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DISSERTATION

**THE EFFECTS OF TYPE AND SEVERITY OF ILLEGAL SEXUAL HARASSMENT
AND ORGANIZATIONAL JUSTICE ON THE REACTIONS OF FEMALES, HUMAN
RESOURCE PROFESSIONALS, AND EMPLOYMENT LAWYERS TO
HARASSMENT SITUATIONS IN THE WORKPLACE**

Submitted by

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In partial fulfillment of the requirements

For the Degree of Doctor of Philosophy

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Ft. Collins, Colorado

Summer 2000

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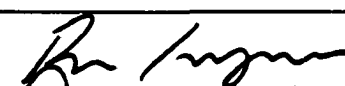
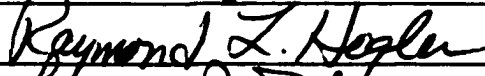
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WE HEARBY RECOMMEND THAT THE DISSERTATION PREPARED
UNDER OUR SUPERVISION BY JENNIFER HAMES FRAME ENTITLED THE
EFFECTS OF TYPE AND SEVERITY OF ILLEGAL SEXUAL HARASSMENT AND
ORGANIZATIONAL JUSTICE ON THE REACTIONS OF FEMALES, HUMAN
RESOURCE PROFESSIONALS, AND EMPLOYMENT LAWYERS TO
HARASSMENT SITUATIONS IN THE WORKPLACE BE ACCEPTED AS
FULFILLING IN PART REQUIREMENTS FOR THE DEGREE OF DOCTOR OF
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ABSTRACT OF DISSERTATION

**THE EFFECTS OF TYPE AND SEVERITY OF ILLEGAL SEXUAL HARASSMENT
AND ORGANIZATIONAL JUSTICE ON THE REACTIONS OF FEMALES, HUMAN
RESOURCE PROFESSIONALS, AND EMPLOYMENT LAWYERS TO
HARASSMENT SITUATIONS IN THE WORKPLACE**

The present study used a legal framework to examine the effects of type (hostile environment vs. quid pro quo) and severity (mild vs. severe) of sexual harassment as well as level of organizational justice during the harassment complaint process on the reactions of females, lawyers, and human resource professionals (HR) to written depictions of sexual harassment in the workplace. Females and HR's knowledge of sexual harassment law was examined and it was found that although HR had more legal knowledge than females, both groups had some key knowledge deficiencies (e.g., knowledge of legal liability guidelines and administrative issues).

Females' reactions to harassment varied depending on the type and level of harassment such that females were more likely to say they would pursue and/or win a legal case for quid pro quo and severe scenarios than for hostile environment and mild scenarios. In quid pro quo scenarios (vs. hostile environment), lawyers were more likely to say they would recommend a victim pursue legal action and were more likely to believe the victim would win a court case.

All subjects had more negative reactions to harassment when organizational justice (i.e., perceived fairness of company procedures and interpersonal treatment) was

lacking in the complaint process. When justice was absent, females were more likely to indicate they would pursue a lawsuit or quit the job instead of filing an internal complaint. Lawyers were more likely to recommend victims pursue internal action (vs. a lawsuit) when justice was present and felt that a plaintiff was more likely to win a court case when justice was absent. HR professionals recognized that adhering to principles of organizational justice could help a company avoid legal liability.

Overall, the subject groups tended to agree about potential reactions to harassment, though the magnitude of the predicted responses varied in some cases. Implications of the findings on sexual harassment prevention training and education and on design of complaint systems are discussed in terms of the principles of organizational justice as related to the affirmative defense described in *Burlington Industries, Inc. v. Ellerth and Faragher v. City of Boca Raton* (1998).

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CHAPTER I

INTRODUCTION

Throughout its short history, the statutes (e.g., federal and state laws), case law (e.g., court decisions) and administrative directives (e.g., Equal Employment Opportunity Commission documents) surrounding sexual harassment in the workplace have seemed complex, unclear, and confusing to both employers trying to prevent such incidents from occurring as well as to employees attempting to pursue legal action against those committing questionable acts (Kandel, 1998). Evidence of this confusion can be seen in a series of court decisions that have attempted to explicate the meaning of illegal sexual harassment but have often made the issue more complex and confusing than it was before each decision. There have been enough conflicting decisions in the lower courts that the Supreme Court has had to step in and resolve some of these issues. In fact, the Supreme Court recently ruled on three sexual harassment cases, while they had only ruled on two other sexual harassment cases since the inception of the Civil Rights Act of 1964 (Kandel, 1998). Some may not realize that sexual harassment is a type of sex discrimination actionable under the Civil Rights Act of 1964. Further, there are a variety of situations where alleged victims of harassment as well as employers may be unsure if the behavior is truly illegal or warrants legal action. For example, is the behavior illegal if the victim only feels it was “mild” harassment and if no tangible job consequences occurred? Is the behavior illegal if the perpetrator was of the same sex as the victim?

And, is an employer legally liable even if no tangible job consequence occurred or if they took immediate sanctions towards the alleged perpetrator?

The present study investigated various stakeholders' perceptions of and reactions to the sometimes complex and confusing issues surrounding sexual harassment in the workplace. Specifically, when an alleged harassment incident occurs in a workplace, a variety of people will become involved. While the majority of previous research has studied sexual harassment and its effects as an individual-level phenomenon (Fitzgerald & Shullman, 1993), the present study considered the reactions to sexual harassment of various stakeholders in the process.

Organizations are systems composed of numerous subunits that interact and are dependent on each other (Katz & Kahn, 1966). Events that occur within one subsystem will affect not only that subsystem, but the effects of the event may also ripple throughout the organization. And, one sociological perspective conceptualizes disputes such as sexual harassment as social constructs that emerge and are transformed based on the environment in which they occur (Felstiner, Abel, & Sarat, 1981). First, the alleged harasser and victim are obviously fundamental to the incident, as the actual incident occurs between them. Second, human resource (HR) personnel may become involved in investigating the situation, particularly if the alleged victim files a complaint or if a third-party witnesses and reports the incident. Third, if the victim decides to pursue a lawsuit, an employment law lawyer will likely become involved in pursuing a lawsuit or advising the victim about legal options. Fourth, a variety of other workers who may have been witnesses to the incident or simply heard about the incident could also become involved.

In essence, a harassment incident is not likely to involve and affect *only* the harasser and the victim.

These various stakeholders may all have a vested interest in the outcome of the situation. The present study focused specifically on harassment behaviors perpetrated by a man in a position of power (i.e., supervisor) towards a female subordinate, as this is the most common situation in organizations and in the research literature.¹ Further, this study focused its investigation on three particular groups of stakeholders: women serving as alleged victims, human resource personnel that would have to respond to harassment situations, and employment law lawyers that could become involved in litigation of a harassment lawsuit. Previous research has not examined whether HR and legal personnel might agree or disagree about what responses to a particular harassment situation should be (Fitzgerald & Shullman, 1993), nor has it examined whether victims of harassment might have different reactions to harassment than HR and legal personnel.

Although it may be that the law surrounding sexual harassment is confusing and court decisions sometimes conflict (Kandel, 1998), it is quite clear that the behavior can be costly. For example, a 1988 study estimated that the cost to the government of sexual harassment of federal workers over just a two-year period was \$267.3 million due to turnover, sick leave, decreased productivity, and other related costs (Triandis, Kurowski, & Gelfand, 1994). Another study estimated that the Army loses over \$250 million a year in expenses related to productivity losses, administrative costs, and negative

¹ There has been much debate about the figures which researchers present in regards to who is being harassed and how often. This debate centers on the issue of what definition of sexual harassment is studied. Nonetheless, one widely cited study (Gutek, 1985) presented data that 21 – 53% of women are harassed and 9 – 37% of men have experienced workplace sexual harassment. This is not to minimize the importance of

publicity resulting from sexual harassment incidents (Faley, Knapp, Kustis, & Dubois, 1999). Results of a survey of “Fortune 500” companies that was published in Working Woman magazine stated that the cost of sexual harassment to a “Fortune 500” company with 23,750 employees was estimated at \$6.7 million annually (Sandroff, 1988).

Even a single harassment lawsuit can cost a company hundreds of thousands of dollars. Since the Civil Rights Act of 1991 was enacted, victims of sexual harassment can seek combined compensatory and punitive damages of up to \$300,000 if employed in a large company (Cascio, 1998). Prior to 1991, damages were limited to “make-whole” relief whereby the victim was compensated only for actual monetary losses (Bennet-Alexander & Pincus, 1998). In addition to money that might have to be paid to a victim if a case is settled in or out of court, companies will also incur substantial costs for legal fees. And, even if litigation is avoided, a company can loose when sexual harassment occurs. A victim might decide to leave the organization and the costs associated with hiring and training a replacement, costs of the vacancy until a replacement is hired, and the costs of the initial loss of productivity with a new employee would have to be considered (Fitzenz, 1997). Further, a climate of harassment can create low employee morale or even a poor public image (Popovich, 1988).

Thus, it is clear that both employees and employers have a large stake in being able to understand sexual harassment laws and their potential consequences. Because of the above outlined issues and the overall importance of sexual harassment in the workplace, the present study focused on:

investigating other forms of harassment, yet these other forms (e.g., female towards male) are not the focus here.

- a) the current state of sexual harassment laws
- b) the state of stakeholders' knowledge of these laws and their ramifications
- c) factors which influence female employees' likelihood of taking actions (e.g., filing a complaint or lawsuit) against an organization in which harassment occurs
- d) factors which influence HR managers' reactions to harassment situations and beliefs about how a female victim will respond to sexual harassment, and
- e) factors which influence lawyers' recommendations to female victims of harassment and judgments of whether a case will be decided in favor of the plaintiff.

Investigating issues regarding the state of stakeholders' knowledge of harassment law and how it affects responses to harassment situations is especially timely because of two Supreme Court decisions that were delivered in June, 1998: *Burlington Industries, Inc. v. Ellerth* and *Faragher v. City of Boca Raton*. In these decisions, the Court attempted to make explicit such issues as differences and similarities between "quid pro quo" and "hostile environment" harassment and in what circumstances an employer may be liable for a supervisor's sexual harassment of an employee (Dodge, 1998).

Understanding these issues is obviously important both for employers who must set and enforce workplace policy, for employees who encounter a harassment situation and have to decide how to deal with the situation, and for lawyers who must advise potential clients. According to the two recent Court decisions, company policies and their use by both the employer and the employee may be a crucial aspect in determining a case outcome.

Previous policy capturing research has attempted to empirically determine which factors are and are not important in determining the outcomes of sexual harassment cases by analyzing actual court decisions (Terpstra & Baker, 1988, 1992). However, there are several reasons why this type of research needs to be updated, revised, and expanded. First, the recent Supreme Court decisions may change the way the lower courts decide future sexual harassment trials and the existing sexual harassment literature mainly pertains to cases written prior to these 1998 decisions. In fact, the Equal Employment Opportunity Commission (EEOC) released a new set of guidelines in June 1999 that pertain to harassment cases involving supervisors (EEOC, 1999). These guidelines follow the previously mentioned June 1998 Court rulings and in some cases expand upon what the Court said. But, it remains to be seen whether or not the courts will defer to these new guidelines in future court cases. Second, the previous policy capturing studies done by Terpstra and Baker (1988, 1992) have several methodological limitations that may render their conclusions not as useful to employers and employees as they might be if some of the problems were corrected (Roehling, 1993). For example, the characteristics of cases that make it to trial may be somehow different than the majority of cases of sexual harassment that occur but are never pursued by the alleged victim or that are settled before reaching the trial phase.

While it is important to keep in mind that the Terpstra and Baker (1988, 1992) research is outdated due to recent legal changes and that it has certain methodological flaws, the present study did not attempt to directly address those issues. Instead, the present study expands the previous policy capturing research by recognizing that policy capturing of judges' decisions is only one research approach when investigating the

outcomes of sexual harassment claims. Looking only at judges' decisions ignores several vital initial steps in the lifespan of a sexual harassment case. Even before a case is brought to trial, an employee makes a decision whether or not to pursue a claim of sexual harassment. Pursuit of the claim may involve any of a number of actions such as filing a grievance towards the harasser or pursuing a lawsuit. A victim's decision to pursue a claim or lawsuit could be based on factors directly related to the incident and/or the reactions a victim receives from the human resource personnel and/or lawyers who become involved in the case.

First, factors directly related to the incident that could influence a victim's behavior include such issues as the seriousness of the harassment behavior, the consequences of the harassment behavior, knowledge of sexual harassment laws, and perceptions of the likelihood of a case prevailing. Factors that are more social in nature but that could also influence a victim's behavior include how the victim was treated by the company when trying to stop the harassing behavior, whether the company representatives feel the behavior was illegal, and whether any lawyers that become involved feel that the case is worth pursuing. The key is that factors that an employee uses to decide whether or not a case is worth pursuing and/or likely to prevail in court may or may not be similar to the factors which courts eventually look to in deciding the outcome of cases that made it to the trial stage.

Investigating HR personnel and lawyers' perceptions and reactions to harassment situations will add important information to the Terpstra and Baker (1988, 1992) research. Asking lawyers their educated opinions regarding potential case outcomes may be a more informative methodology than trying to work backwards from written court

decisions to determine relevant issues in harassment cases (Roehling, 1993). First, because of the occasional changes resulting from Supreme Court decisions (e.g., *Burlington Industries, Inc. v. Ellerth*, 1998; *Faragher v. City of Boca Raton*, 1998), Federal law changes (e.g., The Civil Right Act of 1991), and EEOC guideline changes (e.g., EEOC, 1999), lawyers likely have more up-to-date information on factors which influence decisions than could be extracted from court cases that date back a number of years. Second, a majority of harassment cases are likely to be settled or resolved before they reach court. There is important information in cases that are settled, yet settled cases are never written-up by judges and so could never be subjected to policy capturing research. Thus, while lawyers may not be able to perfectly predict case outcomes, their knowledge is an important source of information that may be more up to date and comprehensive than the information extracted from reviews of previous court cases (Roehling, 1993).

Further, human resources professionals enjoy a unique perspective when dealing with harassment cases from the administrative side. First, they must consider the best interests of the company for which they work. Second, while the company must be sensitive to the concerns of the alleged victim, it also has to be careful to not falsely accuse someone of harassment. It is important to study HR professionals' reactions to harassment situations because the way an HR professional interprets a situation may affect the way he or she responds to the incident. For example, if the HR worker perceives the incident as minor, he or she may not take prompt action to remedy the situation. However, if he or she perceives the situation as more serious, swift action to correct the situation may be more likely. Further, the HR worker might properly guide an

employee not to pursue a charge of harassment if the incident is minor and can be efficiently and appropriately handled within the organization.

It is also important to study reactions of HR professionals because as the Supreme Court and the EEOC have recently reiterated, the actions of the company in response to harassment are often key pieces of information when deciding if the company is liable for the harassment behavior of one of its employees (*Burlington Industries, Inc. v. Ellerth, 1998; Faragher v. City of Boca Raton, 1998; EEOC, 1999*). In fact, a review of the HR literature shows that sexual harassment is a very prevalent topic and the most discussed sexual harassment topics involve how to write effective anti-harassment policies and how to properly investigate harassment claims in order to help the company avoid or minimize liability in harassment situations. Numerous books (e.g., Aaron & Isaksen 1993; Collier, 1995; Cornish, 1997; McCann & McGinn, 1992; Wagner, 1992) and journal articles (e.g., Coleman, 1998; Debevoise & Tselikis, 1998) go into great detail regarding the importance of and the steps to take when formulating harassment policies and investigating harassment claims. Further, after the 1998 Supreme Court decisions, there was an explosion of articles in both the HR and the legal literatures about the implications of the new rulings on the types of procedures that companies should have in place to deal with harassment (e.g., Buchanan & Wiswall, 1999; Canoni, 1999; Laabs, 1998a; Long & Leonard, 1999; McDonald & Fellner, 1999; Preston, 1999).

Other important reasons to investigate human resource representatives' knowledge of sexual harassment law and perceptions of sexual harassment situations include determining if HR professionals have a clear enough understanding of the law to aid in helping their company avoid lawsuits and if their perceptions of the factors that

would prompt an employee to file a lawsuit actually match the employees' perceptions. If there is a mismatch in these perceptions or if it is clear that human resource personnel do not understand harassment laws, company representatives may not be sensitive enough to the issues that could help avoid lawsuits from occurring in the first place.

The factors that lead an employee to pursue a sexual harassment case and the factors that a lawyer or HR manager thinks would lead to certain outcomes are quite intertwined. Specifically, even if an employee feels that she has experienced a sexual harassment situation worthy of pursuing in a lawsuit, a lawyer, an EEOC representative, or an HR professional who has more in-depth knowledge of the legal system and has experiences dealing with similar cases may actually affect the employee's decisions on whether or not to file an organizational claim or even pursue a lawsuit². As Sheppard, Lewicki, and Minton (1992) said: how one "perceives, defines, and interprets a dispute is often more critical than the substantive nature of the dispute itself" (p. 47). Because of their perceived expertise, lawyers and HR professionals may be key in guiding a victim in definition and interpretation of a sexual harassment incident. Previous research (e.g., Fishbein & Ajzen, 1975; Ajzen & Fishbein, 1980) has shown that people behave the way they do based not only on how they feel about a particular course of action (e.g., filing a lawsuit), but also based on subjective norms or social pressures they feel from outside referents with whom they are motivated to comply (e.g., lawyers who are experts in sexual harassment). Different people and different behaviors may be more or less

² In cases being pursued under the Civil Rights Act of 1964, an alleged victim must first discuss the case with the local EEOC office before being allowed to pursue the case in court with an outside lawyer as legal counsel. The EEOC will investigate the case and either pursue the case itself, or allow the alleged victim to pursue the case with an outside lawyer. However, the present study focuses on the stage in the process where a woman seeks legal help beyond the EEOC.

influenced by these social pressures (Fishbein & Manfredo, 1992). For example, an employee might be dissuaded from filing suit if she is counseled by someone who is considered an “expert” that the case is not likely to result in the victim obtaining a settlement or in winning an actual court case. The exact opposite scenario might also arise in that an employee might be more persuaded to pursue a case if she is told that she has an excellent chance of winning.

Also, extant legal literature shows that lawyers have considerable power over their clients and are key in transforming a dispute into a lawsuit (see Felstiner et. al, 1981). This influence could be negative if a lawyer refuses assistance to a victim in need of help, but the influence could be positive if the lawyer furnishes the client with information about her options and the potential consequences of her actions (Felstiner et. al, 1981).

While the present study did not examine the direct influences of HR professionals’ and lawyers’ opinions on harassment victims’ behaviors, it did examine whether or not there are discrepancies between the reactions of victims of harassment, HR professionals who investigate the claims, and lawyers who could become involved in filing harassment lawsuits. Examining potential similarities and differences in reactions is a first step in clarifying the picture of the lifespan of a sexual harassment situation.

Steps in a Potential Sexual Harassment Claim

When sexual harassment occurs, the employee must decide whether or not it is worth pursuing a complaint or some other type of action against the harasser. As mentioned above, a variety of factors such as seriousness and consequences of the behavior, knowledge of sexual harassment laws, company policies and procedures, and the reactions of HR professionals and lawyers may influence this decision. Further, the

employee's response could be at the individual level (e.g., avoiding the harasser), the organizational level (e.g., a formal complaint filed with the organization's human resource office), and/or could involve outside action (e.g., a complaint filed with the EEOC). A combination of these responses is also a possibility.

Previous studies have found that doing nothing or ignoring harassing behavior is the most common response of victims (Clode, 1988; Gruber & Bjorn, 1982; Gutek, 1985) and that less than 5% of victims who experience harassment report the incident to anyone in authority (Fitzgerald & Shullman, 1993). It seems that female victims are much more likely to ignore the behavior, try to avoid the harasser, or even make a joke of the behavior than they are to file a formal complaint (Clode, 1988). For example, one study of federal employees found that only 5% of victims filed a formal complaint after harassing behavior occurred. However, just because only 5% of these victims filed a formal complaint does not mean that only 5% recognized the behavior as sexual harassment or that only 5% were concerned enough to try to make the behavior stop. In a federal system, highly formalized and lengthy (over 1 year) complaint resolution processes may dissuade a victim from filing a complaint even if that was her original intention (Clode, 1988). This example highlights the influence that organizational procedures have on reactions to sexual harassment behavior. In the present study, some of the contextual influences (e.g., organizational complaint system characteristics) will be systematically manipulated so that their independent influences can be tracked.

Another problem with previous studies that have tried to gauge the prevalence of reporting harassment behavior is that those studies have not used a consistent definition of sexual harassment. Researchers have often used the term "sexual harassment" to mean

any behavior that seems to be harassing according to their own views of harassment or the victim's opinion of the types of behaviors that are sexually harassing (Aaron & Isaksen, 1993). While the victim's experience is certainly important to consider, using different definitions of sexual harassment leads to confusion when trying to determine the prevalence of *illegal* sexual harassment, of different types of responses, and of the reporting of harassment (Fitzgerald & Shullman, 1993). Because most previous studies have not explicitly used a legal definition of harassment when studying reactions to harassment situations (Wiener & Hurt, 2000), those studies are of limited use when discussing harassment in terms of which of behaviors will lead to lawsuits and which factors will influence harassment litigation (Aaron & Isaksen, 1993).

Based on the above findings and the differences between the present study and previous research, the following is predicted:

H1a: After reading scenarios describing *illegal* sexual harassment, more than 5% of women³ will indicate that they would be likely to pursue a formal organizational complaint against the harasser if the described behavior happened to them.

Because the present study compared reactions of sexual harassment victims to the reactions of HR professionals and employment law lawyers, it is important to consider how these other stakeholders would react to illegal harassment situations. As lawyers are coming from a legal framework, they would likely counsel a victim of harassment to pursue a formal organizational complaint in response to any type of illegal harassment. This is particularly true since, as will be discussed, a victim will have more legal leverage

³ Throughout the paper, the terms "women" and "females" (when used in reference to a subject group) will refer to the sample that consisted of women responding as employees. While the subject samples of lawyers and HR professionals also included some females, the terms "women" and "females" do not include the

if she did in fact try to resolve the harassment situation within the organization by following the organization's procedures for filing a harassment claim (EEOC, 1999). Further, in the optimal situation, HR professionals would counsel a victim to file an organizational claim in order to get the full assistance of the HR department in resolving a harassment situation. Employers have an obligation to conduct an investigation when they find out about sexual harassment allegations (Aaron & Isaksen, 1993). And, it is in the organization's best interest for a harassment victim to complain internally, as this may prevent the victim from taking costly outside action such as filing a lawsuit (Thacker, 1996). Finally, HR professionals and lawyers are likely to look purely at the facts of the case and are less likely to be influenced by certain outside issues such as the stigma that might occur from filing a harassment claim or fear of retaliation. Although fear of retaliation is often thought to be a reason that women do not report harassment, HR professionals and lawyers would not have to be as concerned about this.

