

Sexual Harassment in the Workplace:
A Cross-Disciplinary Approach

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This paper is dedicated to Thelma Thatch and Irene Jarvis, my grandmothers. It is the trail they blazed which I now follow.

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INTRODUCTION

In the last ten years, much attention has been focused on the issue of sexual harassment. During the mid-1980s, the Supreme Court ruled on the issue for the first time, and discussion about the ruling and sexual harassment in general began. The media attention given to events such as Tailhook and the Clarence Thomas appointment generated even more debate. Concerns were raised about what sexual harassment is and whose problem it is. Although some steps have been taken to answering these questions, there is still much confusion.

The purpose of this paper is to gain a better understanding of sexual harassment by coordinating the knowledge and expertise of historians, members of the legal community, and psychologists. The hope is to provide a cross-disciplinary view of the dynamics of sexual harassment. To do this we will examine women's involvement in the American workplace and how it evolved from the colonial period to the present day. We will look at how changing attitudes about female roles in society affected working women. After discussing how sexual harassment came about, we will then review the history of legal remedies to address it. Once the current legal situation is explained, we will move on to the psychological research done in this area. The feeling is that, after establishing a firm understanding of the evolution of sexual harassment, it will be possible to analyze the findings of the psychological community and discover ways to use their knowledge to more definitively address society's concerns, as well as generate solutions, for the sexual harassment problem.

Throughout the paper, targets of sexual harassment will be referred to in the feminine, and harassers in the masculine. The reason is that women are overwhelmingly the more frequent victim of sexual harassment, with males being the more common harasser. It is important to point out, however, that men can also be targets. Furthermore, unless otherwise noted, the word woman refers to the white, heterosexual woman. The preponderance of material, as will be discussed in greater detail later, focuses on this group of women. Research indicates that ethnicity and sexual orientation may have an impact on the dynamics of sexual harassment. Because no research has been done that directly examines these possibilities, we have chosen (with a few noted exceptions) to focus on this group as well, to ensure accuracy of information.

HISTORY

The Eighteenth Century

The lives of women in colonial America were vastly different from those of their predecessors' and their successors'. Linda DePauw, in her book Founding Mothers, examines life in the emerging country. "The sex stereotypes and legal restrictions that so severely hampered women's activities in the nineteenth century were relatively weak in the eighteenth. Consequently women participated in the social, economic, political, and military activities of the day in ways that would be thought highly improper if not impossible for women a generation later"(DePauw, p. xi, 1975). British common law should have greatly restricted women's activities, as it did in England. However, the laws of the colonies (and later the states) were not strictly interpreted until the nineteenth

century. Thrift, frugality, and hard work were central to colonial society, and everyone was expected to carry their own weight. Nearly half of the 2.5 million colonists were women. It would have been impossible for the colonies to survive if they had adhered to notions of female stupidity and powerlessness.

Because of the incredible amount of work required to survive, necessity dictated that the work be divided. “Man’s work” involved working in the fields and taking care of business in town. “Woman’s work” dealt with the daily tasks of running a household. Colonial women had five main responsibilities : feeding the family; making clothes, soap, and candles; cleaning the family, clothing, and home; acting as doctor, nurse, and midwife; and caring for the children. All of these skills were essential to the survival of the family, and women who performed these tasks were treated with dignity and respect. The difficulty and importance of the work was recognized, as it would not be in the generations to come.

The division of work roles was not absolute. The goal of any family was to survive and improve their lot in life. Everyone worked toward this aim. When the fields needed to be harvested, the husband could not do it by himself, so his wife and children would help him in the fields. Similarly, the husband and children would help the wife tend the younger children or make soap, if she needed help. The family was paramount, so all its members would work together to ensure its survival. This is how women came to be in all occupations, except for government (from which they were banned by law). As they helped their fathers or husbands, they learned the innerworkings of their trade. When the men died, the women carried on the business.

Although most women did not participate directly in the “men’s realm” unless they were acting as a surrogate for a father, brother, or husband, a few women owned their own businesses and estates in the eighteenth century. However, as DePauw describes, even these proprietresses generally came into land and money through the death or absence of their fathers or husbands. While a husband was away, the wife usually ran his business -- often more profitably than he. The law required that a woman must have her husband’s consent to transact business, but this does not seem to have been a problem. Historical records indicate that, upon return, these tired husbands were happy with their wives’ industry -- especially if they were profiting by it.

Single Women

Widows and single women had far more independence and economic power than married women. (Once married, a woman ceased to exist, except as a limb of her husband.) Single women were allowed to transact business, own property, and set up their own households. As long as they were not placing a burden on society, their independence was tolerated -- temporarily. Considerable pressure was put on both women and men to marry, set up a household, and produce children. Producing more offspring was essential to the survival of the colonies, and to neglect this duty was to put society at risk. Furthermore, marriage was viewed as a holy covenant with God. Thus, women who chose to remain independent, despite proposals of marriage, were scorned by society : to show such disrespect for God and country was abominable.

Upper-Class Women

The lives of upper-class women were little different from the lives of ordinary colonial women. Class distinctions were not practical until the late eighteenth century. Until that time, everyone was struggling, and there was little time or money for luxury. However, by the end of the century and the beginning of the nineteenth century, the republic was somewhat more successful. A small group of wealthy, educated men emerged. These men and their families wanted to prove that they were just as good, if not better, than their counterparts in England and Europe. To do this, the wives and daughters of these men had higher expectations placed on their appearance and behavior.

These women imitated and adopted the ways of the European aristocracy. They wore impractical dress and outlandish hairstyles, as was the fashion in the European courts. Books, such as A Father's Legacy to his Daughters by Dr. Gregory, and Sermons to Young Women by Dr. Fordyce, were instrumental in their transformation. These books, which had circulated Europe's upper-class nearly a century earlier, told women that they should be submissive and excel at nothing. Women were supposed to be passive, frail, and dependent on men for everything. A true, virtuous woman would never take it upon herself to earn her own way or outshine her husband in matters of business. Furthermore, women were never to experience or demonstrate love. If a woman loved her husband, she must never burden him with this knowledge. It was proper and expected for a man to succumb to the temptations of the flesh, and a wife should not be angry or upset if her husband took one or several mistresses. A woman, however, should never have such yearnings; it was considered intolerable for a woman to fall from grace and take a lover. Thus, feminine frailty, playing hard to get, and female asexuality came to

America. By the mid-1800's these beliefs became ingrained in society, and the common law strictly interpreted.

Slaves

African women in America also led lives similar to the common white woman, even more so than the upper-class woman. Unlike the common white woman (of whom some were indentured servants), most black women were slaves. They were the property of their male masters and had to obey his every demand. Legally, slavery did not differ greatly from wifery. Wives were also the property of their husbands, according to the law, and had to do whatever he said. However, the interpretation and enforcement of these laws did not become stringent until the 19th century. By custom, a black woman slave differed from a white woman indentured servant in two ways. First, a slave had no limit to the duration of her servitude, and second the black woman could be used as a field hand, rather than a domestic servant. This was considered lower work and reserved for those "wenches that are nasty, and beastly and not fit to be so employed [as domestics]"(DePauw, p. 71, 1975). Field work required virtually no education or training, and, as they had no skills to support themselves, female field hands were less likely to run away.

Although black women had to bear two burdens (being a woman and being black), they did exercise some liberties within their communities that the ordinary white woman did not. Black women were allowed much greater sexual freedom. Sex and the naked human form were not viewed as dirty or inappropriate by the black community. One of

the great dangers, however, associated with this freedom, especially for black slave women, was the prospect of an interracial relationship. This was abhorred by the white community, and not well received within the black community. A black woman who became her master's bedfellow was in a very delicate position. Should she ever anger him or his relatives, much harm -- perhaps even death-- would come to her.

In general, black women lived in much the same ways, with similar responsibilities as white women. They were responsible for the cooking, cleaning, and child rearing. Cooking had a special place in the black community and was especially important for the black woman. It was a treasured skill, much the way needlepoint and weaving were for the white woman. Also, cleanliness was much more highly valued within the black community than the white.

Indian Women

Indian women, with whom the early settlers would have come in contact, lived quite differently from the common white woman. Unlike the upper-class woman or black woman who had less independence and respect, the Indian woman of the East Coast was treated as an equal within her community. There were distinct roles that men and women were assigned. Men were responsible for hunting and warring. Women were responsible for everything else. As DePauw explains, they raised the gardens, cooked the meals, sewed the clothing, built the family dwellings, and carried the belongings when the community moved. Among many tribes, each sex was recognized as essential to the survival of the people and given respect and dignity. These roles were taught to children

from a young age. The roles, however, were not absolute: if there were a girl who was more adept at man's skills, she would be allowed to use those skills "without being considered 'unnatural' or losing her status as wife and mother" (DePauw, p. 103, 1975). Treatment was not based arbitrarily on sex, but rather was determined by one's capacity to be useful. Consequently, Indian women enjoyed more social, economic, and political independence, and power than their white counterparts. The Indians, like the Africans, were generally much more sexually open and held cleanliness in higher regard than the white community.

Within the eastern, woodland tribes familiar to the colonists, tribal organization was often based on maternal ancestry. Women were not excluded from government, according to DePauw. They had their own council, and it was not uncommon for women to sit on the males' council and speak their minds. Because women prepared all the food and carried all the belongings, women had great power to determine whether the tribe went to war. If the women did not agree with the campaign, they simply did not participate, and the campaign was effectively vetoed.

In summary, prior to the American Revolution, women worked at home or in family-owned businesses. They had certain duties that they were expected to perform, but the roles were not as rigidly set as they would later become. Also, the value of women's work was recognized and appreciated in a way that it would not be in the generations to come. Although women did not have de jure equality, they did enjoy a more equal status de facto. In the 19th century this would change dramatically.

The Nineteenth Century

Women first entered the paid workforce in significant numbers during the Revolutionary War. Although individual women had run businesses, the Revolutionary War was the first time that women as a whole entered the paid workforce and were rewarded for their entrance. Such staples as cloth, candles, and soap were in short supply as the War continued. Colonial women of all social backgrounds were asked to produce these necessities for the colonial army's purchase. Most women worked out of their homes; others met in homes or buildings in town. They all spent their free time spinning cloth and stirring pots of lye and lard. Women who took on these labors were viewed as invaluable patriots, without whom the War might have been lost.

Another essential, though not as well paid position, that many women held during the Revolutionary War was that of nursemaid and cook. DePauw writes of the disease and starvation the colonial army faced -- two enemies more brutal than any Redcoat. Women were front line soldiers in this battle. Women kept the soldiers fed, clothed, and cleaned. They were responsible for enforcing standards of hygiene and cleanliness that would have otherwise been nonexistent. They also tended the sick and wounded. Very few trained doctors existed in colonial America, and the treatments they recommended (such as bloodletting and purging) were often more deadly than the ailment. Women who had cared for their families using herbal concoctions and folk remedies were in great demand during the War. In exchange for their services, these women were fed, clothed, and given shelter. Some received a small stipend for their services, however, it was considerably less than what the males of the army were paid.

