

# Never, but never, be a bystander<sup>1</sup>

by

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Bullying and predation pose challenging problems for universities and the broader community in Australia and elsewhere. One of the most vexing problems facing the management of bullying and predation stems from the potential nexus between the university and the line managers appointed by the university. The following analysis revealed a weak point in the detection and recording of bullying, and it involves the absence of an independent mechanism or entity designed specifically to record and review bullying and predation reports across cases, targets, schools and universities. A critical issue concerns the absence of independence between the reporting and management procedures available to whistleblowers and the victims and targets of bullying on the one hand, and the management procedures available to those charged with bullying on the other. It is proposed that the Commonwealth create an agency designed specifically to protect whistleblowers and the victims of bullying, and to achieve these objectives by creating a national review body to record and, when necessary, report on bullying and predation incidents, across cases, targets, schools, campuses, universities and states.

## 1 *Ambiguity*

Ambiguity haunts the classification problems that dominate the world of bullying. Consider the title of this essay. Should it be taken as an *injunction* to always report bullying and other forms of inappropriate behaviour, regardless of the personal cost, or should it be taken *literally*, as an instruction to avoid the role of the bystander, and never never report bullying or any other form of inappropriate behaviour? Sixty or even fifty years ago, the *literal* reading of the quotation would not have occurred to the author, and he would have treated the words as a ghostly echo of the failure of so many entities to take steps to obstruct the holocaust during the 1930s or even earlier. But not now. Even the faintest of faint assaults has moved the author towards a more conservative position, and away from the *injunction*!

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<sup>1</sup> The title of this note was derived from a quotation attributed to [Yehuda Bauer](#) (Hebrew: יהודה באואר) (born [1926](#)), a historian, a scholar of the Holocaust, and a Professor of Holocaust Studies at the Avraham Harman Institute of Contemporary Jewry at the Hebrew University of Jerusalem. The full quotation is, "Thou shall not be a perpetrator, thou shall not be a victim, and thou shall never, but never, be a [bystander](#)"

## 2 *Ubiquity*

The predation, bullying and whistleblowing domains are treated as one in the following analysis because, despite the fact that they involve distinct actions by the perpetrators, they are open to a similar range of procedures and mismanagement errors in regard to detection, classification, protection and exposure.

In recent years we have been exposed to reports of bullying in the catholic school system in Victoria and elsewhere (Marr, 2013), the Chabad branch of Orthodox Jewry in Melbourne (Marr, 2015), Ivanhoe Grammar, in Melbourne (Powley, 2015), Knox Grammar, one of Australia's most prestigious schools, in Sydney (Yoemans, 2015, February 24<sup>th</sup>; March 4<sup>th</sup>), Brisbane Grammar, in Queensland (Mellor & Rebgetz, 2015), the Canadian public school system (Canadian Institute of Health Research), the Australian Defence Force Academy, in Canberra (Wroe, 2013), celebrities such as Rolf Harris (Pettifor & Myers, 2015) and the late Jimmy Savile (Lorentzen, 2013), hospitals, by male medical doctors (Medew, Hatch & Lillebuen, 2015) and in universities across Australia (Martin, 2002; Nette, 2012; Steketee, 2009) and elsewhere (Legge, 2012; McConnell, 2009). Essentially the same issue touches the closely related problem of whistleblowing in the medical world, where Cleary pointed to numerous cases involving nursing staff in major hospital systems in Western Australia, New South Wales, Winnipeg in Manitoba, and Bundaberg, in Queensland (Cleary, 2007).

But perhaps the most depressing catalogue is that published on BadAppleBullies, an Australian Website. A quick list of the allegations published there includes references to the Canberra Institute of Technology, Deakin University, James Cook University, Macquarrie University, the University of Newcastle, the University of New South Wales, The University of Queensland, the University of the Sunshine Coast, the Royal Melbourne Institute of Technology and Victoria University, and that's without the cases marked "workplace bullying at an unnamed Australian university" submitted to the National Inquiry into Workplace Bullying.

One of the more telling comments on the BadApplesBullies website is as follows,

The NTEU branch submission identified a common pattern to workplace bullying -

- a 'subordinate' claims to have been bullied by a 'superior',
- the 'superior' claims that this is legitimate management action,
- Human Resources back the 'superior'.

The NTEU branch submission argues that 'Performance Management' must not provide a cloak of invisibility for bullying behaviour.

The medical world in the UK includes reports and reviews of cases involving alleged bullying, cases that are competitive with the Australian university

accounts. A paper by Illing (2013), for example, included a report that one in five of National Health Service (NHS) staff claimed to have witnessed bullying that ranged from 'rarely' to 'daily' in the preceding six months, a claim based on nearly 1500 replies from a sample of 3000. The problem is also present in the medical world in the UK, and the following comment by McPhee (2015) illustrates the point.

“There has been an unprecedented groundswell of support to examine the culture of bullying and harassment within an outmoded model of clinical training and oversight. It has come largely in response to the revelations, enunciated with alarming clarity, by an ever-growing number of senior and junior female doctors.”

But for another and more colourful window into bullying in the medical world, consider the following report from the specialist world of surgery in a Sydney hospital. According to an account attributed to high-profile vascular surgeon Dr Gabrielle McMullin,

FEMALE training doctors are better off giving “blow jobs” and accepting sexual requests than reporting harassment to authorities because their careers will be destroyed. That’s the extraordinary revelation from a high-profile female Sydney vascular surgeon on sexism in the medical profession.

Dr Gabrielle McMullin told [ABC radio](#) the worst thing victims could do was complain.

She detailed the story of “Caroline”, whose career was ruined after she was sexually assaulted by a surgeon who took her under his wing.

But let us return to the Saville case to move on to the second point, and provide an illustration of just how hard it can be for the victims of bullying to obtain justice let alone redress. At first glance the Savile case is far removed from bullying issues involving university staff in Australia, however it underlines the fundamental problem associated with the absence of an independent agency designed specifically to receive, record, review, interpret and, when appropriate, communicate with the management concerned, or publish evidence of bullying.