H1b: The mean likelihood that HR professionals will believe that a victim of harassment would file a harassment claim within the organization will be higher than the actual mean likelihood of victims indicating they would file a claim.

H1c: The mean likelihood that plaintiff lawyers would recommend that a victim of harassment file a claim within the organization will be higher than the actual mean likelihood of victims indicating they would file a claim.

A second action step in pursuing a case could involve legal action. If legal action is pursued, the EEOC and/or a lawyer will likely counsel a person in terms of whether or not the case is likely to prevail. This counseling would occur before the lawsuit is filed

females in those samples. Women in the lawyer and HR subject groups responded as professionals as opposed to as female victims.

and could affect the employee's decision as to whether or not to continue to pursue a legal case, as the lawyer's opinion will be seen as the "expert" view and will likely carry weight with the victim (Felstiner et. al, 1981). Previous research involving legal aspects of sexual harassment has only investigated the point in the process at which a case has actually reached trial (Terpstra & Baker, 1988, 1992). The factors that lead to decisions by courts may be very different than those that lead victims to make decisions at the steps in the process before going to court. In the present study, differences in the importance attached to factors in harassment situations were probed by comparing lawyers' perceptions of how likely certain case scenarios would be to prevail in court with females' perceptions of which scenarios would be most likely to prevail. The extent to which these perceptions differ will have implications for the effects of lawyers' opinions on females' responses.

Based on their literature review, Terpstra and Baker (1992) proposed a variety of factors that might affect whether a sexual harassment court decision is decided for the plaintiff. The factors that they found to be most important (e.g., had significant effects on case outcomes) included the perceived seriousness of the behavior (as coded by the researchers), the presence of witnesses to support the sexual harassment charges, the presence of documents to support the charges, and whether the plaintiff notified management of the behaviors. While these factors are important to the extent that they assist the court in determining whether or not harassment actually occurred, not all of them may be as important to the person filing the claim. Instead, the present study took an in-depth look at the concepts surrounding determination of the perceived seriousness

of the harassment, as perceived seriousness has been shown in the past to be most directly related to victims' reactions to the behavior (Fitzgerald, Swan, & Fischer, 1995).

Knowledge and Perceptions of Sexual Harassment Law

To date, sexual harassment research has focused more on women's psychological reactions to harassment behaviors than on legal definitions of harassment (Aaron & Isaksen, 1993). Studies have generally investigated the issue of which behaviors women *perceive* as sexual harassment, as opposed to studying which behaviors women feel are technically illegal (e.g., Magley, Hulin, Fitzgerald, & DeNardo, 1999). However, the present study took an in-depth look at legal as well as psychological issues surrounding the determination of sexual harassment.

Because there are multiple definitions of the harassment construct (e.g., legal and psychological definitions) and in part because the courts and the EEOC have not always agreed when certain behaviors are or are not illegal sexual harassment (Kandel, 1998), there has been considerable confusion about the construct. For example, five of the first seven courts to address the issue of sexual harassment decided that behaviors that are now described as quid pro quo harassment (i.e., "this" sexual favor for "that" job condition) were not actionable under Title VII (e.g., *Corne v. Bausch & Lomb*, 1975; *Barnes v. Train*, 1974). And, since sexual harassment law is derived from the Civil Rights Act of 1964⁴, it is open to the same problems that have been encountered with other types of

⁴ Although the legal theory for sexual harassment was mainly derived from Title VII of the Civil Rights Act of 1964, some sexual harassment cases are pursued under laws other than Title VII. For example, Paula Jones attempted, unsuccessfully, to pursue a case against Bill Clinton under the 4th and 5th Amendments as opposed to Title VII (Laabs, 1998b). The 4th Amendment deals with the right to privacy and the 5th Amendment states that "no person shall...be deprived of life, liberty, property without due process of the law." Pursuing a claim under a law other than Title VII may occur when federal employees file a harassment claim or when filing deadlines or other restrictions imposed by Title VII are not met. Despite

discrimination law. Namely, the Civil Rights Act of 1964 was written to be open to some interpretation and is ambiguous with respect to a variety of key issues such as requirements for organizational compliance (Edelman, 1992). Correspondingly, some cases that have been dismissed by lower courts ended up with the plaintiff prevailing in a higher court (e.g., *Meritor Savings Bank v. Vinson*, 1986). It was not until the decision in *Williams v. Saxbe* (1976) that sexual harassment was even recognized as an illegal form of sex discrimination, even though the basis for the law was written in 1964.

The basic idea behind sexual harassment has historically been that “but for” the victim’s sex, the behavior in question would not have occurred (*Barnes v. Costle*, 1977). The most obvious form of sexual harassment, often referred to as quid pro quo, involves a situation in which an employee is denied an employment benefit (e.g., promotion, raise, continued employment) because she refuses to submit to sexual favors or requests by the perpetrator (Conte, 1997). In other words, employment benefits are made contingent upon supplying sexual favors rather than contingent upon job performance or some other job-relevant measure. Although quid pro quo may have been the initial conceptualization behind illegal sexual harassment, the EEOC expanded the definition in its first written guidelines about illegal sexual harassment in the workplace (EEOC, 1980). The EEOC (1980) defined sexual harassment as:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment” (p. 74677).

these issues, the focus of the present study is Title VII case and written law. Title VII law was the origin of modern sexual harassment theory and it is the federal law under which most cases are filed.

The last phrase, “or creating an intimidating, hostile, or offensive working environment,” opened up a whole new area for litigation. This type of behavior is often referred to as hostile environment harassment. Hostile environment sexual harassment can include a variety of behaviors such as “demeaning sexual inquiries and vulgarities, offensive language, and other verbal or physical conduct of a sexual or degrading nature” (Conte, 1997, p. 52).

Although quid pro quo harassment was first recognized as illegal sex discrimination by a court in 1976 (*Williams v. Saxbe*) and a description of hostile environment harassment was put into writing by the EEOC in 1980, it was not until 1986 that the Supreme Court made its first ruling on sexual harassment (*Meritor Savings Bank v. Vinson*, 1986). At that time, the Supreme Court made a firm statement that “without question” sexual harassment is a form of illegal sex discrimination and that the “language of Title VII is not limited to economic or tangible discrimination” (*Meritor Savings Bank v. Vinson*, 1986). Thus, the Supreme Court affirmed what most lower courts had already been saying (i.e., sexual harassment is illegal) and also established the legitimacy of hostile environment claims (Fitzgerald, Swan, & Magley 1997).

A key aspect in determining the illegality of harassment behaviors involves making a judgment about the severity of the behavior. Although quid pro quo is a more apparent form of sexual harassment, hostile environment harassment is, nonetheless, also illegal. Terpstra and Baker (1992) found that severity of harassment behavior had a significant effect on the outcomes of the court decisions they studied. Quid pro quo is the most obvious and talked about type of sexual harassment and it is likely what first comes to mind when a person thinks about sexually harassing behaviors. Further, HR

professionals and lawyers have to use the hostile environment vs. quid pro quo framework to think about harassment situations since this is the framework that the courts have been using to determine liability issues for many years now. Even though the distinction between quid pro quo behavior and hostile environment behavior may not always be completely clear, it is obvious that courts can make distinctions based on severity of behavior. It is likely that the general public will also be able to make these distinctions. In fact, previous research has established a clear link between severity of harassment behavior and assertive responses to the harassment (Fitzgerald et. al, 1995).

Although the legal concepts of hostile environment and quid pro quo harassment can be used to describe the severity of harassment behavior, these terms cannot paint the full picture of a woman's experience when a harassment situation occurs. In order to fully understand how a woman perceives the severity of a harassment situation, more complex psychological issues need to be considered.

Psychological Definitions of Sexual Harassment

While legal definitions are the focus of the present research, the concept of sexual harassment has likely existed as a psychological construct as long as men and women have been in the workplace together. Prior to the government recognizing harassment as illegal, many women felt that it was a type of workplace behavior that they had to put up with if they wanted to be in the workforce (Popovich, 1988). Although prior to the mid-1970s the issue was rarely discussed, by the mid-1970s, feminists began to write about sexual harassment, research started appearing, and popular magazines (e.g., *Redbook*) began covering the topic (Triandis et. al, 1994).

The psychological definition of harassment may be construed much more broadly than a legal definition of harassment. Sexual harassment as a psychological construct has been defined as “unwanted sex-related behavior at work that is appraised by the recipient as offensive, exceeding her resources, or threatening her well-being” (Fitzgerald et al., 1997, p. 15). Based on this definition, it seems that if a person does not appraise a situation as having involved sexually harassing behavior, she will not take the next step towards considering whether the behavior was *illegal* sexual harassment. A variety of factors such as frequency, intensity, and duration of behavior go into determining psychological sexual harassment. These factors have been linked to perceived severity of sexual harassment behavior (Brooks & Perot, 1991; Fitzgerald & Shullman, 1993; Gutek & Koss, 1993; Schneider & Swan 1994; Terpstra & Cook, 1985). Further, severity of behavior is an important aspect of sexual harassment behavior considered by courts (Terpstra & Baker, 1992) and severity of harassment has been linked to actively responding to the harassment behavior (Fitzgerald et. al, 1995; Jones & Remland, 1992). Based on the above information about the legal and psychological definitions of sexual harassment and the importance of perceived severity of behavior, the following are proposed:

H2a: Women reacting to scenarios that involve illegal sexual harassment will be more likely to say that they would pursue legal action in a situation that involves quid pro quo harassment than a situation that involves hostile environment harassment.

H2b: Women reacting to scenarios that involve illegal sexual harassment will be more likely to say that they would pursue legal action in a situation that involves severe harassment than a situation that involves mild harassment.

H3a: In quid pro quo scenarios, lawyers will indicate a higher likelihood that they would recommend a client pursue a legal case and that the case would be decided “pro-plaintiff” if taken to court as opposed to cases that involve hostile environment harassment.

H3b: In severe harassment scenarios, lawyers will indicate a higher likelihood that they would recommend a client pursue a legal case and that the case would be decided “pro-plaintiff” if taken to court as opposed to cases that involve mild harassment.

Outcomes other than Lawsuits

The most commonly considered outcome of a harassment lawsuit would likely involve taking the case to court and having a judge or jury decide whether or not the harassment incident occurred and whether the alleged victim should receive monetary or other types of damages. However, it turns out that the outcomes of harassment lawsuits (and discrimination lawsuits in general) are much more likely to involve resolutions other than a decision by a judge or jury. Specifically, employment discrimination lawsuits are much more likely to be disposed of through settlements made out of court or through a summary judgment made by a judge prior to trial as opposed to through a court trial. In fact, a report released by the Department of Justice showed that while the number of employment discrimination cases pursued in federal court between 1990-1998 almost tripled, only about five percent of those cases were disposed of through a trial. Further, in 1998, about 39% of employment discrimination cases were settled out of court and 14% were voluntarily dropped by the plaintiff (“Discrimination Employment Bias Cases,” 2000).

Obviously, if a company knows that a supervisor has committed illegal discrimination, they are more apt to settle and remedy the situation prior to having the details exposed in court. Also, because of the extreme cost and time involved in a court

trial, judges are compelled to ensure that each case that might be heard in their court truly does involve facts that could cause some to believe that discrimination occurred.

Summary judgment is an option that organizations could pursue if they believed the facts of the case did not substantiate a claim of discrimination. If a defendant organization pursues summary judgement, the judge does a “trial by paper” whereby the plaintiff must produce documentation that discrimination may have occurred. If the plaintiff cannot present any evidence that discrimination *may have* occurred, the judge grants summary judgement and the defendant prevails (Seyferth, 1999). However, if the judge determines that there are “genuine issues of material fact” (i.e., the evidence may be construed as supporting a discrimination claim), summary judgment for the defendant (the organization) is denied and the court trial may proceed unless the defendant organization reaches a settlement with the plaintiff (Wingate, Thornton, McIntyre, Frame, 2000).

Because lawyers will be aware of all the settlement and summary judgment options available to clients in harassment cases, it was necessary to include these options in the present study in order to maximize realism of potential legal responses to discrimination claims.

H4: Lawyers will indicate a greater likelihood for summary judgment in cases that involve hostile environment situations and mild harassment situations as opposed to cases that involve quid pro quo harassment and severe harassment situations.

Liability

Deciding which behaviors are and are not illegal sexual harassment is not always clear-cut, but an even trickier issue seems to be whether or not an organization will be

liable for the harassment behaviors of its employees. Opening up employers to such liability is a major concern for organizations because it leads to the potential for victims to seek large monetary settlements from organizations.

Historically, the idea behind quid pro quo harassment has been that the supervisor inflicting the sexually harassing behavior and imposing conditions of employment is acting as an agent of the employer (Crockett & Gilmore, 1999). The employer has given certain powers to the supervisor (e.g., ability to hire, fire, promote). So, the supervisor is acting within the scope of his employment when placing conditions on employees (i.e., sanctions for not performing sexual acts). Thus, the employer is virtually always liable for quid pro quo harassment of employees (Conte, 1997; Dodge, 1998).

Determining liability for hostile environment harassment is not as clear-cut. Employers have generally been found liable only “when the employer knew or should have known of the offensive behavior” (Conte, 1997, p. 53). In a hostile environment situation, it is not always the case that the perpetrator is acting within the terms of his employment. Further, the perpetrator in a hostile environment case may not even be someone with employer-sanctioned power over the victim. It could be a coworker, customer, or client.

In two recent decisions (*Burlington Industries, Inc. v. Ellerth*, 1998 and *Faragher v. City of Boca Raton*, 1998), the Supreme Court expanded on and changed some of the above notions of quid pro quo versus hostile environment harassment and of liability for harassing behaviors. The Court attempted to eliminate the rigid distinction between quid pro quo and hostile environment harassment by setting forth a single set of guidelines for when employers may be liable in sexual harassment (Dodge, 1998).

In *Faragher v. City of Boca Raton* (1998), the Court said: “An employer is subject to vicarious liability to a victimized employee for an actionable hostile environment created by a supervisor with immediate (or successively higher) authority over the employee” (pp. 22-30). The court goes on to say that *only* when there is *no* tangible employment action (i.e., hostile environment harassment) may an employer avoid liability. This can be achieved by presenting the following two types of evidence, referred to as the affirmative defense. First, the employer must show that “reasonable care” was used to try to prevent and/or stop any sexual harassment behavior. Second, the employee must have failed to access any employer-provided opportunity to avoid harm such as following the company’s harassment complaint procedure process (*Burlington Industries, Inc. v. Ellerth*, 1998; Dodge, 1998; *Faragher v. City of Boca Raton*, 1998).

Throughout the decisions, the Court implies that a company needs an anti-harassment policy with an explicit complaint procedure. However, simply having a policy is not, in and of itself, enough to avoid liability. The policy must be communicated to all employees and must be consistently enforced by the organization (Dodge, 1998). Finally, the two-part affirmative defense is not available to any employer when behavior traditionally considered to be *quid pro quo* harassment occurs (i.e., harassment resulting in a tangible job consequence).

The recent changes in liability issues in harassment cases have been well publicized to the HR community, as it is key for HR professionals to know about and understand liability issues in order to protect the interests of the companies for which they work.

H5: HR professionals will have more knowledge about liability issues related to sexual harassment laws than will women in general.

Knowledge of Sexual Harassment Law

Sexual harassment law has a relatively short history and is still evolving as a legal concept (see *Burlington Industries, Inc. v. Ellerth*, 1998 and *Faragher v. City of Boca Raton*, 1998; EEOC, 1999). It seems likely that the public's perception of the law may not be up to date with current laws and court rulings. Further, the public may often confuse a legal definition with a psychological definition of sexual harassment, as fewer than 20% of women who are subjected to unwelcome and offensive sex-related behaviors say that they have been sexually harassed (Fitzgerald et al., 1997). There is obviously a gap between perceiving a behavior as "unwanted and sex-related" and labeling such behavior as sexual harassment. Some of this gap may be explained by women's lack of knowledge about what is and is not considered illegal sexual harassment. For example, women may not understand that even hostile environment behaviors that are viewed as more "mild" than quid pro quo behaviors can be just as illegal.

There are no normative data in the literature regarding how knowledgeable women are about sexual harassment laws, nor are there any related studies which would give hints as to the level of knowledge women might have. It is therefore impossible to make a specific prediction in regards to the level of sexual harassment law knowledge women will display. While it is certainly true that women may have different ideas about what is and what is not sexual harassment and these ideas may not be congruent with current legal thinking, this is not as likely to be the case with HR professionals who would deal with harassment situations and who should have specialized training on the

topic. Since HR professionals should have more knowledge of the law, it is likely that they also have an understanding of sexual harassment that is more grounded in legal theory than on personal opinions.

H6: HR professionals will have more knowledge of sexual harassment law than will women in general.

Lawyers' knowledge of sexual harassment law was not explicitly measured here because it is assumed that these lawyers should have in depth knowledge of the law since that type of knowledge is the essence of their job. Further, the knowledge questions were at a basic level and little variance in knowledge would be observed among the lawyer sample.

Not only should lawyers and HR professionals have a better understanding of sexual harassment law than the general public, they should also have a better understanding of the way the legal system works. Even if a woman feels sure that she was illegally harassed, this does not mean her case would prevail in court. A variety of other factors, such as presence of eyewitnesses or documentation of harassment (Terpstra & Baker, 1992), or even legal technicalities not related to the facts of the case itself could affect the final outcome of the case. Lawyers and HR professionals should be better able to predict the likelihood of a case being decided pro-plaintiff, or at least will have more realistic expectations regarding case outcomes.

H7: Women will indicate a higher likelihood than will HR professionals or lawyers that a lawsuit would lead to a pro-plaintiff decision in cases of illegal harassment.

Further, women will likely have varying levels of knowledge of the law. This might occur if some women have taken courses (educational or corporate) in which

sexual harassment laws were discussed. Also, some women may pay more attention than others to media coverage that discusses current court cases and the current state of the law. Finally, some women may have experienced sexual harassment first hand or through a close friend or relative and may have subsequently educated themselves on the subject. Women with more knowledge of the law should not only be more likely to say they will pursue a case with strong evidence of illegal sexual harassment, but they should also be more likely to say that these cases would prevail in court.

H8: Knowledge of sexual harassment law will moderate the effect of “severity” of harassment scenario (strong versus mild) on women’s decisions to pursue a formal legal complaint against the perpetrator. For women with a high amount of knowledge about the law, the relationship between severity and decision to pursue a complaint against a perpetrator will be stronger than for women with a low amount of knowledge.

H9: Knowledge of sexual harassment law will moderate the effect of “severity” of harassment scenario (strong versus mild) on women’s predictions of the likelihood a case will prevail in court. For women with a high amount of knowledge about the law, the relationship between severity and prediction of the likelihood a case will prevail in court will be stronger than for women with a low amount of knowledge.

Contextual Influences on Harassment Situations

Although the legal test for unlawful harassment focuses on the “objective” standard of a reasonable person, it is likely that women who are the target of harassment react to more than the harasser’s behavior when they analyze their situation. Specifically, individual and contextual factors can also affect a person’s appraisal of the behavioral incident. For example, individual differences in victims’ vulnerability to harassment (e.g., Fitzgerald, Hulin, & Drasgow, 1994) have been widely studied. The present study examined knowledge of harassment law, as it is one individual difference that has not been previously systematically studied. There have also been many studies that have

examined organizational contextual factors (e.g., organizational climate towards harassment) that lead to and maintain harassment behaviors in the workplace (see Fitzgerald & Shullman, 1993 for review). However, there has been little research on how organizations react to harassment behavior and how that might affect victims' perceptions of the situation.

More specifically, a variety of models have been proposed to explain the elements of a worker's context that can affect an employee's perception of harassment behavior (Fitzgerald, Swan, & Magley, 1997). These models include factors such as organizational climate, norms, policies, and procedures. The policies and procedures an organization has or does not have can convey signals to the workers that certain behaviors are or are not condoned. For example, if an organization does not have a policy that addresses sexual harassment, at the least this may signify that the organization is not too concerned about these behaviors. At the worst, if no policy exists and the culture supports harassment-type behaviors, employees may get the impression that these behaviors are condoned. Thus, policies can affect an employee's perceptions of harassment behaviors. A key element surrounding how employees perceive company policies and procedures involves the perceived fairness, or justice, of these policies as well as the interpersonal treatment displayed when the company implements policies and procedures.

Implications of Organizational Justice

The principles and theories of organizational justice have been used to predict and explain the way employees react to a variety of potentially negative human resource policy implementations such as layoffs and pay cuts. However, there is a lack of studies combining the sexual harassment and the organizational justice literatures in order to help

explain and predict the way women respond to sexual harassment in the workplace. The justice literature offers theory and research that directly apply to how a victim might react in response to a sexual harassment incident. Specifically, the organizational justice literature supports the notion that more goes into a response to an injustice than simply the facts of the incident (see Cropanzano & Greenberg 1997 and Colquitt, Conlon, Wesson, Porter, & Ng, in press, for reviews). Once a person determines that an injustice such as sexual harassment has occurred, the person will evaluate what type of treatment he or she received when attempting to remedy the injustice. Only then will the person determine what course of action to take.

Organizational justice predictions have been applied to a wide variety of organizational policy implementations, including the implementation of pay freezes (Schaubroeck, May, & Brown, 1994) and smoking bans (Greenberg, 1994). These studies have shown that even if employees perceive that a new policy will negatively impact them, negative reactions to this implementation may be avoided by conducting the implementation in a procedurally fair or just manner (Cropanzano et al., 1997). Further, justice is related to such variables as job satisfaction, organizational commitment, and trust in decision makers (Colquitt et. al, in press). An extension of justice principles applies the theory to predict the reactions that victims will have to sexual harassment behaviors, because along with the sexual harassment behavior will be some type of organizational response or non-response. And, these responses may be perceived as either fair or unfair.

Whereas a female victim may feel that the behavior of the harasser was abhorrent, behaviors of other members of the organization, including human resource managers,

may mitigate the potential negative outcomes of the harasser's behaviors. Policies and procedures can be perceived to be fair or unfair based on both the structure of the context in which a decision is made (structural procedural justice) and/or the interpersonal treatment a person receives during the process (interpersonal or interactional justice) (Cropanzano & Schminke, in press). Researchers have identified a variety of characteristics of structurally fair procedures, including the person having "voice" in the process, consistent application of the policy, freedom from bias, accuracy, and the use of correctable and ethical procedures (Leventhal 1976, 1980; Thibaut & Walker, 1975). The interpersonal side of justice refers to the quality of the interpersonal treatment a person receives when a policy is made or when a procedure is implemented (Bies & Moag, 1986). For example, if a person is treated with dignity and respect and a clear explanation is given for the decision that was made, the person will tend to perceive the situation as fair (Cropanzano & Schminke, in press).

