

Academic Bullying and Human Rights: Is It Time to Take them Seriously?

Abstract

Notwithstanding universities' many laudable aims, incidents of serious bullying, academic harassment and sexual harassment in academic settings are reported with increasing regularity globally. However, the human rights violations involved in bullying and academic harassment have not received attention by the literature. In this article, we pierce the veil of silence surrounding university environments and provide a systematic account of the breaches of international and European human rights law involved in academic bullying and harassment. By adopting a socio-legal lens, we shed light onto such practices and tactics, the breaches of specific human rights and norms and the reluctance of states and regulators to intervene in what is perceived to be universities' 'sovereign' sphere of jurisdiction in order to prevent human rights' violations and to protect the victims of human rights abuse. We call for a multi-faceted and multi-agency approach to tackle academic bullying and harassment, and make a number of institutional and policy recommendations to ensure universities' compliance with human rights standards and the effective protection of academics under attack.

Keywords: International human rights law, bullying, academic harassment, universities, rights protection, human dignity

Introduction

More than 17 years ago, Andrew Clapham (1995) delivered the Alistair Berkley Memorial Lecture at the London School of Economics in which he argued that international human rights law does not know the public/private divide because abuses of human dignity (McCruden, 2008) take place in all spheres of life. He suggested that the application of human rights legislation should be determined more by examining the values a principled polity is seeking to protect (i.e., the inviolability of human personality and the provision of the necessary resources for its development) than by legalistic distinctions and the assumption that human rights are only binding the state.

Clapham was correct. Some of the most abhorrent abuses of human dignity happen in the private sphere. More often than not, they happen behind a veil of silence, intimidation and oppression. Consider, for example, attacks on women, racial, ethnic and religious minorities and LGBTIQ+ people and abuses of the rights of workers, tenants, health care professionals, children. Consider also the generalised use of digital surveillance and breaches of the

fundamental right to data protection. These affect everyone and are practised by giant technology corporations and telephone, internet and media service providers in addition to governmental intelligence services. Having said this, there is one sector which has evaded sustained attention when it comes to human rights abuse; namely, universities qua either public or private bodies.

Universities tend to evade such suspicions because they are dedicated to placing knowledge production and dissemination for the advancement of human beings in society at the centre of their activities. They aim at the betterment of societies and individuals, encourage critical thinking and emancipatory paradigms which identify the root causes of oppression and ignorance and, above all, equip students with a wide spectrum of skills in order to enable them to make positive contributions to science, society, politics and international relations and law. Notwithstanding universities' laudable aims, however, incidents of serious bullying, academic harassment and sexual harassment in academic settings are reported with increasing regularity globally.¹ In the light of published estimates of between 50,000 and 100,000 sexual assaults a year at UK universities, according to Eva Tutchell and John Edmonds, authors of 'Unsafe spaces: Ending Sexual Abuse in Universities' (2020), insufficient avenues for reporting incidents by students and staff, a BBC report that £87 millions were spent by UK universities in 2017-2018 on non-disclosure agreements to silence targets² and empirical findings, such as 61% of the 4000 participants in the 2020 Wellcome Trust Survey had witnessed bullying or harassment, 43% had experienced and over half of researchers (53%) had sought, or have wanted to seek, professional help for depression or anxiety,³ the human rights impact of such improper behaviours cannot be underplayed. Bullying and harassment put the physical and mental health of academics and students in serious danger and breach the fundamental rights to [human dignity](#), physical and mental integrity, respect for private and family life, data protection, non-discrimination and equal treatment and to safe working conditions among others.

¹ An increasing awareness about such phenomena and their harmful effects has been a contributing factor. With the ongoing efforts to enhance diversity and to advance the careers of minority scholars, coupled with the fact that these groups are more susceptible to bullying, we have been witnessing an increase in bullying incidents. An additional contributing factor is the rise in the mobility of international students, who are more vulnerable to such behaviours than their domestic counterparts. For instance, in 2022/2023 there was a 12% increase in international student enrolment in higher education institutions in the US; 1,057,188 international students enrolled coming from 210 different countries; see <https://opendoorsdata.org/annual-release/international-students>.

² See the BBC report at: <https://bbc.com/news/education-47936662>; accessed on 2 November 2023.

³ Wellcome Trust Survey at <https://wellcome.org/reports/what-researchers-think-about-research-culture>; accessed on 2 November 2023.

It is true that the marketisation of higher education, which became progressively noticeable in Europe in the 1990s, has contributed to the adoption of business-like cultures and the corporate sector's ethos and practices by universities. Students became clients and consumers of educational services. Concerns about efficient operations and increases in profit margins have given rise to mindsets which permit the treatment of academics (- and students) as means, rather than as ends (<https://plato.stanford.edu/entries/respect/>). Misogyny, racism, anti-Semitism and homophobia, on the other hand, have raised their ugly head and have led to the unfair targeting or undermining of minority academics. Prevalent are also well-orchestrated schemes of bullying targeted academics out of a job with a view to ending their professional careers and depriving scientific communities worldwide of talent and scientific advances (Mahmoudi 2019, Mahmoudi 2020, Mahmoudi and Moss 2019, Mervis 2019, Sinkkonen et al. 2014). At the same time, institutional retaliation and punishment of complainants of discrimination, bullying and harassment and of whistleblowers are noticeable in universities in Europe, the US and elsewhere.