According to Lorentzen,

“The initial results of Britain’s first comprehensive police investigation into the celebrity TV presenter’s past have uncovered more than 450 accusations of molestation and rape, mostly from girls in their early teens at the time of the assaults, but from about 80 boys and men as well”.

However the saddest and most transparent failure of due process arguably involved:

“Savile's activities in 28 NHS (i.e., National Health Service) hospitals, including Leeds General Infirmary and Broadmoor psychiatric hospital”, and (included) evidence that “he had sexually assaulted staff and patients aged between 5 and 75 over several decades”.

While the legal and psychological ramifications of the mass of examples and cases listed above are by no means identical, or even similar, they all appear to have one characteristic in common; the victims and the bystanders who reported bullying to the technically relevant authorities risked their reputations, their careers, their sanity and even their lives (Williams, 2012). The primary purpose of this article is to table for discussion a new approach and a new agency designed specifically to provide protection for all four of the groups who are, by definition, parties to bullying; that is,

- the targets and victims of alleged bullying
- the small fraction of staff who, as bystanders, are in a position to report bullying
- those alleged bullies who show umbrage and demand victim status relative to the people who identified them as bullies
- those alleged bullies who do not demand victim status relative to the people who identified them as bullies

### 3 *Gravitas*

The gravity of the problem is reflected in a recent article published by Nick Cohen (2015). The underlying story involved an alleged attempt by BBC management to remove the reporters who had published Jimmy Savile's long history of predatory behaviour from their positions in that institution (Cohen, 2015). According to Cohen, "The whistleblowers who broke the Jimmy Savile story have seen their careers nosedive while executives protect their own status", and, elsewhere,

"Nobody from John Humphrys in the morning to Evan Davis at night dares mention a scandal at the [BBC](#). It undermines their reporting of every abuse whistleblowers reveal. It reinforces the dirty common sense of British life that you must keep your head down if you want to keep your job".

The significance of the problem for the university community is underlined by a comment from Weiner, quoted by Chandler (2015), that 'university personnel engage in bullying at a rate twice that of the private sector'. Furthermore, for those of us who would like to assume that predation in the form attributed to Savile is impossible in the university sector, a quick visit to Brian Martin's chapter on the Rindos affair at the University of Western Australia is revealing because the *trigger* for that saga involved alleged predation by a female professor of female students.

### 4 *Critical Incident Analysis*

The aim of the Critical Incident approach is to establish a record of a specific behavior, and to use that record as a platform for evaluation and inference (Flanagan, 1954). Putting such incidents under the microscope creates opportunities to analyse experience in order to develop practice by reflection-on-action (Davies & Kinloch, 2000). The 'Critical Incident' described below should be placed in 'statistical' context. In 36 years in the School of Psychology at the University of Western Australia (UWA), over a period that included no fewer than ten Heads of School, and in excess of 400 staff meetings, the following is the only unambiguous or ambiguous case of bullying witnessed by the author prior to, during or after a staff meeting. In a school that has never been short of heavyweight scientists and personalities, the author has routinely enjoyed the give and take of academic debate.

## The incident

Following a week of reflection after the incident (#1, Figure 1), and consideration of a letter of apology from Professor A (#2/1), a letter that reflected embarrassment at the way he had behaved in front of the author's then seven-year old daughter, and that alone, the author decided that a report was required (#3/1). The incident occurred more than a decade ago, and the current follow-up has been drafted in response to 'leaked' information about the alleged failure of the UWA to follow even the most basic rules of *Due Process* in its handling of the incident (#12/1). Knowledge about the gravity of the steps taken by the alleged bully, and his managers, and the university administration, to protect Professor A from the consequences of his actions motivated the author to take up the pen in this remote corner of the cognitive sciences.

This article is not about the original bullying incident, although that cannot be avoided entirely; it is about the procedures adopted to suppress and remove the stain of bullying from the university administration. But let us go back to the beginning. The following is an excerpt from an email the author sent to one of his colleagues shortly after the event (in May of Year 1).

"My then Head of School, Professor A, threw a temper tantrum at one of my colleagues a few minutes after the end of a staff meeting. Professor A advanced down the room shouting, and threatened the person concerned with retribution. The phrase which persuaded me to report the event was, "One day you will want something from me, and then ..... ". The matter was further complicated by the fact that Professor B, the target of Professor A's vitriol, was and is a 'friend' of Professor A.

The event occurred some ten minutes after the end of a formal staff meeting. My (*then*) pre-teen daughter also witnessed the event. Professor B was standing behind my daughter and I, and we copped the full force of Professor A's liquid and metaphorical spray as he advanced down the room toward Professor B.