After the Revolution, women returned to their normal routines. Unfortunately, those duties were soon to diminish in perceived importance and worth to society. “In the quarter century following the American Revolution a new ideal came to dominate the thinking of American women. Increasing wealth, the disappearance of hardships associated with the frontier, and the desire to prove American society equal to that of Europe persuaded American women to cultivate the passivity and gentility of European ladies in place of the strength and bravery that they had valued in an earlier period”(DePauw, p. 218, 1975). The laws that had been in place from the beginning were interpreted more strictly, bringing the de jure and de facto status of women in conjunction. Women, who had always been the property of men, were viewed and treated more harshly by society. The duties of cooking, cleaning, sewing, and caring for children diminished in importance, and the complexity and challenges of these tasks went virtually unnoticed. Upper-class women, who had been experimenting with these concepts of womanhood at the end of the 18th century and who, at the time, were viewed as impractical and foolish, were now heralded as role models for the nineteenth century woman.

The impact of this changing ideology on lower-class women as well as black women was less profound, but just as significant. This new ideology was adopted at about the same time that the United States entered the Industrial Revolution. For lower-class women, the demand for labor superseded the demand for morally upright femininity - though both influenced them and often pulled them in opposite directions.

Alice Kessler-Harris (1982) in Out to Work describes how the Industrial Revolution changed America and women’s roles over the course of the next 150 years.

As the United States moved into the nineteenth century and participated in the Industrial Revolution, many individuals had reservations about making the transition from an agrarian economy to a mercantile, laissez-faire economy. The strong heritage of self-reliance and independence made people very reluctant to work for someone else in a factory.

Women were essential to America's transformation. During the Revolutionary War, patriotic women had been urged by the government to produce and sell their wares. A similar tactic was used after the War to overcome the social stigma against working outside the family, thus ensuring that the developing factories had a labor source -- women. Economic independence was promoted as a way that women could help support their families and society. This was especially true for widows and "old maids". These women could either do work at home ("given-out work") or go to the mill or factory in town. By earning their own money, through piece work and wage work, single women could support themselves and would no longer have to depend on relatives or society for charity. As women entered the labor market, they were also assured that their working conditions would be respectable: jobs were segregated by sex to preserve the women's moral integrity. In the early stages of the Industrial Revolution, the communities usually took great interest in whether workers were being paid fairly and whether working conditions were comfortable. (In the decades to come, this concern would wane and workers would be left to fend for themselves.) The appeal of independence persuaded women, both married and single, to work outside the home. "Their potential as workers in new factories became the lynchpin on which the balance between agriculture and industry

would be maintained”(Kessler-Harris, p. 21, 1982). The Industrial Movement got much of its initial push from the shoulders of female workers, and quickly gained momentum.

Despite their mass entrance into the paid workforce, a woman’s first obligation was still to family and home. Women were aware that they were essential workers, but the role of wage-earner was not essential to being a woman. This created confusion and conflicting emotions. “When they [wage-earning women] felt the jingle of silver in their pockets, there for the first time, their heads became erect and they walked as if on air”(Kessler-Harris, p. 34, 1982). This sense of pride and independence was offset by society’s expectation that work for women was temporary. It was still presumed that women would work only until marriage to help their parents’ families, and save money to set up their own households. After marriage, a woman was expected to work only to help her family, and (as the ideals of feminine propriety and frailty became more deeply ingrained) only if the family was near destitution. Consequently, women were given simple jobs that required little or no skill development, and that had low wages and no upward mobility.

By the mid-1800’s, the conditions of employment and society’s expectations for women had worsened. “The halcyon days when women seemed to be able to determine their own destinies were gone forever”(Kessler-Harris, p. 45, 1982). Although women had originally made up the majority of the paid workforce, by 1860 less than 15% of all women were members of the wage labor market. The need for female labor had peaked. Two factors worked to push women out of the labor market. First was the great influx of immigrants into the United States. Male immigrants presented new, untapped labor that

could be purchased more cheaply than native-born female labor. The use of unskilled immigrant workers continued well into the twentieth century.

The second factor that moved women out of the workforce was the renewed importance of the family. Farms were being replaced by more profitable factories, and as the country moved away from a self-sufficient, agrarian society to a more interdependent, capitalist society, it became necessary for men to earn a living in town to support their families. Because men were no longer working at home, they were less available to help with the daily running of the household. The importance of the homemaker was renewed, as women held their families and society together during this difficult period of transition.

More than ever before, a woman's first duty was to family -- and that meant staying home. A woman was expected to make a pleasant environment where her exhausted husband could come after a long day's work and relax. She was also supposed to take on total responsibility for the rearing of the children. This task was publicly exalted. It was believed that women were the moral protectors of society because they cradled the future in their arms.

It became virtually impossible for a woman to work happily outside the home. "Ideology that exalted home roles condemned the lives of those forced to undertake wage work"(Kessler-Harris, p. 53, 1982). At the time of the Republic, a woman who worked was believed to be using her economic independence to further the aims of her family. In the late 1800's and into the 1900's, however, a woman who worked was believed to be abandoning her family or admitting gross poverty -- neither attribution was particularly appealing. Women who wanted to remain independent and earn their own livings were

viewed as unnatural and treated as outcasts. “The belief that women belonged at home permitted employers to pay wages that were merely supplemental”(Kessler-Harris, p. 59, 1982). This made it extremely difficult for single mothers or women who did not want to marry to survive.

The Industrial Revolution also increased the use of manufactured goods, goods that would formerly have been made in the home. Manufactured goods and dry goods were purchased with money earned by the husband. Eventually more and more of the family’s needs would be met with the husband’s paycheck, and the wife’s nonmonetary contributions would be correspondingly devalued.

Devaluation of housewifery did not occur immediately, however. One positive result of the shift in ideology was the supposed value of education for women. It was thought that women must have training in order to perform the tasks of running a household. It was also felt that women must be better educated so that they might better rear their children. Most people had only a very basic education -- some reading, writing, and arithmetic, and a woman’s education was considered less important than a man’s. A daughter’s education was considered superfluous and did not add much value to the family. Even today, if a family can not afford to allow both their daughter and son to go to school, then it is expected that the daughter will work until marriage, and the son will get an education (Elder, 1985; Gallanbas, 1987; Mott, 1982). With the home economics movement, though, women’s education was thought important to the functioning of a good household, and more girls were educated. A man’s education was still more

important than a woman's, but if a choice had to be made it might be more acknowledged as a sacrifice on the girl's part rather than the forfeiture of a luxury.

Women could not use their education to further themselves in the world of business the way men could. However, the increased emphasis on feminine education created a small group of women who entered professions. After the Civil War, the reduced number of professional men caused some colleges to open their doors to women. Using their hard-won status, these professional women became more vocal about the plight of women generally and fueled the women's movement. Their attention to women's rights (or lack of them) created conflict. Not only was there conflict between men and women, there was also disparity among women. The upper-class women feared the loss of their pampered lifestyle, while professional women thought that the movement should focus on equality on ideological grounds. For the working-class women, the movement simply meant economic equality. The struggle among the many camps would continue into the twentieth century.

So, in the beginning of the nineteenth century, women were encouraged to enter the workforce. The need for warm bodies to fill the factories had been the impetus for allowing women to enter the paid labor market. However as immigrants entered the market, women were removed through both economic and social means. According to Kessler-Harris, they were paid insufficient wages to attain economic independence. This discouraged any ideas women might have had about supporting themselves and forgoing traditional feminine roles. At the same time, women were told that they were most needed in the home. They could best support their families and contribute to society by making a

pleasant home environment. The proper upbringing of children was held paramount. Ironically, the increased emphasis on children led to the better education of women: a more educated woman would make a better mother. These were the beliefs of the nineteenth century.

The Twentieth Century

The twentieth century has been a volatile period in the history of working women. The views and opinions held as truth in the last century were being challenged by the turn of the 20th century. "Concern over the effects of women's work on family life [diminished] in response to changing labor force and family needs. Already by the turn of the century, some women had moved to a new form of argument : the revolutionary notion that women should not only be provided the opportunity to work where necessity insisted, but that women -- even wives -- might choose to do so"(Kessler-Harris, p. 106, 1982). The women's movement was going full speed ahead, challenging ideas about womanhood that had been the very fabric of society only decades earlier.

The women's movement was not the only force changing the labor market. New technologies also influenced the number of women entering the workforce. By the beginning of the twentieth century, the emphasis of businesses was on efficiency. Factories began using machines and assembly line production more extensively -- replacing the skilled positions of the past with simple, rudimentary jobs that required little training or skill. As the scientific motion studies gained popularity, factories examined the tasks required to make a product and divided them into their most basic units. The most

efficient way of performing each task was determined, and all workers were trained to perform their jobs in that way. Thus, the factory jobs of the early twentieth century were very monotonous and had little possibility of upward mobility.

According to Alice Kessler-Harris in Out to Work (1982) and Leslie Tentler in Wage-Earning Women (1979), factory jobs were thought to be perfect for women. The positions required no skill or education, which meant that women could be trained quickly. Because women's first responsibility was to the home and family, it was socially unacceptable for women to have corporate ambitions. Thus, giving women jobs with low wages and no upward mobility created no problems for factory owners. Men placed in the same jobs would have demanded better working conditions than the women were willing to tolerate, and because men had more economic, political, and social power, a company could reasonably assume that eventually those demands would have to be met if the company was to remain in business. Once again, women were recruited into the job market because they were cheap, expendable, and powerless.

During the twentieth century, the great numbers of immigrants coming to America actually helped bring more women into the job market. This occurred in two ways. First, because immigrant workers were plentiful and naive, their wage rates were not very high. If a company wanted to remain in business, it could not afford to pay the high wages demanded by the native-born men if its competitors were hiring immigrant labor. Once low wage rates became the industry norm, native-born female labor became a viable alternative: women, too, were cheap labor that could easily be exploited. Second, immigrant women entered the labor market. Because of the cost of living and the large

households that were typical of immigrant families, it was essential that the women work (Kessler-Harris, 1982; Peiss, 1986). In many ways immigrant families were facing similar economic conditions that the colonial families had faced. As Tentler (1979) points out, they could not afford the luxury of having wives and daughters remain at home, while the men provided for the family. Every member of the family, from great grandparents to young children, had to contribute if the family were to survive. Thus the social stigma attached to women working was not as great in immigrant communities as it was in the native-born communities, and most immigrant women entered the workforce.