In this article, we pierce the veil of silence surrounding university environments to uncover the numerous violations of human rights involved in routine bullying, academic harassment and sexual harassment of academics and students. The international human rights treaties examined in this article are: the Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III); the International Covenant on Civil and Political Rights (opened for signature 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; the International Covenant on Economic, Social and Cultural (opened for signature 16 December 1966, entered into force 3 January 1976) 993 UNTS 3; the European Convention on Human Rights (adopted in 1950 and entered into force on 3 September 1953) available at <https://www.coe.int>, and the EU Charter on Fundamental Rights which was proclaimed in Nice in 2000 and became legally binding when the Lisbon Treaty entered into force on 1 December 2009 (<https://fra.europa.eu>). We define bullying as 'repeated, health-harming mistreatment, verbal abuse or conduct which is threatening, humiliating, intimidating, or sabotage that interferes with work or some combination of the three' (Namie and Namie 2009).⁴ Volk et al. (2014) have also defined bullying as 'aggressive goal-directed behaviour that harms another individual in the context of power imbalance'. ACAS in the United Kingdom defined bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'

⁴ The authors established the Workplace Bullying Institute in the USA in 1997.

<https://www.acas.org.uk>). Academic harassment, on the other hand, refers to protracted and/or repetitive aggressive acts and communications coupled with a systematic and progressively escalating pattern that causes fear, distress and physical, mental or psychological injuries to the victim (Tauber, Oliveri, Kostakopoulou and Mahmoudi, 2022; Kostakopoulou and Mahmoudi, 2022; Tauber, Hering, Keller and Mahmoudi, 2022), while sexual harassment is understood as unwelcome conduct on the basis of a protected characteristic which creates an intimidating, hostile or offensive [work environment](#).

In the subsequent discussion, we identify the wide spectrum of human rights violations involved in the various phases and practices of bullying and academic harassment (section 2). Our discussion is centred on academic bullying by faculty, which has received less attention than students' experiences of bullying (Moss and Mahmoudi 2021), and the power imbalance existing at departmental level which elevates heads of department into autocratic managers – a finding of several bullying surveys (e.g., Ambrose et al. 2005; Ahmad et al. 2017; Agarwala 2018). By adopting a socio-legal methodological lens, we uncover and systematically examine rights-infringing conduct and practices of misuse of power, the circumvention of laws and the nullification of professional codes of ethics and university rules and procedures (section 3). The above take place because states and regulators are reluctant to intervene in what is perceived to be universities' 'sovereign' sphere of jurisdiction in order to prevent human rights' violations and to protect the victims of human rights abuse. We argue that concerted action is needed to counter such harmful and improper behaviours and practices and, with this in mind, in the last section of the article we make a number of institutional and policy recommendations for reform, the better regulation of universities and the effective protection of the targeted individuals.

Before commencing the discussion, however, it is important to add a note about the legal status (i.e., public/private) of universities as human rights law addressees. The majority of universities in Europe are public bodies and charitable organisations, but the number of private universities is also increasing. In the USA, there are thousands of public and private universities and colleges. Private universities, such as Harvard, MIT, Yale and Princeton among others, which are [ranked highly among all global universities](#), are independent risk bearing organisations. We do not consider the distinction public v private status of universities particularly significant for the subsequent discussion because the public/private divide in the application of international human rights law has become more porous in the new millennium.

States, public authorities and '[emanations of the state](#)' have a threefold legal duty to protect, defend and fulfil human rights, while the private sector has a corporate responsibility to respect human rights. States have clear legal obligations to implement international treaties once they have ratified them and to respect, protect and to fulfil fundamental rights. Strengthening the UN Human Rights Treaty body system has been a priority at the UN level and proposals to either create a single unified standing treaty body, proposed by the High Commissioner for Human Rights, Louise Arbour (2006), or creating a 'world court of human rights', proposed by Nowak (2007) and Scheinin (2009). The above proposals seek to enhance the justiciability of all human rights and thus their enforceability. This is because formal laws are not accompanied by law in action, that is, states do not engage with it or do so in a superficial level due to the absence of political will. So, the problem of non-enforcement of UN Treaty norms remains a serious issue in the same way that non-compliance with domestic laws remains a serious issue for states authorities. In the public sector, the application of the legal principle of due care is used to prevent human rights abuse. In the private sector, the legal principle of due diligence can play a preventive role as well as a facilitative role in terms of strengthening victims' access to remedies.

The UN has taken a lead role in setting standards for the exercise of due diligence in the private sector through the work of the UN Working Group on Business and Human Rights, which created the United Nations Guiding Principles on Business and Human Rights in 2011 (UNGPs; The UN Human Rights Council endorsed the Guiding Principles in its Resolution 17/4 of 16 June 2011). The framework set by the UN rests on three pillars, namely, a pillar relating to states and their duty to protect against human rights abuses, a second pillar on corporate responsibility to respect human rights and a third pillar on victims' right to access effective remedy. More specifically, UNGP Principle 17 states that 'in order to identify, prevent, mitigate and account for how they address their adverse human rights impacts [business enterprises] should carry out human rights due diligence'. And UNGP Principle 25 states that 'As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to an effective remedy'. Although the Guiding Principles do not define the term 'abuse', international human rights law defines it as any activity or act (this also includes omissions to act) aimed at the destruction of any human right or freedom or at their limitation to a greater extent than is provided by human rights law (see, for example, Article

54 of the EUCFR and Article 17 of the ECHR). In addition, the UN Draft of international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises defines ‘human rights violation or abuse’ as ‘any harm committed by a state or a business enterprise, through acts or omissions in the context of business activities, against any person or group of persons, individually or collectively, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their human rights, including environmental rights’ (FRA Publication, Business-related human rights abuse reported in the EU and available remedies, Vienna: Austria, 2019, p. 4).