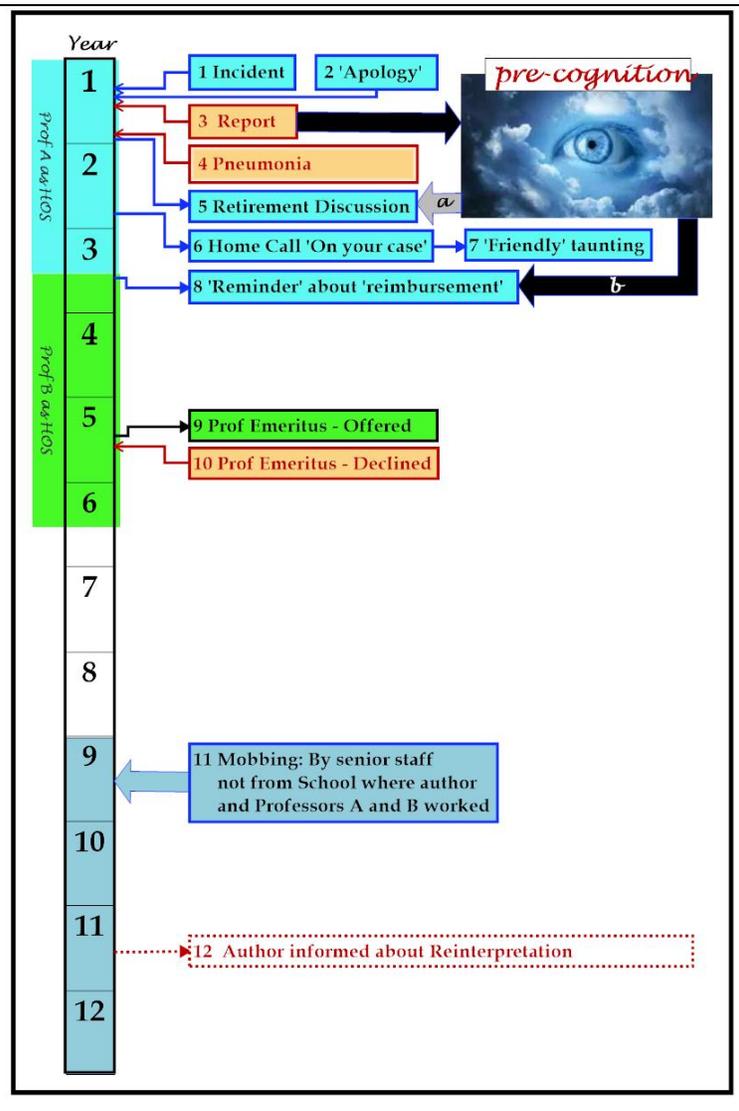
The author's decision to report the incident reflected his concern at the heat and the volume of the blast emanating from a Head of School, and the explicit threat to the professional standing of the target. The author was the most senior person present, and he regarded it as his responsibility to bring the issue to the attention of the university. The evident loss of control in front of a minor was an additional consideration. Figure 2 is a graphic depiction of the event.

Figure 1: The time-line for critical events including 'evidence' for pre-cognition.

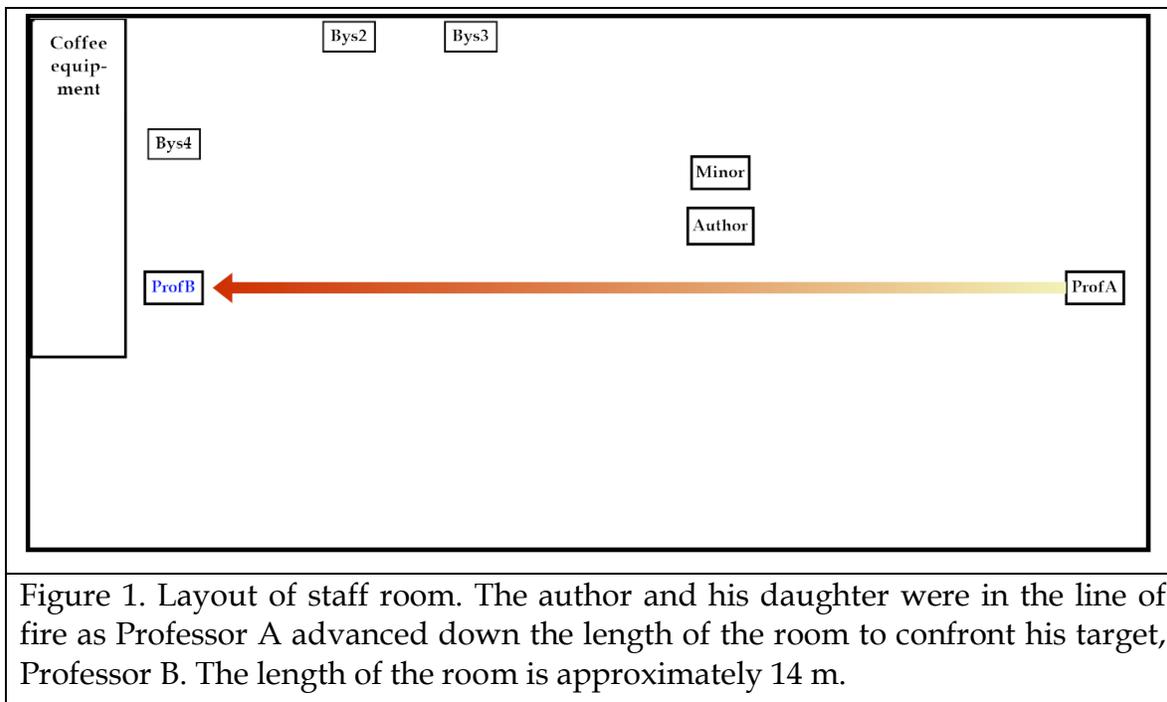
The claim that the author's bullying report reflected Professor A's refusal to provide reimbursement for doctoral supervision depended on 'pre-cognition' on the part of the author.

The author's report preceded the critical bout of pneumonia by six months, the discussion about retirement by seven months, and the written statement that reimbursement would not be provided by more than 24 months.

The reinterpretation is and was a fantasy. The date of the reinterpretation is unknown to the author. Was it for example produced specifically to further Professor A's application for a senior position at another university, more than three years after the event?



The author did not invite his daughter to share his working day in the school again. He had serious concerns about the psychological safety and wellbeing of children exposed to Professor A's blast furnace approach to selected colleagues.



## Retirement 'Negotiations'

In November of Year 1, following a battle with pneumonia during October of Year 1 (#4/1), the author, then aged 65, gave thought to retirement, and initiated a discussion with the Head of School, Professor A.