As business earned greater profits and as employees became more sophisticated, workers began to demand better working conditions. Labor became more organized and powerful as unions positioned themselves in the center of the business arena. Eventually, government, in the form of President Roosevelt, became aware of the appalling conditions under which the American worker was forced to toil. Protective laws were passed, and industry standards were established to address the workers' concerns.

Many of the protective laws applied specifically to women and children. These laws restricted the number of hours a woman or child could work each week. They also specified working conditions. To some, protective laws seemed like an excellent way of improving the lives of women workers. To others, they were a way to discourage employers from hiring women at all. Far fewer restrictions were placed on male workers, making it easier and in most cases less expensive to employ men. Moreover, although the laws were very stringent in the areas of work hours and type of employment, they said nothing about wage rates -- possibly the most appalling aspect of women's employment.

The fact that the laws left women economically vulnerable lends credence to the suspicion that the true purpose of the laws was to keep women at home by making it cumbersome for employers to hire them. Clearly, the increased regulation of industry proved to be a double-edged sword for women.

The unionization movement provided similarly mixed results for women. In the late 1800s, some labor groups began to organize collectives and make demands of their employers. Few unions accepted female members. Several groups of women formed all-female unions, and many women, aware of the benefits that unions offered, joined them. Although these female unions made some progress on individual fronts, collectively they were not very successful. As their membership began to wane, female unions formed alliances with the stronger male unions. Some of the unions fully accepted female members and fought to improve the working conditions of all workers. Most, however, only reluctantly accepted female members. They did so primarily to control the supply of female labor in the market, by dictating the conditions under which their female members could work. Union conditions had the same effect that the protective laws had: they intentionally discouraged employers from hiring women. Many unions took the dues of their female members, only to use their money to reduce their likelihood of employment.

Women's social obligations remained relatively constant up through the 1950s. The dominant social role of women was as a wife and mother. The goal of most young women was to find a husband and settle down. A significant minority chose to remain single and pursue economic independence. Few succeeded. As Kessler-Harris writes, the low wages that most women were paid made it virtually impossible for wage-earning

women to remain independent for very long. They frequently had to work themselves to near exhaustion just to earn enough to pay for meager lodgings and food. If an independent young woman wanted to purchase a new dress or hat, she might have to go for weeks with only one small meal a day in order to afford it.*

The traditional role of women as meek and submissive slowly disappeared as propriety gave way to a more relaxed etiquette. How restrictive social expectations of female behavior were was largely dependent on the ethnicity of the woman and how many generations her family had lived in America, as Peiss points out in her book Cheap Amusements. The longer a family had lived in the United States, the more Americanized it became. American families allowed (or were forced by their daughters to give) their daughters more freedom and independence. Families that had only been in the United States for one or two generations clung to the traditions of their cultural heritage. They were far more strict than were their counterparts in either America, or even their homelands. It seems that because they were in a foreign land, many felt that their cultural heritage was threatened by this new, shameless American culture. To protect their culture and their daughters, immigrant families reared their children with old world values and traditional propriety.

Some young women rebelled against the rigid expectations of their families and society. These women can be most clearly seen during the roaring 20s, when many women smoked, drank, and behaved in a cavalier and bawdy fashion. These women saw the independence that earning one's own living could provide, and leapt at the chance for

* Although this is true for most female workers, it was not true of all women workers. Women who held more skilled jobs, such as teachers and nurses, were usually able to earn a comfortable living.

greater freedom. Some young women lived apart from their families: alone, sharing apartments with other young women, or living with other families as boarders. Ultimately, most of these women encountered economic hardships, and ended up marrying to avoid poverty. A few women, especially the better educated, succeeded in making their own way. It was these courageous women that blazed the trail for the career women of the future.

Working conditions for women had not greatly improved from the previous century. Thanks to the passage of the protective laws in the 1910s and 1920s, no one worked grueling 50 - 60 hour weeks. Jobs for women were more scarce, however, and their pay had not improved. It was still felt that since a woman's place was in the home, it was unnecessary to pay her a full wage. After all, her salary was being used to supplement the family, whereas the men's salaries were being used to support the family. Finally, the jobs given to most women continued to provide little job satisfaction. Challenging, interesting jobs were reserved for men, and women continued to be given the most monotonous, unskilled positions available. Furthermore, although the boundaries of women's roles had relaxed, the debate over a woman's proper place in society continued to rage, often resulting in negative consequences for working women. In many circles, where women's paid labor was viewed as an improper, abnormal endeavor, working girls were treated as lesser citizens, with little possibility of upward social mobility. Thus, many young women who had to work, did so knowing that they would not be able to attract the type of husband that they wanted.

Although all women faced similar living and working conditions, there were distinct differences between single and married women. According to Peiss (1986), single women were able to enjoy more freedom than married women. Technology made it more possible for one woman to take care of the family's domestic needs, freeing unmarried sisters and daughters from the housework formerly assigned to them. With this new-found free time, single women discovered leisure. It was the first time in history that women as a whole (not just the upper-class) had the opportunity to play -- and play they did. Taking advantage of looser rules of propriety, many single women enjoyed going to dance halls and social clubs. Movies and amusement parks also provided inexpensive entertainment. Most revolutionary, it was possible for the first time in history for women to go on dates with men unchaperoned.

Married women had very little free time. An employed married woman had the double role of homemaker and worker. Thus, after spending ten or twelve hours at work, she would return home to put in another six or eight hours of housework. The married working woman was responsible for caring for her husband, and for providing a relaxing environment for his comfort. She was responsible for the cooking, cleaning, shopping, and sewing. She was also responsible for caring for her children. A number of very fortunate married working women were able to pass on some of these responsibilities to another female family member. A mother-in-law, sister, or eldest daughter could help out with some of these chores. However, if there was no other female, the married worker was responsible for it all herself. (Clearly, Superwoman predates Superman by at least fifty years!)

As the 20th century progressed, women's lives continued to change, primarily as the result of four main factors : the woman's movement, economic independence, war, and birth control. As women organized and gained more political and social power, they strove to improve the feminine condition. They demanded better education and working conditions for women (including higher wages). They insisted that women be viewed in a new light, and public attitudes towards women gradually changed. Although the gains have been slow and there have been numerous obstacles, the women's movement provided the momentum and framework for changes to come.

As a corollary to the women's movement, economic independence changed women's roles. As more and more women were able to support themselves, they began to reevaluate their beliefs about their place in society. When they realized that the assumptions made about working women did not hold true for them as individuals, they collectively began to abandon the old beliefs and form new attitudes about women in the workforce. Also, as women gained economic independence, they were able to support the women's movement through donations and by demanding that their needs be met (by wielding their buying power aggressively).

War was the third factor that changed women's roles. It allowed many women to enter the workforce, at least temporarily. War was more influential in that it provided women an opportunity to disprove stereotypes about the abilities of women. Because of the urgency of demand for labor in wartime, women were allowed to enter all industries (excluding soldiering) regardless of the social attitudes about women working in those fields. Once they were there, women learned the skills and excelled at the new jobs.

When the men returned from war, they replaced the women, and most women were forced to return to their previous activities. However, each time the stereotypes eroded a little more, and a few more women remained in the traditionally male occupations.

Finally, and perhaps most important, was reliable birth control being made available. Prior to the 1960s, women who wanted to have careers had to remain celibate. Chastity was the only dependable way to ensure that a woman would not get pregnant. If a woman did conceive, she had to make the painful choice of giving the baby up for adoption, having an abortion, or quitting her career and rearing the child. The personal difficulty of each of these choices was compounded by social stigma. Avoiding sex was much safer and easier, but foregoing lovers, husbands, and children was too hard for many women. The idea of a career and economic independence held much appeal, but not enough to justify the sacrifices. Once reliable birth control was available, women could more easily enter the job market and stay as long as they wanted. They would not have to quit to get married and raise a family if they did not want to. We can see then, that thanks to the women's movement, economic independence, better contraceptives, and even war, women began to receive better education, more skilled jobs, greater economic compensation, and more political power.

Harassment and the Law

It is reasonable to assume that sexual harassment has existed throughout history. Because of negative perceptions about women, ranging from women as property to women as inferior beings, sexual harassment has been tolerated, if not overtly condoned,

by society. Males in authority, both within and outside the work environment, have taken advantage of women -- from Anglo-Saxon kitchen drudges to modern female CEOs. Until recently, no legal measures were available to prevent men from taking advantage of their female employees. To add insult to injury, women were usually held responsible for the masculine transgressions. Why, if a woman had not wanted a sexual relationship to evolve, then all she had to do was not send suggestive signals, and nothing would happen. Thus, sexual harassment began with the entrance of women into the workforce, with the women being blamed for its occurrence.

Today there are two legal avenues for dealing with sexual harassment, the Civil Rights Act of 1964 and tort law. In 1964, the Civil Rights Act was passed. Although it seems doubtful that the legislators knew it at the time, with this piece of legislation, Congress created the weapon with which women would arm themselves against sexual harassers. In Title VII of that Act, Congress wrote that no one shall be discriminated against in their employment on the basis of race, color, religion, national origin, and sex. Sex was added to Title VII the night before the Civil Rights Act was to be voted on by the whole legislative body. Little debate or discussion was made about this addition. (This has made it difficult for the courts to determine the intent of the law in relation to sexual harassment.) It has been speculated that the word sex was added as a ploy by Southern legislators to defeat the entire Civil Rights Act. Their thinking seems to have been that, although there was support for the equal treatment of blacks, there would be none for the equal treatment of women. So, since legislators could not pass one without the other, they would have to veto both. The idea of granting equal treatment to women seemed to

the gentlemen from the South to be inconceivable, but evidently the rest of the legislature was prepared to overlook it. Needless to say the Act passed, despite this hasty amendment.

Over the next thirty years, this subsection -- Title VII -- would be honed and refined through the courts' interpretations to address the problem of sexual harassment. The following court cases represent the major shifts in legal theory about sexual harassment and the appropriate use of Title VII. They are presented in chronological order.

Barnes v Train

Ms. Barnes refused the sexual advances of her supervisor and was soon reassigned, her former position being abolished. Ms. Barnes claims that her reassignment was punishment for refusing to sleep with her boss. The District Court refused to grant Ms. Barnes a full trial and instead supported the arguments of Ms. Barnes' employer. The District Court felt that "the substance of the plaintiff's complaint is that she was discriminated against, not because she was a women, but because she refused to engage in a sexual affair with her supervisor." Regardless of how deplorable his behavior, the Court stated that the supervisor did not create an arbitrary barrier to work because of Ms. Barnes sex. Therefore, Ms. Barnes was not the victim of sex discrimination as prohibited by Title VII, and the District Court dismissed the case. This is an important case because it illustrates how strictly courts were interpreting the 'sex discrimination' clause of Title VII. Sexual harassment was not yet considered a form of sex discrimination.