In the context of the OCED, guidance on due diligence for responsible business conduct was adopted in 2018, while the Council of Europe’s Parliamentary Assembly has urged the Member States to enshrine in legislation human rights due diligence procedures (Resolution 2311, Human Rights and Business – what follow-up to the Committee of Ministers Recommendation CM/Rec(2016)3?, 29 November 2019, para 8.4.4). In the European Union, the European Commission’s EU Action Plan on Human Rights and Democracy 2020-2024 has a dedicated chapter on business and human rights (European Commission, JOIN (2020) 5 final, Brussels, 25.3.2020). Irrespective of the private or public nature of the domain in which violations of human rights occurred, victims of human rights abuse have a right to real and effective access to remedy. These developments indicate that the protection of human dignity and human rights has been elevated above the traditional assumption that only states have duties under international human rights law and arithmetic exercises of adding or subtracting addressees and issues (Higgins 1978). Institutions have come to realise that ‘a state which leaves the bully and the victim, the fit and the disabled, the rich and the poor, to sort out the differences within the law is ensuring the continuance of injustice. A civil liberty organisation which simply acts as umpire in such a contest is betraying its trust’ (Sedley 1984, 141). Irrespective of their legal status, universities have legal duties of care and/or due diligence to prevent the abuse of human rights, to protect their staff and students and to respond adequately to incidents of inhumane and degrading treatment.⁵

⁵ Issues relating to academics’ access to justice and effective legal remedies are outside the scope of the discussion in this article. It is noteworthy that access to justice is both a process and a goal and encompasses some core human rights, such as the right to equality before the law and the rights to a fair hearing and effective judicial protection which are enshrined in international human rights law. In order to avoid criticism of being underinclusive in the presentation of key provisions of international human rights law, we have included the related human right provisions, but a discussion of how targeted academics are treated by legal systems would require a separate article. Notably, the notion of access to justice obliges states to guarantee each individual’s right

Human Rights and the Phases, Practices and Tactics of Academic Bullying and Harassment

One of the greatest privileges of the academia has been its capacity to generate and impart knowledge and ideas onto young minds in safe, respectful and intellectually stimulating environments. Having said this, however, bullying and harassment of academic staff and students are common across management hierarchies in private and public universities. Obvious bullying behaviour includes repeatedly shouting or swearing in public or private, public humiliation, allocating imposing impossible tasks, undervaluing effort and ignoring good performance, persistent criticism, personal insults and offensive comments, unfair targeting and persecution through fear or threats about disciplinary sanctions and job security and being overruled, ignored, marginalised or excluded (**Table 1** below).

Complaining academics also bring into light less obvious and more sinister strategies of setting individuals up to fail, deliberately sabotaging work performance, demanding sexual favours, inventing rules about uncontracted tasks and responsibilities, changing guidelines and withholding work-related information, spying on staff and students, dispensing punishment without a good cause or a prior warning and deliberately mistreating staff in order to force them to resign (**Table 1** below). ‘Bullying academics out of a job’ has been an increasingly used strategy with significant negative repercussions on the victim when redundancies or enforced early retirements cannot be utilised. The victims are often members of minority groups thereby bringing into activation the non-discrimination and equal treatment provisions of international human rights law (i.e., Articles 1 and 2 of the UDHR; Articles 2 and 3 of ICCPR and ICESCR, Articles 1 and 14 ECHR and Articles 1, 21 and 23 EUCFR; Table 1 below). Such aggressive behaviours create severe trauma; they lead to anxiety, distress, depression and even to suicide (Kivimaki et al., 2003; Field 2009; Hinduja and Patchin 2010; Abdelaziz and Abu-Snieneh 2022; Kostakopoulou and Mahmoudi 2022). As Field (2009 [1996], 33) has noted, ‘in serious cases, bullies may resort to crime, such as fraud, to get rid of or embarrass people into leaving’.

By making the target’s life as difficult as possible and persistently undermining his/her health, professional duties and career, the manager (Head of Department) is signalling to the target that they do not belong to the department. They are deemed to be *persona non grata*; that

to go to court or, in some circumstances, an alternative dispute resolution (ADR) body, if one’s rights have been violated. ADR would also have to be discussed in a separate article on effective judicial and non-judicial remedies.

is, undesirable, unwanted or, at best, a tolerated. Facing a negative work climate and repeated acts of incivility or aggression in breach of Articles 12 UDHR, 17 ICCPR, 8 ECHR and 1 and 7 EUCFR (**Table 1** below), the targeted employee may decide to exit and to look for another job elsewhere. This is, in fact, the objective (- and the bully's expectation) during the first phase of bullying.

If she targeted employee does not leave (this often happens because it takes years for an academic who had never experienced bullying in previous environments to understand fully the signs and manifestations of bullying), the second phase of escalating negative actions affecting the conditions of work and the health of the employee commences. During this phase, bullying operations increase in frequency, intensity and severity. If in the first phase, for example, aggressive behaviour focused on the target's research activity, in the second phase it may impact on all aspects of one's work. The targeted employee will experience unprofessional and discourteous behaviour and will feel the violations of the human rights identified in the table below very strongly in every day life. Staff may be instructed by the Head of Department to behave deliberately in an unhelpful, non-responsive, non-cooperative and hostile way with the aim of goading the employee into a reaction for the purposes of affecting work performance and triggering disciplinary action.