The author decided to enter into a retirement agreement with the school in December of Year 1. As he then had seven or eight doctoral students under supervision, with several more pending, and the completions were likely to extend over several years, the author created a meeting with Professor A, and tabled the following retirement model (#5/1). As the author was then in a position to not retire, and work for a further period of, say, five further years, the equation comprised:

- Voluntary retirement involving a sacrifice of, say, \$750,000 (for five years of employment) by the author, in exchange for:
  - \$75,000 reimbursement for doctoral supervision (i.e., \$15,000 per completion), a task that would attract income to the school
  - Pro-bono tasks including honours supervision and other teaching tasks to be discussed

Professor A indicated that he would leave the decision on reimbursement to his successor. Another staff member, not associated with this note, had received a retirement agreement involving 40% salary for four years to supervise four or

five students immediately prior to the author's retirement. And, yet another staff member, a person with few publications or doctoral completions, and present during Professor A's meltdown, received an extended retirement 'deal' not offered to the author.

Some eighteen months after the initial incident, Professor A telephoned the author at home, and informed him that he had been "tapped on the shoulder" (the author understood that this remark referred to the original bullying incident); and that he knew who was responsible for the report and that he would be "on my case" (#6/1)

Following the telephone call, Professor A engaged in a form of very close and very personal harassment (#7/1). All of the exchanges were opportunistic, and occurred under one-on-one conditions in the staff room. Many of Professor A's comments could be construed as 'rough repartee'. But in the context of the author's post-retirement commitment to science and writing, and Professor A's open hostility to those objectives, and their value to the school, such an interpretation would be generous. The substance of the abuse involved emphasis on the traditional retirement model, with repeated references to slippers, caravan trips, fireplaces, good books, BBQ's, family celebrations, sleeping, the good life, grandchildren, and so on. Denigrating remarks about the author's contribution as a scientist were embedded. The author adopted the traditional and easy response to bullying, and went to ground by avoiding contact, and withdrawing from the school. In retrospect, this was an error on the author's part, and in mitigation the author can only plead a wish to avoid combat. It should also be noted that Professor A and the author shared common scientific roots in London.

A few days *after* Professor A ceased to be Head of School, on July 1<sup>st</sup> of Year 3 , he emailed the author to 'remind' him that he would not be entitled to reimbursement for the work previously discussed (#8/1).

## 5 *Secrecy and Reinterpretation*

### **Mobbing in a genteel university**

The first event occurred in a local watering hole. As the author joined the queue for coffee he noticed that he was behind an occasional collaborator and acquaintance of 20 years standing or more. He said "hello" - as one does - and the person concerned turned around, looked the author in the eye, turned on his heel, abandoned his place in the queue, and walked away, without a word (#9/1).

The second, third, fourth and fifth events involved a colleague of more than 20 years standing, Professor C. Professor C, not a colleague from the School of Psychology, has occupied a long list of senior positions in science in the university and the state, and she or he is now a colleague of Professor A. The author delivered a copy of a recent publication to the person concerned and asked for a comment. Professor C indicated subsequently that he or she did not believe anything that I wrote, and that there was therefore no point in reading the book, or any part thereof, although the images were interesting.

Prior to that exchange, and following a public lecture, Professor C asserted that the author's comments on the ethical questions about a particular public research project were without merit, a conclusion reached without anything that could be confused with *Due Diligence*. Subsequent to that, Professor C 'invited' the author to apply for a pro bono position in an institute the he or she is associated with. Suspecting that the invitation was a setup, the author contacted the relevant director anyway, and the person concerned dismissed the author's interest in the institute with contempt, in half a dozen words. Professor C, one of the most senior scientists in the state, was invited to examine the evidence in regard to the topic, and he or she failed to do so.

## Reinterpretation

The sixth event did not involve mobbing, but it was unambiguous. Professor D approached the author, and introduced the topic of the recent appointment of Professor A to a senior position at another university. Professor D asserted that the university associated with the new position had been informed that the author's report of bullying by Professor A (#1/1) had been dismissed 'by reference to the counter-claim that the report was submitted 'in retaliation for the alleged refusal of Professor A to provide reimbursement for doctoral supervision following his retirement'. Scrutiny of Figure 1, and the foregoing text, indicates that the Bullying report submitted by the author (#1/1) *preceded* the author's bout of pneumonia by six months (#4/1), the first and only discussion about retirement with Professor A by seven months (i.e., #6/1) and the only written indication that Professor A had decided to insist that the author complete doctoral supervision on a pro-bono basis by more than 24 months (#8/1).

The allegation, that the author submitted the bullying report 'in retaliation for the alleged refusal of Professor A to provide reimbursement for doctoral supervision following the author's retirement', evokes the image of the grasping jew, and, therefore, the frisson of anti-semitism! The role of *pre-cognition* is paramount. The author submitted the report (#3/1) six months prior to a bout of pneumonia, and his decision to enter into voluntary retirement, and the charge

of retaliation makes sense if and only if the author was (and hopefully is) blessed with *pre-cognition*. Wikipedia defines *pre-cognition* as

“direct knowledge or perception of the future, obtained through extrasensory means. Precognition is the most frequently reported of all extrasensory perception (ESP) experiences, occurring most often (60 percent to 70 percent) in dreams.”

The allegation shaping this note should now be clear. The University to which the author has had the honour to serve for more than 30 years, reinterpreted his bullying report without providing *Due Process*; that is, an opportunity for the author to reply to or comment on the charge.

## Pre-cognition

The explanation used to reinterpret the report submitted by the author depended on *pre-cognition* by the author; that is, the charge made sense if and only if the author knew that Professor A would not support funding for doctoral supervision by the author, and that he did so at the time of making the report. If only the author really enjoyed the power of *pre-cognition*!

The alleged assertion by the university that the author’s bullying report was motivated by retaliation against Professor A is without substance. Furthermore, and critically, the timing of the two events is inconsistent with that assertion. The original incident, and the author’s report to the university, occurred in April/May of the Year 1 in Figure 1. The author’s entirely voluntary decision to retire followed a bout of pneumonia in November of Year 1. In the absence of *pre-cognition*, it is unclear how the author could have tabled the bullying report in retaliation for a process that was not raised or discussed by or with the author prior to November of that year.

In a recent article Malmstrom and Mullin considered the role of ‘reinterpretation’ in the management of whistleblowers, and the only too real problem of retribution. The following quotation was included to illustrate the problem.