For the present study, scenarios depicting workplace sexual harassment were developed to include elements that would lead the reader to assume one of three things in regards to procedural and interpersonal justice: justice was present, it was absent, or the level of justice was unclear (ambiguous situation). The ambiguous situation was built for realism. Although individuals are usually able to determine whether justice is present or absent, there may be some organizational situations that are more ambiguous because the individual receives conflicting signals or does not have complete information about the process.

A review of the literature uncovered only one study that explicitly examined the link between organizational justice and reactions to sexual harassment situations. In that

study, the researchers found that perceived procedural justice was associated with reporting a sexual harassment incident (Adams-Roy & Barling, 1998). However, the direction of this relationship was opposite of the researchers' prediction and contrary to what previous procedural justice theory and research might predict. Women who reported a sexual harassment incident through formal channels indicated lower levels of perceived procedural justice than women who did not report harassment incidents. However, because of the methodology used in that study, the occurrence of harassment may be confounded with the women's perception of a lack of justice. For the present study, the level of justice was manipulated such that the occurrence and type of harassment were independent of the level of justice present.

Although there has only been one study examining the link between procedural justice and sexual harassment, other justice research has shown the positive effects of having procedurally fair policies in the workplace. For example, when individuals perceive that policies and procedures are fair, they report fewer intentions to leave the organization (Daily & Kirk, 1992; Konovsky & Cropanzano, 1991) and they are less likely to take legal actions against the organization (Bies & Tyler, 1993; Sitkin & Bies, 1993).

Based on what we know of the negative consequences of sexual harassment in the workplace, both organizations and employees could greatly benefit if an explicit link were shown between procedural justice of implementation of policies and procedures and subsequent positive reactions of victims of harassment. Based on the above theory and research, the following hypotheses are proposed:

H10: When procedural justice is perceived as present, women will be less likely to say they would pursue a lawsuit than when justice is absent. When justice is neutral, likelihood to pursue a lawsuit will fall somewhere between the justice present and justice absent effects.

H11: Procedural justice will moderate the relationship between scenario characteristics (i.e., type and severity of harassment) and likelihood of lawsuit pursuit such that when procedural justice is present, the relationship between case characteristics and the likelihood of lawsuit pursuit will be smaller than when justice is absent or neutral.

Effects of Procedural Justice on Other Stakeholders

There is no existing literature that examines the effects of justice in sexual harassment situations on other stakeholders such as HR professionals and employment lawyers. However, there is literature that shows that the manner in which a company treats employees can be detected by and can affect third parties that witness this treatment. Specifically, there is an emerging literature that has examined how the treatment of layoff victims affects the behaviors and reactions of layoff survivors. Several studies have found that perceived fairness of a layoff decision and perceived fairness of treatment of layoff victims affects survivors' responses to the layoff decision and to the organization as a whole (e.g., Brockner & Greenburg, 1990; Brocker, Konovsky, Cooper-Schneider, Folger, Martin, Bies, 1994; Davy, Kinicki, Scheck, 1991; Konovsky & Folger, 1991). These studies have found that justice during the layoff process can affect survivors' job performance, attitude, organizational commitment, withdrawal intentions, and turnover intentions. Further, one study found that perceived procedural justice can also affect the reactions of third parties that are not members of the target organization. Specifically, Skarlicki, Ellard, and Kelln (1998) found that perceived

procedural fairness of a layoff affected behavioral intentions of both potential customers and potential employees.

The reactions of third parties to differing levels of justice towards victims may occur for a variety of reasons. Within the layoff literature, it may be that the survivors are worried that they might be the next layoff victims and are thus invested in paying attention to what has been happening to other layoff victims. Or, third parties may see similarities between themselves and the victim and may thus feel empathy for the victim (Skarlicki et. al, 1998).

Based on the above research, it follows that the reactions of third party stakeholders in sexual harassment situations (HR professionals and lawyers) may be affected by the way a victim of harassment is treated by the organization after the harassment incident occurs. However, in the present situation, the stakeholders of interest are slightly different than the third parties described above. Whereas in layoff situations a survivor or third party may be affected due to identifying with the victim, in sexual harassment situations, HR professionals and lawyers will likely be affected based on their professional responsibilities to the victim. Thus, the above-described literature lends support to the idea that HR professionals and lawyers should be *able* to perceive the presence or absence of fair treatment towards a victim of sexual harassment but does not necessarily help with formulating specific hypotheses about the potential reactions of HR professionals and lawyers. On the other hand, the legal and HR literatures do give some insight into the way that lawyers and HR professionals may react to situations of varying levels of procedural justice.

Besides the fact that the presence of procedurally just policies and procedures may prevent a victim from taking negative actions towards the organization, it is also true that the existence of fair policies and procedures can be beneficial to an organization that nonetheless becomes involved in a sexual harassment lawsuit. In fact, there is a link between characteristics of a procedurally fair sexual harassment complaint system and the ability of an organization to make an affirmative defense in a hostile environment harassment lawsuit. The Supreme Court and the EEOC have reaffirmed the idea that while it is not mandatory, it is in the organization's best interest to have explicit policies and procedures to deal with sexual harassment (*Burlington Industries, Inc. v. Ellerth*, 1998; *Faragher v. City of Boca Raton*, 1998; EEOC, 1999).

In situations that do not involve tangible job actions, an "affirmative defense" is available for the employer to be able to avoid liability in certain situations. First, the employer must show that "reasonable care" was used to try to prevent and/or stop any sexual harassment behavior. Demonstrating "reasonable care" often involves showing that an anti-harassment policy is in place, that all employees were informed of the policy, and that the policy is consistently enforced by the organization (Dodge, 1998). A system with these characteristics corresponds to procedurally just characteristics such as consistency and freedom from bias. Further, even the existence of grievance procedures lends legitimacy to organizations because they give the appearance of fairness and voice (Edelman, 1990). A second component of the affirmative defense is to show that the employee (alleged victim) failed to access any employer-provided opportunity to avoid harm such as following the company's harassment complaint procedure process.

Employment lawyers and HR professionals should certainly be aware of the affirmative defense as it is key in considering the potential outcome of many types of harassment cases. Because of the connection between the affirmative defense and characteristics of procedurally just systems, it is likely that the presence or absence of justice in harassment scenarios will have a variety of effects on the reactions of employment lawyers and HR professionals to the harassment scenarios.

The Effects of Justice on Lawyers' Reactions

Management attorneys have had a positive response to the affirmative defense because it gives employers clear guidelines on how to avoid liability in certain situations (McDonald & Fellner, 1999). If the company has a well-communicated policy and procedure to deal with harassment, yet the employee does not use this process to file a complaint, it is likely that the employer will not be held liable. Plaintiff lawyers should also know this standard and should realize that their client must follow the organization's complaint procedures to gain full protection of the law. And, a plaintiff lawyer would likely want his/her client to exhaust all options for getting the situation resolved within the organization before agreeing to take the client's case and pursue a time and cost intensive lawsuit. In fact, as Buchanan & Wiswall (1999, p. 65) explained, "attorneys are likely to advise their clients to make use of employers' harassment policies so as to avoid the affirmative defense." Finally, even if a victim does effectively use the employer's complaint system, it is likely that a court will be sympathetic to an organization in which a harassment situation occurred but that promptly and effectively remedied the harassment situation. Thus, the following hypotheses are proposed:

H12: In scenarios where a clear anti-harassment policy exists and is consistently implemented (i.e., the justice present condition) plaintiff lawyers will be more likely to advise their client to use the company policy than to file a lawsuit against the company.

H13: In scenarios where justice is absent, plaintiff lawyers will indicate that a plaintiff has a higher probability of winning a case than if justice is present.

The Effects of Justice on Human Resource Professionals' Reactions

Human resource professionals operate from a different viewpoint than either female victims or employment lawyers. While HR professionals have the obligation to enforce any policies and procedures that currently exist, they must also protect the interests of the organization as a whole. From the HR professional's viewpoint, the occurrence of harassment may in some cases be unavoidable despite all the anti-harassment training and policies that are provided. On the other hand, how the HR department reacts to the harassment situation may be just as important or more important than the fact that harassment occurred. And, HR professionals have much more control over their reactions to harassment situations than they do over the actions of workplace harassers.

As evidenced by the abundance of HR literature on the topic, knowing and understanding how to develop, implement, and enforce effective anti-harassment policies is of key importance to HR professionals and may be the key to limiting organizational liability in harassment situations (see Aaron & Isaksen 1993; Buchanan & Wiswall, 1999; Canoni, 1999; Coleman, 1998; Collier, 1995; Cornish, 1997; Debevoise & Tselikis, 1998; Laabs, 1998a; Long & Leonard, 1999; McCann & McGinn, 1992; McDonald & Fellner, 1999; Preston, 1999; Wagner, 1992). Because of the prominence of literature extolling

the importance of anti-harassment policies and procedures as well as because of the implicit connection between characteristics of the affirmative defense and workplace procedural justice, it is likely that HR professionals' reactions to harassment situations will be affected by the level of justice depicted in each scenario.

H14: In scenarios where a clear anti-harassment policy exists and is consistently implemented (i.e., the justice present condition) HR professionals will be more likely to believe that a harassment victim would use the company's internal complaint system than file a lawsuit against the company.

H15: In scenarios where procedural justice is present, HR professionals will indicate that a plaintiff has a lower probability of winning a case than if procedural justice is absent.

H16: In scenarios where procedural justice is present, HR professionals will be more likely to indicate that the situation is being handled appropriately than in situations where procedural justice is absent.

H17: In scenarios where justice is absent, HR professionals will indicate that in order to help avoid legal liability, the company should add or change characteristics of the existing procedures so that the procedures are more procedurally just (e.g., implement an anti-harassment policy, investigate all claims in an impartial manner, etc.).

CHAPTER II

METHOD

Design

Females and HR professionals completed two tasks. They responded to both a sexual harassment knowledge questionnaire and to a set of scenarios that depicted sexual harassment behaviors in the workplace. The sexual harassment knowledge questionnaire assessed the subject's level of knowledge of federal sexual harassment laws.

Administration of the questionnaire and the scenarios were counterbalanced such that half of the subjects completed the questionnaire as their first task in the study, while the other half responded to the scenarios as their first task. Lawyers did not respond to the harassment knowledge questionnaire because there is obviously a high level of legal knowledge among lawyers and addition of the questionnaire seemed only to serve to make the overall experimental process longer for lawyers.

All subjects responded to a series of written scenarios that depicted various types of sexual harassment behaviors occurring in an organization. All scenarios varied the type of behavior (quid pro quo vs. hostile environment) and seriousness of behavior (severe vs. mild) of the alleged perpetrator. With the female sample, justice in the organizational context (present, absent, or ambiguous) was fully crossed with the other two factors resulting in a 2 X 2 X 3 (type: quid pro quo vs. hostile environment; level: severe vs. mild; justice: present, absent, ambiguous) design. Twelve scenarios were

developed to depict all combinations of these variables. With the HR and lawyer samples, justice in the organizational context (present or absent) was fully crossed with the other two factors resulting in a 2 X 2 X 2 (type: quid pro quo vs. hostile environment; level: severe vs. mild; justice: present vs. absent) design. Thus, eight of the above-mentioned twelve scenarios were used with these two samples. The ambiguous justice situation was not used with the HR and lawyer samples for two reasons. First, initial results from the female sample showed that the ambiguous justice situation did not add much unique information in regards to the reactions of the females. Females tended to see the ambiguous situation as closely resembling the justice absent situation. Second, as professionals were being asked to voluntarily complete this survey on their own time, it was important to keep the time to complete the questionnaire to a minimum in order to maximize chances of an adequate response rate.

After reading each scenario, subjects responded to a series of questions that comprised the dependent measure. For female subjects responding as employees, the dependent measure assessed the following: the action steps the subject would likely take if she encountered the depicted situation at work, the subject's perception of whether or not the depicted behavior was illegal, and the subject's prediction of the likelihood that a case with these details would lead to a pro-plaintiff decision in court. For human resource professionals, the dependent measure assessed the following: the steps the HR professional believed a female employee would take if she encountered the depicted situation at work, the subject's perception of whether or not the depicted behavior was illegal, the subject's prediction of the likelihood that a particular case would be settled and/or lead to a pro-plaintiff decision in court, and whether the HR professional felt the

situation was being handled appropriately. For employment law lawyers, the dependent measure assessed the following: the action steps the lawyer would recommend a female client take if she encountered the depicted situation at work, the lawyer's perception of whether or not the depicted behavior was illegal, and the lawyer's prediction of the likelihood that a particular case would lead to a pro-plaintiff decision in court, would be granted summary judgment for the defendant, or would be settled before trial.

Because of practical and methodological considerations, neither a fully between-subjects, nor a fully within-subjects design was appropriate. Instead, a mixed factorial design was developed. Each subject responded to only two or three of the eight or twelve possible scenarios (depending on the sample). It was decided that subjects should not respond to all possible scenarios because it is likely that after reading several of the scenarios, the details would start to blur together and subjects would be unable to differentiate among the different aspects of harassment presented in the twelve scenarios. Inability to differentiate among the details in the scenarios would compromise the ability of the dependent measure to detect any perceived differences among the scenarios. Also, due to time constraints, subjects could not respond to all scenarios.

A mixed factorial design with two between-subjects factors (type of behavior and severity of behavior) and one within-subjects factor (procedural justice) was employed. The procedural justice factor was chosen as the within-subjects factor for a variety of reasons. First, it is of key interest in the present study. Previous research has examined the impact of procedural justice in a variety of situations that have negative implications for subjects (e.g., smoking bans, Greenberg, 1994), but there is only one published study that has examined procedural justice specifically in the context of sexual harassment

(Adams-Roy & Barling, 1998). Second, although the difference between different types and levels of sexual harassment behaviors may seem obvious because of their strong emotional impact, different levels of justice may not be so emotionally laden and the differences not so obvious. Thus, the more sensitive, or powerful, test that a within-subjects design offers was preferable (see Keppel & Zedeck, 1989). Further, it is realistic that people might encounter a variety of types of justice situations in their work situations over their lifetime. Finally, previous studies have successfully manipulated levels of justice within-subjects (e.g., Ployhart, Ryan, & Bennett, 1999).

Thus, subjects were randomly assigned to a group that received a scenario depicting one of the four combinations of behavioral type (quid pro quo or hostile environment) and severity (severe or mild). Each female subject evaluated the assigned scenario in reference to an organizational context with procedural justice, without procedural justice, or with an ambiguous level of procedural justice. Each HR and lawyer subject evaluated the assigned scenario in reference to an organizational context with procedural justice and without procedural justice. The order of presentation of justice context was randomized to balance potential order effects.

Sample

Female subjects were 249 students (mean age = 19) recruited from introductory psychology courses, business courses, and from a graduate level employment law seminar at Colorado State University. These females either received course credit or participated voluntarily. These females were chosen in order to include subjects with potentially varying levels of knowledge about sexual harassment law. This portion of the sample consisted of 90.8% introductory psychology students, 7.2% business students, and 2%

graduate students. The female sample's average amount of full time work experience was 13.4 months and the average amount of part time work experience was 32.6 months. There was only one female who had no full or part time work experience.

Human resource professionals were identified from the Employment Management Association (EMA) membership list as well as through a number of individual organizations. EMA is a professional emphasis group of the Society for Human Resource Management (SHRM) membership and is a group of professionals that are particularly involved in staffing and employment issues. A random sample of six hundred and fifty subjects was chosen from the EMA membership list to receive a mail survey and approximately 60 responded, resulting in a 9.2% response rate. Because the response rate from the EMA list was so low, additional organizations were contacted to solicit their participation. Thirty additional participants were located through high technology and public sector organizations. A total of 90 human resource professionals responded to the survey. The mean age was 43 years and the sample was 66.3% female. The sample consisted of 78.4% Caucasian, 8% African American, 8% Hispanic, 4.5% Native American, and 1% other respondents.

The human resource professional sample consisted of respondents in a variety of industries including 28% government, 23% manufacturing, 13% service, 7% high technology, 7% retail, and 22% other industries such as healthcare and education. A variety of levels of HR professionals responded to the survey including 39% HR Managers/Administrators, 24% HR Directors, 7% Employee Relations/EEO, 13% HR Specialists, 9% HR Generalists, 2% Vice Presidents of HR, and 6% other types of HR

employees (e.g., interns, administrative assistants). The respondents had been in the HR field for 11.5 years on average.

Seventy percent of the HR professionals said that they had been involved in the investigation or administrative handling of a sexual harassment claim in the past. Respondents were asked to indicate any action that had occurred in response to the claims in which they had been involved. Of those who had responded to a claim, 83% said a claim had been dropped, 42% said the EEOC had investigated a claim, 19% said a lawsuit was filed, 28% said a claim was settled by the organization, and only 6% said a case in which they were involved made it to court. Forty-two percent of the HR respondents said that at some point in the past they had been involved in writing an organizational response to a sexual harassment claim that was being investigated by the EEOC. Thus, it appears that in most cases, the present sample had relevant experiences dealing with sexual harassment situations within their organizations in the past.

Employment law lawyers were identified from the membership lists of the National Employment Lawyers Association (NELA). This is a non-profit professional organization dedicated to the development and support of plaintiffs' employment lawyers. Five hundred lawyers were randomly sampled from lists of lawyers across eleven regional Federal Court circuits. Due to the nature of the lists, it was not possible to randomly sample across all 50 states. Instead, the membership list from the largest state (in terms of population) in each district was used to randomly sample lawyers in all cases except one. Connecticut was substituted for New York because the list for New York was unavailable. The other ten states included Florida, Missouri, California, Texas, Illinois, Colorado, Pennsylvania, North Carolina, Ohio, and Massachusetts. The lawyers

participated voluntarily and 115 lawyers responded to the mail survey, resulting in a 23% response rate. The mean age was 46 years and the sample was 68% male. The sample consisted of 98% Caucasian, 1% Hispanic, and 1% other respondents.

Ninety-eight percent of the employment lawyers stated that employment law was their specialty. On average, these lawyers had been in the legal field for 17.5 years. All but one of the lawyers stated that they had represented a client in a sexual harassment case. The majority of the lawyers (56%) stated that they had represented a client in a harassment case more than ten times during their career. Finally, there were multiple respondents from all eleven District Court Circuits that were sampled.

Sexual Harassment Knowledge Questionnaire

The knowledge questionnaire was administered to female and HR subjects in order to obtain a measure of each subject's relative level of knowledge of sexual harassment. The items on this questionnaire (see Appendix A) were developed based on a review of the written laws as well as the literature (both court cases and scholarly articles) describing illegal sexual harassment behaviors. Objective questions were developed to tap the most basic aspects of the law (e.g., specific types of illegal behavior and liability issues). The questionnaire was reviewed for accuracy by several subject matter experts. Only items that could be empirically verified through written sexual harassment law or case law history were included. Questions involving ambiguous or unsettled areas of the law were not included.

Stimulus Scenarios

Based on the initial 2 X 2 X 3 design, twelve scenarios were developed (see Appendix B for descriptions). Scenarios varied on type of behavior (quid pro quo vs.

hostile environment), seriousness of behavior (severe vs. mild), and type of justice in the organizational context (present, absent, or ambiguous). The eight scenarios used for the HR and lawyer samples were the eight that corresponded to the 2 X 2 X 2 design (simply leaving out the justice ambiguous scenarios). The scenarios were presented with the level of detail that might be seen in the written decision of a court case (e.g., *Faragher v. City of Boca Raton*, 1998) or in a briefing memo describing a legal case.

The quid pro quo scenarios were designed to depict situations in which it is made clear to the employee that she will not be given a raise/promotion or might be fired unless she submits to the supervisor's repeated requests for a date (mild condition) or to requests for sexual favors (severe condition). In other words, some job condition is made contingent upon the supervisor's requests that would be construed to be sexual in nature. These scenarios depict the classic quid pro quo situation that the EEOC (1980) describes as:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual" (p. 74677)

For example, in the first case recognized by the courts as illegal sex discrimination (*Williams v. Saxbe*, 1976), Diane Williams alleged she was harassed, refused the sexual advances of her supervisor, and was ultimately fired (Fitzgerald, Swan, & Magley, 1997). In the present scenarios, the victim refuses the sexual advances and suffers not receiving a raise and/or the threat of being fired.

The hostile environment scenarios were designed to depict situations in which the employee is repeatedly exposed to a sexually charged working environment, even though she has voiced her discomfort about the environment. Further, the atmosphere is making it difficult for the employee to get her work done. In the mild condition, the employee is repeatedly exposed to jokes about women that are sexual in nature as well as to comments about her appearance as compared to swimsuit calendar models. In the severe condition, the subject is subjected to sexual jokes, to comments about her attire, and to unwanted touching. The EEOC (1980) defines hostile environment situations as those where conduct towards the alleged victim is sexual in nature and "...has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment" (p. 74677). In the hostile environment scenarios, the employee's ability to do her work is being compromised, but the employee's supervisor is not threatening to change her job conditions (e.g., continued employment, a raise, a promotion). For example, in the definitive hostile environment case (*Meritor Savings Bank v. Vinson*, 1986), the alleged victim suffered no tangible job consequences and was in fact promoted over the years. However, she won her case because of the fact that she was repeatedly exposed to unwanted conduct of a sexual nature. Details of the present hostile environment scenarios are similar to those seen in *Rabidue v. Osceola Refining Co.* (1986) where the alleged victim complained of crude and vulgar comments as well as pictures of nude or scantily clad women displayed in the workplace.

The third variable, procedural justice, was manipulated by depicting two to three different types of fairness of organizational settings in which the sexual harassment

behaviors were occurring. Because both structural and interpersonal aspects of justice are important, both aspects were built into the context scenarios. In the justice present context, the structural aspects of the procedures were depicted as fair, consistent, ethical, correctable, and allowing the subject “voice” in the process. The interpersonal aspects were operationalized as a context in which the subject was treated with dignity and respect during the complaint process (see Cropanzano & Schminke, in press).

The organizational context in which procedural justice was absent involved a situation with no institutionalized sexual harassment policy, no formal complaint procedure, and lack of respect from human resources personnel during the process of trying to investigate what could be done about the harassing behaviors.

The ambiguous justice situation was designed to be unclear whether or not the organization has a policy and set of procedures to deal with harassment. The employee hears conflicting stories about how women with harassment complaints have been treated in the past. In reality, a woman may not always know what she is up against in regards to organizational policy and procedure before she has to decide what type of action to take against a harasser.