Bullying operations	UDHR	ICCPR	ICESCR	ECHR	EUCFR
Slander, libel, false accusations; constant criticism (- often in the presence of others), undervaluing contributions; taking credit for the target's work or not giving due credit to him/her; inappropriate monitoring; spying on him/her, mobbing; making threats about job security; actualising threats via forced and unjustified disciplinary hearings and sanctions; spreading malicious rumours; attacks on his/her professionalism and integrity; shouting or yelling at the target; work sabotage; scapegoating; sexual approaches/offers (unwanted) or unwanted physical contact; verbal or physical abuse; hostile and unprofessional communications	Article 1: 'all human beings are free and equal in dignity and rights'	Article 2: Non-discrimination and the right to an effective remedy	Article 2(2): Non-discrimination	Article 1: Requires states to secure Convention rights and freedoms for everyone within their jurisdiction	Article 1: Respect and protection of human dignity (- it is an absolute right – no limitations are permissible because human dignity is inviolable)
As above and: denial of work opportunities, denial of benefits; changing goal posts for promotion; denial of leave; denial of job increments; not providing enough training; stealing intellectual work; not providing resources; manufacturing situations to catch the target out; students, clients or colleagues are encouraged to spy on the target and to criticise him/her unjustifiably; being singled out	Article 2: Non-discrimination	Article 3: Equal right of men and women to the enjoyment of their civil and political rights	Article 3: Equality between men and women	Article 14: Non-discrimination	Article 21: Non-discrimination

As above and sexual harassment or abuse; insinuating glances and gestures/dirty looks; belittling remarks based on a protected characteristic; sense of judgment questioned (i.e., the target is allegedly over-sensitive); using obscene or offensive language; receipt of, or forced to watch, pornographic material					Article 23: Equality between men and women
As above and: allocation of work tasks below competence; unjustified removal of responsibilities; demotion; false accusations and unjustified disciplinary hearings and sanctions; gaslighting; belittling comments about one's ability or performance; insulting comments about one's appearance or private life or his/her associations; inappropriate monitoring; stalking; nuisance calls, fishing emails, spam and malware containing emails; nuisance calls at home and during leave or the weekend	Article 12: Privacy and protection from attacks on honour and reputation	Article 17: Privacy and protection from unlawful attacks on the honour and reputation		Article 8: Right to respect for private and family life	Article 7: Right to respect for private and family life
Unreasonable, inappropriate monitoring; inaccurate and malicious allegations; not providing information or correct information; refusal to rectify false information and statements; spying; stalking; denying access to the employment file.					Article 8: Right to data protection
Negative comments about one's views in front of others; humiliating remarks about one's religion, beliefs or scientific work	Article 18: Freedom of thought,	Article 18: Freedom of thought,		Article 9: Freedom of thought and religion	Article 10: Freedom of thought, conscience and religion

	conscience and religion	conscience and religion			
Reducing opportunities for expression; interrupting when speaking; attempting to silence the target by ignoring views or by distorting them; silent treatment; excluding the target from meetings; isolating him/her	Article 19: Freedom of opinion and expression	Article 19: Freedom of opinion and expression		Article 10: Freedom of expression	Article 11: Freedom of expression and information
As above	Article 23: the right to work and to just and favourable conditions of work		Articles 6 and 7: on the right to work and the right to enjoyment of just and favourable conditions of work, including safe and healthy ones (7(ii)(b)), respectively		Article 15: Freedom to choose an occupation and to engage in work
Arbitrary dismissals, abuse of power by Head of Department/Dean/Vice Chancellor					Article 30: Protection in the event of unjustified dismissal
Imposing meaningless tasks; unpleasant jobs; working below competence; unjustified removal of responsibilities; demotion; lack of clarity re role; changing goalposts; false accusations and forced disciplinary hearings; disregarding facts and judging wrongly (i.e., lies being told about an individual); intimidation; mimicking one's accent in meetings; acting in a condescending manner; public humiliation (i.e., making					Article 31(1): Right to fair and just working conditions (i.e., conditions which respect his or her health, safety and dignity)

<p>somebody look stupid or incompetent); theft, tampering with personal objects; destruction of property; office trespass ; failing to return calls, emails and to respond to requests for cooperation/action for weeks or months; rude and/or hostile communications; setting unrealistic tasks or ensuring that the target has an unmanageable workload; setting the target to fail.</p>					
<p>Gaslighting; encouraged to feel guilty; constant and unjustified criticism; undervaluing contributions and making threats about job security; intimidation; surveillance of emails, postal and telephone communications; office trespass; destruction of property; documents going missing; physical attacks; threats of violence.</p>	<p>Article 26(2): Education shall be directed to the full development of human personality</p>		<p>Article 12: the right to the enjoyment of the highest attainable standard of physical and mental health</p>		<p>Article 3(1): Right to respect for one's physical and mental integrity</p>
<p>As above</p>			<p>Article 13(1): 'education shall be directed to the full development of human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms'.</p>		<p>Article 13: Freedom of the arts and sciences</p>

Penal administrative actions; unjustified suspension; prolonged disciplinary hearings in order to impede one from living a normal life and creating scientific work			Article 15: the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which (s)he is the author and respect of the freedom indispensable for scientific research and creative activity.		
Systemic protection of rights and remedies	Article 6: To recognition as a person before the law	Article 16: requires the state to recognise everyone as a person before the law			
	Article 7: Equality before the law and the right to equal protection of the law without discrimination	Articles 14 and 26: Equality before the law			Article 20: Equality before the law

	Article 8: The Right to an Effective Remedy by national tribunals			Article 13: the right to an effective remedy	Article 47: Right to effective judicial protection
	Article 10: Right to a fair hearing by an independent and impartial tribunal			Article 6: Fair hearing before an independent and impartial tribunal	Article 47: Right to a fair hearing by an independent and impartial tribunal