“Whistleblowing is a dangerous game. Most often, whistleblowers’ allegations are ignored or their motives are suspected, while whistle-blowers themselves are attacked, ostracized, threatened, and even fired. The primary reason for whistleblowers failing to report dishonesty is fear of retribution, while conscience and duty are discounted. Would be whistle-blowers often rationalize their failure to blow the whistle because they fear they will be seen as disloyal. The dilemma between honesty and loyalty is presented as an instance of a Nash Equilibrium economic model. Toleration of dishonesty by others is the major contributing factor to both individual and organizational dishonesty, as clearly shown by past major scandals such as those uncovered in the New York City Police Department, Enron, the Tour de France, and the school systems of Atlanta, New Orleans, and the District of Columbia. More significantly, our research shows a steady rise in toleration of dishonesty at the three major U.S. service academies over the past half-century”

## 6 *Due Process*

The counter-argument adopted *in secret* by the University of Western Australia effectively removed the charge and even the rumour of bullying by Professor A. Even the letter of apology for the behavior he obviously felt embarrassed about in front of the author's daughter disappeared from the equation. Surely, under *Due Diligence* the university was obliged to place the counter-charge of 'retaliation' on the author's desk, and provide him with an opportunity to respond to it. Sadly, we have all been here before (e.g., Martin, 2002; Murray, 2015).

The fact that the university failed to provide the author with an opportunity to answer or even consider the charge against him renders the university's response to the bullying charge *null and void*. The university might as well have tabled it under the heading 'rumour and gossip', and published it on Twitter. Indeed, the alleged performance of the University of Western Australia on this issue takes us all the way back to the Salem witch trials and burnings of the seventeenth century. According to Adams (2009) for example,

"The episode is one of the nation's most notorious cases of mass hysteria, and has been used in political rhetoric and popular literature as a vivid cautionary tale about the dangers of isolationism, religious extremism, false accusations and lapses in due process."

The last four words in the quotation are critical!

### Secrecy

The secrecy adopted by the university individual or committee that reviewed the charge against Professor A poses a threat to all of us. Laura Poitras made essentially the same point in her Oscar acceptance speech for the film *CitizenFour*, thus,

The disclosures that Edward Snowden reveals don't only expose a threat to our privacy but to our democracy itself. When the most important decisions being made affecting all of us are made in secret, we lose our ability to check the powers that control.

The case has major ramifications for anyone exposed to bullying by a senior official of the University of Western Australia, or perhaps any university. The case *against* reporting bullying by senior staff members is overwhelming, and reporting should be avoided at all costs. The pathway to the fiasco summarized in this note rolls all the way back to the final stage in the 'Rindos Affair' nearly 20 years ago<sup>2</sup>. According to a note published by the Standing Committee on Public

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<sup>2</sup> Dr David Rindos was hired to fill a vacancy in the Department of Archaeology at UWA in 1989. In 1990, he became Acting Head of the Department of Archaeology while Professor Sandra

Administration, Legislative Council, Western Australia, and quoted by Brian Martin (2002),

“It is concluded that Dr Rindos did not have adequate and fair opportunities to present his case [for tenure] and has not, in all the circumstances, been afforded common law procedural fairness, due to the University administration’s apparent reliance on material not disclosed to Dr Rindos”.

The Committee finds that the procedures adopted by the University to review and determine the tenure of Dr Rindos and his subsequent appeals were ad hoc, and overall, did not adhere sufficiently to the common law rules of procedural fairness given that all relevant information was not disclosed to Dr Rindos for his assessment and rebuttal”. (Standing Committee on Public Administration, Legislative Council, Western Australia, 1997).

An approach predicated on the assumption that *reinterpretation* leading to damage to the whistle-blower provides the most satisfactory solution is abhorrent, and flies in the face of *Due Process*.

## 6 *The Bystander Trap*

Consider the problem from the perspective of a bystander. Assume that the bystander is a witness to only one act of bullying. According to the UWA policy for the *Prevention and Resolution of Campus Bullying*, a policy that details the University's expectations around the behaviour of staff,

“This policy significantly includes the right of complaint for witnesses. Bullying has a negative effect on both recipient and bystanders who witness or overhear the behaviour. The University therefore recognises the right and responsibility of individuals to raise a complaint if they are exposed to bullying behaviour whether directly or indirectly”.

The verbal tirade described above lasted for approximately three minutes with no more than two or three sentences from Professor B. The entire utterance probably yielded 300 words or less, of which the author recorded and reported the first and the most salient. It is possible that the phrase preceded Professor A’s advance down the room toward Professor B, and the change in volume that accompanied that advance. The author had no idea after the event what else was

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Bowdler, took study leave. During his period as Head of Department Rindos was made aware of problems involving favouritism and affairs between students and staff. In December 1990, he wrote a memo to the relevant Dean outlining allegations of academic misconduct. On completion of his three year period of probation Rindos was denied tenure, however, in a formal review by the Government of Western Australia, it was noted that the denial of tenure failed to meet the principles associated with ‘Due Process’ in that critical issues were not disclosed to Rindos. The Western Australian Legislative Council investigated the case and brought down its ruling in 1997, one year after Rindos died at the exceptionally young age of 49. Brian Martin has provided a detailed review of the episode (Martin, 2002).

said during the exchange, but he wrote down the words quoted above at the time. Whether or not any of the other people listening to the exchange would have selected or remembered the same words is uncertain, and, they may in any case have decided that silence was the only sensible response. They were, furthermore, further from the scene of action than the author and his daughter.

According to the policy statement quoted above, it was the author's 'responsibility' to 'raise a complaint if he was exposed to bullying behaviour whether directly or indirectly', and he did so. The author's subsequent treatment by the university should serve as a warning to every single member of the university community who is a witness to a bullying incident. In brief, the university, any university perhaps, reserves the right to, first, exclude you from all subsequent proceedings associated with the report and, second, reinterpret your report and destroy your professional and scientific reputation and, potentially, your career.