Corne v Bausch and Lomb, Inc.

Jane Corne and Geneva De Vane were employees at Bausch and Lomb, Inc, where they performed secretarial services for their supervisor, Leon Price. On October 12, 1973, they filed charges of discrimination with the Equal Employment Opportunity Commission (EEOC)¹ on grounds of sexual harassment. Mr. Price repeatedly made verbal and sexual advances toward both the plaintiffs and other female employees. Those who acquiesced received preferential treatment at work. Ms. Corne and Ms. De Vane believed that because this harassment was a condition of employment, it was a form of sex discrimination and, thus, violated Title VII. The women resigned immediately before filing their complaint.

The District Court disagreed. It said that in order for sexual harassment to constitute sex discrimination it must be a company-held policy, or action of the employer. Mr. Price's behavior was "nothing more than a personal proclivity, peculiarity, or mannerism [he was] satisfying a personal urge." Thus, Mr. Price was acting individually and not on behalf of Bausch and Lomb, despite his supervisory position.

This case demonstrates the disparity in court rulings on race discrimination as opposed to sex discrimination cases. Title VII was being used in race discrimination cases to stop racism within companies, even though the racism was not sanctioned by the

¹The EEOC is the entity created to handle all matters related to Title VII of the Civil Rights Act of 1964. It is the purpose of this commission to enforce the provisions of Title VII.

employer. Thus, the Civil Rights Act was not being applied uniformly in all discrimination cases--racial, religious, national origin, *and sex*.

Williams v Saxbe

Diane Williams went to work for the Community Relations Service of the Department of Justice on January 4, 1972. Her employment was originally intended to be temporary (a one month appointment). Shortly after her employment began, she was hired full-time with a one-year probationary period. Her immediate supervisor was Harvey Brinson. In May of 1972, Mr. Brinson made sexual advances toward Ms. Williams, which she rejected. Soon after her refusal, Ms. Williams' request for promotion was denied. In the course of the next four months, according to Ms. Williams, Mr. Brinson made it a practice to harass and humiliate her. On September 11, 1972, Mr. Brinson told Ms. Williams of his plans to have her fired. Shortly thereafter, on September 22, 1972, her employment was terminated.

Ms. Williams filed a complaint with the EEOC. After investigating the allegations, the EEOC informed Ms. Williams that, in their opinion, no discrimination had occurred, but that Ms. Williams was entitled to an administrative hearing if she wished to pursue the matter. In the first administrative hearing, the Hearing Examiner ruled that no discrimination existed. However, Ms. Williams appealed the decision to the District Court, which sent the case back to the agency for a second hearing. The second Hearing Examiner found for Ms. Williams and recommended that she be reinstated with back pay. The Complaint Adjudication Officer, who had authority over all administrative hearings,

rejected the second Examiner's recommendation and stated that, in his opinion, Ms. Williams' termination was not the result of sex discrimination covered under Title VII. Upon receiving this second unfavorable ruling, Ms. Williams again appealed the agency's decision to the District Court.

The District Court had two issues to resolve: (1) whether the retaliation of a male supervisor constitutes sex discrimination within Title VII, and (2) how to use the administration's record in determining if sex discrimination had occurred. In a precedent setting decision, the District Court ruled that Ms. Williams' wrongful termination violated the parameters of Title VII. Referring to two earlier cases, the District Court stated that because "willingness to furnish sexual consideration" was put to one gender and not the other, an artificial barrier to employment was created which discriminated based on sex. The Court disregarded the Adjudication Officer's ruling and, after reviewing the arguments of the second Examiner, ruled in Ms. William's favor. This case is significant because it is one of the first rulings that sexual harassment is a form of sex discrimination.

Barnes v Costle

Paulette Barnes was hired as the administrative assistant to the director of the Environmental Protection Agency's Equal Employment Opportunity division. Soon after she began working there, the director initiated a quest for sexual favors, promising her improved employment status if she would concede. He explained that "many executives have affairs with their personnel". However, Ms. Barnes refused his advances, and in retaliation, he abolished her job.

Ms. Barnes tried to resolve the problem informally, but when that proved fruitless, she filed a formal complaint of race discrimination, upon the advice of agency personnel. (Both she and the director were black.) When no racial discrimination was found, the investigation was closed. Ms. Barnes appealed to the Civil Service Commission to reopen the case on the grounds of sex discrimination. However, the Board of Appeals and Review refused. Ms. Barnes then filed suit with the District Court.

The District Court reasoned that Barnes was not discriminated against because she was a woman, but rather because she refused to sleep with her boss. This inexcusable conduct was not a violation of Title VII, as it did not create "an arbitrary barrier to continued employment based on [Barnes'] sex." Ms. Barnes appealed.

Following logic similar to that of the Williams v Saxbe decision, the Court of Appeals stated that had Ms. Barnes not been female, her supervisor would not have solicited sexual favors from her. Thus, although gender was not the central issue of the director's retaliation, it was a substantial factor; therefore, sex discrimination did occur and the Court of Appeals ruled in Ms. Barnes' favor.

This case is significant because it shows the evolution of legal thought. More courts were rejecting the logic of cases like Barnes v Train and Corne v Bausch and Lomb in favor of the logic presented in the Williams v Saxbe case.

Bundy v Jackson

Sandra Bundy was an employee of the Department of Corrections for seven years. During her employment, she endured numerous unsolicited and offensive sexual advances

from several supervisors in the agency. In 1972, Delbert Jackson (who was later the Director of the agency when Ms. Bundy filed her sexual harassment complaint) propositioned Ms. Bundy. Ms. Bundy refused. In 1974, Arthur Burton and James Gainey -- her immediate first and second line supervisors -- both sexually harassed her, making sexual advances toward her and inquiring about her sexual proclivities. Ms. Bundy complained of this behavior to Lawrence Swain, the supervisor of Mr. Burton and Mr. Gainey, who dismissed the complaint saying, "any man in his right mind would want to rape you." Mr. Swain then began making sexual advances toward Ms. Bundy as well. Soon after Ms. Bundy's meeting with Mr. Swain, Mr. Burton derogated her for her alleged malingering and poor work performance. Ms. Bundy's supervisors impeded her promotion and did nothing to help her pursue her sexual harassment claims. Ms. Bundy then requested a meeting with Claude Burgin, one of the department's EEOC officers. Nothing was resolved at this meeting. Ms. Bundy then informally complained to Aquila Gilmore, the Chief EEOC officer in the agency. He informed her that her charges would be difficult to prove and dismissed her complaints. Ms. Bundy then met with Mr. Jackson (now the Director of the Agency) in April of 1975. She showed him a draft of a letter she had written, summarizing her complaints. Mr. Jackson made no attempt to investigate the allegations, let alone take corrective action. In August of 1977, Ms. Bundy filed suit with the District Court.

The District Court ruled that the sexual harassment did not violate Title VII. Ms. Bundy, according to the District Court, suffered no tangible employment discrimination because of the sexual harassment, despite Ms. Bundy's testimony that the psychological

and emotional environment at work caused her anxiety and debilitation. The District Court argued that since sexual harassment was standard operating procedure and the supervisors did not take the "game" of sexually propositioning female employees seriously, Ms. Bundy's supervisors had no motive for retaliating against her. Thus, the Court concluded that Ms. Bundy must have been denied promotions because of her poor work performance and lack of qualifications, ignoring the fact that her supervisors had no complaints about her poor work performance until she began complaining about their sexual harassment. The District Court ruled against Ms. Bundy, and she appealed the decision.

In a stunning decision, the Court of Appeals reversed the District Court's ruling. The Court of Appeals stated that no tangible effects had to exist for sexual harassment to violate Title VII. Referring to Rogers v EEOC, a similar work environment harassment case that dealt with racial discrimination, the Court of Appeals argued that those firms determined to discriminate would find increasingly more sophisticated ways of doing so that would not violate the tangible effects rule of Title VII. Thus, to combat all discrimination, the Court ruled that any discrimination for which there is no legitimate reason violates Title VII. The Court of Appeals sent Bundy's case back to the District Court for further investigation.

Bundy v Jackson is important because it is the first case to address hostile work environment harassment. Furthermore, all previous cases had required that the victim lose some tangible job benefit (i.e. pay, promotion, etc.) as a result of the harassment, a result difficult to demonstrate conclusively.

Wright v Methodist Youth Services

Donald Wright was an employee of Youth Services, an organization that provided social services for minors, for three years. During that time Dale Hillerman, Wright's supervisor, made repeated sexual advances toward Mr. Wright. When Mr. Wright refused to meet Mr. Hillerman's sexual demands, he was fired. After exhausting his alternatives with the EEOC, Mr. Wright filed suit in the District Court.

The District Court stated that Mr. Wright was the victim of sexual harassment and that Youth Services had violated Title VII. Quoting Bundy v Jackson, the District Court said, " discrimination is sex discrimination whenever sex is for no legitimate reason a substantial factor in the discrimination." Despite the District Court's agreement that Title VII had been violated, the case was dismissed on a technicality. Nonetheless, this case is important because it is the first case that involves a man as the victim of sexual harassment.

Henson v Dundee

Ms. Henson was one of five dispatchers for the Dundee police department. She claimed that she and Carolyn Dicks (the only other female dispatcher) were harassed repeatedly by the police chief, John Selligren. Among the allegations, Mr. Selligren supposedly made numerous requests for sexual favors and subjected both women to

demeaning sexual inquiries and vulgarities. He made it clear to Ms. Henson that if she would have sex with him, he would help her get into the police academy. Ms. Henson complained of Mr. Selligren's conduct to the city manager, who did nothing. Because of the sexual harassment, Ms Henson finally resigned, and filed suit in the District Court.

The District Court dismissed the case, stating that a hostile and demeaning work environment alone did not constitute a Title VII violation. Furthermore, the District Court did not believe Ms Henson's testimony that sexual harassment was her reason for quitting, but rather decided that she had resigned because her lover had recently been forced to resign from his position. The District Court refused to believe that sex had anything to do with Ms Henson not being allowed to attend the police academy. Finally, the District Court determined that Mr. Selligren had never made sexual advances toward Ms Dicks.

Ms Henson appealed. The Court of Appeals held that "an offensive or hostile work environment due to sexual harassment can violate Title VII irrespective of whether the complainant suffers tangible job detriment." The Court of Appeals reasoned that psychological well-being is a condition of employment protected under Title VII. The Court of Appeals, feeling that Ms. Henson's suit had a legitimate basis, returned the case to the District Court for a new trial.