Dependent Measures

The dependent measures included items that gauged subjects’ responses to the scenarios (see Appendix C). Based on the hypotheses, it was necessary to get a measure of what types of behaviors the subject would be likely to engage in (or that a professional would recommend or believe that she would engage in) if she encountered the described situation. Because multiple responses were possible, a variety of choices were presented (e.g., do nothing, quit my job, or pursue a lawsuit). These items do not necessarily fall on

a natural continuum, as it is possible that subjects would want to engage (or recommend/believe a subject would engage) in several of the action steps. Thus, subjects rated, on a 1-7 scale, how likely they felt they were to take each action (for females), how likely they were to recommend each action (for lawyers), or how likely they felt it was a women in that situation would engage in each action (for HR professionals).

Subjects were asked whether or not they believed the described scenario was illegal behavior and were asked for a judgment (percentage estimate) about how likely they felt a pro-plaintiff decision would be if legal action were pursued. HR professionals and lawyers were asked about the likelihood of the organization attempting to settle with the female victim. The coding scheme for all dependent measure items is listed in parentheses next to each potential item response in Appendix C.

Procedure

Female data were collected in a lab setting, while lawyer and HR data were collected via a mail survey. The lawyer and HR samples received a follow-up reminder to fill out the survey approximately two weeks after the original survey packet was mailed.

All subjects received an informed consent sheet describing the basic procedures and purposes of the study. They were told that the study involved measuring their perceptions of sexual harassment laws and behaviors, that their responses would help further our knowledge of perceptions of sexual harassment behaviors, and that the research goal is to help organizations more effectively deal with problems they may have with supervisors who harass subordinates. Anonymity of responses was guaranteed by coding subjects' materials with a random number assigned to them.

For half of the female and HR subjects, the participants' first task was to complete the sexual harassment knowledge questionnaire, while for the other half, completing this questionnaire was the second task. Subjects took ten to fifteen minutes to complete this questionnaire. The second task (the only task for lawyers) involved presenting subjects with one of four randomly determined scenarios depicting a combination of type of harassment behavior (quid quo pro or hostile environment) and seriousness of behavior (severe or mild). Subjects evaluated this scenario (i.e., responded to the dependent measure) for two or three types of justice settings (present, absent, and/or ambiguous) and female subjects filled out a manipulation check (see Appendix D) for each scenario. Finally, subjects filled out a short bio-data form (See Appendix E). Reading and responding to the scenarios took about fifteen to thirty minutes.

After female employees completed the above two tasks, they were debriefed (see Appendix F) and were then free to leave. The debriefing involved an opportunity for subjects to ask questions about sexual harassment laws, a brief presentation about sexual harassment law, and information about resources on campus that can help students deal with any sexual harassment situations they may experience. The human resource and employment lawyers received a version of the above-referenced written debriefing (see Appendix F) that was more targeted towards these professional populations.

CHAPTER III

RESULTS

Potential Control Variables

Prior to conducting the present study, a number of variables that were not directly related to the present research questions, but that might have effects on the dependent variables were identified. Although the females involved in the present study were undergraduate students, virtually all of them had some full time work experience. In order to determine if amount of full time work experience had systematic effects on the dependent variables, a series of correlations between work experience (in months) and dependent measure responses were examined. Out of eight dependent measure responses examined, full time work experience was significantly related to only one set of responses, likelihood of pursuing a lawsuit. However, the magnitude of this relationship was not large ($r = .18$, $p < .01$). Thus, it seems that for the present study, extent of work experience did not have a large effect of female subjects' responses.

Because different court circuits have differing opinions and rulings on topics such as sexual harassment, it was important to measure potential effects of the court circuit in which lawyers practice on their responses to the dependent measures. For example, the Sixth Circuit has adopted a "reasonable person" standard to determine if certain behaviors would be considered by a reasonable person to be sexually harassing. Other circuits (e.g., the Ninth Circuit) have adopted a "reasonable women standard" for determining whether

or not the behavior should be considered harassment (Wiener & Hurt, 2000). A series of chi square analyses indicated that there were no systematic differences in response to the dependent measures based on court circuit in which a lawyer practiced. Thus, aggregating the data from lawyers across all court circuits was supported.

Manipulation Check

To determine if subjects⁵ perceived the harassment behaviors differently depending on type and level of harassment depicted, two questions were asked. First, to gauge if the scenario type (i.e., quid pro quo vs. hostile environment) manipulation was effective, each female was asked whether the supervisor was going to take a tangible job action towards her (i.e., quid pro quo description) or if she felt uncomfortable at work, but her job was not in jeopardy (i.e., hostile environment description). This manipulation clearly had the intended effect. Ninety-eight percent of the females receiving the quid pro quo manipulation indicated the quid pro quo description on the manipulation check and 91% of females receiving the hostile environment manipulation indicated the hostile environment description. A t -test showed a significant difference in the response pattern for females in the quid pro quo manipulation versus females in the hostile environment manipulation ($t(247) = 34.30, p < .00$).

Similar results were found for the scenario level (i.e., mild or severe) manipulation check. Females rated the behaviors in the scenario on a 1 to 5 scale from behaviors not being harassment to being very severe harassment. The mean response to

⁵ The data from females was collected a few months prior to the data collected from HR professionals and lawyers. Manipulation check data was collected initially from the female sample. As is shown, it was determined that the manipulations were working as intended. In order to optimize the chances of professionals responding to the survey, it was important to keep the survey as short as possible. Thus, with the professional samples, manipulation check data were not collected.

the mild manipulation was 2.8 (close to moderate sexual harassment) while the mean response to the severe manipulation was 3.59 (mid-way between moderate and severe harassment). A *t*-test confirmed that this difference was significant ($t(246) = 7.44, p < .00$).

Finally, females were asked to label (on a 1-5 scale) the extent to which the organization deals fairly or justly with women who encounter offensive harassment behaviors. As seen in Table 1, females could clearly distinguish the different types of justice depicted. An Analysis of Variance (ANOVA) showed that the means for the three types of justice were significantly different. Further, a post-hoc Tukey test confirmed that each mean was significantly different from the others (all at a level of $p < .00$). When the scenario depicted elements of procedural justice, females indicated that the organization was very fair to the alleged victims, while when procedural justice elements were absent, females indicated that the organization was very unfair.

Table 1
Analysis of Variance Summary for Justice Manipulation Check

Variable	N	M	SD	MS	F	dfs	R ²
Justice present	249	4.72	.52	742.80	2267.23*	2, 746	.28
Justice absent	249	1.28	.51				
Justice neutral	249	2.74	.67				
Total		2.91	.37				

* $p < .01$

Tests of Hypotheses

Prior to examining the specific hypothesized effects, a Multivariate Analysis of Variance (MANOVA) for mixed between and within subjects designs was conducted for each subject group. These analyses allow an overall evaluation of the effects of the

independent variables (type, severity, and justice) on the subject groups' reactions to the harassment scenarios. Table 2a (female data) presents a breakdown of the descriptive statistics for the dependent variables.

Table 2a
Likelihood of Females Engaging in Various Behaviors, broken down by Scenario Type, Scenario Level, and Type of Justice

Potential Behavior	Scenario ^a Type	Scenario Level	Present			Type of Justice Absent			Neutral		
			<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
Do nothing	HE	mild	2.58	1.59	59	2.76	1.61	59	2.88	1.50	59
		severe	2.07	1.16	59	2.63	1.60	59	2.68	1.46	59
	QPQ	mild	1.68	1.06	65	2.31	1.74	65	2.09	1.34	65
Avoid		severe	1.70	1.39	66	1.98	1.40	65	1.77	1.06	66
	HE	mild	3.59	1.80	59	4.02	1.70	59	4.00	1.78	59
		severe	3.66	1.80	59	4.31	1.99	59	4.39	1.71	59
	QPQ	mild	3.20	1.84	65	3.32	1.91	65	3.38	1.88	65
		severe	3.18	1.90	66	3.50	2.08	66	3.71	1.88	66
File complaint	HE	mild	5.89	1.46	59	4.64	2.02	59	5.08	1.56	59
		severe	6.00	1.35	59	4.88	1.94	59	5.46	1.20	59
	QPQ	mild	6.43	.97	65	4.67	2.10	65	5.91	1.22	65
Transfer		severe	6.67	.69	66	4.92	2.04	66	6.05	1.01	66
	HE	mild	4.31	2.03	59	4.66	1.94	59	4.61	1.74	59
		severe	4.78	1.67	59	5.31	1.62	59	5.10	1.51	59
	QPQ	mild	4.49	1.80	65	5.02	1.66	65	5.14	1.48	65
		severe	4.91	1.81	66	5.39	1.64	66	5.55	1.49	66
Quit	HE	mild	1.97	1.30	59	3.19	1.82	59	2.47	1.41	59
		severe	2.29	1.37	59	3.71	1.87	59	2.78	1.71	59
	QPQ	mild	2.08	1.25	65	3.94	1.78	65	2.75	1.41	65
		severe	2.38	1.77	66	4.03	1.95	66	3.10	1.66	66
	HE	mild	3.22	2.04	59	3.80	2.00	59	3.47	1.77	59
		severe	4.11	1.72	59	4.14	1.91	59	3.86	1.56	59
File lawsuit	QPQ	mild	4.51	1.99	65	5.25	1.81	65	4.75	1.66	65
		severe	4.50	1.92	66	5.18	1.83	66	4.71	1.72	66
	HE	mild	.41	.31	59	.49	.33	59	.41	.28	59
		severe	.57	.32	59	.57	.30	59	.52	.26	59
	QPQ	mild	.60	.30	65	.73	.24	65	.66	.25	65
		severe	.61	.32	66	.70	.26	66	.70	.23	66
Likely to win?	HE	mild	.62	.30	59	.51	.28	59	.51	.27	59
		severe	.77	.22	59	.62	.28	59	.63	.25	59
	QPQ	mild	.73	.22	65	.66	.23	65	.67	.21	65
		severe	.73	.24	66	.65	.27	66	.68	.24	66
	HE	mild	.41	.31	59	.49	.33	59	.41	.28	59
		severe	.57	.32	59	.57	.30	59	.52	.26	59

^a HE= hostile environment; QPQ= quid pro quo

Dependent measures are listed in the order they appeared on the questionnaire presented in Appendix C. Tables 2b and 2c present the corresponding data for employment lawyers and HR professionals.

Table 2b

Likelihood of HR professionals believing that female victims will engage in certain responses, broken down by Scenario Type, Scenario Level, and Type of Justice

Potential Behavior	Scenario ^a Type	Scenario Level	Type of Justice					
			Present			Absent		
			<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
Do nothing	HE	mild	2.81	1.78	31	2.65	1.74	31
		severe	2.39	1.82	18	1.67	1.03	18
	QPQ	mild	1.78	1.26	18	2.17	1.58	18
		severe	1.78	1.39	18	2.22	1.66	18
Avoid	HE	mild	3.97	1.82	31	3.87	1.98	31
		severe	3.67	2.03	18	3.67	1.68	18
	QPQ	mild	3.72	1.93	18	3.39	1.79	18
		severe	4.00	2.03	18	3.83	1.97	18
File complaint	HE	mild	6.13	.96	31	3.29	1.88	31
		severe	5.44	1.92	18	3.33	2.34	18
	QPQ	mild	6.44	1.25	18	4.39	1.68	18
		severe	6.72	.57	18	3.61	2.34	18
Transfer	HE	mild	3.84	1.32	31	4.61	1.62	31
		severe	4.17	1.89	18	4.50	1.42	18
	QPQ	mild	4.72	1.27	18	4.89	1.37	18
		severe	5.06	1.51	18	4.39	1.61	18
Quit	HE	mild	2.51	1.31	31	5.16	1.07	31
		severe	2.72	2.10	18	4.56	1.51	18
	QPQ	mild	2.50	1.04	18	5.22	1.00	18
		severe	2.56	1.04	18	5.67	1.49	18
File lawsuit	HE	mild	2.74	1.12	31	5.61	.92	31
		severe	2.83	1.58	18	5.39	1.46	18
	QPQ	mild	2.22	1.16	18	6.00	.91	18
		severe	2.72	1.40	18	5.61	1.46	18
Likely to pursue lawsuit?	HE	mild	.30	.21	31	.70	.24	31
		severe	.31	.22	18	.71	.21	18
	QPQ	mild	.23	.17	18	.74	.19	18
		severe	.26	.19	18	.76	.23	18
Likely for org to settle?	HE	mild	.66	.35	31	.70	.26	31
		severe	.74	.30	18	.66	.27	18
	QPQ	mild	.58	.33	18	.84	.21	18
		severe	.51	.27	18	.81	.22	18
Likely to win?	HE	mild	.60	.38	31	.89	.14	31
		severe	.57	.33	18	.85	.18	18
	QPQ	mild	.32	.26	18	.91	.14	18
		severe	.49	.31	18	.92	.08	18

^a HE= hostile environment; QPQ= quid pro quo

Table 2c

Likelihood of lawyers advising females to engage in certain responses, broken down by Scenario Type, Scenario Level, and Type of Justice

Potential Behavior	Scenario ^a Type	Scenario Level	Type of Justice					
			<u>Present</u>			<u>Absent</u>		
			<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
Do nothing	HE	mild	1.17	.38	24	1.46	1.17	24
		severe	1.04	.20	25	1.57	1.66	25
	QPQ	mild	1.48	1.01	27	1.30	.72	27
		severe	1.40	1.26	25	1.04	.20	25
Avoid	HE	mild	2.25	1.91	24	2.62	2.24	24
		severe	2.28	1.59	25	2.28	1.78	25
	QPQ	mild	3.11	2.28	27	2.81	2.27	27
		severe	2.64	2.31	25	2.24	1.88	25
File complaint	HE	mild	6.88	.45	24	4.46	2.34	24
		severe	6.92	.28	25	4.40	2.45	25
	QPQ	mild	6.52	.94	27	4.56	2.39	27
		severe	6.64	.86	25	4.00	2.35	25
Transfer	HE	mild	4.38	1.95	24	4.00	2.04	24
		severe	4.12	1.74	25	3.64	1.96	25
	QPQ	mild	4.48	1.78	27	4.15	2.13	27
		severe	4.84	1.97	25	4.52	2.02	25
Quit	HE	mild	1.75	1.54	24	2.29	1.43	24
		severe	1.96	1.62	25	2.24	1.36	25
	QPQ	mild	1.22	.42	27	2.15	1.15	27
		severe	2.08	1.58	25	2.8	1.91	25
File lawsuit	HE	mild	3.00	1.69	24	5.75	1.07	24
		severe	2.76	1.48	25	5.84	1.34	25
	QPQ	mild	3.19	1.75	27	6.22	.93	27
		severe	4.28	1.67	25	5.96	1.71	25
Summary judgment?	HE	mild	.65	.28	24	.21	.19	24
		severe	.74	.23	25	.31	.22	25
	QPQ	mild	.51	.31	27	.23	.21	27
		severe	.51	.28	25	.22	.24	25
Settlement?	HE	mild	.41	.34	24	.71	.23	24
		severe	.54	.35	25	.71	.29	25
	QPQ	mild	.54	.29	27	.72	.22	27
		severe	.57	.22	25	.77	.15	25
Likely to win?	HE	mild	.62	.30	59	.51	.28	59
		severe	.77	.22	59	.62	.28	59
	QPQ	mild	.73	.22	65	.66	.23	65
		severe	.73	.24	66	.65	.27	66

^a HE= hostile environment; QPQ= quid pro quo

Table 3 presents a breakdown of the statistics derived from multivariate tests of all of the main effects and interactions in the present model.

Table 3
Multivariate Tests of All Main Effects and Interactions for Females, HR Professionals, and Lawyers

	Effect	Females			HR Professionals			Lawyers		
		<i>F</i> ^a	<i>dfs</i>	<i>R</i> ²	<i>F</i>	<i>dfs</i>	<i>R</i> ²	<i>F</i>	<i>dfs</i>	<i>R</i> ²
Between Subjects	Scenario Type (A)	5.72*	10, 246	.20	1.89	9, 73	.20	1.80	9, 89	.15
	Scenario Level (B)	2.39*	10, 246	.09	.69	9, 73	.08	1.21	9, 89	.11
	A X B	.97	10, 246	.04	1.05	9, 73	.11	.57	9, 89	.06
Within Subjects	Justice (C)	21.84*	20, 246	.66	40.77*	9, 73	.83	35.86*	9, 89	.78
	A X C	1.59	20, 246	.12	3.30*	9, 73	.29	2.35*	9, 89	.19
	B X C	.54	20, 246	.05	1.07	9, 73	.11	.63	9, 89	.06
	A X B X C	.67	20, 246	.06	1.46	9, 73	.15	1.56	9, 89	.14

* $p < .05$

For the female sample, significant main effects were found for both of the between subjects manipulations, scenario type (quid pro quo vs. hostile environment) and scenario level (mild vs. severe harassment), as well as for the within subjects manipulation (justice: present, absent, neutral). None of the interactions were significant at the $p < .05$ level. For the HR and lawyer samples, the type and severity manipulations were not significant, but the type manipulation approached significance for both groups ($p = .06$ and $p = .08$, respectively). For both the HR and lawyer samples, there was a significant main effect for justice as well as a significant type by justice interaction. Although the MANOVA analyses showed no significant effect for harassment type for the HR and lawyer samples, as will be shown, there were several effects on specific dependent variables at the univariate level. And, these univariate analyses more directly address the hypotheses.

H1a: This hypothesis predicted that more than 5% of females would be likely to pursue a formal complaint against the harasser if the described situation happened to them. To determine support for this hypothesis, females' responses were averaged across all three types of justice. Three dependent measure items are relevant to this hypothesis. First, the mean response (on a 7 point scale) to how likely the subject would be to file a formal organizational complaint against the harasser was 5.55 (SE = .07) and the mean response to how likely the subject would be to pursue a lawsuit was 4.29 (SE = .09). To more completely investigate this hypothesis, it is instructive to look at the percentage of women responding at each level.

Table 4
Percentage of Females Responding at Each Level of Dependent Measure Response Options

Dependent measure	Very unlikely (1)	Unlikely (2)	Somewhat unlikely (3)	Unsure (4)	Somewhat likely (5)	Likely (6)	Very likely (7)
File an org complaint	3.5%	4.8%	5.6%	6.6%	15.5%	25.7%	38.3%
Pursue a lawsuit	8.3%	15.7%	10.6%	15.5%	17.7%	15.7%	16.6%

As can be seen in Table 4, 64% of the subjects responded that it was likely or very likely that they would file an organizational complaint and 32.3% responded that it was likely or very likely that they would pursue a lawsuit against the harasser.

The other relevant item asked women the probability that they would pursue a legal case if the described situation happened to them. Before discussing the results of this item, it is important to discuss how this item is slightly different from the above item that was measured on a 1-7 scale. The first item (1f on the dependent measure) was part of a set of items that assessed a subject's likelihood (on a 1-7 scale) of doing a variety of

things in response to a harassment situation (e.g., quit their job, request a transfer, pursue a lawsuit). In a sense, subjects may have seen this item as how likely, in comparison to other potential options, they would be to file a lawsuit. The other question (item 3 on the dependent measure) asked the subjects for a straight probability (0-100%) that, all else being equal, they would file a lawsuit if the scenario happened to them. While these two items were obviously very similar and were significantly correlated ($r = .37, p < .01$), responses to the items were not identical. So, in the following analyses, it is important to keep in mind the slight differences between these items.

In regards to item 3, subjects were asked the probability (between 0 and 100%) that they would pursue a legal case based on the scenario they read. Because the responses were percentiles, a straight yes/no determination of the probability of lawsuit pursuit was not possible. However, a conservative test of this hypothesis would be to determine what percentage of women responded that there was at least a 75% probability that they would pursue a legal case. A 75% level of probability would correspond to being “highly likely” to pursue a case. In the present study, 30% of the women responded that there was at least a 75% probability that they would pursue a lawsuit. Thus, as predicted, more than 5% of the women in this situation would file an organizational complaint and/or pursue a lawsuit.

H1b: This hypothesis predicted that HR professionals would be more likely to believe that a female harassment victim would file a claim within the organization than was actually the case with female victims. In fact, the results show the effect was just the opposite. Women ($M = 5.52, SD = 1.27$) were significantly more likely than HR

professionals ($\underline{M} = 4.80$, $\underline{SD} = 1.36$) to indicate that they would file an organizational complaint ($t(337) = 4.49$, $p < .00$) in response to a harassment incident.

H1c: This hypothesis predicted that employment lawyers would be more likely to believe that a female harassment victim would file a claim within the organization than was actually the case with female victims. This hypothesis was not supported, as females ($\underline{M} = 5.52$, $\underline{SD} = 1.27$) were about as likely as lawyers ($\underline{M} = 5.54$, $\underline{SD} = 1.22$) to indicate that they would file an organizational claim in response to harassment ($t(360) = -.17$, n.s.).

H2a: This hypothesis predicted that females responding to quid pro quo scenarios would be more likely to say they would pursue legal action against the harasser than would females responding to hostile environment scenarios. Two dependent measure items addressed this issue. First, subjects were asked to rate, on a 1-7 scale, the likelihood that they would pursue a lawsuit following the incident depicted (item 1f). As shown in Table 6, subjects responding to quid pro quo scenarios were more likely to say that would pursue a lawsuit than were subjects responding to hostile environment scenarios, ($F(1, 246) = 30.89$, $p < .00$). Subjects were also asked the probability that they would pursue a lawsuit if the depicted scenario occurred (item 3). A similar pattern of results was found for this item. Subjects responding to quid pro quo scenarios indicated a significantly higher probability of pursuing a lawsuit than subjects responding to hostile environment scenarios ($F(1, 246) = 34.01$, $p < .00$).

H2b: This hypothesis predicted that females responding to severe harassment scenarios would be more likely to say they would pursue legal action against the harasser

than would females responding to mild harassment depictions. The same two items referenced in *H2a* were relevant here as well. As can be seen in Table 5, the support for this hypothesis is mixed. When asked the likelihood they would pursue a lawsuit based on the scenario they read (item 1 f), there was no main effect for scenario level. Subjects responding to severe harassment scenarios were not more likely than subjects responding to mild harassment scenarios to indicate they would pursue a lawsuit ($F(1, 246) = 1.79$, n.s). However when asked the probability they would pursue a lawsuit based on the scenario they read (item 3), there was a main effect for scenario level such that subjects responding to severe scenarios were more likely to indicate that they would pursue a lawsuit ($F(1, 246) = 4.31$, $p < .05$). Even though there was a significant difference, the effect was weak ($\eta^2 = .02$). Because of the mixed and weak evidence for this hypothesis, it is likely that level of severity did not have a practical effect on the likelihood or probability of pursuing a lawsuit.

H3a: This hypothesis predicted that in quid pro quo, as opposed to hostile environment, scenarios lawyers would indicate a) a higher likelihood of recommending a female client pursue a legal case and b) that the case would be decided pro-plaintiff if taken to court. As seen in Table 6, the results support both of these effects. In quid pro quo scenarios, lawyers were more likely to indicate that they would recommend a female pursue a legal claim ($M = 4.84$, $SD = 1.5$) and were more likely to believe the female would win a court case ($M = .67$, $SD = .18$) than in hostile environment situations ($M = 4.36$, $SD = .99$; $M = .55$, $SD = .17$).