Table 1: Bullying operations and breaches of international human rights law

Bullying operations, such as schemes of setting academics up, interference with, or sabotage of, work performance for the purpose of later criticism, undermining the target's dignity and professionalism with unjustified criticism or inappropriate statements and changing roles to tasks for which an individual is not experienced or trained in can be accompanied by the unlawful surveillance of the communications and interactions of the target. The latter breaches the fundamental rights to privacy and data protection of the target (**Table 1** above). Everything is observed, reported, assessed and scrutinised as to its usefulness for triggering disciplinary action. Opinions are converted into complaints, subjective comments are exaggerated, amplified and embellished with insinuations in order to make the employee fearful and confused. Gaslighting and surveillance are strategies associated mainly with the second phase of the bullying game. When the target is made aware that they are under surveillance, they cannot exercise autonomous agency. Such psychological operations have been characterised 'no touch torture' because of the serious physical and mental injuries they cause.⁶

The main purpose of the second phase is to weaken significantly the physical and mental well-being of the target by disrespecting them, diminishing their dignity and thus affecting their confidence and self-esteem, reducing the sense of freedom and independent action and inducing feelings of fear, anguish, frustration, powerlessness and inferiority. In this way, the target becomes emotionally unbalanced and is, thus, conditioned for the third phase of bullying in breach of the fundamental rights to fair and just working conditions as well as to the protection of their health and safety (**Table 1** above), namely, their forced exit via unjustified, arbitrary suspension and disciplinary measures. Field (2009 [1996], 40-42) separates the bullying process in two phases, namely, (i) the subjugation and control phase where the target is subjected to continuous and relentless attack on her personality via many methods and (ii) the destruction phase where the orchestration of the demise of the individual takes place.

The second phase can last for several months, even for years. University managers are aware that they act unlawfully and unethically. Such 'process management' games do not happen by accident; they implicate a number of individuals and rely on a pre-planned strategy to implement injurious action. Bullying is strategic. Human resource departments are aware of the mistreatment of the targeted employee and the breaches of both organisational rules and

⁶ On the anatomy of cyberbullying and their effects see Kostakopoulou and Mahmoudi 2022.

the law and thus of the university's vicarious liability. But they often act as supporters and accomplices of the bully thereby ensuring the continuation of the unlawful behaviour despite the obvious risks to human health and safety and the dehumanising dynamics. The submission of a formal complaint to them makes the employee a litigation risk and a threat to the organisation. In such cases, instead of ensuring that the University complies with professional ethics, rightful conduct, the existing rules and procedures and its legal obligations to respect and protect human rights, the whole university apparatus is activated to oppress, intimidate and paralyse the target so that they would be increasingly unable to defend their rights, expose the breaches of the law and potentially damage the reputation of the University.

Further aggressive behaviours, institutional lying, and victimisation augment the target's distress and injuries with a view to minimising their mental and physical resistance. Fundamental rights are breached by a number of repetitive, aggressive, unethical and intrusive operations, such as illicit surveillance of email communications; computer and data interference; sending spam, fishing and malware containing emails on a daily basis to disrupt work activities and to destabilise the victim; the receipt of threatening or intimidating emails early in the morning or after business hours or on Friday afternoon in order to place the employee into an anxious state all day or to cause insomnia or to impact on the weekend's rest; persistent interference with an academic's digital profile by eliminating information from their staff webpages without their knowledge or adding false co-authors of their work or deleting information about their publications; sexually explicit email communications and persistent nuisance calls and/or relation seeking spam emails which arrive in the inbox folder of the victim's work email in order to demean, offend and undermine her/him and so on (Kostakopoulou and Mahmoudi 2022).

The invention of Pegasus software, which was developed by the NSO Group (i.e., a cyber-arms company, in Israel), or other programmes (including SpyTech's Spy Agent, Surveil Star, Sniper Spy, and TheOneSpy) by private technology firms has also made possible the illicit surveillance of private email accounts and mobile communications, texts and images. Any information derived in this way can be used to entrap, sabotage or undermine the victim. For example, information about an academic's conference presentations or other contractual duties could be used by a Head of Department in order to create clashing obligations and thus claims of underperformance or accusations of the target's failure to meet the Head of Department and to abide by his management request. In addition, knowledge of the persons with whom an

individual communicates (i.e., publishers or editors of journals or research collaborators) could also be used to disrupt those relations, sabotage professional activities and to isolate the victim.

The physical and psychological effects of the intrusive and illegal surveillance on the victim are quite acute: severe anxiety and/or depression (Field 1996; Schenk and Fremouw 2012; Tauber et al., 2022; Kostakopoulou and Mahmoudi 2022), suicidal thoughts and even suicide (Hinduja and Patchin 2010). The induction of psychoneuroses by conditional reflex under stress aims at destabilising the target and causing numbness and paralysis. If the targeted employee does not resign or choose early retirement on the ground of ill-health, the bully will progress with the third phase of fabricating allegations of misconduct in order to force the exit of the academic and often to destroy their reputation and career. A number of fundamental rights are engaged in such cases, namely, the rights to human dignity, to fair and just working conditions, to exercise one's profession and to protection from unjustified dismissal among others (**Table 1**).

Although the third phase is goal oriented or purpose driven, that is, aimed at procuring the exit of the employee (**Figure 1**, below), it is often the case that the bully derives pleasure from inflicting these injuries to individuals. Bullies more often than not have personality disorders (Field 1996, Piotrowski 2016, Tauber et al. 2022), and those having either a narcissistic personality disorder or a histrionic personality disorder have a strong desire to intimidate and make others feel inferior. If the bully does not suffer from a personality disorder, prejudices, an authoritarian style of management and coercive control dynamics, envy and the elimination of competition (Tauber and Mahmoudi 2022) are drivers of misbehaviour. Successful scholars often become targets and power hungry and authoritarian heads of departments often dominate and micro-manage those under their management.