In Henson v Dundee, an alternative line of reasoning is presented using the "tangible effects" argument. Unlike Bundy v Jackson, in which it was claimed that no job benefits had to be lost for sexual harassment to violate Title VII, Henson v Dundee argued that psychological well-being is a tangible effect.

Katz v Dole

Deborah Katz was an air traffic controller. As the only female on her crew, she became the focus of constant, unrelenting sexual harassment -- including sexual advances and extremely vulgar and offensive sexual epithets. Both peers and supervisors participated in the harassment, as sexual intimidation was a common activity in the agency. Ms. Katz appealed to her supervisor, John Sullivan, who suggested that all of her problems would go away if she would just sleep with the men. Ms. Katz then appealed to Mr. Sullivan's supervisor, who treated her complaints with indifference. After exhausting her administrative remedies, Ms. Katz filed suit with the District Court. Soon after filing her suit, she was fired for allegedly participating in an illegal strike.

The District Court ruled against Ms. Katz, claiming that there had been no intentional discrimination based on her sex. On appeal, however, the Court of Appeals found for Ms. Katz. Following the EEOC's guidelines, the Court explained that there are two types of sexual harassment, hostile work environment and quid pro quo. Although Ms. Katz may have suffered from both, her charges were of the first type. She proved that her working conditions were so hostile that they interfered with her ability to perform her work duties to the best of her ability, and so Ms. Katz was the victim of sexual harassment.

Katz v Dole is important for two reasons. First, it demonstrates how the courts began to accept hostile work environment harassment more commonly as a form of sexual harassment prohibited by Title VII. Second, although not discussed here because of the legal nuances and complexities involved, the question of employer accountability was one of the most controversial questions that sexual harassment posed for the legal community. Katz v Dole was the first case that held the employer responsible because it failed to take corrective action when the employee complained.

McKinney v Dole

Ms McKinney was an employee of the Federal Aviation Administration. Mr. Whitfield was her immediate supervisor. On April 4, 1982, Ms. McKinney filed a written administrative complaint with the FAA's EEOC officer. In it, she alleged that on several occasions Mr. Whitfield had verbally abused and sexually harassed her. Among the allegations were an instance in which Mr. Whitfield exposed himself to her and another instance where he rubbed himself against her, requesting sexual favors. Mr. Plissner, Mr. Whitfield's supervisor, responded to the letter by sending Ms McKinney a letter of warning and proposed suspension, presumably for her poor work performance. The culmination of Ms McKinney's abusive treatment was an assault by Mr. Whitfield. Both Ms. McKinney and Mr. Whitfield were in his office. A letter fell to the ground and Mr. Whitfield ordered Ms McKinney to pick it up. She fled the office, with Mr. Whitfield in pursuit. Ms. McKinney entered her own office, followed by Mr. Whitfield. Mr. Whitfield

threatened to fire her. When she tried to leave, he grabbed and twisted her arm to prevent her from going.

It became apparent to Ms. McKinney that nothing was to be done about her complaints, so she filed suit in the District Court. The District Court dismissed the case saying that McKinney had not sufficiently proven her points and had not filed in a timely manner. The District Court held that the assault by Mr. Whitfield was not sexual harassment because no sexual favors or other blatantly sexual advances had been made. Because the more blatant incidents of sexual harassment had not happened within the 30 day filing limit, Ms McKinney's complaint had not been filed in a timely manner. Ms McKinney appealed the decision.

The Court of Appeals reversed the decision, and sent the case to trial, arguing that the District Court had based its decision on Ms McKinney's lack of evidence rather than Mr. Whitfield's preponderance of evidence and, thus, had wrongly ruled for the defendant. The Court of Appeals went on to state that the assault on Ms McKinney was sexual harassment. "Any harassment or other unequal treatment of an employee or group of employees that would not occur but for the sex of the employee(s) may, if sufficiently patterned or pervasive, comprise an illegal condition of employment under Title VII."

This case is important because it is the first case that acknowledges that physical violence can amount to sexual harassment even if it is not overtly sexual. Notice also the short filing limit. It may take longer than a month for a victim to decide to act, go through the necessary steps described later in the paper, and find an attorney.

Downes v FAA

Mr. Downes was an FAA supervisor. Although no charges were filed against Mr. Downes by any female employee, he was informed that he was being transferred and demoted because of his sexually harassing behavior. During his three years of employment, Mr. Downes was allegedly accused of five instances of sexual harassment. Nothing was done about this supposed problem and Mr. Downes heard no mention of it until he was reassigned. Mr. Downes filed suit with the District Court, claiming wrongful demotion. Most of the allegations were based on the affidavit of one woman, who was not available for questioning at the trial. Despite the lack of substantial, supported fact, the District Court found against Mr. Downes. On appeal, the Court of Appeals ruled that Mr. Downes had not been proven to have sexually harassed any of his female employees and, thus, was wrongly demoted. The Court of Appeals reversed the District Court's decision, ruling in favor of Mr. Downes. Downes v FAA is an important case because it illustrates how an individual can be harmed by allegations of sexual harassment. Charges of sexual harassment are not something to make light of; a thorough, objective investigation must be conducted before any action is taken.

Meritor v Vinson

Mechelle Vinson was an employee of Meritor Savings. Her direct supervisor was Sidney Taylor. Shortly after being hired as a teller, Ms. Vinson was invited to dinner by Mr. Taylor, and during the meal, Mr. Taylor suggested that they go to a motel. Though she initially refused, Ms. Vinson claimed that out of fear for her job she acquiesced. Thereafter, Mr. Taylor repeatedly made sexual demands of Ms. Vinson, fondled her in

front of other employees, followed her into the women's rest room, exposed himself, and on several occasions forcibly raped her. Ms. Vinson approximated that she had had between 50 - 60 sexual encounters with Mr. Taylor; Mr. Taylor denied any such relationship stating that Ms. Vinson's motive for filing suit was in retaliation for a business disagreement. This activity continued until 1978, when Ms. Vinson began a long-lasting relationship with another man. In September of 1978, Ms. Vinson took a leave of absence to sort out her feelings about Mr. Taylor's behavior. She did not tell anyone how long she would be gone so, in November of 1978, Meritor Savings dismissed her for abusing her leave time. Ms. Vinson, subsequently, sued Mr. Taylor and Meritor Savings for sexual harassment in violation of Title VII.

The District Court ruled that no sexual harassment had occurred because Ms. Vinson's sexual contact was "voluntary". The voluntariness of her interactions was based in part on evidence of her provocative dress and sexual fantasies that she had shared with a female coworker in confidence. Furthermore, the Court ruled that, even if there had been sexual harassment, Meritor Savings could not be held accountable for the incidents because Ms. Vinson had not used the bank's established procedures for handling discrimination cases. Since Ms. Vinson had not utilized Meritor's remedies and Meritor had no knowledge of the supposed misconduct, Meritor had fulfilled its obligations as an employer and could not be held liable. Ms. Vinson appealed the Court's decision.

The Court of Appeals overturned the District Court. It stated that hostile environment sexual harassment had occurred, something which the District Court had neglected to address. Furthermore, the Court felt that the testimony concerning Ms.

Vinson's dress and sexual fantasies should not have been allowed as it was irrelevant to the case. Lastly, the Court of Appeals said that, regardless of whether Meritor Savings knew or could reasonably be expected to know of the sexual harassment, Meritor was ultimately liable for damages. Meritor Savings appealed the decision to the Supreme Court.

The Supreme Court concurred with the Court of Appeals' ruling. First, Ms. Vinson's sexual harassment claims could not be dismissed simply because her conduct was voluntary, in that she was not physically forced to have sexual relations with Mr. Taylor. The Court felt that the question that must be considered was whether the advances were unwelcome. To answer that question, the Supreme Court believed that the evidence regarding Ms. Vinson's dress and sexual fantasy should indeed be considered. The District Court was obligated to ensure that the evidence was used correctly, and not merely to bias the jury or obscure the facts. Second, the Court explained that hostile work environment harassment can exist without any tangible economic effects, so Ms. Vinson's charge of hostile environment harassment needed to be addressed. On the issue of Meritor's responsibilities, the Supreme Court was unclear. It stated that an employer is not unconditionally responsible. Certainly any procedures in place to deal with such situations must be considered when determining accountability. However, in the case of Meritor Savings, its policies did not directly address sexual harassment. Furthermore, the procedure required that one report the incident to one's immediate supervisor -- for Ms. Vinson that would have been Mr. Taylor. Because of these two facts, it was quite understandable why Ms. Vinson chose not to use the policy. Thus, the Court argued that Meritor was not free of its obligation. The Supreme Court deferred to EEOC guidelines

and judicial precedent in other Title VII cases for a more complete explanation of employer liability.

The Meritor v Vinson decision was important for two reasons. It was the first time that the Supreme Court had ruled on any sexual harassment case. Up until this time, decisions about sexual harassment were left to the discretion of the trial judges involved. Consequently, a Title VII violation in one circuit* was not necessarily considered a violation in another circuit. The Supreme Court ruling, however, must be followed by all circuits, making court decisions more uniform across the country. The case is also important because it made the distinctions that consenting is not equal to welcoming the proposition and that tangible benefits do not have to be lost for hostile work environment harassment to exist. Finally, the case clarifies the role of grievance procedures. Although some of the lower courts had come to the same conclusions, this decision forced all lower courts to adopt this logic.

Rabidue v Osceola

Ms Rabidue was originally an executive secretary, although she was later promoted to the position of administrative assistant. According to witnesses she was described as a "capable, independent, ambitious, aggressive, intractable, and opinionated individual." Persons with whom she regularly worked found her "abrasive, rude, antagonistic, extremely willful, uncooperative, and irascible." Ms. Rabidue occasionally had to work with Mr. Douglas Henry. Mr. Henry was extremely vulgar and crude. He customarily made obscene comments about women in general and Ms Rabidue in

particular. He prominently displayed nude or semi-nude pictures of women at his work station, making them unavoidable. Upon her dismissal for an unrelated incident with a male supervisor, Ms Rabidue filed a sexual harassment suit.

The District Court believed Ms Rabidue failed to establish violations of Title VII and ruled against her. On appeal, the Court of Appeals agreed. The reasoning was simple. In order to prove a case of hostile work environment harassment, the Court of Appeals believed, a claimant must show that the hostile or offensive working environment "seriously affected her psychological well-being." The Court of Appeals determined that, although annoying, Mr. Henry's behavior was "not so startling as to have affected seriously the psyches of the plaintiff or other female employees." The Court of Appeals went on to explain that the sexually oriented posters when taken in the context of a society that "condones and publicly features and commercially exploits open displays of written and pictorial erotica at the newsstands, on prime-time television, at the cinema, and in other public places" could not be considered intimidating, hostile, or offensive.