Table 5
Effect of Harassment Type and Level on Likelihood and Probability of Lawsuit Pursuit for Females

Variable	Item ^a	Level ^b	<i>M</i>	<i>SE</i>	<i>MS</i>	<i>F</i>	<i>dfs</i>	<i>R</i> ²
Harassment Type	1f	HE	3.77	.14	204.77	30.89**	1, 246	.11
		QPQ	4.82	.13				
	3	HE	.49	.02	5.50	34.01**	1, 246	.12
		QPQ	.67	.02				
Harassment level	1f	Mild	4.17	.13	11.85	1.79	1, 246	.01
		Severe	4.42	.13				
	3	Mild	.55	.02	.70	4.31*	1, 246	.02
		Severe	.61	.02				

* $p < .05$ ** $p < .01$

^a Item 1f measured the likelihood, on a 1-5 scale, that a subject would pursue a lawsuit based on the scenario. Item 3 measured the probability (from 0-100%) that a subject would pursue a lawsuit based on the scenario.

^b HE = Hostile environment harassment. QPQ = Quid pro quo harassment

Table 6
Effect of Harassment Type on Likelihood of Recommending a Lawsuit or Winning a Court Case

Variable	Level ^a	<i>M</i>	<i>SD</i>	<i>n</i>	<i>t</i>	<i>dfs</i>
Pursue lawsuit	HE	4.36	.99	51	-2.04*	111
	QPQ	4.84	1.3	62		
Win court case	HE	.55	.17	46	-3.02**	96
	QPQ	.62	.18	52		

^a HE = hostile environment QPQ = quid pro quo

* $p < .05$ ** $p < .01$

H3b: This hypothesis predicted that in severe (versus mild) harassment scenarios, lawyers would indicate a) a higher likelihood of recommending a female client pursue a legal case and b) that the case would be decided pro-plaintiff if taken to court. This hypothesis was not supported, as *t*-tests indicated that the means for these two dependent variables were not significantly different for mild versus severe harassment ($t(111) = -.44$, n.s. and $t(96) = -.52$, n.s.). In mild scenarios, the mean likelihood of recommending that a female pursue a legal case was 4.56 ($SD = .95$) while for severe scenarios it was 4.66 ($SD = 1.39$). Similarly, in mild scenarios the probability of a pro-plaintiff decision was .60 ($SD = .16$) while for severe scenarios it was .62 ($SD = .20$).

H4: This hypothesis predicted that lawyers would indicate a greater likelihood for summary judgment for the defendant organization in cases that involve hostile environment and mild harassment situations as opposed to cases that involve quid pro quo and severe harassment. As expected, lawyers indicated a significantly higher likelihood for summary judgment ($t(111) = 2.80$, $p < .01$) in hostile environment scenarios ($M = .47$, $SD = .19$) as opposed to in quid pro quo scenarios ($M = .36$, $SD = .21$). This hypothesis was not supported for mild versus severe harassment ($t(111) = -.71$, n.s.) where the mean for mild scenarios was .40 ($SD = .20$) and the mean for severe scenarios was .43 ($SD = .22$).

H5 and H6: The purpose of administering the knowledge questionnaire was partially descriptive in that it is useful to gauge the level of knowledge which women and human resource professionals have of sexual harassment law and to investigate whether there are any specific misconceptions about the law that appear widespread. Results of these analyses have specific implications for educating and training the working public

and the HR profession about relevant harassment law issues. As there has been no previously published research on sexual harassment law knowledge levels, there was only a general expectation that females' knowledge of the law would be low and HR's would be higher. This expectation was formulated because of the complicated and sometimes conflicting history of harassment law and harassment court cases. In fact, as H6 predicted, HR professionals had more knowledge of the law than did females. Females averaged 68% of the 21 questions correct ($\underline{M} = 14.25$, $\underline{SD} = 1.8$) and HR professionals averaged 80% correct ($\underline{M} = 16.7$, $\underline{SD} = 2.58$). These means are significantly different ($t(337) = -10.63$, $p < .01$).

In regards to H5 and liability questions, women averaged 63% correct ($\underline{M} = 3.87$, $\underline{SD} = 1.01$) and HR professionals averaged 83% correct ($\underline{M} = 4.95$, $\underline{SD} = 1.01$) and these means are significantly different ($t(337) = -8.73$, $p < .01$). In general, women did worse on the liability questions than on the questionnaire as a whole, yet HR professionals did slightly better on these questions than on their overall average.

On the other hand, 90% or more of the females and HR professionals correctly answered most of the basic questions about the types of behaviors that would be considered harassment and the potential perpetrators of harassment (e.g., questions # 1, 2, 3, 4, 5b-5d, and 7). However, 23.3% of the women believed that overhearing a sexually explicit joke one time would be considered illegal harassment; this situation would probably not be judged to arise to the level of hostile environment harassment where the behavior must generally be pervasive over time. Women also lacked knowledge about company anti-harassment policies, the process for pursuing harassment claims, and the legal basis of harassment law. Finally, 39% of both the female and HR professional

samples thought that the company would *always* be legally liable for harassment behaviors of its employees, though this is not the case according to the affirmative defense guidelines.

H7: This hypothesis predicted that females would indicate a higher probability than would HR professionals or lawyers that a lawsuit would lead to a pro-plaintiff decision in regards to illegal harassment situations. A univariate ANOVA showed this hypothesis was supported ($F(2, 440) = 41.94, p < .01$). On average, females indicated a .71 probability that a lawsuit would lead to a pro-plaintiff decision, while HR professionals only indicated a .50 ($SD = .34$) and lawyers a .45 ($SD = .26$) probability. Post-Hoc Tukey tests indicated that the female mean was significantly higher than both the lawyer and HR means.

H8: This hypothesis predicted that females' knowledge of sexual harassment law would moderate the effect of level of harassment scenario (i.e., severe vs. mild) on the subject's decision to pursue a formal legal complaint against the perpetrator. Subjects' scores were collapsed across justice level in order to test for the effect. The premise of this hypothesis and hypothesis 9 was that when subjects have a high amount of knowledge of harassment law, they would likely have a better understanding of the case characteristics that would make a strong legal case. In the present study, the scenarios that depicted severe levels of harassment involved details that would strengthen a case against an alleged perpetrator. Similarly, the cases that depicted mild harassment had details that would not make a case against the alleged perpetrator quite as strong.

In order to test hypotheses 8 and 9, subjects' level of harassment knowledge was transformed into a variable with two levels, high knowledge of the law and low

knowledge. While a median split is often used to transform a continuous variable into a categorical variable, this approach was not appropriate here. The median score equated to getting 67% of the questions correct, yet 67% correct does not indicate a high level of knowledge of the law. Instead, the data was examined for a natural breaking point somewhere in the range of 75 – 80% correct, as this level of knowledge could be considered relatively high. The natural breaking point fell at 16 out of 21 items correct, or 76% correct. Therefore, subjects with scores of 76% or greater were placed into the “high” knowledge category and subjects with less than 76% correct were placed into the “low” knowledge category. A univariate ANOVA was used to determine moderation effects.

Again, the two items relevant to gauging a subject’s likelihood to pursue a legal case were examined. ANOVA results presented in Table 7 show that for the likelihood of pursuing a lawsuit against the harasser, there was not a significant main effect for harassment knowledge score ($F(1, 249) = 2.87, n.s.$), but there was a significant effect for scenario level ($F(1, 249) = 4.70, p < .05$). Further, there was a significant interaction between knowledge score and level of harassment scenario ($F(1, 249) = 5.51, p < .05$) such that subjects with high levels of knowledge of the law were more likely to indicate they would pursue a legal case after reading the severe scenario ($M = 4.58, SD = 1.58$) than were subjects that had little knowledge of the law and also read severe scenarios ($M = 4.42, SD = 1.49$). Similarly, subjects with high level of knowledge were *less* likely to indicate they would pursue a legal case after reading a mild scenario ($M = 3.45, SD = 1.66$) than were subjects with little knowledge who also read mild scenarios ($M = 4.46, SD = 1.58$). Subjects with little legal knowledge were about equally as likely to indicate

they would pursue a case whether it was mild ($\underline{M} = 4.46$, $\underline{SD} = 1.58$) or severe ($\underline{M} = 4.42$, $\underline{SD} = 1.49$) harassment.

The results for the probability of pursuing a lawsuit against the harasser were similar to the above results. There was again no main effect for knowledge score ($\underline{F}(1, 249) = 1.42$, n.s.) and a significant effect for scenario level ($\underline{F}(1, 249) = 6.20$, $p < .05$). Although here there was not a statistically significant interaction between knowledge score and level of harassment scenario ($\underline{F}(1, 249) = 3.67$, n.s.), the p value of the interaction did approach significance ($p = .057$). In fact, the data trends were exactly the same here as they were for the likelihood of pursuing a lawsuit. Subjects with high levels of knowledge indicated a higher probability of pursuing a lawsuit after reading a severe case than subjects with little knowledge who also read a severe case. And, subjects with high levels of knowledge indicated a lower probability of pursuing a lawsuit in response to a mild case than subjects with little knowledge who also read a mild case. Though the trends were in the predicted direction, it is likely that low power for this effect (.48) affected the ability to find a significant interaction.

Thus, one item showed a statistically significant interaction between scenario level (mild or severe) and harassment knowledge (high or low) such that knowledge level moderated the effect of scenario level on likelihood of pursuing a lawsuit. However, the other relevant item did not show a statistically significant effect on the probability of pursuing a lawsuit. Even though there was not statistical significance for the second item, the trends were in the predicted direction.

Table 7

Effects of Scenario Level (mild vs. severe) and Harassment Knowledge Score on Likelihood and Probability of Pursuing a Legal Complaint for Females

Effect	<i>MS</i>	<i>F</i>	<i>dfs</i>	<i>R</i> ²
On Likelihood of Pursuing Complaint				
Scenario Level (A)	11.32	4.70*	1, 249	.02
Knowledge Level (B)	6.91	2.87	1, 249	.01
A X B	13.28	5.51*	1, 249	.02
On Probability of Pursuing Complaint				
Scenario Level (A)	.38	6.19*	1, 249	.03
Knowledge Level (B)	.09	1.42	1, 249	.01
A X B	.22	3.67	1, 249	.02

* $p < .05$

H9: This hypothesis predicted that knowledge of sexual harassment law would moderate the effect of level of harassment scenario (severe vs. mild) on females' prediction of the likelihood a case will prevail in court. As described above, knowledge score was divided into two categories, high knowledge and low knowledge. As seen in Table 8, ANOVA results showed that there was not a significant main effect for subject score ($F(1, 249) = .59, n.s.$), but there was a significant main effect for scenario level ($F(1, 249) = 8.50, p < .01$) and a significant interaction between subject score and level of harassment scenario ($F(1, 249) = 4.00, p < .05$). The moderation effect was in the predicted direction such that females with high knowledge were more likely to indicate that a severe case would prevail in court than were females with little knowledge who also read severe cases ($M = .72, SD = .19$ vs. $M = .68, SD = .21$). Similarly, females with high knowledge were *less* likely to believe that a case with mild harassment characteristics would prevail in court than were subjects with little knowledge who also read mild harassment scenarios ($M = .55, SD = .19$ vs. $M = .64, SD = .22$). Thus, this hypothesis was supported.

Table 8

Effect of Scenario Level and Harassment Knowledge Score on the Prediction of the Likelihood a Case Would Prevail in Court

Effect	<i>MS</i>	<i>F</i>	<i>dfs</i>	<i>R</i> ²
On Likelihood Case will Prevail in Court				
Scenario Level (A)	.38	8.50**	1, 249	.03
Knowledge Score (B)	.03	.59	1, 249	.00
A X B	.18	4.00*	1, 249	.02

* $p < .05$ ** $p < .01$

H10: This hypothesis predicted that when procedural justice was present, females would be less likely to say they would pursue a lawsuit than when justice was absent. As can be seen in Table 9, justice had a significant effect on the likelihood of pursuing a lawsuit ($F(2, 249) = 10.06, p < .01$) as well as on the probability of pursuing a lawsuit ($F(2,249) = 9.50, p < .01$). Further, pairwise comparisons show that for both items, the justice absent manipulation lead subjects to indicate a significantly higher likelihood of pursuing a lawsuit than in the justice present manipulation. When justice was absent, there was a mean likelihood of 4.59 ($SE = .12$) of pursuing a lawsuit, while when justice was present, that likelihood was only 4.09 ($SE = .12$). Similarly, when justice was absent, there was a .62 ($SE = .02$) probability of lawsuit pursuit, while the probability was only .55 ($SE = .02$) when justice was present. Also, for both items, the justice present and justice neutral manipulations did not lead to significantly different indications of likelihood to pursue a lawsuit, but the justice neutral and justice absent manipulations did lead to significant differences. When justice was absent, the mean likelihood of lawsuit pursuit was 4.59 ($SE = .12$), while the mean likelihood was 4.20 ($SE = .11$) when justice was neutral. Similarly, when justice was absent, the probability of

lawsuit pursuit was .62 ($SE = .02$), while the mean likelihood was .57 ($SE = .02$) when justice was neutral.

Table 9
Effect of Justice on Likelihood and Probability of Lawsuit Pursuit and Pairwise Comparisons of Effects of Justice on Likelihood of Lawsuit Pursuit (for female sample)

Dependent Measure	Justice Level	<i>M</i>	<i>SE</i>	<i>N</i>	Pairwise Comparison	Mean Diff.	<i>SE</i>	<i>MS</i>	<i>F</i>	<i>R</i> ²
Likelihood of lawsuit	Present	4.09	.12	249	Absent	-.50*	.14	20.76	10.06*	.04
					Neutral	-.12	.11			
	Absent	4.59	.12	249	Present	.50*	.14			
					Neutral	.39*	.10			
	Neutral	4.20	.11	249	Present	.12	.11			
					Absent	-.39*	.10			
Probability of lawsuit	Present	.55	.02	249	Absent	-.07*	.02	.52	9.50*	.04
					Neutral	-.02	.02			
	Absent	.62	.02	249	Present	.07*	.02			
					Neutral	.05*	.01			
	Neutral	.57	.02	249	Present	.02	.02			
					Absent	-.05*	.01			

* $p < .01$

H11: This hypothesis predicted that for female subjects, level of justice (i.e., present, absent, neutral) would moderate the relationship between scenario characteristics (type and severity) and likelihood of lawsuit pursuit such that there would be a smaller relationship between case characteristics and likelihood of lawsuit pursuit when justice was present as opposed to when justice was absent or neutral. The interaction between scenario type and justice as well as the interaction between scenario level and justice was examined for each relevant dependent variable, the likelihood of lawsuit pursuit and the probability of lawsuit pursuit. As seen in Table 10, one significant interaction was found. The effect of scenario type (quid pro quo vs. hostile environment) on probability of lawsuit pursuit differed across levels of justice ($F = 4.10, p < .05$). As expected, when justice was present, there was a smaller relationship between scenario type (i.e., hostile environment or quid pro quo) and probability of lawsuit pursuit than when justice was

absent or neutral. While there was still a significant difference between probability of lawsuit pursuit across scenario type when justice was present ($F(1, 248) = 8.2, p < .01$), the effect was significantly larger when justice was absent or neutral. Table 11 presents the relevant means and standard deviations for this moderation effect.

Table 10
Breakdown of Justice Interaction Effects on Likelihood and Probability of Pursuing a Lawsuit for Female Sample

Effect	Dependent Measure	<i>MS</i>	<i>F</i>	<i>R</i> ²
Justice X Scenario Type	Likelihood	3.2	1.56	.01
	Probability	.22	4.10*	.02
Justice X Scenario Level	Likelihood	2.11	1.02	.004
	Probability	.08	1.42	.01

* $p < .05$

Table 11
Means and Standard Deviations of Justice Effect on Probability of Filing a Lawsuit, Broken Down by Scenario Type

Justice	Scenario Type			
	<u>Hostile Environment</u>		<u>Quid Pro Quo</u>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Present	.49	.32	.60	.31
Absent	.53	.31	.72	.25
Neutral	.46	.27	.68	.24

H12: This hypothesis predicted that in scenarios where a clear anti-harassment policy exists and is consistently implemented (i.e., the justice present condition), plaintiff lawyers would be more likely to advise a client to use the company complaint policy than to file a lawsuit. A paired samples *t*-test indicated that lawyers were significantly more likely to advise a client to pursue an organizational complaint ($M = 6.7, SD = .70$) than a

lawsuit ($\underline{M} = 3.28$, $\underline{SD} = 1.68$) when justice was present in the harassment scenario ($t(111) = 18.67$, $p < .01$).

H13: This hypothesis predicted that in scenarios where procedural justice was absent, plaintiff lawyers would indicate that a plaintiff has a higher probability of winning a case than if procedural justice is present. As expected, justice had a significant effect on a lawyer's estimation of how likely a plaintiff would be to win a case ($F(1, 97) = 163.14$, $p < .01$). When justice was present, lawyers indicated a mean probability of .45 ($\underline{SD} = .26$) that a plaintiff would win a court case, while when justice was absent, lawyers indicated a .75 ($\underline{SD} = .16$) probability of a plaintiff winning a court case.

H14: This hypothesis predicted that in scenarios where a clear anti-harassment policy exists and was consistently implemented (i.e., the justice present condition) HR professionals would be more likely to believe that a harassment victim would use the company's internal complaint system than file a lawsuit against the company. As expected, in situations where justice was present, HR professionals felt there was a significantly greater likelihood ($t(88) = 16.55$, $p < .00$) that a female would file an organizational complaint ($\underline{M} = 6.01$, $\underline{SD} = 1.48$) than file a lawsuit ($\underline{M} = 2.62$, $\underline{SD} = 1.30$).

H15: This hypothesis predicted that in scenarios where procedural justice was present, HR professionals would indicate that a plaintiff has a lower probability of winning a case than if procedural justice is absent. As predicted, justice had a significant effect on HR professionals' predictions that a plaintiff would win a case ($F(1, 81) = 108.09$, $p < .01$). When justice was present, HR professionals indicated a mean probability of .51 ($\underline{SD} = .34$) of a plaintiff winning a case. When justice was absent, HR professionals indicated a .89 ($\underline{SD} = .14$) probability of a plaintiff winning a case.

H16: This hypothesis predicted that in scenarios where procedural justice was present, HR professionals would be more likely to indicate that the situation was being handled appropriately than in situations where procedural justice was absent. As predicted, 93% percent of HR professionals felt that the situation was being handled properly when justice was present, yet only .05% indicated that the situation was being handled properly when justice was absent.

H17: This hypothesis predicted that in scenarios where justice was absent, HR professionals would indicate that in order to help avoid legal liability, the company should take actions that would lead to policies, procedures, and an environment that has more characteristics of organizational justice (e.g., implement an anti-harassment policy, investigate all claims in an impartial manner, etc.). After each scenario, respondents were asked what the organization could do differently in order to help avoid or minimize legal liability in regards to harassment behaviors being perpetrated by a supervisor. Respondents were given space in which they could write their responses to this open-ended question. Responses were coded in terms of how many specific actions the respondent identified that would lead to a decrease in legal liability and that were related to perceptions of organizational justice. Eighty-eight percent of the HR respondents mentioned at least one action that the organization could take to decrease liability. The most pervasive responses were that the organization should write an anti-harassment policy and introduce procedures that victims could use to report harassment. On average, respondents listed 2.3 actions the organization could take to reduce liability and that were related to organizational justice. In addition to writing a policy and implementing procedures, many respondents indicated that the organization should train supervisors and

employees on harassment issues, the HR department should undertake a prompt and fair investigation of the matter at hand, the organization should communicate policies to all employees, should discipline the supervisor, and should include Sue (the victim) in determining what type of resolution would be most satisfactory.

Additional Analyses

In addition to the specific hypotheses described above, there were several significant differences in the behaviors of females responding to the quid pro quo scenarios versus females responding to the hostile environment scenarios. In the quid pro quo condition ($M = 5.35$, $SD = 1.33$) females indicated a significantly higher likelihood than in the hostile environment condition ($M = 5.67$, $SD = 1.19$) of filing an organizational complaint ($t(247) = -2.00$, $p < .05$). In response to the hostile environment condition, females were more likely to say they would do nothing about the harassment ($M = 2.5$, $SD = 1.27$) or try to avoid the harasser ($M = 3.89$, $SD = 1.58$) as compared to the quid pro quo condition ($M = 1.9$, $SD = 1.16$; $M = 3.30$, $SD = 1.73$). Both of these differences were significant at the $p < .01$ level ($t(247) = 3.84$ and $t(247) = 2.81$). Also, in the quid pro quo condition ($M = .70$, $SD = .20$) females were more likely than in the hostile environment condition ($M = .63$, $SD = .22$) to think that they would win a lawsuit against the harasser ($t(247) = -2.42$, $p < .05$).

The justice manipulation had some effects that while not hypothesized, do fit nicely with the current justice literature. In the justice absent manipulation, females were significantly more likely to say they would avoid their harasser ($M = 3.78$, $SD = 1.96$, $t(248) = 3.29$, $p < .01$) and/or do nothing about the harassment ($M = 2.41$, $SD = 1.61$, $t(248) = -4.08$, $p < .01$) as compared to the justice present condition ($M = 3.40$, $SD =$

1.84; $\underline{M} = 1.99$, $\underline{SD} = 1.35$). Also, females were more likely to indicate they would file an organizational complaint when justice was *present* ($\underline{M} = 6.26$, $\underline{SD} = 1.18$) as opposed to when justice was absent ($\underline{M} = 4.78$, $\underline{SD} = 2.02$). This difference was also significant at the $p < .01$ level ($t(248) = 11.02$).

In addition to the hypothesized differences between subject groups, additional analyses showed the following. In both hostile environment and quid pro quo scenarios, HR professionals and lawyers did not significantly differ in their perceptions of how likely an organization would be to attempt to settle a case prior to trial. Also, HR professionals and females did not significantly differ in their perceptions of how likely a female would be to pursue a lawsuit in either the hostile environment or quid pro quo situations. On the other hand, as shown in Table 12, in both hostile environment and quid pro quo situations, there were significant differences between the subject groups in terms of how likely a female would be (or a lawyer would recommend to a female) to do nothing about the harassment, avoid the harasser but continue on with her job, and/or quit her job in response to the harassment. Further, post-hoc Tukey tests indicated which means were significantly different from each other. These differences are also indicated in Table 12.