Quite often, arbitrary suspensions are chosen as a means of securing a quick exit. These do not have to be based on factual misconduct; outright lies and contrived false narratives designed to embarrass and damage further the dignity of the employee are forced onto the target in contravention with due process and human rights guarantees (**Figure 1** below). As Alexander Solzhenitsyn (1970) correctly observed in another context, violence finds its only refuge is falsehood while falsehood finds its only support in violence. Since suspension is a purely instrumental strategy, that is, to force the exit of the employee, it is executed on the basis of a template of distinct psychological operations designed to shock, destabilise, disorient and defame the target. A common strategy in British academia is to suspend an academic on the

basis of vague hearsay allegations allegedly received by the Head of Department without any prior warning or a prior discussion so that the targeted employee is caught by surprise and becomes shocked and disoriented. The target is then barred from campus and from communicating with students and staff for an indefinite period of time. As the suspension is not accompanied by any signed complaint or a witness statement and the target is unable to understand what is happening, they might attempt to elicit information from colleagues. Given that communications are monitored by the university, the target is immediately accused of breaking the terms of their suspension and thus with further misconduct. At the same time, if the innocent target seeks the particularisation of the allegations and prima facie evidence of misconduct, a deafening silence prevails.

The absence of an institutional response is the institutional signifier of the ‘smallness’ of the employee, that is, their insignificance, invisibility and powerlessness. Neither the personality nor the career of the academic matter for the university. It is almost a theatrical manifestation of a one act play in which the power holder feels entitled to do as they please, to slander a professional without any reservation and to rule their life. By so doing, they proclaim their absolute power. The process of organisational aggression coupled with institutional lying and violation of fundamental rights are so dehumanising and health harming that the target displays an inability to cope with daily life. In such a state, resignation is often perceived as the only option. If no voluntary exit ensues, then the unlawful suspension may be continuing for several months until it becomes completely unbearable and destructive of the individual’s health, profession and family life. Protracted academic suspensions of four, six, nine or even more months are quite common in the United Kingdom. They are components of carefully orchestrated bullying game plans and result in significant health injuries, such as, stroke, heart attack, depression, post-traumatic stress disorder and suicide.

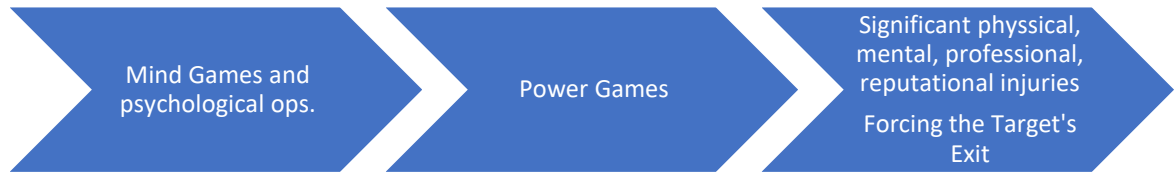


Figure 2: Process of forced exit of academics

Criminalisation of Bullying and Harassment Somewhere, But Not Everywhere

Countries that have criminalised bullying impose severe penalties, including imprisonment, on employers involved in bullying and harassment. In France, moral harassment⁷ is prohibited and is defined as repeated acts leading to a deterioration of the working conditions and which are likely to harm the dignity, physical and mental health and professional career of the employee (Article L. 1152-1 of the French Labour Code). In Germany, bullying is known as psycho-terror, while in Spain Article 173.1§2 of the Spanish Penal Code has made it an offense, punishable by imprisonment between six months and two years. Managers who ‘take advantage of their superior position and perform against another person repeated hostile or humiliating acts which without constituting degrading treatment involve serious harassment of the victim’ face tough sanctions. The Code of Practice for the Spanish Labour Inspectors on Bullying and Violence at Work 69/2009 makes the violation of the dignity of the employee a central element: ‘an unwanted conduct occurs with the purpose or the effect of violating the dignity of a person, and of creating an effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment’.

⁷ In France and Belgium bullying is termed *harcèlement moral*, while in Canada (Québec) is *harcèlement psychologique* /psychological harassment. Spain also uses the term *acoso moral* (moral harassment).

Notably, Sweden was the first country in the EU to introduce anti-bullying legislation. It defined bullying as recurrent reprehensible or distinctly negative actions which are directed against individual employees in an offensive manner and can result in those employees being placed outside the workplace community. The Swedish example was subsequently followed by other EU countries, but not all.

If no specific anti-bullying legislation exist, then the targeted academic would have to rely mainly on equality and human rights legislation. If equality law cannot be activated because there is no protected characteristic that is engaged and no claim of victimisation, then international human rights law, constitutional law, health and safety legislation and data protection law could be relied upon (see **Table 1** above on the international human rights law provisions which are also reflected in constitutions and, often, sectoral legislation).

The reader might find it difficult to believe that universities would engage in such malpractices and human rights abuse. After all, these institutions teach young adults critical citizenship, social responsibility and ethics as well as respect for polyphony and diversity. In addition, all universities have policies and procedures pronouncing bullying, harassment and victimisation as serious disciplinary offences. How can then one explain the divergence between procedures and practices? Although one cannot discount that well-intentioned employers may also be ill-informed as well as resource-deficient in combatting the bullying behaviours, in reality the problem is one of non-compliance with laws, professional codes of ethics and organisational rules and policies.⁸ And non-compliance happens when actors disregard rules and laws because they believe that their misbehaviour will not become known and thus they will not be held accountable. This issue is taken up in the subsequent section which contains our diverse recommendations for action and reforms. Concerted action and reforms are needed because human dignity must be respected and protected everywhere: in public, at home, at work⁹ and in academia.