This case presented the idea that a an action must be more than annoying: a victim's psychological well-being had to be severely damaged in order for hostile environment harassment to exist. It also was the precedent setting case with regard to pornography in the workplace.

Hall v Gus Construction Co.

Ms Hall, Ms Baxter, and Ms Tickner were employees of Gus Construction. Their jobs were to direct traffic at road construction sites. Their supervisor was Mr. Mundorf.

During their employment, these women were subjected to relentless verbal and physical assaults. They were referred to as "fucking flag girls." Each was given a nickname. The men repeatedly asked if the women "wanted to fuck". The women were often cornered by the men and fondled. Men exposed themselves and showed the women pictures of couples engaged in oral sex. The men refused to give the women a truck to go to town to use the bathroom. When the women went to the bathroom in the ditch, the men watched them with surveying equipment. Most of the acts were done in the presence or with the knowledge of Mr. Mundorf. He even referred to them on at least one occasion as "fucking flag girls". Each of the women met with Mr. Mundorf individually and collectively to complain of the hostile work environment. When Mr. Mundorf did nothing, the women finally quit.

After following appropriate procedures with the EEOC and Iowa Civil Rights Commission, the women filed suit in District Court. The District Court ruled in their favor and awarded them backpay, damages for emotional distress, and attorneys' fees. Gus Construction appealed the case.

The Court of Appeals heard the case and found for the women, as well. The Court of Appeals reasoned that hostile work environment harassment arises when "sexual conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." To prove a sexual harassment claim, a person must show that she/he : 1) belongs to a protected class (group covered by the law; e.g. homosexual people are not covered.), 2) was subject to unwelcome sexual harassment, 3) the harassment was based on sex, 4)

the harassment affected employment, and 5) the employer knew or should have known of the harassment. Although Mr. Mundorf may not have been aware of every instance, he witnessed and was informed of several instances of inappropriate behavior, making him aware that a problem existed. Because he was an agent of Gus Construction, Gus Construction should also have been aware of the problem, but neither made any attempt to intervene. Thus, the Court of Appeals upheld the District Court's decision, holding that the defendants could reasonably be held responsible and that the judgment was not excessive (\$15,000 for emotional distress plus back pay and attorneys' fees for each woman.)

Ellison v Brady

Ms Ellison and Mr. Gray were both employees of the IRS. They worked in the same office, two rows away from each other. One afternoon Mr. Gray invited Ms Ellison to lunch. It was quite common for coworkers to eat lunch together. Ms. Ellison agreed. On the way to the restaurant, Mr. Gray insisted on stopping by his house. He gave Ms Ellison a tour of his home. A week after their lunch, Mr. Gray invited Ms Ellison to have a drink with him after work. She declined, but casually suggested going to lunch again. Ms Ellison, afraid to be alone with Mr. Gray, avoided the office during lunch time. The following week Mr. Gray arrived at work unusually well-dressed and asked Ms Ellison to lunch. She declined. The following week Mr. Gray wrote Ms Ellison a short love note. Ms Ellison, startled and scared by the note, showed it to her boss, Ms Miller. Ms Miller agreed that it was sexual harassment and offered to address Mr. Gray about it; however,

Ms Ellison chose to handle the situation more informally. She had a male colleague approach Mr. Gray and tell him to leave her alone.

Shortly after the note incident, Ms Ellison went to St. Louis for a month long training. While there, she received a card and a three page letter from Mr. Gray "twenty times more frightening." Ms Ellison immediately mailed copies of both documents to Ms Miller. Ms Miller informed her boss, Mr. Benton, of the situation. They decided to transfer Mr. Gray to another office. When Ms Ellison returned, Mr. Gray had been sent to an office in California. However, six months after his departure, Mr. Gray was allowed to return. When Ms Ellison learned of Mr. Gray's proposed return, she immediately asked for a transfer. Mr. Gray sent Ms Ellison another letter.

Ms Ellison filed a complaint with the EEOC. Although the investigating committee agreed that Mr. Gray's conduct was sexual harassment, it decided that the harassment was not covered under Title VII. Ms. Ellison then filed the case in District Court, which ruled against Ms. Ellison as well.

The Court of Appeals found for Ms Ellison. It felt Ms Ellison had proven her hostile work environment claim. The Court of Appeals stated that in determining whether the behavior was sufficiently severe or pervasive, a "reasonable woman" standard should be applied, that is, men and women have different views about appropriate sexual behavior and the criterion should be whether a reasonable woman would consider a behavior harassing.

The "reasonable woman" standard was first proposed in this case. Sexual harassment is a largely subjective issue, and as will be discussed later in the paper, women

and men differ in their perceptions of what is harassment. (No provision was made to determine how a reasonable woman might think, however.) Thus, although the reasonable woman standard only applies to the ninth circuit*, this case does acknowledge the differences between male and female viewpoints.

Harris v Forklift Systems, Inc.

Ms Harris was a floor manager of Forklift Systems. Mr. Charles Hardy, the company president, often insulted her and made her the target of unwanted sexual innuendoes. These remarks included "You're a woman, what do you know", "We need a man as the rental manager", and "Why don't we go to the Holiday Inn to negotiate your raise". Mr. Hardy also threw objects on the ground and demanded that Ms Harris and other female employees pick them up. Ms Harris complained to Mr. Hardy of his inappropriate conduct, to which he responded with surprise and promised to stop. Unfortunately, he did not end his harassing behavior, and Ms Harris quit and filed sexual harassment claims with the District Court.

The District Court and Court of Appeals agreed. Mr. Hardy's conduct was offensive to Ms Harris and would be offensive to the reasonable woman; however, his behavior was not "so severe as to be expected to seriously affect [Ms Harris'] psychological well-being." Mr. Hardy's conduct did not interfere with Ms Harris' work performance, thus, both courts ruled against Ms. Harris. She then appealed to the Supreme Court.

* The federal court system is divided into twelve circuits. Each circuit has several district courts and one court of appeals. From the different court of appeals, cases go to the US Supreme Court, the highest court in the land, to be heard.

The Supreme Court overturned the earlier courts' decisions. It held that when the workplace is "permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive as to alter the conditions of the victim's employment and create an abusive working environment", Title VII has been violated. The Supreme Court further emphasized that discrimination does not have to be so severe as to seriously affect the victim's mental health. It is not the severity *of the impact* on the victim, but instead the severity *of the sexual harassment* to alter the work environment that determines whether Title VII has been violated. Thus, the Supreme Court clarified an often-used misinterpretation of Title VII, illustrating its importance as a mold of legal thought.

Summary

Legal interpretations of Title VII have shifted in the course of the last thirty years. Acceptance has slowly developed for the notion that sexual harassment is a form of sex discrimination prohibited by Title VII. Where once hostile work environment harassment was not thought to be a violation of Title VII, now it is a commonly held belief. The parameters of Title VII have gradually expanded to include a relatively broad definition of sexual harassment. Unfortunately, the definition is not comprehensive or universally accepted. Great variation can still be found among the different courts and circuits. Thus, there is still a great deal of confusion, both within the legal community and society at large, about which behaviors break the law and which are acceptable under Title VII. It is hoped that the psychological literature will be able to furnish a more complete definition of

sexual harassment that would also be meaningful to the legal community. This matter will be discussed further in the Operational Definitions section of this paper.

In addition to Title VII, another legal remedy exists to address sexual harassment : tort law. Tort law is the branch of law that allows an individual to seek compensation for a wrong done to her/him. For example, if a person were to tell a lie about you to another and you could show how, because of that person's statement, you and/or your reputation was significantly harmed, then you could file charges of slander (a tort) and seek recompense for the wrong done you. A victim of sexual harassment could use tort law to seek damages for the injury done her. The tort that is most applicable to situations like sexual harassment is referred to as the intentional infliction of emotional distress. In order to prove that the harasser violated the tort, the victim would have to show that : (1) the harasser behaved in a malicious and extreme manner; (2) the victim was injured as a direct result from the harasser's behavior; and (3) the harasser behaved in this way intentionally to cause the victim distress. All of these things would be difficult to prove. Currently, the tort requires such extreme behavior and effects that the victim would most likely have to suffer severe psychological trauma in order to win, making this avenue even less appealing than Title VII. But, although it has never been used in this way, tort law does provide another means of seeking redress for sexual harassment. It is possible that, in the future, the courts could lessen the requirements of this tort or create a new tort designed specifically for sexual harassment cases which would make tort law a more effective weapon.

Another possibility for the future is to create a criminal law to deal with sexual harassment. Sigler and Johnson (1986) surveyed 144 households in Tuscaloosa, AL in an

attempt to measure the public's perception of the need for criminal legislation to deal with sexual harassment. Over 70% of the participants were in favor of a law controlling sexual harassment in all areas except the private home. The difficulty was in determining what behaviors should be criminalized and whether they should be misdemeanors or felonies. Respondents seemed to want to criminalize only the most offensive acts. The Texas legislature has recently passed a law making it illegal for a state employed supervisor to sexually harass his employees; however, this law has yet to be tested in the courts. Thus, criminal law may become a third way of addressing the problem of sexual harassment.

Psychological Research

Thus far, we have examined the evolution of sexual harassment of working women. We have also looked at the current legal view of the problem. However, we have not, as yet, discussed the dynamics of sexual harassment. A great deal of confusion exists regarding what sexual harassment is and how it works, both in the legal community and in society as a whole. The legal definitions are vague, and difficult to document in court. On the job, naive targets are made unhappy by harassment, but have no label for it, while accidental harassers are unaware that they have offended. As we shall see, deliberate harassers capitalize on the confusion, often pretending ignorance of the effect of their actions. It is the purpose of this section of the paper to look at what answers the psychology community has developed for these questions and how their answers might be used to clear the confusion and reduce the occurrence of harassment.

The psychological research community derived their answers primarily from surveys. Because it would be unethical to create harassing situations and directly observe its dynamics, few researchers developed experimental studies. In fact, Pryor's research includes the only experiment mentioned in the paper (Pryor, LaVite, and Stoller, L. M., 1993). Instead, researchers either gave subjects questionnaires about their personal experiences to fill out or presented them with hypothetical scenarios about which their opinions were asked. Thus, the information presented herein is empirical, rather than experimental, in nature.

Sexuality in the Workplace

In order to better understand sexual harassment in the workplace, it is important to analyze the context in which it occurs : the workplace. From the moment the first woman entered the labor market, issues of sexuality and appropriate behavior have existed. Early industrial society dealt with the problems created by the mingling of the sexes in two ways. First, they separated the sexes within the organization. The majority of jobs were sex-segregated, even as late as the 1950s. Only a few men would come in contact with the working women on a daily basis, thus greatly reducing the possibility of inappropriate behavior (although such behavior still occurred quite often). Furthermore, most inappropriate behavior was held to be the responsibility of the woman involved. It was commonly believed that women have the power and responsibility for handling the “baser urges” of men, and women were expected to control male urges in a ladylike, personal manner. Because this was a personal matter to be settled among the two individuals, the employer absolved himself of any responsibility. Nonetheless, if an employee behaved in a grossly abusive way, then it would be likely that an organization would take action. As the men involved were usually in higher, more skilled positions (often managerial) and the women involved held lower posts, it was often preferable for the company to fire the expendable woman, who could be more easily replaced (Kessler-Harris, 1982; Peiss, 1986; Tentler, 1979).