Now that the consequences associated with Bystander Reports are clear, the problem is also clear; who could possibly raise a report of this type?

The section under Disclosure in *The University Policy on: Prevention and Resolution of Bullying on Campus* is clear, thus,

"Employees or students who have been the target of bullying behaviour or who have otherwise witnessed bullying behaviour are encouraged to disclose bullying."

A *Bystanders Beware* clause would be useful, indicating that the University of Western Australia reserves the right to destroy your personal and scientific reputation if it regards the behaviour of the alleged bully as beyond reproach, or if it is unwilling to acknowledge that a line manager could behave in the alleged manner, or if it does not like you for some reason. Quite how the 'three universal ethical principles' identified by the university, *Equity and Justice, Respect for People* and *Personal and Professional Responsibility* fit into the policy adopted to remove the stain of bullying from Professor A is unclear!

## **7 Consequences of submitting a bullying report**

The penalties for providing bullying reports can be severe. According to Namie, for example,

"Targets who had reported the abusive misconduct to the perpetrator's (bully's) manager and had asked for relief, elicited positive, helpful responses in only 18 percent of cases. In 42 percent of instances the bully's boss actually compounded the problem.... Co-workers' silence makes sense in a fear-plagued environment when people are unsure if they might next be targeted".

Namie touches on the question of motivation as well. Thus,

“Regardless of how bullying is manifested -- either verbal assaults or strategic moves to render the target unproductive and unsuccessful -- it is the aggressor's desire to control the target that motivates the action.”

One of the most challenging questions associated with bullying concerns the sheer ambiguity of the term. It runs the gamut from the edge of rape at one extreme to passing words of indifference directed toward a lonely child in a schoolyard at the other. The sheer variety of categories is illustrated by *The Bully Zero Australia Foundation* web site where an informal list comprises: Verbal Bullying, Physical Bullying, Emotional-social-psychological Bullying, Racial Bullying, Cyber Bullying and Homophobic Bullying. But the variety of categories is in a sense irrelevant. The critical issue concerns the impact on the target, where, depending on a host of factors, the reaction might range from open contempt to utter devastation, and the public response can vary accordingly. Furthermore, because some of us are built with ‘iron’ in our souls, and some of us are not, the consequences of bullying can vary across an extraordinary range, and in ways that do not reflect external or ‘objective’ scales in any obvious way. And, finally, a victim’s visible response to bullying at the time is not a sure indicator of the gravity of the attack, as delayed responses can be lethal once the shock has worn off.

A critical problem therefore concerns the anything but linear relationship between the *observer* and *target* scales of bullying. A passing jibe of ‘lesbian’ might mean nothing to one target, and it might be the end of the world for another. A sustained attack on the research of a potential retiree might drip quickly off the back of one retiree, while utterly destroying the confidence of another, and the same attack mounted on a junior staff member could have yielded anything from depression to suicide. For an interesting insight into this aspect of the problem a recent article by Alexandra Tselios entitled “how I learnt the importance of reporting sexual harassment in the workplace” reflects the confident end of the spectrum. However the solution adopted by an experienced, articulate and self-employed person might not translate into the working environment of less talented persons employed by large corporations and public agencies and we, as social scientists, have to design a system that will support and protect all, the vulnerable as well as the invulnerable.

In a recent article entitled ‘*Workplace bullying litigation - a nasty war of attrition*’ in *The Drum*, Luke Williams posed and answered the following question.

Question: What's worse than being bullied in your workplace?”

Answer: Making a complaint about it.

Luke Williams makes three further points of interest,

“Countless victims say that when they make bullying complaints internally, their employer has a tendency to take sides; either ignoring, suppressing or over-reacting to their complaints.”

“Employer responses to allegations of workplace bullying often become an extension of the bullying culture - exacerbating the cruel, calculating and costly behaviour which created the very problem to begin with.”

“Anti-bullying website *Know Bull Australia* says that while around half of workplace bullying complainants they surveyed complained to their workplace, 89 per cent say their workplace had not been dealt with satisfactorily.”

Luke Williams went on to describe two suicides associated with bullying.

## 8 *Motivation*

As Professor A’s case against the author rested entirely on motivation, and the university failed to test any aspect of the charge, it is appropriate to table an appropriate explanation for his behavior.

The author is aware of two other ‘attacks’ by Professor A on academic staff who were then at one or other of the local universities. Let us assume that the outbursts were aimed at Professors E and F. Three features stand out from these incidents.

- Professors E and F as well as the author conduct research in an area of expertise not unrelated to that of Professor A
- Professors E and F as well as the author enjoy publication and citation records equal or superior to that enjoyed by Professor A
- Professors E and F as well as the author enjoy or enjoyed honours and doctoral supervision records comparable or superior to that of Professor A

It is now possible to identify a possible source of Professor A’s hostility towards Professors B, E, F and, arguably, the author.

The hypothesis is that Professor A’s behaviour is fuelled by ‘professional envy’, a concept that has been invoked to explain a range of bullying events including in particular the teaching and research professions (e.g., Westhues, 2006). Professor A had one stellar publication more than twenty years ago but nothing he has published since then has attracted significant interest.

Professors E and F recently moved to new universities far removed from Western Australia. Under the current reporting model the accumulation of reports across incidents is virtually prohibited, and reinterpretation can of course be assumed for individual and isolated reports. The author heard one more ‘story’ that might be of interest regarding Professor A. It is entertaining and, possibly, apocryphal! The story harks back more than 25 years, and involves a significant scientific society meeting in the UK. According to the legend, Professor A advanced down a sloping auditorium shouting and gesticulating at the speaker until he reached the podium. Also according to legend, he then jumped on to the podium and

continued to berate the speaker, ignoring the bloody head he had received in a personal exchange with the podium in passing.