⁸ A rule may be defined as ‘general norm guiding conduct or action in a given type of situation’; W. Twining and D. Miers (1985, 127).

⁹ Notably, the European Social Charter of the Council of Europe (European Treaty Series No 163, Strasbourg, 3.V. 1996) recognises explicitly the right to dignity at work; Article 26 obliges the signatories to ensure not only the effective prevention of sexual harassment in the workplace or in relation to work, but also to ‘promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct’.

Human Rights Matter: Accountability, Action Plans and Recommendations

In the foregoing discussion we argued that academic human rights abuse does not happen by accident or negligence. All universities have rules, policies and procedures which include clauses on non-discrimination, the promotion of equality and diversity and the prohibition of non-victimisation against complainants of discrimination and whistle-blowers. More importantly, in their own disciplinary policies and procedures, universities make it clear that discrimination, bullying and harassment and victimisation are considered to be gross misconduct resulting in disciplinary action, including the dismissal of the perpetrator. It is thus important not to confuse academic incivility with academic freedom (Russell 2002, Altbach 2001); academic cultures or modes of management have a significant overlap with [harassment behaviours](#).

In addition, academic contracts of employment tend to include overriding dignity clauses specifying that the employee is entitled to be treated with dignity and respect at all times during the employment and all members of staff are required to conduct themselves in accordance with this principle. Universities are formally committed to ensuring that no harassment or victimisation in the workplace, whatever the motivation or manner, is overlooked or condoned. Furthermore, contracts of employment tend to contain guarantees about health and safety at work and often prescribe duties on employees to contribute to the maintenance of a healthy and safe working environment. It thus follows that any breach of the above clauses falls within the remit of gross misconduct and is a manifestation of a breach of contract on the part of the university qua employer. The same applies to the fabrication of false and malicious allegations against an employee with a view to causing injuries to her/him. A disciplinary procedure does not give licence to lying, bullying, and the ill-treatment of academics. For this reason, the raising of false and malicious complaints against an employee are considered to be disciplinary offences. And an abusive or unjust activation of a disciplinary process is considered to be a repudiatory breach of contract on the part of the employer.

This means that bullying managers and senior university executives are aware of the prohibitive university rules, the law (- ignorance of the law can never be considered to be a legitimate defence), the consequences of breaching them. Yet, they do not hesitate to engage in rights-infringing conduct, as shown in the previous sections. This can be explained on the basis of, what may be termed, a permissive bias and a no-consequence bias, that is their belief that they can disregard the law and rules, because they are too big, have many resources and

high-level connections, including an ability to exert influence on the judiciary, collaborate with governmental departments and therefore can get away with non-compliance.

Enhancing the accountability of university executives and providing access to effective remedies by the victims of abuse, therefore, are important means of reducing, if not eliminating, academic bullying and harassment. Bullying managers and executives would stop operating with impunity if there were: (1) more enforcement of legal obligations and better state regulation of universities; (2) more publicity of incidents of bullying and harassment and the naming of human rights abusers; (3) mandatory annual statements including information about incidents of bullying and harassment, grievances lodged, suspensions ordered, their duration and outcome, disciplinary actions and dismissals, resources spent on responding to claims lodged in employment tribunals and preventative measures taken by the university to reduce such occurrences; and (4) a process of benchmarking of universities via human rights indicators on a biannual basis. The indicators to be used could be of three different kinds; namely, a) policies, procedures and governance-focused, b) conduct-focused and c) outcome-focused. Notably, the [Corporate Human Rights Benchmark](#) (CHRB) established in 2019 by civil society organisations and investors from the Netherlands, the UK and the Nordic countries could provide inspiration for drawing human rights indicators for universities. It could even be possible to adopt CHRB with minor revisions since it includes indicators on: a) governance and policy, b) respect and due diligence, c) remedy and grievance mechanisms, d) human rights practices, e) responses to serious allegations and f) transparency.¹⁰

In terms of providing victims with an effective remedy, the available non-judicial mechanisms need strengthening. One finds that students can have access to an office for student complaints or an Ombudsperson, but bullied and victimised academics often do not. In the UK, for example, there is no Ombudsperson for academic staff's complaints of serious human rights abuses by universities. In EU countries where the office of the Ombudsperson has jurisdiction to receive academic complaints, access to an effective remedy is impeded by the lack of enforceability of decisions made by Ombudspersons coupled with a lack of transparency. Improvements are needed on this front because the legal representatives and legal consultants of universities strive to prevent the exposure of abuse and to make it difficult, if not almost impossible, for the targeted individuals to defend their rights, get legal advice and secure legal representation, pursue successful litigation and for tribunal hearings to take place where

¹⁰ See also FRA, *Business and Human Rights - Access to Remedy* (Luxembourg: Publications Office of the European Union, 2020).

University staff would be obligated to attend and to give evidence. Innocent individuals seeking judicial protection often experience secondary victimisation and are thus forced to abandon litigation and to disappear without any publicity with their soul and spirit destroyed. Those who cannot claim the protective scope of equality laws will never be able to get compensation for the damage caused by the bullying operations as these are not deemed to be illegal in all countries and thus, on the basis of the principle of *nulla poena sine lege*, actions against those involved in their planning or execution are not legally enforceable.