Not all sexuality and sexual behavior in the work environment leads to problems. There are numerous instances in which the two parties develop a mutually satisfying relationship, some ending in marriage or long-term commitments. According to Robert Quinn and Patricia Lees in their article “Attraction and Harassment: Dynamics of Sexual

Politics in the Workplace”(1984), there are three kinds of romantic relationships at work : true love, the fling, and the utilitarian relationship. True love occurs when two people become genuinely interested in each other and their interest is long-term. The fling is a short-term relationship, that starts off quickly and ends just as abruptly. The utilitarian relationship occurs when both parties expect to gain some extrinsic benefit from the relationship. An example of this would be the older, male boss who has an affair with his young, female secretary to prove his virility and sexual appetite as he becomes middle age. The secretary in turn is interested in advancement. The utilitarian relationship is considered the most volatile of the three, although each has the potential to create difficulties within the organization. Sexual relationships in the office are not inherently problematic, however. If handled in a mature fashion, they benefit the individuals involved and the company as well. Surprisingly, relationships can lead to improved company loyalty and better on the job performance (Quinn & Lees, 1984; Quinn, 1977).

Society has changed enormously since the days when parents arranged suitable matches for their children, and provided carefully chaperoned opportunities for courting. Today, more and more adults are turning to the workplace to find their romantic partners (Lobel, 1993; James, 1981). At work people have the opportunity to meet others with similar interests, develop friendships, and pursue amorous and romantic relationships further with fewer sanctions than ever before. Most relationships are neutral or positive, but the freer sexual environment does provide a setting for misunderstandings, and an excuse for deliberate discrimination.

Some interesting differences exist between men and women with regard to perceptions of sexuality in the workplace. In general, men seem to interpret behavior to have a sexual undertone more often than women -- especially women's behavior. In three studies conducted by Saal, Johnson, and Weber (1989), male subjects perceived significantly more intended flirtatiousness, promiscuity, and seductiveness, but less friendliness than the female subjects. It is perhaps because of their lustier perception of events that "men also believe that such [sexual] behaviors are more normative and more acceptable in the workplace than women do"(Gutek, Morasch, and Cohen, 1983). These differences in perception will be discussed in more detail later in this paper.

Sexuality has become an integral component of the working environment. In the past, sexual behavior was considered wrong in polite society, and it could be argued that sexuality should be removed from the workplace as much as possible that need not be removed to prevent sexual harassment. Quinn and his colleagues have found that handled appropriately, sexuality, in and of itself, does not cause problems. It is only when sexuality and romantic relationships are handled in an inappropriate way, or misunderstandings of intention occur that difficulties arise. Most on-the-job romantic conflicts can be dealt with on the individual level. However, there is a point at which sexually charged confrontations are hazardous, not only to the individuals involved, but to the organization, and society as a whole. We need to determine where this point occurs.

Operational Definitions

The single most difficult obstacle to overcome in dealing with sexual harassment is defining its parameters. The legal community has not adopted a comprehensive definition

of harassment (although they sometimes defer to the EEOC's guidelines and definition), leaving individual judges and attorneys the responsibility of battling out, on a case by case basis, what constitutes harassment and what does not. The EEOC, in 1980, provided the following definition to help businesses and the courts better understand sexual harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.

Unfortunately, for most people, the EEOC definition is inexplicit and difficult to understand. Later court rulings have expanded and somewhat clarified the vague areas of the definition; however, people are still confused.

If someone were to walk up to you on the street and ask you if you knew what sexual harassment is, you most likely would say yes; but when that person asked you to define it, you would probably have more difficulty. More difficult still would be to decide whether a specific behavior is an example of harassment. The problem that most people have is developing a clear-cut, concise definition that describes why certain behaviors are harassing and others are not. When people test the definitions they have created, they find that the definitions are inadequate: certain behaviors that should be included are left out, and vice versa. This is the plight of the legal community and most of society as well. To remove some of the confusion, we turn to the psychology literature to see how they have defined sexual harassment. What did we find?

Psychologists use two types of definitions in their research: theoretical and operational. Theoretical definitions, much like the EEOC definition, try to explain phenomena in abstract terms. They would describe the conditions that would qualify a behavior as sexual harassment, using hypothetical constructs rather than concrete behaviors. Operational definitions, in contrast, describe the phenomena in terms of observable behavior; thus, they would provide the list of behaviors that constitute sexual harassment. Operational definitions are used to quantify the hypothetical construct so that hypotheses about them can be tested empirically. Psychologists argue about how well a given operational definition defines a construct (construct validity), so there are usually a number of operational definitions for each construct. Consequently, a great deal of psychological research has focused solely on trying to define sexual harassment.

Much of the research was questionnaire studies. Often, the researchers provided their subjects with a list of behaviors; subjects were then asked to say whether they had experienced each behavior. Based on the frequency distributions, the researchers determined what forms of harassment were commonly employed by harassers. Table I provides a breakdown of the behaviors and answers given in five surveys (Gruber and Bjorn, 1982; Lafontaine and Tredeau, 1986; US Merit Systems Protection Board, 1981; Powell, 1983; Stockdale and Vaux, 1993). Only one had data on how men viewed the behaviors; the rest of the participants were women (Stockdale and Vaux, 1993). Table II shows the percentages of working men and women who would consider the behaviors listed to be sexual harassment (Terpestra and Baker, 1987; Powell, 1983). The direct behaviors, especially those demanding sexual favors, are considered to be harassing more

frequently than the subtle behaviors that target and derogate individuals based on their sex.

Examining the two tables, we can see that like the legal and psychological community, society as a whole generally recognizes two types of sexual harassment : quid pro quo harassment and hostile work environment harassment. Quid pro quo, the most widely recognized form of sexual harassment, is the demand and/or exchange of sexual favors for extrinsic benefits (i.e., promotion, pay raise, to keep a job, etc.). An example of quid pro quo would be if an employer informed his secretary that if she slept with him, he would make sure she got a promotion. Hostile work environment is a much more nebulous beast, which is why fewer people recognize it as harassment. It is the idea that a worker can be mistreated, based on her sex, without the harassment being directly related to her job standing. A variety of behavior can be used to create a hostile work environment, if it produces an uncomfortable environment for the victim and is repeated over a long time period.

What constitutes sexual harassment? Most psychological definitions include one or more of the following components : unwelcome or inappropriate behavior; behavior sexual in nature or targeted at a person because of her/his sex; and power differences between the harasser and the victim (Bartling & Eisenman, 1993; Beauvais, 1986; Biaggio, Watts, Brownell, 1990; Brooks & Perot, 1991; Carothers & Crull, 1984; Collins & Blodgett, 1981; Fitzgerald, 1993; Fitzgerald & Ormerod, 1993; Fitzgerald & Shullman, 1993; Gruber & Bjorn, 1986; Gruber & Bjorn, 1982; Gutek, 1993; Gutek & Koss, 1993; Gutek & Morasch, 1982; Gutek, Morasch, & Cohen, 1983; Howard, 1991; James, 1984; Jensen & Gutek, 1982; Jones, Remland, & Brunner, 1987; Konrad & Gutek, 1986;

Lafontaine & Tredeau, 1986; Loy & Stewart, 1984; Maypole & Skaine, 1983; Powell, 1983; Pryor, 1987; Pryor, LaVite, & Stoller, 1993; Quinn & Lees, 1984; Riger, 1991; Sigler & Johnson, 1986; Stockdale, 1993; Stockdale & Vaux, 1993; Stringer, Remick, Salisbury, & Ginorio, 1990; Tata, 1993; Terpestra, 1986; Terpstra & Baker, 1987; Thacker & Gohmann, 1993). Unfortunately, beyond these basic components, the uniformity of definitions deteriorates. From study to study, there is little consistency about the specific behaviors used to operationally define terms like inappropriate behavior, behavior of a sexual nature, and so on.

One definition that seems to be the most clearly described and widely accepted is Till's (1980). Her definition divides sexual harassment into five categories : gender harassment, seductive behavior, sexual bribery, sexual coercion, and sexual imposition or assault. Gender harassment refers to generalized sexist remarks and behavior (i.e., jokes, insults, etc.). Seductive behavior is behavior that is inappropriate, but generally inoffensive, and so essentially sanction-free (that is, there is no penalty for doing it) behavior. An example would be suggestive looks; the recipient need not react to the looks and initially they may not seem offensive, however, they are inappropriate -- especially if continued over a long period of time. Sexual bribery is the solicitation of sexual activity or other sex-linked behavior through the use of promises or rewards. This would be to ask for sexual favors in return for a promotion or salary increase. Sexual coercion, in contrast, refers to coercion of sexual activity by threat of punishment. (If you don't sleep with me, I'll make sure you are fired.) Last, sexual imposition or assault refers to touching, fondling, and grabbing, as well as physical assault and rape. Till's five levels of

harassment are thought to be on a continuum of severity and specificity (that is, is the behavior to be taken personally), from the least severe (gender harassment) to the most severe (sexual imposition or assault). Although some researchers find Till's definition too simplistic, it is the nearest thing to a universal definition to be found in the psychological community (Fitzgerald and Hesson-McInnis, 1989).

It might be helpful to recommend the use of a definition, which combines the generally accepted basic components of harassment with the most widely accepted categories of harassment. Fitzgerald and Ormerod (1991) developed just such a definition. Their definition reads :

Sexual harassment consists of the sexualization of an instrumental relationship through the introduction or imposition of sexist or sexual remarks, requests or requirements, in the context of a formal power differential. Harassment can also occur where no such formal differential exists, if the behavior is unwanted by or offensive to the [victim]. Instances of harassment can be classified into the following general categories: gender harassment, seductive behavior, solicitation of sexual activity by promise of reward or threat of punishment, and sexual imposition or assault.

Once interpreted into common parlance, such a definition would be useful because it provides the theoretical framework upon which behavior should be judged and a list of specific behaviors. Thus, a person, such as a judge or company manager, who might be unsure what constitutes harassment, could refer to the definition and learn the basic idea of sexual harassment as well as have specific behaviors to compare any questionable behavior against.