## 9 *Verification*

The problems associated with both confirmation and disconfirmation are legion. Given the administrative and managerial power associated with the position of a Head of School, and the potential for support from an administration that could only be embarrassed by a report of bullying by one of its appointees, anyone making a report of bullying against a Head of School probably needs *counselling*, in every sense of the term.

The problem has been described by Caponecchia (2011) in the language of Signal Detection Theory; thus,

There can be spurious reports (“false alarms”); reports of bullying when it is happening (“hits”); no reports when it’s not happening (“correct rejections”); and no reports when it is happening (“misses”). We know that the last category – not reporting bullying – is common. People don’t report for a range of reasons, including fear of payback and of losing their job. We know that the rate of people experiencing bullying who simply leave their job is around 40%. So to focus on spurious claims as though they are the main game is misleading.

Caponecchia goes on to propose that we – Australia – need an independent tribunal for workplace bullying. The critical issue concerns the need to be able to report bullying ‘without fear’, and that is a condition that the administration of the institution that appointed the alleged bully cannot provide. Gregor (2015) emphasized essentially the same point, in the following words,

“Establishment of a complaints mechanism whereby employees who have been bullied can make a complaint, as well as ensuring grievances are dealt with independently, timely, and kept confidential”

It is therefore essential that an independent and central agency be established to record and distribute advice from, and to, individuals, agencies and institutions including universities, hospitals and schools across Australia. A if not *the* critical question concerns the proposition that bullying can only be cited when repeated observations can be proved (See Toni Mellington as cited by Grigor, 2015). But that condition can only be met if an independent agency is available, and that agency must be able to accumulate reports across different victims, different bystanders, different events, different parts of the same institution, and different institutions. These criteria take the problem far beyond the capacity and capability of the typical target or victim or administration, and the matter is further complicated if the alleged bully is ‘grandiose yet charming’, ‘authoritative, aggressive and dominating’, ‘fearless and shameless’, ‘devoid of empathy or remorse’, ‘manipulative and deceptive’ and ‘impulsive, chaotic or

stimulus seeking' a sample of the features attributed to 'serial bullies' by Keryl Egan (See Grigor, 2015).

## 10 *Towards a solution*

### **Human Nature**

The author acknowledges the development of new training programs designed to reduce bullying in kindergartens, schools, universities and medical programs. Recent studies suggest that these programs enjoy some success. Ttofi and Farrington (2011) for example, implemented a meta-analysis covering 622 reports about school-based programs from a variety of journals and electronic databases. In the last stage of their analysis, 44 of these papers included procedures and evidence that met the criteria set by the authors, and this subset yielded decreases in bullying and victimization of approximately 20%

In the last analysis however, all anti-bullying programs assume that we – the humans in the equation – are all striving for equality and equal treatment for ourselves and for our colleagues, when the reality may be very far removed from that cornerstone assumption. The author will return to Yehuda Bauer one more time, to counsel caution, thus,

The horror of the Holocaust is not that it deviated from human norms; the horror is that it didn't. What happened may happen again, to others not necessarily Jews, perpetrated by others, not necessarily Germans. We are all possible victims, possible perpetrators, possible bystanders (Bauer, undated).

However it is not necessary to rely on memories of the holocaust to entertain doubt about the complex characteristics of the human condition. Erin Anderssen, writing in the Toronto-based *Globe and Mail*, noted that,

“Eliminating bullying altogether is an unrealistic goal. It's human nature: People like to boss other people around and it's not hard to see traits of a control-seeking bully in parents who rant viciously at hockey games.”

Another comment by Anderssen underlines the complexity of the problem, and the weakness of the simplifying proposition that we – and our children – can be divided into 'good' and 'bad'. Thus,

The idea that starting young might reduce teenaged locker-room brutality and cyber-harassment is behind St. Anne's anti-bullying program. It's the kind of comprehensive, well-supported, community-based approach that research has shown to be most effective. Indeed, principal Jane Hill credits the program with bringing down bullying incidents - but most schools in Canada are failing to curb the problem. There are many reasons for this, not the least of them the fact that educators have tried to simplify a complex social issue down to good guys and bad guys, hoping positive language will seep into playground politics, and that zero tolerance will scare bullies straight. Schools have too often failed to act in the most

serious cases, and kids won't tell on bullies if they don't believe it will make a difference.

When left unchecked, bullies can destroy lives, as in the recent spate of U.S. suicides related to homophobic bullying that prompted President Barack Obama and Secretary of State Hillary Clinton to speak out, expressing their sadness, shock and support for the victims of bullies.