Finally, interactions that were not hypothesized were observed in the data. Particularly for HR professionals, justice and scenario type interacted ($F(9, 73) = 3.30$, $p < .01$) such that justice had more of an effect for quid pro quo scenarios than for hostile environment scenarios. First, the presence of justice decreased the perceived chances that an organization would settle a harassment case, while the absence of justice increased the chances of an organization settling. In hostile environment cases, the presence or absence

of justice did not have much of an effect. Second, when determining if a case would be decided pro-plaintiff, justice again had more of an effect on quid pro quo scenarios such that prediction of a pro-plaintiff decision was much more likely when justice was present.

Table 12

Effect of Scenario Type on Subject Response

Response	Subject	<u>Hostile Environment</u>				<u>Quid Pro Quo</u>			
		<i>M</i>	<i>SD</i>	<i>F</i>	<i>dfs</i>	<i>M</i>	<i>SD</i>	<i>F</i>	<i>dfs</i>
Do nothing	Females	2.51 ^a	1.27	20.46*	2, 218	1.92 ^a	1.16	10.32*	2, 226
	HR	2.58 ^a	1.42			2.03 ^a	.93		
	Lawyers	1.29	.73			1.26	.62		
Avoid harasser	Females	3.89 ^a	1.58	18.94*	2, 218	3.30 ^a	1.73	5.75*	2, 227
	HR	3.82 ^a	1.52			3.74 ^a	1.49		
	Lawyers	2.30	1.70			2.57	2.03		
Quit job	Females	2.79 ^{a, b}	1.39	22.64*	2, 218	3.11 ^{a, b}	1.49	25.17	2, 227
	HR	3.71 ^a	1.12			3.99 ^a	.89		
	Lawyers	2.02	1.15			2.07	1.22		

* $p < .01$

^a Group mean is significantly different from lawyer mean

^b Group mean is significantly different from HR mean

Further, HR professionals did not perceive that the absence of justice had a different effect on hostile environment versus quid pro quo situations. These effects are depicted in Figures 1 and 2.

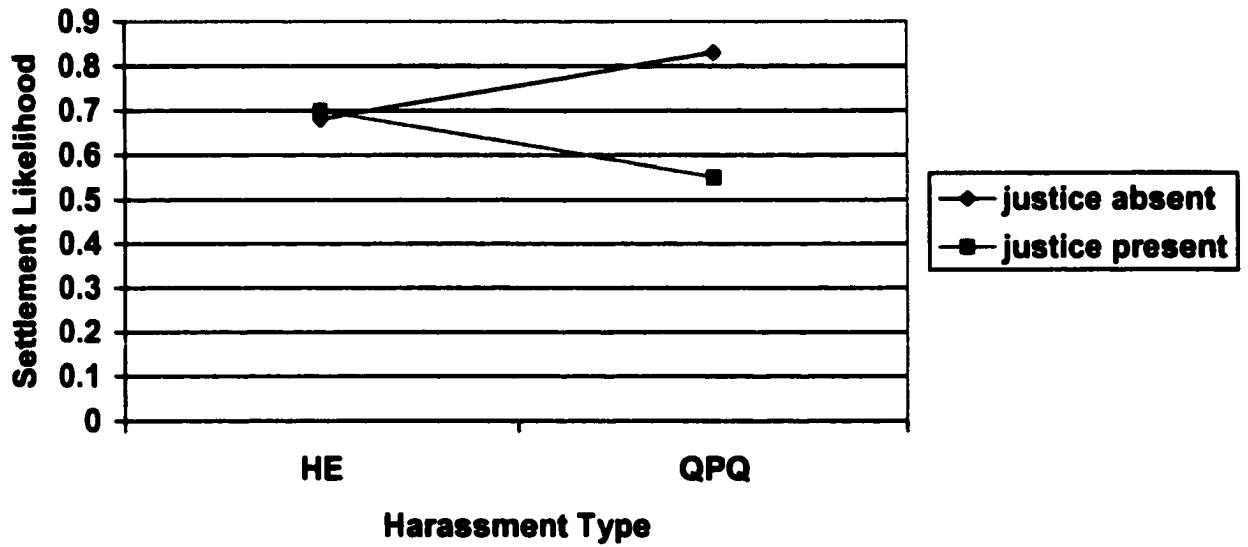


Figure 1: Effect of Scenario Type (hostile environment vs. quid pro quo) and Justice on Likelihood of Organization Settling Case

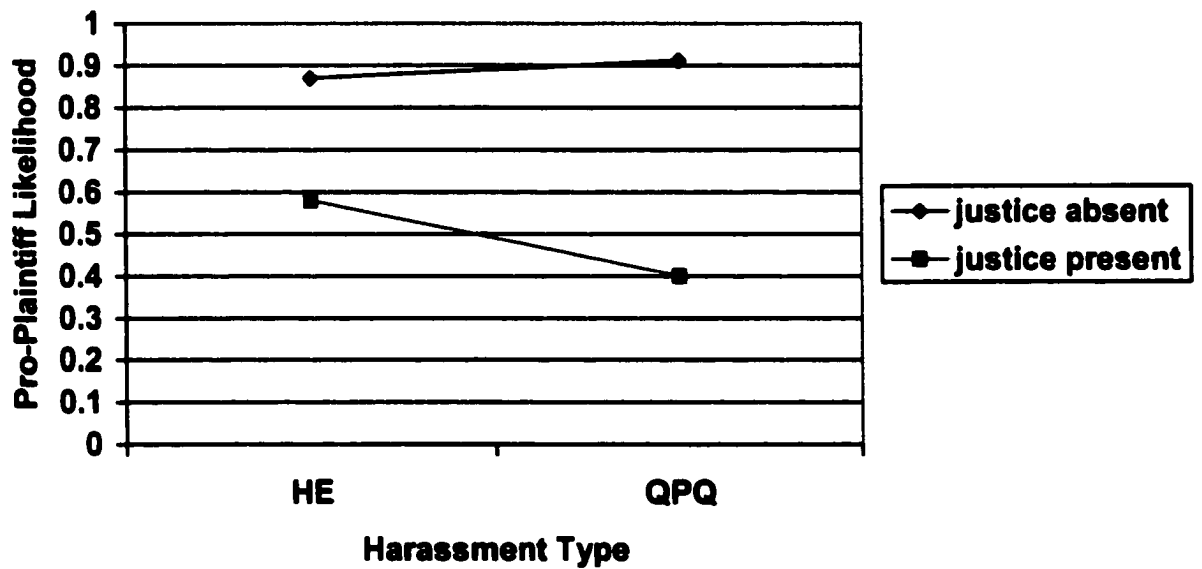


Figure 2: Effect of Scenario Type (hostile environment vs. quid pro quo) and Justice on Likelihood of a Pro-Plaintiff Decision

CHAPTER IV

DISCUSSION

Sexual Harassment Law Knowledge

The results of the present study were essentially consistent with the expectations regarding females and HR professionals' knowledge of sexual harassment law. While it is encouraging that the females and HR professionals in this sample had a basic grasp of what types of behaviors do and do not involve illegal harassment, there are key areas of the law where these samples lacked important information. First, females lacked knowledge of both liability (e.g., in which situations organizations may be liable) and procedural issues (e.g., filing deadlines and procedures) that would be crucial to understand when filing a harassment claim. This lack of knowledge is a concern because it could lead to frivolous lawsuits or could lead to someone needlessly suffering harassment when she could have taken action. While the present study shows that it is likely that women do have a basic understanding of what behaviors are illegal harassment, it is more likely that they may not know how to protect themselves if a harassment situation ever arises. For example, a woman might not understand that the company can be held liable for the harasser's behaviors or might not realize that she should take full advantage of the company's complaint procedures (when available) before beginning a legal inquiry. Second, if a woman does not understand the law and does not file a complaint in a timely manner, she may not be able to pursue her case under

the most stringent sexual harassment law, The Civil Rights Act of 1964. This could result in a woman's claim of harassment being thrown out in court if she does not have the evidence to back up a claim under less stringent laws, as happened in the lawsuit between Paula Jones and Bill Clinton (Laabs, 1998b).

It would be optimal if women first sought the assistance of a company representative in order to find out what the liability and administrative issues surrounding a sexual harassment incident might be. However, as this study shows, if a woman perceives that the organization lacks good procedures for dealing with harassment, she may never seek help from the organization. If a woman feels she has no one to turn to in the organization, or is in an organization that simply does not provide adequate information about filing harassment claims, she may end up not filing a claim in a timely manner, have no legal recourse, and/or continue to suffer the abuse of the harasser. The apparent lack of females' knowledge about a variety of sexual harassment law issues should be a message to both the legal community and to the organizations in which these people work. Educating the public on the law surrounding sexual harassment could go a long way towards helping prevent harassment, stopping harassment in a timely manner, and helping women decide which cases are better settled in the organization or in the courts.

It is also interesting to note that in some situations, women's level of harassment law knowledge affected their reactions to the scenarios. It appears that women with more knowledge of the law were better able to predict which cases would prevail in court (i.e., the ones with more severe harassment). Further, women with little knowledge of the law were more likely to say they would pursue a case and more likely to think that the case

would win, regardless of the severity of the harassment occurring. The moderation effects of harassment law knowledge were not large, but indications are that the effect does exist. Further research is needed to determine if knowledge of harassment law has a practical effect on women's reactions to harassment in actual workplace settings. Nonetheless, the fact that a woman's level of harassment law knowledge had some effects lends further support to the idea that educating women on harassment law is a worthwhile pursuit for organizations and could help avoid lawsuits that might be better handled with a company's internal complaint system.

In regards to HR professionals, it was encouraging that they had a higher overall level of knowledge of liability issues and general harassment law than females in general. HR professionals in the present sample clearly had a grasp of the basic issue surrounding sexual harassment law. However, it was disconcerting that 39% of HR respondents believed that the organization was always liable for harassment perpetrated by company employees. As previously discussed, one of the key recent issues coming from the Supreme Court has been that companies can use an affirmative defense in situations where a tangible job action was not taken against the alleged harassment victim (*Burlington Industries, Inc. v. Ellerth*, 1998 and *Faragher v. City of Boca Raton*, 1998). If all aspects of the affirmative defense are met, a company may be able to avoid liability. Therefore, it is essential that HR professionals be aware of which aspects of the affirmative defense they can control. On the other hand, the majority of HR professionals were able to realize that in the scenarios where justice (i.e., fair procedures, procedures, and interpersonal treatment) was absent, a few key changes (e.g., instituting a harassment

policy and procedures) that would be consistent with the affirmative defense would help to decrease a company's liability.

These results indicate that HR professionals may be confused about the law and simply feel that there are ways that they can minimize their company's liability but not ways that liability could be eliminated. As the rulings on the affirmative defense were just made in 1998, their impact may not have yet been felt by the typical HR professional within an organization. However, this finding may also indicate the need for HR professionals to receive up-to-date training on HR laws and liability issues subsequent to the 1998 Supreme Court rulings and 1999 EEOC documents explicating them.

Finally, HR professionals also did not perform well in regards to knowledge of a few key issues. The majority of HR professionals in this sample did not know that an alleged victim has to file a claim with the EEOC prior to obtaining representation from a private attorney. Further, the majority was not aware of the current monetary limitations on harassment lawsuits and/or the timelines that must be met for filing a claim of harassment with a government agency. While the correct information regarding these issues can be easily located in reference materials if necessary, it again points to the fact that additional training on harassment law might be warranted in many organizations. If HR is not fully prepared to handle all legal issues involved in harassment situations that may inevitably occur, an organization may be putting itself at risk for losing lawsuits that could have been swiftly handled within the organization.

Overall Reactions to Sexual Harassment

Because all of the scenarios in the present study involved depictions of illegal sexual harassment, it is instructive to look at the respondents' overall reactions to the

scenarios. While previous research (e.g., Clode, 1988; Gruber & Bjorn, 1982; Gutek, 1985) has found that females may tend to ignore harassment behaviors and do nothing about them, the present study displayed evidence to the contrary. When the data were collapsed across scenario type, scenario level, and level of justice, several trends were evident. Women indicated that it was unlikely that they would do *nothing* in response to a harassment situation, yet it was also unlikely that they would *quit* their jobs in reaction to being harassed.

Across all scenarios, 64% of women indicated it was likely or very likely that they would file an organizational complaint in response to the harassment and 32% indicated it was likely or very likely that they would pursue a lawsuit. Other studies (and particularly field studies) have found numbers much lower than this (e.g., see Jones & Remland, 1992). For example, it has been said that over 50% of women will use avoidance as their strategy to deal with harassment (Fitzgerald et. al, 1995). But, it should be remembered that most previous studies have not used a legalistic framework to define harassment and gauge subsequent reactions. Further, there is some evidence that reporting of harassment has been increasing as public awareness of this phenomenon grows (Wagner, 1992). As the female population in this study consisted of mainly traditional college-age students, one wonders if changes in responses to harassment might begin to show up in field studies as more women that grew up in an era where sexual harassment has been prevalent in the media and has been viewed as behavior that should not be tolerated enter the workforce. Specifically, Anita Hill accused Clarence Thomas of sexual harassment in 1991, and workplace harassment quickly became an openly discussed topic. This was at a time when current college students had likely not yet entered the workforce. Lab study

versus field study findings should continue to be tracked for any historical changes that may have begun over the last decade.

While the other samples' responses demonstrated the similar trends to the females, lawyers were significantly less likely to say they would recommend a female victim do nothing about harassment than females were to say they would do nothing. Similarly, lawyers were significantly less likely to say they would recommend a female victim do nothing about harassment than HR was to believe a victim would do nothing. Further, HR professionals were significantly more likely to think that a female victim would quit her job than a female was to say she would quit her job. Lawyers were significantly less likely than the other two groups to say they would recommend a female victim quit her job. Finally, contrary to the hypotheses, women and lawyers were equally likely to say that they would pursue an organizational complaint (or recommend a complaint be pursued) and females were significantly more likely to say they would pursue an organizational complaint than was believed to be the case by HR respondents.

It is encouraging to note that, in general, the subject groups agreed about the direction of a potential female victim's responses. Differences were more in terms of the magnitude of the likelihood of some responses. These differences in opinion may reflect that there are some differences in the reality of what might happen after a harassment scenario as opposed to a lawyer's opinion of the "best-case scenario" of what should happen. Lawyers would obviously be working in the best interest of their client in terms of optimizing the client's options for obtaining some recourse for the harassment she suffered. Unless she was in physical danger, it would not be in the client's best interest to quit her job before the situation was resolved nor would it be in her best interest to do

nothing about the harassment. On the other hand, the way female victims say they would react will likely be influenced by some emotions both in terms of what she feels she *should* do versus what she feels she *would* actually do. And, HR professionals are likely responding based on a more realistic view of what they have seen women do in the past in response to harassment. For example, lawyers would always recommend a women file an internal claim so that the organization cannot use the affirmative defense to avoid liability. After reading about a harassment scenario, a woman might respond that she would certainly file an internal organizational complaint. However, HR professionals likely realize that there are many things that can get in the way of the optimal response to harassment (e.g., a woman's fear of humiliation or retaliation) and may know of many harassment situations where the female victim never "officially" reported the harassment.

Further, women predicted a higher likelihood than HR professionals or lawyers of a legal case leading to a pro-plaintiff decision. When collapsed across all scenario variables, females, on average, indicated a 71%, HR a 50%, and lawyers a 45% probability of a legal case based leading to a pro-plaintiff decision. Previous research indicates that HR professionals and lawyers in the present study were likely the most realistic, as only about 30-50% of harassment cases that involve in legal action result in a pro-plaintiff decision (Fitzgerald et. al, 1995).

When taken together, the data indicated that women would take actions and lawyers would recommend actions that would be positive both for the individual and for the organization. Negative consequences would occur for both the alleged victim and the organization if the victim decided to (or a lawyer recommended that a female) quit her job as a first response to the harassment. Fortunately, it appears as if a first response to

harassment is likely to be filing a complaint, requesting a job transfer, or filing a lawsuit, as opposed to quitting the job. Deciding to quit a job could be costly in a number of ways. The individual must consider costs associated with potentially being unemployed and without health benefits until a suitable job is found. An organization must consider the costs associated with hiring and training a replacement, costs of the vacancy until a replacement is hired, and the costs of the initial loss of productivity with a new employee (Fitzenz, 1997). According to one survey done by William M. Mercer Inc., turnover costs an organization more than \$10,000 per employee who must be replaced (see Sunoo, 1998). Thus, filing an internal complaint would seem to be a much more appropriate initial response in most cases of harassment. And, it appears that females, lawyers, and HR professionals in the present study all realized this fact.

Effects of Harassment Scenario Type and Scenario Level

Because both scenario type (e.g., quid pro quo vs. hostile environment) and scenario level (e.g., mild vs. severe) were manipulated in the present study, much is now known about how the different samples reacted to different types of harassment situations. Both scenario type and level had significant effects on the way women reacted to the harassment. In other words, women had different patterns of reactions to the harassment scenarios depending on the type or level of harassment depicted such that, for example, in severe and quid pro quo scenarios, women were more likely to say they would pursue a lawsuit and felt they would be more likely to win a lawsuit. These results concur with Terpstra and Baker's (1992) previous research that found perceived seriousness of harassment behavior was one of the key factors affecting whether a harassment case is decided in favor of the alleged victim. Together, these studies show

that not only do judges look to factors such as seriousness of harassment behavior when deciding cases, but female victims also view these issues as important factors when determining what actions to take in response to harassment.

For the females in the present study, scenario type had a larger impact ($r^2 = .20$ vs. $r^2 = .09$) on responses than did severity of harassment. The larger effect for type of harassment makes sense given the fact that there was an obvious and tangible difference between quid pro quo and hostile environment scenarios. In quid pro quo scenarios, specific job actions were threatened (i.e., firing or withholding a raise). The differences between mild and severe harassment scenarios were less obvious and involved the same types of events (i.e., a sexualized work environment) happening to a different degree (e.g. comments directed towards the subject vs. comments about women in general). However, as will be discussed, it may not be fair to directly compare these two manipulations, as it may be that the way the severity manipulation was written caused it to not have as much impact as the harassment type manipulation.

On the other hand, the type and severity manipulations did not have significant effects in the overall MANOVA models for lawyers and HR professionals. The effects of the harassment type manipulation approached significance in both cases ($p = .08$ and $p = .07$) yet the effects of the severity manipulation did not ($p = .72$ and $p = .30$). It is likely that given larger sample sizes, the harassment type manipulation would have an overall significant effect on response patterns. And, as will be discussed, this manipulation did have effects at the univariate level. The lack of the severity effect for these two samples may be for the same reasons that severity had a lesser impact than did harassment type for females (i.e., severity may be a less salient manipulation than type). It might also be that

the professionals (HR and lawyers) are trained to recognize the quid pro quo versus hostile environment distinction and are not as influenced by what they may see as more subtle differences in behavior that are not as important in a legal sense.

While it interesting that respondents had different patterns of responses to the scenarios depending on the type and/or severity of harassment depicted, interpretations and conclusions about these responses are only interpretable by looking at specific reactions to the dependent measure items (e.g., at the univariate level). It is important to look at the specific reactions because if companies know which factors are most likely to prompt someone to file a lawsuit or take other actions that would affect the organization (e.g., quit), they can work towards preventing those factors from occurring in the first place. Further, data regarding lawyers and HR professionals' reactions to harassment have not been gathered in the past and are an important first step in determining the interplay between the reactions of various stakeholders in workplace sexual harassment situations.

First, females responding to quid pro quo scenarios were more likely to say that the harasser's behavior was illegal, that they would pursue a lawsuit, and that they would be likely to win a lawsuit as compared to females responding to hostile environment scenarios. This implies that companies likely need to be more concerned about potential lawsuits resulting from quid pro quo situations than hostile environment situations. However, this does not imply that companies should not be concerned about hostile environment harassment situations. Even subjects responding to hostile environment scenarios said it was unlikely they would do nothing about the harassment, and likely that they would file a complaint with the organization. It might be that women subjected to

hostile environment harassment would attempt to handle a complaint within the company, while women subjected to quid pro quo harassment are more likely to immediately consider legal action. This again reinforces the importance of having and communicating the company's own anti-harassment policies and procedures.

Second, type of harassment (i.e., hostile environment vs. quid pro quo) had more of an effect on females' responses than did the level of harassment (i.e., hostile environment vs. quid pro quo). Severity of harassment had a small effect on women's likelihood of indicating they would pursue a lawsuit. Women exposed to the severe scenarios were slightly more likely to indicate they would pursue a legal case than were women exposed to the mild scenario. A larger effect was found for women's likelihood of requesting a job transfer. Women exposed to severe scenarios were more likely to indicate that they would request a job transfer than were women exposed to mild scenarios.

Overall, it seems that while women can distinguish the severity of harassment behaviors, the distinction between quid pro quo and hostile environment harassment is more evident and perhaps more important to them. Again, this makes sense given that in quid pro quo harassment, a women's job or livelihood is often at stake. On the other hand, it is difficult to directly compare the type of harassment manipulation to the level of harassment manipulation. It may be that the two levels within each manipulation were not equally different in terms of a harassment continuum. The scenarios were written to be realistic, to depict only clearly illegal harassment situations, and to not be so severe or minor that the subjects either could not imagine the events happening or led them to question the illegality of the behavior. There might be two other examples of mild and

severe harassment that would show as much differential impact as the type of harassment manipulation. Thus, it should perhaps be said that among the manipulations used for the present study, harassment type had more of an impact than severity. However, this should be tested with other examples before it is determined that this is a general principle.

As expected, employment lawyers indicated that summary judgment for the defendant organization was more likely for hostile environment situations (47%) than for quid pro quo situations (36%), but obviously not highly likely in either case. This makes sense given the fact that all the scenarios presented here involved illegal harassment, yet summary judgment is reserved for situations where the plaintiff cannot even present evidence that discrimination *may* have occurred (Seyferth, 1999). Lawyers also indicated a higher likelihood of recommending that a potential client pursue a lawsuit as well as a higher likelihood that the plaintiff would win the lawsuit in quid pro quo situations versus hostile environment situations. Although hostile environment situations are no less “illegal” than quid pro quo scenarios, the latter may often seem more egregious to a judge or jury and may be more likely to end up in court versus end up in an out of court settlement. Further, quid pro quo situations are much more likely to lead to liability for an organization than are hostile environment situations (Conte, 1997; Dodge, 1998). The lawyers’ judgments also meshed with females’ perceptions of which cases were more likely to lead to lawsuit pursuit as well as lead to a pro-plaintiff decision.

Because lawyers can have a strong influence on their clients (Felstiner et. al, 1981), is important to note any potential disagreement in reactions to harassment. For these independent variables, it seems that females and lawyers are in basic agreement and

that lawyers would not likely influence women to take a completely different direction than intended. However, the specific effect of lawyers' responses on females' reactions was not tested here and is an important future line of research. Lastly, the severity manipulation did not have an effect on lawyers' judgments about either likelihood of recommending a lawsuit or the likelihood of the plaintiff winning the case.