Unions can play a crucial role in preventing bullying and harassment in academia by advocating for fair and transparent grievance procedures, supporting whistleblowers and targets of incivility and harassment, providing legal support, advocating for fair and respectful employment practices, collecting data on bullying and harassment incidents and monitoring the enforcement of anti-bullying and anti-harassment policies. Universities should also enforce comprehensive anti-bullying policies, which clearly define the prohibited behaviours and include examples, create incentives for reporting and include an explicit commitment to non-retaliation for reporting and whistleblowing. There must be a clear and public commitment to promoting a respectful and inclusive environment, which is reflected in Universities' mission statements and strategic plans, policies which align with international human rights standards and a rigorous enforcement of legal obligations and organisational rules and procedures. Training and education, such as mandatory training on respectful workplace behaviour, diversity, inclusion and bystander intervention for managers and staff, transparent promotion and tenure processes, regular internal and external audits or reviews of the universities' anti-bullying efforts to ensure compliance with human rights standards and adequate support mechanisms for victims bullying and harassment, all contribute to the prevention of ill-treatment and rights-infringing behaviours.

Turning from the macro-level to the micro-level, as a student, postdoc, or early career researcher/investigator, the initial step should be to gather information about the ethics of the new lab/department eco-system prior to accepting an offer of employment. Former lab/department members can provide more accurate information than current members. If one experiences academic incivility behaviours, then the following actions are recommended:

- Acting against incivility behaviours earlier than later; if one tolerates the incivility behaviours and remains silent, such behaviours may be escalated over the time.
- Documentation of every incident, as academic bullies strive to leave no trace⁵.

- Searching for university-based resources (e.g., the local Ombudsperson in the US or a union) for support and a confidential discussion. Using university level resources rather than departmental resources ensures more confidentiality. Ombudspersons can provide advice in order to: i) ensure that what one is experiencing is indeed academic bullying or misunderstanding/academic-freedom; and ii) devise possible strategies to solve the issue or report the case.
- If one decides to report formally the case, the first thing to do is to secure a plan B (an exit strategy). This is important, because it can significantly reduce the pressure during the investigation process, which might be lengthened or compromised for a variety of reasons (Mahmoudi 2019, 129).
- One must be aware of academic mobbing (ganging-up).
- Requesting a written letter from the investigation committee (Mahmoudi, 2020). Such a letter will be helpful to protect oneself for future jobs and facilitate one to resume complaining when they have enough power and resources in future. The #metoo movement is a great example, as former targets of sexual harassment managed to be heard.

If, on the other hand, an individual happens to be a bystander of incivility incidences, they must not hesitate to report them to the department and the university.

Those who are responsible for investigating academic incivility allegations, on the other hand, could embark upon the following actions:

- They could ask former lab members to comment about the perpetrator and not the current members. Although finding former members may be more difficult than the current members, their inputs are more accurate, honest, and informative compared to the current lab members who may have serious reservations and might fear retaliation.
- They should have a monitoring system to stop possible ganging-up and other types of retaliation against the target.
- They should avoid unnecessary delays in the investigation process.
- They need to support targets during the course of investigation (e.g., allocate a secure workplace for targets to be fully safe from possible retaliation actions by the perpetrator).

- They should use the lessons learned from #metoo movement and other institutions; the long-term costs of covering up for bullies may be much higher than facing the perpetrator.
- They should be aware that they are both responsible and response able to minimize academic bullying; if the perpetrator is found guilty, efforts should be made to support the target and stop the possibility of vicious cycle of turning innocent targets to future bullies.

Members of responsible human resource and decision-making committees for the validated academic incivility incident can also contribute to disrupting the chain of academic incivility by:

- Informing the funding agency that supports the perpetrator by sharing investigation outcomes. In this case, they could stop the move of harassers (Mervis 2019) to a different academic environment where they could focus on other targets.
- Making the outcomes (at least one example) of the investigation committee and their actions known. This an important signalling process: it sends a clear message to perpetrators that the university will not tolerate such behaviours and a similar signal to targets that they are listened to and are respected.

Funding agencies could also demand that universities report their anti-bullying records and could stop supporting universities with a clear history of incivility behaviours. The Wellcome Trust in the United Kingdom is a notable example. An important condition of its grant provision is that the research is carried out in ‘an environment where everyone is treated, and treats others, fairly and with respect’ and expects organisations they fund to prevent harm or abuse as well as to have anti-bullying and anti-harassment policies in place.¹¹ If one is a responsible person in university or hospital rankings, then they could add universities anti-bullying records to their rankings (Mahmoudi and Moss, 2019), while national-level academy of sciences should ensure that you do not have members who have been found guilty of bullying even if they are star scientists.

¹¹ The Wellcome Trust’s funding conditions can be accessed at <https://wellcome.org/grant-funding/guidance/bullying-and-harassment-policy>. The Wellcome Trust withdrew a grant of £3.5 million from a cancer geneticist following allegations that she bullied scientists and other staff members; <https://www.nature.com/articles/d41586-018-06009-9>.

Tackling bullying and academic harassment needs urgent attention and action from all members of the scientific community, the state and the wider society in a concerted manner. Serious human rights violations are involved which international, supranational and national legal orders prohibit. It is thus imperative that universities, agencies and states comply with their legal duties to protect and respect human rights and do their best to ensure respectful and safe academic environments that facilitate the flourishing of scientists, improve the quality of teaching and enhance scientific progress and integrity. It is in the public interest for everyone to know that universities respect the dignity of their staff and students, protect their human rights and do not tolerate dishonest, unethical and abusive behaviours.

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