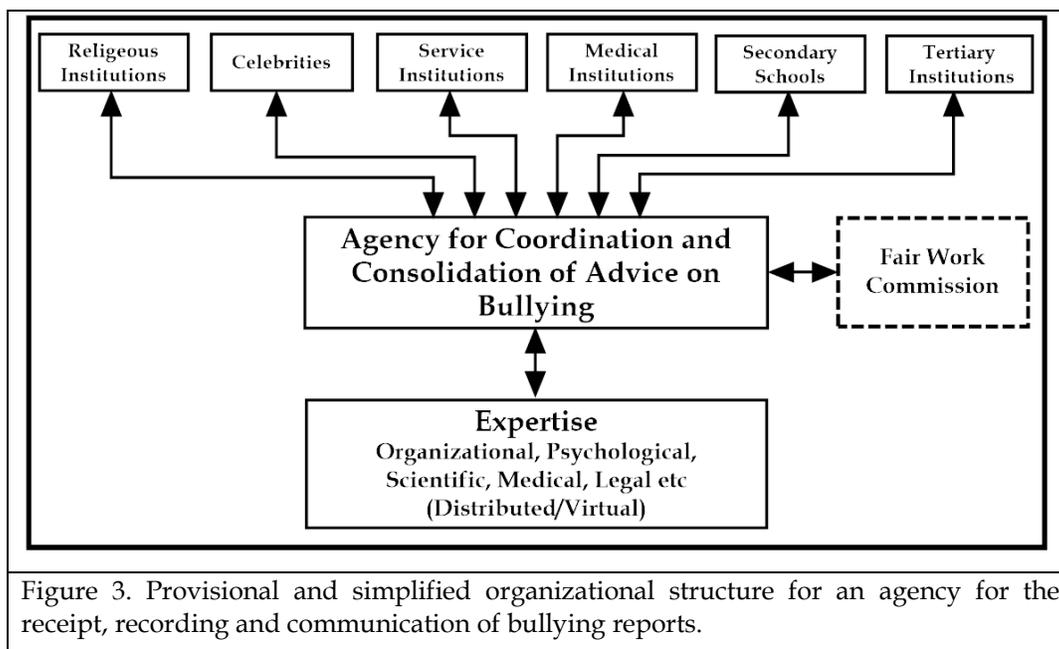
## Independence

Let us turn our collective back on the causes, motivations, descriptions and explanations of bullying. It is the author's contention that the single most important issue in the entire bullying pantheon concerns *us*, as people. *We* do not wish to admit to errors, and, critically, *we* do not wish to admit to errors in the billion dollar organizations that *we* administer. Justice delayed or justice deferred is of course justice denied, and the cost of justice denied can be very serious indeed. The confident and articulate bully can simply move on to his or her next victim, and dismiss the earlier reported event as a fantasy, evidence of psychological disturbance in the victim, or a distortion designed to damage the alleged perpetrator. *We*, the broader community, are also disposed to accept the counter-allegations advanced by the bully because, after all, he or she spoke very pleasantly to us over wine the other day. Scientists who habitually live in writing environments that include at least an element of ethical control, by virtue of *Independent Peer Review*, are not well placed to judge the accuracy and integrity of people under scrutiny for less than ethical behaviour.

It is the author's contention that an effective approach to bullying and predation depends on the absolute independence of the agency receiving and recording the reports, and, when necessary, transmitting reports to the 'bully', the institution responsible for the 'bully' or even the Fair Work Commission, on the one hand, and the institutions responsible for the employment, management and training of teachers, historians, scientists, and doctors on the other. There is no doubt that some organizations handle bullying reports independently and professionally but the author would not risk his reputation again, in another life, or the reputations of his PhD graduates or children. The risks are too great, and the cross too heavy.

An obvious model could involve participation by the NTEU or National Tertiary Education Union, however two considerations count against this solution. First, because the Members of the State Division Councils of the NTEU are usually drawn from senior staff at the local universities, it cannot be assumed that they are free from explicit let alone implicit pressure, so the independence of their staff and councilors cannot be assumed either. Second, the issues that have engulfed the author's life since retirement actually stemmed from his working life and, despite the fact that the bullying report preceded his retirement, and the

fact that the author paid union dues for more than 30 years without calling on Union support, he is not now eligible for support from the NTEU, and yet, as a publishing author on a range of scientific issues, the author is as much a member of the university and scientific communities as ever.



The author is also of the opinion that the mass of problems associated with the limitation if not the management of bullying stand outside the type of expertise that university administrators generally bring to the job. A PhD and twenty years of experience in physics, physiology, or agricultural science does not provide an appropriate platform for expertise and judgement in the vexed domain of bullying. But perhaps the most powerful argument against an approach that follows traditional industrial lines stems from the fact that the original report submitted by the author, and the issues raised here, do not concern the author as an individual, or Professor A alone, they stem from problems that involve *us, as people*, and the solution must therefore be found in *systemic* change, not individual punishment or vilification.

The model outlined above leaves all of the hard questions unanswered. The receipt of information should not pose a challenge. The proposed Agency for the Coordination and Consolidation of Advice on Bullying (ACAB) can of course receive reports from any individual or institution, including schools and universities. However decisions about the transmission of information to individuals, schools, universities, and scientific and legal officers will raise more challenging issues. When and under what conditions does ACAB attempt to work with the individuals 'charged' with bullying? How many reported

incidents provide a minimum basis for a report to a university about an individual staff member for example? Does gravitas come into the equation? Can committees be trained to grade bullying incidents in some way? Should the ACAB provide reports to the people from whom it is receiving reports? When should the ACAB refer reports to the Fair Work Commission or some other legal authority? Should the ACAB provide advice to individuals who have provided it with reports? Who does the ACAB report to when bullying or predation by public celebrities is on the table? Can the ACAB publish reviews of specific problems in the domains of its expertise and, if so, under what conditions and limitations? The questions are legion; the answers anything but obvious.

### **Agency to receive, record, review and distribute reports of bullying**

The primary purpose of this note is to table the case for an independent agency where the focus is on the protection of (a) the victims (b) the whistle-blowers and (c) the perpetrators. A system that focusses on the protection of the university community from bullying cannot be restricted by the niceties of who does and who does not belong to the union, and who is and is not too old to attract remuneration, and therefore union membership. The focus must be on the protection of the community of scholars and students, and not the protection of the administrators and institutions. The critical issue therefore concerns the detection and accumulation of evidence across events and reports, and a commitment to transparency!

### **Biographical Note**

The author retired from the position of Professor in the School of Psychology at the University of Western Australia at the end of 2006. The doctoral supervisions referred to above were completed by him as an Adjunct Professor in another school at the same university between 2007 and 2014. Over his career the author has published one co-authored book, three co-edited books, approximately 100 articles in refereed journals, and hundreds of conference chapters and papers. The author has also supervised or co-supervised to completion more than 20 doctoral and 100 honours supervisions. The author is currently an Adjunct Professor in the School of Medicine at the University of Notre Dame (Fremantle). He was elected a Fellow of the Academy of Social Science (Australia) in 1997. The author's publications subsequent to his retirement from the School of Psychology at the University of Western Australia are listed in Appendix I. In 1993 the author participated in the review process for a series of predatory and bullying allegations associated with an overseas deployment by HMAS *Swan* (See Australian Defence Force Scandals, News.com.au, April 7<sup>th</sup>, 2011).

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