The finding that the type of harassment (i.e., quid pro quo vs. hostile environment) has a more powerful effect on females, lawyers, and HR professionals' reactions to harassment than the severity of harassment is interesting considering the recent changes in harassment law. The recent Supreme Court decisions (*Burlington Industries, Inc. v. Ellerth*, 1998 and *Faragher v. City of Boca Raton*, 1998) attempted to eliminate the rigid distinction between quid pro quo and hostile environment harassment by setting forth a single set of guidelines for when employers may be liable in sexual harassment situations (Dodge, 1998). However, companies, lawyers, and courts may need to realize that the distinction between quid pro quo and hostile environment is well engrained in the minds of women. The results of this study also show this distinction is important to both lawyers and HR professionals. Again, a company policy that spells out harassment and liability issues may assist workers in understanding that hostile environment harassment is just as illegal as quid pro quo harassment. Further, clear communication and enforcement of the harassment policy may help a company avoid liability in cases of hostile environment harassment.

Effects of Organizational Justice

Although harassment type and/or severity each had an impact on reactions of different subject groups to the scenarios, the type of organizational justice depicted in

each scenario had important independent effects on the subjects' reactions. The effects of justice are of key importance because there is little previous research studying the relationship between organizational justice and females' reactions to sexual harassment incidents (i.e., Adams-Roy & Barling, 1998). In fact, the findings of the present study contradict the previously published study but fit nicely with the existing justice literature. Further, there has been no research on the effects of justice on the reactions of third party stakeholders (e.g., lawyers and HR) in harassment situations.

As predicted, when justice was absent, women indicated that they would be more likely to pursue a lawsuit than when justice was present or ambiguous. This lends further support to the notion that how a person is treated in regards to a perceived injustice (i.e., sexual harassment) is as important as what actually happens to the person (Cropanzano & Schminke, in press). Data from the present study also support the idea that the presence of characteristics of procedural and interpersonal justice (e.g., consistent policies, dignified treatment) decreases the likelihood of a person taking negative actions against an organization (Cropanzano et al., 1997). When justice was present, women were *less* likely to indicate that they would avoid their harasser, seek a job transfer, or quit their job.

When justice was present, women were *more* likely to indicate that they would file an organizational complaint than when justice was absent. This finding contradicts the Adams-Roy and Barling (1998) study which found a positive relationship between a lack of procedural justice and the incidence of a women reporting harassment behavior to the organization. Because justice was not experimentally manipulated in that study, it

may be that women who reported the harassment behavior were in a negative frame of mind when pursuing the claim and that a lack of justice may have become confounded with the incidence of a harassment incident (Adams-Roy & Barling, 1998). The reactions of women in the present study likely occurred because in situations where justice was present, women realized that the behaviors were illegal but also realized that the organization had fair procedures for dealing with the harasser. When justice was present, the women knew that something constructive would be done about the harassment, and that they would be treated respectfully when filing a complaint. So, the women in the present study were inclined to say they would use the system that the organization had in place when justice was present. At first glance, an organization might consider whether it would be better to not have a set system in place to deal with harassment, since when justice was absent the women were less likely to try to pursue a complaint internally. However, it appears that if justice is absent, women are much more inclined to immediately consider legal action. This is likely because they realize the harassment behaviors are illegal, but they also realize that their organization does not have a way to deal with harassment and/or they will not be treated respectfully when trying to get something done about the harassment.

Interestingly, the HR professionals and lawyers in the present study also recognized that when organizational justice was present in the situation, women would be more likely to (and lawyers would be more likely to recommend that women) file an organizational complaint than to file a lawsuit. In this situation, there was complete agreement. When treated with organizational justice after a harassment situation, women would be more likely to pursue an internal organizational complaint, lawyers would be

more likely to recommend that the female victim pursue an internal complaint, and HR professionals indicate that women would be more likely to file an internal complaint than when procedural justice was absent in the situation. All subject groups also indicated that an internal complaint would be a more likely and appropriate response than pursuing a lawsuit when justice was present in the harassment situation.

The results show that if organizations have fair standards and procedures in place to deal with harassment, all signs point to the idea that women will be more likely to use those procedures as opposed to seeking legal action. Developing an anti-harassment policy could save companies thousands or even millions of dollars in the long run since these policies are likely to help companies avoid the costs associated with an employee who quits her job and/or files a lawsuit against the company.

In addition to the independent effects of justice on reactions to sexual harassment scenarios, justice also had an interactive effect with scenario type, particularly for females and HR professionals. For females, level of justice moderated the effect between scenario type and probability of pursuing a lawsuit such that when justice was present, there was a smaller relationship between harassment type and probability of pursuing a lawsuit than when justice was absent or neutral. In effect, it seems that the presence of procedural justice may neutralize some of the effects of the type of harassment on probability of pursuing a lawsuit. This implies that even if a woman is harassed, she may not have as negative a reaction to more severe harassment if the organization implements its anti-harassment procedures fairly and if the woman is treated by organization representatives with dignity and respect.

The interaction between justice and type of harassment for HR professionals indicated that justice had more of an effect in *quid pro quo* versus hostile environment situations in terms of likelihood the organization would attempt to settle with the victim and in terms of likelihood of a pro-plaintiff decision. These results seem a bit confusing at first glance because HR professionals indicated a higher likelihood of an organization settling a case and a plaintiff winning a case in *hostile environment situations* where justice was present versus *quid pro quo situations* where justice was also present. One potential explanation is that HR professionals view the organization as more in control of hostile environment situations where a woman has been repeatedly subjected to a sexually charged environment over time. This might particularly be true when an organization has allowed swimsuit calendars in the office and lunchtime meetings at strip joints. An organization might not feel they have as much control over a supervisor who chooses to abuse his powers to take action against a female subordinate who spurns his sexual advances. Thus, when justice is present (e.g., anti-harassment policies are supposedly in place) and hostile environment situations still occur, an organization may feel they are more to blame than in *quid pro quo* situations. Further, as the results also indicate, HR professionals indicate that within *quid pro quo* situations, the presence of justice will decrease the likelihood of the organization settling and of the plaintiff winning a legal case. This makes sense in terms of liability guidelines that both the courts and the EEOC have explicated.

Not only will the presence of sexual harassment policies that are well communicated to the employees and that are uniformly enforced help avoid the negative actions of the victims described above, an anti-harassment policy can also help protect an

organization from liability in hostile environment cases. The Supreme Court has said that companies can use an affirmative defense in situations where a tangible job action was not taken against the alleged harassment victim (*Burlington Industries, Inc. v. Ellerth*, 1998 and *Faragher v. City of Boca Raton*, 1998). The affirmative defense has several components, but the Court has implied that a portion of this defense often involves a company showing that it has an anti-harassment policy that is well-communicated, consistently enforced, and has an explicit complaint procedure (Dodge, 1998).

While it is unclear whether HR professionals completely understand the affirmative defense (based on results of the knowledge test), the present data show that HR professionals believe a pro-plaintiff decision is more likely when justice is absent and also recognize that the HR department described in the scenario is not appropriately handling the situation when justice is absent. Qualitative content analyses also showed that HR professionals could identify specific ways an organization could decrease their likelihood of liability. And, these specific suggestions are consistent with both the affirmative defense as well as organizational justice principles.

Lawyers also indicated a significantly greater likelihood for a pro-plaintiff decision when justice was absent than when justice was present. This finding is important because the principles behind organizational justice have not previously been explicitly examined in the context of the likelihood of winning a sexual harassment legal case. The 1998 Supreme Court rulings as well as recent documents published by the EEOC (1999) imply that organizations will be afforded some legal protections when they have set and communicated clear anti-harassment policies as well as standardized procedures to deal with any harassment incidents. While there has not been enough time

yet to see if courts are actually using these new guidelines when deciding harassment cases, preliminary indications from lawyers surveyed for the present study are that these issues are important to the courts and should be taken seriously. It may be possible a few years down the road to analyze actual written court decisions to discern the importance of organizational justice in case decisions.

Limitations

Although the expected justice effects were found, the justice manipulation combined elements of both structural and interpersonal justice. The structural elements were operationalized as the existence of a policy that was fair, consistent, and ethical and the interpersonal elements were operationalized as treating the harassment victim with dignity and respect during the complaint process. Future research might separately investigate the effects of structural and interpersonal aspects of justice on women's reactions to sexual harassment. Previous research has found that structural and interpersonal aspects of justice are highly related and often have similar consequences (see Cropanzano & Greenberg, 1997) but in some cases may have different correlates (Colquitt, in press). So, the different aspects of justice might more strongly affect some reactions to harassment over others. For example, if a company lacks a harassment complaint procedure, this may prompt a woman to seek legal recourse because the company cannot help her. However, if a company has an anti-harassment policy yet disrespectfully treats a woman using this process, a woman might be more inclined to leave the company if she feels they do not value and respect her.

Another general limitation of the present study is that the female data was collected in a lab setting with undergraduate students. While this type of setting is not as

realistic as conducting the study with employees in corporations, it has its advantages. By conducting the study in a lab setting, greater experimental control was possible. Further, all but one of the students had at least part-time work experience. Therefore, the concept of harassment in the workplace should have seemed relevant to the subjects. On the other hand, the HR and lawyer samples were professionals working in the field. A trade-off here occurred between using professionals with real world experience and being able to randomly select participants for inclusion and having control over the setting in which the study was conducted. It can be stated that the lawyer and HR samples were *diverse*. They came from states all across the US, a variety of types of organizations or law firms, and had varying levels of professional experience. However, because these samples were not randomly selected, it cannot necessarily be said that they were *representative* of the HR and legal communities as a whole. Further, because of the anonymous nature of the survey, it cannot be determined if respondents were systematically different from non-respondents on any key characteristics.

It should be noted that the data for the female sample were collected a few months prior to the data for the HR and lawyer samples. Although there is always a potential concern that collecting data over different periods of time could have some unintended effects on the outcomes (e.g., Cook and Campbell, 1979), this is not likely an issue here. First, there were no Supreme Court decisions related to sexual harassment that were handed down during the time period of the data collection. Further, the author is not aware of any sexual harassment cases that made national headlines and occurred between the time that the female data and the rest of the data were collected.

Also, the design of the present study involved reading harassment scenarios as opposed to reacting to actual harassment behaviors. Sexual harassment is an emotion-laden issue and reading about harassment is not the same as actually experiencing harassment. However, it would be ethically questionable to subject women to harassment behaviors in an experimental setting and then have the victim, HR professionals, and lawyers react to the situation. For this reason, scenario studies have frequently been used to study sexual harassment (e.g., Dougherty, Turban, Olson, Dwyer, & Lapreze, 1996; Perry, Kulik, & Schmidtke, 1997). Further, it would be impossible to systematically examine all of the factors that were examined in the present study (i.e., harassment type and level and type of procedural justice) if conducting this study on women that actually experienced harassment in the workplace. Once effects have been consistently found in experimental settings, it may then be appropriate to attempt to test some of the same questions in work settings where women have actually experienced harassment.

Future Research

The present study investigated only three variables of a large number of variables that are involved in sexual harassment situations. Previous research has identified numerous variables (e.g., duration of harassment, status of harasser) involved in harassment situations (Terpstra & Baker, 1988, 1992). Future research that takes a systematic look at reactions of various stakeholders to these variables would also be fruitful. Further, future research done with methods other than written scenarios (e.g., videotaped scenarios or actual victim experiences) would be an important step beyond the present study.

One interesting aspect of the present study involved the response from the professional samples. At the outset, it was feared that it would be difficult to garner the interest and support from employment lawyers, as lawyers are notably busy, operate in a world of billable hours, and may not have been exposed to the purpose and usefulness of psychological research in the past. However, it turned out that the lawyers had a higher than expected response rate and were often very forthcoming with additional unsolicited comments about the survey in the form of comments written on the survey, emails, faxes, and even phone calls to the researcher. It seems that lawyers are a relatively untapped research population and have a lot of valuable knowledge and experience of which researchers should take advantage. Future research in this area and other areas of employment law should use lawyers as more active participants in the research process.

On the other hand, it was extremely difficult to gain the participation of HR professionals, even though it seems they would have a vested interest in this type of research. Based on communications with various HR professionals and Society for Human Resource Management (SHRM) representatives, it seems that HR professionals have been grossly “over-sampled” and have likely started to ignore most surveys that come their way. In fact, SHRM itself regularly administers surveys to its HR professionals and gets response rates around 5% (e.g., see www.shrm.org). HR professionals obviously are a valued research population, but future researchers will have to search for innovative ways to gain their interest in participation in psychological research.

Conclusion

The present study took a first step towards taking a multiple stakeholder and legalistic approach to reactions to workplace sexual harassment situations. By examining the reactions of stakeholders other than victims in sexual harassment cases, the broader picture of the processes occurring after a harassment incident has become clearer. It appears that female victims, lawyers, and HR professionals have many similar reactions to varying harassment situations, but that their specific reactions may depend, to some extent, on the perspective from which they are viewing the scenarios. Further, sexual harassment law has had a complicated history and it seems this may have affected females and HR professionals' knowledge and understanding of the law such that future educational efforts are warranted.

The present study represents a good start to uncovering many of the issues that affect stakeholders' reactions to sexual harassment incidents. Knowledge of sexual harassment law, the type and severity of harassment, and the level of procedural justice present in a harassment situation are all issues that may affect how women, HR professionals, and/or lawyers react to harassment. Sexual harassment is not a phenomenon that occurs only between a harasser and a victim. It is a phenomenon that occurs within a larger organizational context and that may be affected by the interplay between a variety of factors such as individual differences (i.e., knowledge of the law), type and severity of harassment, and presence or absence of structural and interpersonal procedural justice.

Because other stakeholders such as HR and lawyers may become involved, it is important to study sexual harassment from multiple perspectives in order to gain a more

comprehensive view of this complex and often destructive phenomenon. Finally, the principles of organizational justice seem to be implicitly understood by the courts, HR professionals, and lawyers. However, the impact and importance of principles of organizational justice should be made more explicit in the future because of their large impact on female victims' reactions to workplace harassment as well as lawyers' recommendations of the actions female victims of harassment should take. An organization which takes the time to ensure they have a structurally and interpersonally just anti-harassment policy and complaint system may be able to save their organization millions of dollars in legal and personnel related expenses. Further, treating employees with fairness and respect is simply the right thing to do.

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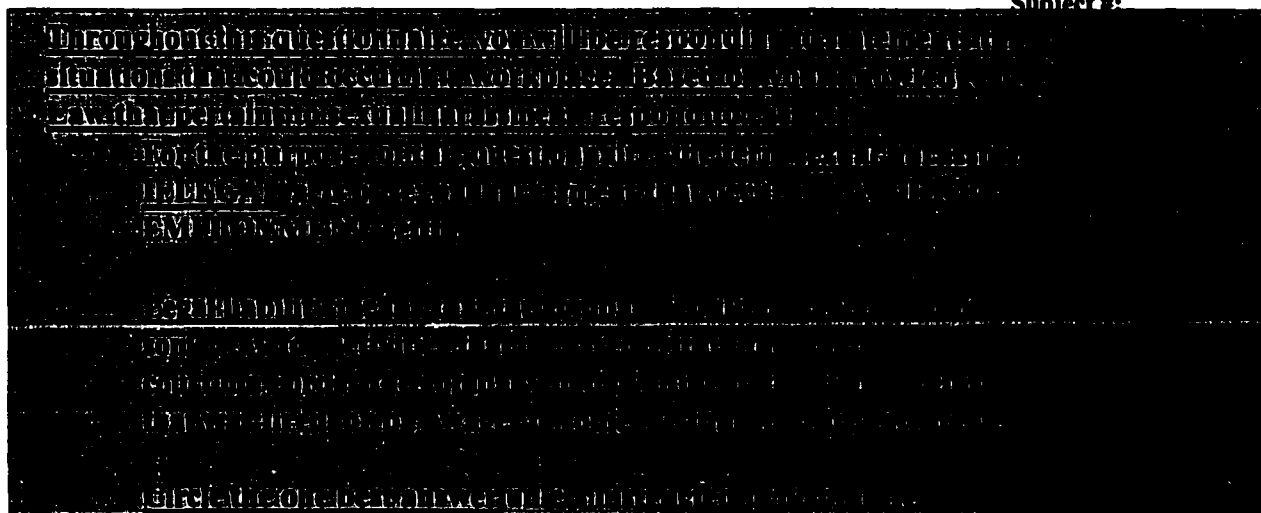
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Appendix A
Sexual Harassment Knowledge Questionnaire



1. Illegal sexual harassment can occur only if one employee **physically touches** another employee. True or False
2. Illegal sexual harassment in the workplace only occurs if a person with power (i.e. a supervisor or boss) is involved, as opposed to if two workers of equal status (i.e., co-workers) are involved. True or False
3. Sexual harassment can occur between employees of the same sex (male to male or female to female). True or False
4. A tangible job action would include an action such as firing or demotion. A verbal threat of firing would not be a tangible job action. Based on this information, please respond to the following statement: Illegal sexual harassment has occurred only if a tangible job action is taken against an employee. True or False
5. Which of the following would be considered illegal behavior in the workplace? **Select ALL that apply.**
 - a. A worker overhears another employee telling a sexually explicit joke and is offended by it. This is the only time it has happened.
 - b. A worker is offended by having to work in an environment where dirty jokes and sexual innuendo are constantly occurring and are disrupting his/her ability to work.
 - c. A supervisor asks a subordinate out on a date, and the subordinate has previously shown interest in starting a relationship.
 - d. A supervisor decides to refuse a raise that a subordinate has requested because the subordinate refused to go on a date with the supervisor.
6. If a court determines that illegal sexual harassment behaviors have occurred in the workplace, the company in which the victim worked is always legally liable. True or False
7. Verbal remarks of a sexual nature could be considered illegal sexual harassment in the workplace. True or False
8. In order for an employer to be legally liable for sexual harassment behaviors, the employee must have reported the behavior to his/her immediate supervisor within the company. True or False
9. An employer cannot be found legally liable for sexual harassment behaviors occurring in that organization if the employer has an anti-harassment policy in place. True or False

10. Assume that an employer claims to not know about sexually harassing acts that were occurring in the organization. However, the court determines that the employer should have known those behaviors were occurring and failed to take action. Can the employer be held liable? **Yes or No**
11. According to the law, all employers must have a policy that addresses the issue of sexual harassment behaviors in the workplace. **True or False**
12. In order for an employer to avoid legal liability for sexual harassment behaviors of its employees, what must occur? **Select ONE**
 - a. The employer must prove that it had a policy in place to deal with harassment complaints and all employees were informed about the process.
 - b. The employee claiming harassment unreasonably failed to use this process
 - c. no tangible job consequence occurred.
 - d. **All of the above must occur**
 - e. If the behaviors that occurred were clearly illegal, the company can always be held legally liable.
13. Compensatory damages involve awarding money to a victim to compensate the victim for direct losses (e.g., job loss). Based on this information, please respond to the following statement: Victims of sexual harassment have always been able to seek compensatory damages from their employer or supervisor. **True or False**
14. If an employee feels that he/she has been sexually harassed, he/she can go directly to a private attorney and hire that attorney to sue the supervisor and/or the employer. **True or False**
15. An employer is only liable for a supervisor's sexual harassment behaviors if tangible job consequences (e.g., firing or demoting the victim) occurred. **True or False**
16. When someone commits an act of illegal sexual harassment, which federal law is he or she violating? **Select One.**
 - a. The Civil Rights Act of 1866.
 - b. The Family and Medical Leave Act of 1993
 - c. The Sexual Harassment Victims' Act of 1990
 - d. **The Civil Rights Act of 1964**
 - e. All of the above
17. If a court rules that behaviors that occurred in the workplace were illegal sexual harassment, how much can a victim seek in compensatory & punitive (money imposed to punish the harasser) damages from a large employer (500+ employees)? **Select One**
 - a. \$50,000
 - b. \$100,000
 - c. \$200,000
 - d. **\$300,000**
 - e. \$500,000
18. What is the deadline for non-federal employees to file a sexual harassment claim with the Equal Employment Opportunity Commission (if no state agency has jurisdiction)? **Select One**
 - a. 60 days after the incident occurred
 - b. 120 days after the incident occurred
 - c. **180 days after the incident occurred**
 - d. 365 days after the incident occurred
 - e. There is no deadline. You can file a claim at any time after the incident.

APPENDIX B

**INSTRUCTIONS FOR THE SCENARIOS AND DESCRIPTIONS OF THE
TYPE, SEVERITY, AND JUSTICE MANIPULATIONS**

Female Instructions

Assume that you work at the organization described below and that the following set of circumstances is currently happening to you...

Lawyer Instructions

Assume that a female potential client approached you and recounted the following series of events that occurred to her at her workplace. She is seeking guidance and advice in regards to potentially seeking a sexual harassment claim against her employer. Filing a sexual harassment claim would be in addition to the steps she has already taken with her employer. Also assume that she has received a "right to sue" letter from the EEOC. Assume that the female's version of the events is true.

Human Resource Professional Instructions

Assume that you recently attended your community's monthly meeting of human resource professionals. At this meeting, you spoke an HR colleague whose company is currently dealing with an allegation of sexual harassment. Your colleague recounts the following series of events that occurred to a female employee, Sue, at the company. Assume that everything Sue has alleged is the true sequence of events as they occurred. As you read through this scenario, think about how you, as an HR professional would respond to this type of situation. Also consider that your colleague is seeking insight into how the victim might respond and whether or not this situation is being handled appropriately.

Scenario Type and Severity Manipulations

Quid Pro Quo, Mild

- You (*Sue/the potential client*)⁶ have worked at The Smith Corporation for three years, have consistently been given **positive performance appraisals** by your (*her*) supervisor, and have received the **normal raises and promotions** that someone in your (*her*) position could expect. Six months ago, the supervisor you (*Sue*) had been working with for the past three years left the organization and **a new supervisor was hired**.
- Almost since the new supervisor starting working in your (*Sue's*) department, he has been asking you (*her*) **to go out on a date** with him. You have (*Sue has*) consistently refused his requests and have tried to convey the point that you do not (*she does not*) want to mix working relationships with personal relationships.
- Last week (*a few months ago*) your (*Sue's*) annual review occurred. This is the time of year that everyone is reviewed and merit raises are given. You have (*Sue has*) received your (*her*) **merit raise every year** in the past.
- This year, your (*Sue's*) **new supervisor gives you (*her*) a poor performance appraisal**. He makes comments to the effect that your (*her*) work does not meet his standards and that you (*she*) will have to change not only your (*her*) job performance but also your (*her*) attitudes towards him if you (*she*) ever want to receive another raise.
- Your (*Sue's*) supervisor **does not give you (*her*) the raise** you (*she*) had been expecting and which all of your (*her*) similarly situated co-workers **did** receive. Prior to the day of your (*her*) review, your (*Sue's*) supervisor had not mentioned your (*her*) performance needing improvement and had in fact complimented your (*her*) performance several times, even awarding you (*her*) "employee of the month" three months ago. The only explanation for the supervisor's actions is that he will not give you (*Sue*) a raise until you (*she*) agree to go on a date with him.

