerability of targets, and iii) the huge costs associated with losing well-funded employees. Despite many internal resources and guidelines, institutions do not have robust plan in actions (and, as we contend, even too often reluctant) to resolve academic harassment.

The primary reason for the ongoing ineffectiveness of academic harassment resolutions lies in the fact that universities treat harassment as a public relations crisis. The image repair discourse and crisis communication resulting from this approach lead to universities' aims (e.g., prevent reputation damage, risk of losing harassers' funding, lack of strong policies on how to efficiently support targets and act against perpetrator after validation of the harassment incidences, and evade responsibility) to align with the aims of the harassers (e.g., silence the target, deny responsibility, cover up, and force the target to leave their institution), while clashing with the aims and needs of the targets of

harassment (e.g., voice, recognition, protection, corrective action, and compensation).⁴ Thus, by protecting the institutions' interests, university lawyers who present university benefits/interests inevitably serve the needs of the harassers rather than the targets.

The failure of institutions to address academic harassment properly and fairly not only effectively keeps targets vulnerable to bullies,³ but often forces targets to leave the institution, comply with a code of silence, or to engage legal counsel at their own expense. Another common solution that institutions offer to targets is to transfer their labs; this option is not acceptable for many targets, as after years of researching on a specific topic, they should lose their projects, associated publications, and start over a new project based on the new lab's interest which is career breaking for early-stage academics.⁵ Legal counselling becomes necessary when managers threaten to fire or demote reporters of misconduct, attack reporters' reputation or take other retaliatory actions.⁶ Most targets do not understand the legal system and can be manipulated into a silent retreat that leaves the reputation of the harasser and the institution unharmed. Given that lawyers affiliated with universities are paid for by public resources (e.g., federal funding, tuition fees, and donations), such actions are unacceptable and should be subject to public scrutiny. There should be strict global prohibitions against such practices engaged in by university lawyers. That such lawyers may also work for the local courts, as is for instance the case in The Netherlands, represents a clear conflict of interest and should be prohibited. Possibilities to monitor and scrutinize these practices and to hold university leadership accountable are thwarted by the code of silence surrounding the topic.

Reporters are typically isolated, gaslighted, and forced to sign non-disclosure agreements, which all undermine a sophisticated understanding the problem and extend, and whether there are variations across nations. Institutional active protection of harassers maintains and reproduces institutional discrimination of all kinds using public funds.⁷ Because underrepresented groups are more frequently the target of these behaviors, they are pushed out of higher education institutions more often than their majority counterparts.

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This is in violation of the constitutional protections of many countries (e.g., Article 1 in the Netherlands, Article 2 in Switzerland). Academic bullying itself undermines targets' dignity and should be considered a violation of human rights. Bullying further violates labor laws in many countries.⁸ Finally, the reproduction of homogenous power holders in academia undermines scientific quality and innovation,⁹ thereby diminishing citizens' right to have their taxes used properly.¹⁰

The legal costs of perpetrators are being paid by the university, as their interests are intertwined with perpetrators. Targets of harassment are left to fend for themselves emotionally, professionally, and legally (to the best of the authors' knowledge, there is limited external sources including non-profit organizations on human rights/dignity to partly support targets' legal expenses). Even when targets of blatant discrimination are vindicated by the courts, they can lose their jobs due to an "irreparable breach of trust".

The undermining of scientific quality and innovation through academic bullying, discrimination and harassment must stop; so must the legal protection of harassers with public money. A concerted effort is needed to protect the rights of scholars under labor laws. Legal firms and foundations should take up this challenge, for instance by engaging in strategic litigation cases in collaboration with academics and social justice foundations.

Contributors

All authors wrote and conceived the manuscript.

Declaration of interests

Morteza Mahmoudi discloses that he is a co-founder and director of the Academic Parity Movement (www.paritymovement.org), a non-profit organization dedicated to addressing academic discrimination, violence, and incivility. Susanne Täuber, Janet Hering, and Ursula Keller discloses that they are advisors of the Academic Parity Movement. Susanne Täuber is also an advisor at the Network against Abuse of Power in Science.

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