Quid Pro Quo, Severe

- You have worked at The Smith Corporation for three years, have consistently been given **positive performance appraisals** by your supervisor, and have received the **normal raises and promotions** that someone in your position could expect. Six months ago, the supervisor you have been working with for the past three years left the organization and **a new supervisor was hired**.
- Almost since the new supervisor starting working in your department, he has been making **sexual advances** towards you. You have suffered not only uninvited and offensive touching, but have also been subject to his repeated **requests for sexual favors**. You have consistently **refused his requests** and have tried to convey the point that you do not want to mix working relationships with personal relationships.
- Last week, your annual review occurred. This is the time of year that everyone is reviewed and merit raises are given. You have received your **merit raise every year** in the past.
- This year, the **new supervisor gave you a poor performance appraisal and threatened to fire you** if certain things do not change. He said that your work does not meet his standards and that you will have to change not only your job performance but also your attitudes towards him if you want to keep your job. Further, the supervisor promised to change your poor performance review to a more favorable review and to **not fire you if you agreed to submit to a certain sexual favor** right then. You refused and left his office.
- Prior to the day of your review, the supervisor had not mentioned your performance needing improvement and had in fact complimented your performance several times, even awarding you "employee of the month" four months ago. The only explanation for the supervisor's actions is that he **plans to fire you** if you do not submit to his requests for sexual favors.

⁶ Words given in *parentheses* are examples of how the wording was changed to make the scenarios appropriate for the different samples (i.e., human resource professionals and lawyers).

Hostile Environment, Mild

- You have worked at The Smith Corporation for three years, have consistently been given **positive performance appraisals** by your supervisor, and have received the **normal raises and promotions** that someone in your position could expect. Six months ago, the supervisor you had been working with for the past three years left the organization and **a new supervisor was hired**.
- Almost since the new supervisor starting working in your department, you have felt uncomfortable about the new atmosphere in which you have to work. Your supervisor often tells **degrading jokes about women** and they are often **sexual in nature**. Further, he hung up a calendar with pictures of swimsuit centerfold models in the break room.
- The men in your department have started to join in the spirit of the degrading jokes and often comment on how much they like the new calendar. Your supervisor also said that he wished the women in the office dressed and looked more like the ones in the calendar.
- You approached your supervisor about feeling uncomfortable working in the office because of the above issues. However, he **laughed** you off saying it was just all in good fun and that you needed to learn how to have a good time.
- Even after you speak to your supervisor, the behaviors that offend you and make it **difficult for you to concentrate** on your own job continue. You soon realize that your **work is suffering** because of the sexually charged environment in which you have to work. However, there is **no indication** that your supervisor is going to take any job-related action (such as firing you or withholding your normal raises) simply because you don't join in with the men's office antics.

Hostile Environment, Severe

- You have worked at The Smith Corporation for three years, have consistently been given **positive performance appraisals** by your supervisor, and have received the **normal raises and promotions** that someone in your position could expect. Six months ago, the supervisor you had been working with for the past three years left the organization and **a new supervisor was hired**.
- Almost since the new supervisor starting working in your department, you have felt uncomfortable about the new atmosphere in which you have to work. Your supervisor often tells **degrading jokes about women** and they are often **sexual in nature**. Further, he hung up a calendar with pictures of swimsuit centerfold models in the break room.
- The men in your department have also started taking potential company clients out to strip joints for lunch "meetings." You feel this puts you at a disadvantage towards obtaining certain clients because you would feel uncomfortable doing business in that atmosphere.
- Your supervisor has made comments about your attire, indicating that he prefers it when you wear short skirts. He also often comes to your desk and rubs your shoulders when he thinks you look tense.
- You approached your supervisor about feeling uncomfortable working in the current office environment and about his unwelcome touches. However, he **laughed** you off saying it was just all in good fun and that you needed to learn how to relax and have a good time.
- Even after you speak to your supervisor, the behaviors that offend you and make it **difficult for you to concentrate** on your own job continue. You soon realize that your **work is suffering** because of the sexually charged environment in which you have to work. However, there is **no indication** that your supervisor is going to take any job-related action (such as firing you or withholding your normal raises) simply because you don't join in with the men's office antics.

Justice Manipulations

Justice Present

- *(After you do not receive your raise) or (After you realize your supervisor's intent to fire you), or You decide to investigate what type of policy the company has against sexual harassment (as you think some people might perceive these behavior to be harassment)*⁷. You pull out the training manual you received when you went through the company's orientation program and find out that the company has a **zero tolerance policy for harassment**. The company also has a **confidential complaint procedure** set up whereby you speak to a human resource representative to file a complaint.
- You speak to a trusted co-worker and hear that several years ago she had a sexual harassment complaint against a different supervisor. At that time, the company had quickly and discretely handled the matter for her. Overall, the co-worker was very pleased with the resolution.
- You next go speak to the human resource person about potentially filing a claim of sexual harassment against your supervisor. The HR representative is very **helpful, understanding** of your predicament, lets you **talk at length about the problems** with your supervisor, and treats you with the utmost **dignity**. The representative says that they have a strict policy on harassment and that a complaint can be filed quickly and easily.

Justice Absent

- *(After you do not receive your raise) or (After you realize your supervisor's intent to fire you), or You decide to investigate what type of policy the company has against sexual harassment (as you think some people might perceive these behavior to be harassment)*. You pull out the training manual you received when you went through the company's orientation program and find a general policy about "employee relations" that says company employees should treat each other with dignity and respect. However, you do not locate a policy that is specific to sexual harassment behaviors. You phone a human resource representative and she confirms that the company does not have a policy that explicitly prohibits sexual harassment.
- You also inquire about the company's process for filing a complaint about the behaviors. The representative says that there is no formal complaint process but that you could come talk to her about it if you really felt it was necessary.
- You speak to a trusted co-worker and hear that several years ago she had a sexual harassment complaint against a different supervisor. At that time, the company had ignored her requests to investigate the matter and said that she probably just misunderstood the supervisor's behavior. The co-worker had only remained with the company because the supervisor received a job offer from another company and left soon after the incident. Overall, the co-worker was **very dissatisfied** with the way her complaint was handled.
- You next go speak to the human resource person about potentially filing a claim of sexual harassment against your supervisor. The HR representative is very **unhelpful**, doesn't seem to believe your version of the story, **cuts you off** when you try to discuss the details of the recent problems with your supervisor, and makes you **feel ashamed** about what has happened. She says that if you have a problem with your supervisor, you need to confront him yourself. There is nothing the human resource person seems willing to help you with in regards to filing a formal complaint.

⁷ Wording here varied in regards to which scenario was being referred to (i.e., hostile environment or quid pro quo) as well as which sample group was being measured (i.e., females, HR, or lawyers).

Justice Ambiguous

- *(After you do not receive your raise) or (After you realize your supervisor's intent to fire you), or You decide to investigate what type of policy the company has against sexual harassment (as you think some people might perceive these behavior to be harassment).* You pull out the training manual you received when you went through the company's orientation program and find out a **vague mention that a sexual harassment policy is currently being discussed** by human resources. However, you can't really remember receiving anything more recently about a policy. You also **don't find anything about a specific complaint process** regarding sexual harassment.
- You ask a few co-workers if they know anything about the complaint process for problems with supervisors and they mention that human resources has a good grievance process for other types of disputes, such as compensation. However, no one mentions a complaint process for sexual harassment.
- You speak to a trusted co-worker and hear that several years ago she had a sexual harassment complaint against a different supervisor. At that time, the company had not thoroughly investigated the matter, did not seem to empathize with her, and said that she probably just misunderstood the supervisor's behavior. Overall, the **co-worker was somewhat dissatisfied** with the way her complaint was handled.
- However, you speak to another co-worker who says that when she had a sexual harassment complaint, the company had treated her kindly and had tried to investigate the situation for her. This **co-worker was basically satisfied** with her resolution.

APPENDIX C

**DEPENDENT MEASURE FOR FEMALES, LAWYERS, AND HUMAN
RESOURCE PROFESSIONALS**

Females

Instruction: While you read the scenario, think about how you would respond if you were in the situation. Use the scale below to determine how likely you would be to do each of the following:

1. Based on the scenario you just read, how likely would you be to do each of the following? Use the scale below to determine, on a 1-7 scale, how likely you would be to do each of the following:

1	2	3	4	5	6	7
Very unlikely	unlikely	somewhat unlikely	unsure	somewhat likely	likely	very likely

- | | |
|--|-------|
| a. Do nothing- go on with my job as usual. | _____ |
| b. Try to avoid my supervisor, but continue my job as usual. | _____ |
| c. File a formal complaint with the organization. | _____ |
| d. Request a transfer to a different supervisor. | _____ |
| e. Quit my job (leave the organization). | _____ |
| f. Pursue a lawsuit (speak to someone about my legal options). | _____ |

- 2a. Do you believe that the behaviors described in the scenario are **ILLEGAL** sexual harassment? Circle ONE

Yes (1)

No (0)

- 2b. How confident do you feel about your yes/no judgment? Select ONE

_____ Very sure (5)
 _____ Somewhat sure (4)
 _____ Neutral (3)
 _____ Somewhat unsure (2)
 _____ Very unsure (1)

3. All else being equal (for example, you had the time and the money), how likely would you be to pursue a legal case if the actions in the scenario happened to you?

Based on 0% being very unlikely and 100% being very likely, please determine a likelihood that you would pursue a lawsuit if this scenario occurred:

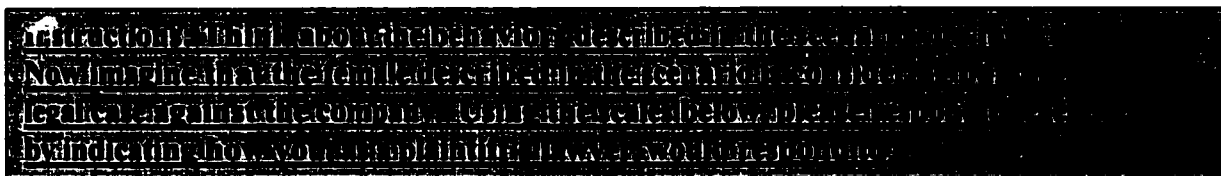
(0-100%) _____

4. If you were to pursue a legal case and have a trial in court, how likely do you think you would be to win a judgment against your supervisor?

Based on 0% being very unlikely and 100% being very likely, please determine the likelihood that you would win a judgment if this scenario occurred:

(0-100%) _____

Lawyers



1. Based on the scenario you just read, how likely would you be to recommend each of the following actions to the female that has sought legal assistance?

Use the scale below to determine, on a 1-7 scale, how likely you would be to *recommend* to the female victim that she engage in each of the following behaviors:

1	2	3	4	5	6	7
Very unlikely	unlikely	somewhat unlikely	unsure	somewhat likely	likely	very likely

- | | | |
|----|---|-------|
| a. | Do nothing- go on with her job as usual. | _____ |
| b. | Try to avoid her supervisor, but continue her job as usual. | _____ |
| c. | Continue pursuing a formal complaint and investigation within the organization. | _____ |
| d. | Request a transfer to a different supervisor. | _____ |
| e. | Quit her job (leave the organization). | _____ |
| f. | Pursue a lawsuit | _____ |

- 2a. Do you believe that the behaviors described in the scenario are **ILLEGAL** sexual harassment?

Circle **ONE** Yes (1) No (0)

2b. How confident do you feel about your yes/no judgment? Select **ONE**

- _____ Very sure (5)
 _____ Somewhat sure (4)
 _____ Neutral (3)
 _____ Somewhat unsure (2)
 _____ Very unsure (1)

3. Based on 0% being very unlikely and 100% being very likely, please determine the following:

- a. If the victim pursued a legal case and the defendant organization (The Smith Corporation) requested summary judgment, how likely do you think it would be for the judge to grant summary judgement in favor of The Smith Corporation? (0-100%) _____
- b. If the victim decided to pursue a legal case, how likely do you think it would be for the defendant organization to offer to settle the case before it reached trial? (0-100%) _____
- c. If the victim decided to pursue a legal case and the case made it to trial, how likely do you think it would be that the trial would result in a judgment against the organization and for the plaintiff? (0-100%) _____

Human Resources Professionals



1. Based on the scenario you just read, how likely do you feel it is that Sue will take the following actions?

Use the scale below to determine, on a 1-7 scale, how likely you feel Sue will be to engage in each of the following behaviors:

- | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---------------|--|-------------------|--------|-----------------|--------|-------------|
| Very unlikely | unlikely | somewhat unlikely | unsure | somewhat likely | likely | very likely |
| a. | Do nothing- go on with her job as usual. | | | | | |
| b. | Try to avoid her supervisor, but continue her job as usual. | | | | | |
| c. | Continue to pursue a formal complaint and investigation within the organization. | | | | | |
| d. | Request a transfer to a different supervisor. | | | | | |
| e. | Quit her job (leave the organization). | | | | | |
| f. | Pursue a lawsuit | | | | | |

- 2a. In your professional opinion, do you believe that the behaviors described in the scenario are **ILLEGAL** sexual harassment? Circle ONE Yes (1) No (0)

2b. How confident do you feel about your yes/no judgment? Select ONE

- ☐ Very sure (5)
☐ Somewhat sure (4)
☐ Neutral (3)
☐ Somewhat unsure (2)
☐ Very unsure (1)

3. How likely do you think it is that Sue will pursue a sexual harassment lawsuit against her company?

Based on 0% being very unlikely and 100% being very likely, please determine a likelihood that Sue will pursue a lawsuit:

(0-100%) _____

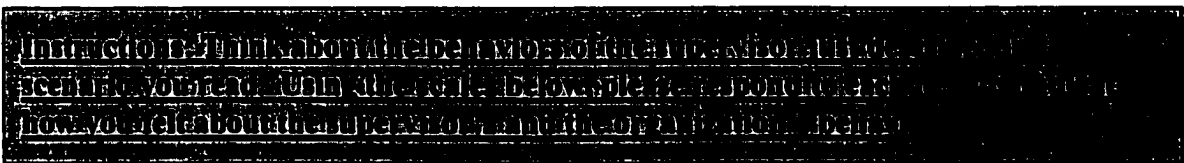
4. Based on 0% being very unlikely and 100% being very likely, please determine the following:

- a. If the victim decided to pursue a legal case, how likely do you think it would be for the defendant organization to offer to settle the case before it reached trial? (0-100%) _____
- b. If the victim decided to pursue a legal case and the case made it to trial, how likely do you think it would be that the trial would result in a judgment against the organization and for the plaintiff? (0-100%) _____

Your colleague has not had much experience dealing with sexual harassment allegations so is seeking your professional opinion about how to handle the situation.

5. Based on the reaction that Sue, the victim, received from the human resource department when she began to investigate her options, do you believe this situation is being handled appropriately? Circle ONE Yes (1) No (0)
6. Is there anything different the company can do to help themselves avoid legal liability for this situation?

APPENDIX D
MANIPULATION CHECK



1. In the previous scenario, which of the following was true? Select ONE

- ☐ The supervisor was going to take some tangible job action (e.g., withhold a raise or fire Sue) if Sue's behavior towards him did not change. (1)
- ☐ Sue felt uncomfortable in her work situation, but she didn't feel that her job situation was in jeopardy. (2)

2. Where would you place the behaviors of the SUPERVISOR described in the scenario you just read? Select ONE

- ☐ Very severe sexual harassment (5)
- ☐ Severe sexual harassment (4)
- ☐ Moderate sexual harassment (3)
- ☐ Mild sexual harassment (2)
- ☐ Very mild sexual harassment (1)
- ☐ I do not believe the described behaviors were sexual harassment at all. (0)

3. To what extent does this organization deal fairly or justly with women who encounter offensive behaviors in the workplace and want to pursue a complaint against the alleged perpetrator? Select ONE

- ☐ Very Fair/Very Just (5)
- ☐ Fair/Just (4)
- ☐ Neutral (3)
- ☐ Unfair/Unjust (2)
- ☐ Very Unfair/Very Unjust (1)

APPENDIX E
DEMOGRAPHIC QUESTIONS

Demographic Questions for Females

1. How much full-time work experience (40 hrs/wk) have you had?
_____ years & _____ months
2. How much part-time work experience have you had? _____ years & _____ months
3. How much volunteer experience have you had? _____ years & _____ months
4. What is your age? _____
5. What is your college major? _____

Demographic Questions for Lawyers

1. Please list your: age: _____ race: _____ gender: Male or Female
2. How long have you been a practicing lawyer? _____
3. In which state do you practice? _____
4. Is employment discrimination law one of your specialties?
 - a. Yes
 - b. No

If you answered no, what is your specialty?

5. Have you ever represented a client in a sexual harassment lawsuit?
 - a. Yes
 - b. No

If you answered yes, approximately how many times have you been involved in a sexual harassment lawsuit?

- a. 1-5 times
- b. 6-10 times
- c. 11-20 times
- d. 20+ times

Demographic Questions for HR Professionals

1. Please list your: age _____ race: _____ gender: Male or Female
2. What is your current job title? _____
3. In what type of industry do you work?
 - a. High technology
 - b. Manufacturing
 - c. Retail
 - d. Service
 - e. Other: _____
4. How long have you worked in a human resources capacity? _____
5. Have you ever been involved in investigating a sexual harassment claim within a company for which you worked?
 - a. Yes
 - b. No

If you answered yes, what was the result of the claim or claims you have investigated?

Circle all that apply to cases in which you have been involved.

- a. the claim was eventually dropped by the alleged victim
- b. the alleged victim filed a claim with the EEOC and the EEOC handled the resolution
- c. the alleged victim filed a lawsuit
- d. the organization for which I work(ed) agreed to an out of court settlement with the alleged victim
- e. the case went to trial in a court

If you answered no, have you ever been involved in investigating any other type of employment discrimination claim (e.g., race or age discrimination)?

- a. Yes
 - b. No
6. Have you ever had to file a formal response (on behalf of your company) to an EEOC investigation of employment discrimination?
 - a. Yes
 - b. No

APPENDIX F

SUBJECT DEBRIEFING STATEMENTS

Females

Now that you have completed this study, I would like to tell you more specifics about the procedures involved, as well as more about sexual harassment laws in general. The purpose of this study is to investigate how much knowledge the public has of sexual harassment laws, how well women can differentiate between different "types" of sexual harassment behaviors that the courts have tried to differentiate between, and to determine how the actions of the organization affect how women react to sexual harassment behaviors by supervisors.

First, Sexual harassment law is in a continuous state of change. The original concept came from the Civil Rights Act of 1964, but the laws have grown through subsequent Supreme Court Decisions. Sexual Harassment cases, if taken to court, are pursued based on the theory of gender discrimination. Because of the confusing nature of the laws, it is important to assess the public's understanding of these laws.

Second, this study investigated the effects of different levels of fairness on reactions to the sexual harassment behaviors. Previous research has found that even when an adverse action is taken against a person in an organization, if the organization responds with fair procedures and treatment surrounding the incident, the person will not necessarily hold it against the organization and/or may not want to take adverse actions against the organization. The present study will investigate whether this phenomenon also operates in sexual harassment situations.

I now want to take a few moments to discuss the answers to the sexual harassment questionnaire and to discuss campus resources which can help you deal with sexual harassment behaviors if you encounter them while a student at CSU.

(GO OVER ANSWERS TO QUESTIONNAIRE and ANSWER ANY QUESTIONS THAT SUBJECTS HAVE)

Following are some campus resources you may find helpful:

CSU has a **Personal Abuse Policy** (p. 14, General Catalogue, 1997-1999 edition) which forbids sexual harassment. To report an incident of sexual harassment that occurred at CSU contact: the **Director of Personnel, VP for Student Affairs, Dean of the Graduate School, VP for Student Affairs, Office of Equal Opportunity Staff, Provost/Academic VP, or President.**

If you need assistance dealing with the emotional issues involved with experiencing sexual harassment behaviors, please contact: **University Counseling Center C 36, Clark (491-6053).** All counseling services are confidential.

The **Office of Women's Programs and Studies** also offers support groups for victims/survivors of sexual assault. You can contact them at 112 Student Services or 491-6384.

Because many other students will be participating in this study, I am asking you to please not discuss this session with anyone outside this room. Does anyone have any questions about this or anything else?

Finally, I would like to thank you for participation. Without participants such as yourself, many advancements in psychological research would not be possible. Please feel free to discuss this study in private with me after this session.

Lawyers and HR Professionals

Thank you for taking the time to complete this research study! Now that you have completed the study, we would like to tell you more specifics about the procedures involved. The purpose of this study is to investigate the following issues: how much knowledge females and the human resource profession have of sexual harassment laws; similarities and differences between the way females, human resource professionals, and plaintiffs' employment lawyers react to a variety of sexual harassment scenarios; and how the actions of the organization affect reactions to sexual harassment behaviors. You have participated in only one portion of the study and your data will be integrated with a variety of other data in order to gain a better overall picture of the processes involved in sexual harassment situations.

Sexual harassment law is still in state of explication and change. The original concept came from the Civil Rights Act of 1964, but the laws have grown through subsequent EEOC documentation and Supreme Court Decisions. The present study is important because of the sometimes confusing nature of the laws and the sometimes conflicting decisions of different courts. Recent rulings by the Supreme Court as well as changes in harassment law made in the Civil Rights Act of 1991 have made the issues measured in this study an even more timely issue. This study will gauge the extent to which females, human resource professionals, and lawyers have been able to integrate the legal aspects of harassment into their reactions to hypothetical sexual harassment situations.

This study is also investigating the effects of different levels of fairness on reactions to the sexual harassment behaviors. Previous research has found that even when an adverse action is taken against a person in an organization, if the organization responds with fair procedures and treatment surrounding the incident, the person will not necessarily hold it against the organization and/or may not want to take adverse actions against the organization. The present study will investigate whether this phenomenon also operates in sexual harassment situations and if third-party stakeholders recognize the impact of fairness.

I would like to thank you again for your participation. Without participants such as yourself, many advancements in understanding complex phenomena such as sexual harassment would not be possible. If you would like to receive a brief summary of the results of this study, please fill out the form below, and return it with your survey materials. Your answers to this survey are completely confidential and your name and contact information will not be matched to your responses. Your contact information will only be used to send you a brief summary of results. You are also welcome to call or email one of the researchers at a later date if you would like to request this information but prefer to not return your contact information with the survey.

Please return all materials to the researchers as soon as possible- either by fax (970) 491-1032 (send to Jennifer Frame's attention) or return by mail to Jennifer Frame Dept of Psychology CSU Ft. Collins, CO 80523

I would like to receive a brief summary of this study when the results become available.

Name: _____

Email: _____

Or

Address: _____