We recommend Fitzgerald and Ormerod's (1991) definition to psychologists, attorneys, and judges with an attached list of specific behaviors that begins, "Examples of

sexual harassment include, **but are not limited to** the following: sexual remarks, sexual seduction, verbal innuendoes, verbal abuse, leering, whistling, body language, graffiti, letters or calls, subtle pressure (such as for dates), bribery or coercion, touching, sexual demands, sexual relations, and physical assault. For business purposes, we offer the following definition:

Sexual harassment is when

- - a supervisor, coworker, or client makes
- - persistent sexual or sexist remarks, requests, actions, or demands to
- - a colleague who finds them unwelcome or offensive.

We debated making the business definition more concrete by adding examples, but decided against it for fear that it would be treated as a definitive list by would-be harassers. (“Dirty dancing isn’t harassment; it isn’t on the list.”) In the absence of research showing the best ways to induce compliance with sexual harassment policies, readers will have to decide for themselves whether to add a list of examples.

Pervasiveness of Sexual Harassment

Numerous surveys have been conducted in the course of the last twenty years, trying to measure the frequency of sexual harassment. Because of the variety of operational definitions of sexual harassment, it is somewhat unclear how pervasive the

problem is. Estimates range from less than 15% of all workers to over 90% (Terpestra, 1986).

Many early studies focused exclusively on the occurrence of quid pro quo harassment. The results of these studies, consequently, seemed to indicate that although there was a problem, it was a small problem affecting only a few women. Other studies defined sexual harassment more broadly and got results indicating that almost every woman experiences some form of sexual harassment (Silverman, 1976).

The subjects chosen can also have a great impact on the results. When early studies of college students are cited, for example, the results tend to indicate that sexual harassment is not common and certainly is not a significant problem. When working women are surveyed, the results indicate the reverse. In addition, many studies ignore harassment of men, and either do not ask them, or phrase the questions in a sexist manner.

As more researchers entered the field in the 1980s, researchers began to use more comprehensive definitions of sexual harassment that provided more reliable results. Among rigorous studies, estimates of the prevalence of sexual harassment range from 42 to 53% for women and 3 to 15% for men (Fitzgerald, Shullman, Baily, Richards, Swecker, Gold, Ormerod, & Weitzman, 1988; Gutek, 1981; Merit Systems Protection Board, 1981, 1988). The single-most commonly cited study is the Merit Systems Protection Board survey of 1981. This study investigated harassment of federal employees. The survey questioned 23,964 employees (10,648 women and 13,316 men) in a random, stratified sample. Of the women, 42% reported that they had been sexually harassed during the preceding two years. 15% of the men had experienced some form of

sexual harassment within that same time period. This study was replicated in 1988 with a smaller sample (8,523 respondents) and gave the same results. Thus, it is safe to say that nearly half of all working women and one seventh of all men have been sexually harassed. It is quite likely that even this number is too conservative. In any event, sexual harassment is a pervasive problem that warrants the full attention of the business community and society at large.

Perceptions of Sexual Harassment

Determining that a particular action is sexual harassment depends upon one's subjective perception of the behavior and the motivations involved. The phenomenological nature of the problem combined with the furtiveness of some of the behavior has made it more difficult to persuade some individuals that a problem even exists. Skeptical individuals seem to believe, as this 38-year-old male plant manager does, that "this entire subject is a perfect example of a minor special interest group's ability to blow up any 'issue' to a level of importance which in no way relates to the reality of the world in which we live and work"(Collins and Blodgett, p.77, 1981).

To clarify the issue, several researchers have tried to discover whether men and women perceive sexual harassment differently, and if so, how? Survey results indicate that in fact they do. Benson and Thomson (1982) found that a significant gap seems to exist between men and women in their perception of the frequency and type of harassment that occurs in the workplace, as well as the perception of the difficulty a woman would have in handling an unwanted sexual advance. (Men thought it easier to do than women).

Jensen and Gutek (1982) found that there were differences with regard to perception and assignment of responsibility for sexually harassing behaviors. Not surprisingly, “more responsibility was assigned to the victim of sexual harassment by the male than the female respondents”(Jensen and Gutek, p. 125, 1982). Furthermore, they also found that sex-role beliefs influenced the assignment of responsibility. Individuals who held a more traditional view of women, were also more likely to hold them responsible for the sexual behavior, than individuals with more feminist beliefs. (Assignment of blame was negatively correlated to the severity of the behavior. The more forceful the behavior, the less the non-feminist group blamed the victim.) It may be the case that generally men have more traditional beliefs than women, and this difference causes them to view sexual harassment more traditionally as well.

Gutek, Morasch, and Cohen (1983) looked at the interaction of the sex of the rater, sex of initiator, and status of initiator. This study found that women perceive incidents to be sexually harassing more often than men do. “Men view ambiguous, but potentially sexual, behaviors initiated by the opposite sex as positive experiences, whereas women view such behaviors in a less positive manner. However, the men in the study also realize that such experiences are not as welcome by women as they are by men and that men consider incidents initiated by higher status persons as being less appropriate”(Gutek et al., p. 45, 1983).

In 1984, Loy and Stewart conducted a survey of Connecticut residents to determine the scope of the sexual harassment problem. Fifty-six percent of the males (n=110) and 72 percent of the females (n= 213) thought that sexual harassment was either

a serious or very serious problem. Only 10 percent of the males (n= 20) and 4 percent of the females (n=12) believed that it was not a serious problem at all. Thus, more women than men viewed sexual harassment to be a problem. Furthermore, significantly more women thought that sexual harassment occurs frequently. The authors suggest that the reason for these differences in perception may be personal experience with harassment. "Because women are more likely to be the recipients of sexual harassment at the workplace, they may perceive the seriousness and frequency of sexual harassment differently than males do"(Loy and Stewart, p. 35, 1984; see also Meyer, Berchtold, Oestrich, and Collins, 1981).

That same year, Jones, Remland, and Brunner (1987) found another sex difference when they examined the effect of sex of the rater (i.e., the subject) on perceptions of harassment, initiator's appropriateness, and recipient's appropriateness. When the recipient or target of the harassment responded favorably to the behavior, male raters perceived the situation as more sexually harassing than female raters. The welcoming recipient was also evaluated more positively by male raters. When the recipient responded negatively to the behavior, there was no sex difference in perception. The response of the recipient may be the catalyst that determines whether a sex difference is found : Terpestra and Baker (1987) did not include recipient response in their scenarios.

Terpestra & Baker (1987) found that little difference between female and male perceptions of sexual harassment. The only significant difference found involved coarse language. Significantly more women (25%) than men (12%) thought coarse language to be sexual harassment. The authors suggest that the consensus between the sexes on this

issue (compared with earlier studies) “may reflect recent changes in males’ perceptions and awareness of sexual harassment, resulting from the sharp increase in public attention given the issue”(Terpestra and Baker, p 604, 1987).

Using Till’s (1980) five categories of sexual harassment, Jasmine Tata also found that the sex of the subject significantly affected the perceptions of sexual harassment. In addition, she also found that the sex of subject interacted significantly with the category or type of sexually harassing behavior. Male subjects were less likely to perceive gender harassment and seductive behavior as being sexually harassing than were female subjects. By comparison, no significant differences were found between male and female subjects for sexual bribery, sexual coercion, and sexual assault. Tata suggests that these differences can be explained in terms of differences in norms of appropriate sex-role behavior. She says “men and women are socialized to play different roles; men are socialized to be initiators in sexual relationships and may perceive the workplace as an arena for sexual conquest, whereas women are expected to be gatekeepers Making sexual comments and overtures is part of the male sex role, whereas women can perceive the same behavior as sexual harassment (Farley, 1978; Gutek, Cohen, and Konrad, 1990; Konrad & Gutek, 1986; MacKinnon, 1979; Tangri, Burt, and Johnson, 1982).

Although studies of the late 70s and early 80s indicate that men and women differ in their perceptions of sexual harassment, later studies seem to indicate that (at least with regard to more severe forms of sexual harassment (i.e., quid pro quo and sexual assault) the sex differences are somewhat diminishing. However, in the area of hostile work environment harassment there is far less agreement about definitions: women consistently

perceive significantly more occurrences of sexual harassment. It may be that as the level of public awareness of different categories of sexual harassment increases, the discrepancies based on gender will decrease. Thus, regardless of the reasons for the original differences (whether they were because of sex-roles, personal experience, nonfeminist attitudes, or some other factor), the more social attention given to the problem of sexual harassment, the more perceptive individuals become at identifying behaviors as sexually harassing. It may well be that in order to solve the harassment problem, everyone must first agree that a problem exists and what that problem is.

Theories of Sexual Harassment

From the inception of sexual harassment as a subject of psychological research, researchers have attempted to provide an integrative explanation of sexual harassment. Tangri, Burt, and Johnson (1982) identified three general explanations and tried to test them using data from the first Merit Systems (1981) study. The three models were : 1) a natural/biological model, 2) an organizational model, and 3) a sociocultural/gender model.

The biological model suggests that sexual harassment is a manifestation of the need to reproduce. Men, according to this explanation, have an instinctive drive to copulate in order to perpetuate their genes. To ensure that their genes remain in the pool, men want to have sexual relations with as many women as possible, thus greatly improving their chances of reproductive success. Sexual harassment, therefore, is a strategy for men to mate and remain in the gene pool. Tangri and her colleagues derived predictions from the theories and used survey data to test the predicted relationships.

Predictions derived from the natural/biological model included the hypothesis that victims would be eligible as partners, and more flattered than offended by the harassment. In their study, Tangri, Burt, and Stoller (1982) found little support for this theory, although Studd and Gattiker (1991) have taken issue with this work, providing an extensive sociobiological defense. In reply, Fitzgerald and Shullman (1993) argue that a biological explanation “ ignores the widespread nature of gender harassment, and underestimates the heterogeneity of both harassers and victims as well as the general ineffectiveness of harassment as a mating strategy”(Fitzgerald and Shullman, p. 21, 1993).

The organizational model suggests that harassment is the result of the misuse of organizational authority. Individuals in positions of high power within the company can use their ability to provide or revoke rewards inappropriately for personal gains (i.e. sexual gratification or self-image enhancement). In this model, equity, the idea that people should be rewarded or punished based on their own performance, is ignored. Because most modern business organizations use equity to motivate their employees, sexual harassment violates people’s sense of fairness, thus the functioning of the organization is undermined(Gutek, 1993). From this perspective, harassment is an economic problem that must be addressed by the organization -- not just the individuals involved. An example of Tangri’s hypotheses would be that the higher status a harasser has, the more severe and frequent the harassment. Tangri et al. (1982) found limited support for this model. “The finding that harassers are often not supervisors suggests that other mechanisms besides *organizational power* difference might contribute to the occurrence of sexual harassment”(Gutek and Morasch, p. 57, 1982). An interesting question might be whether

companies that harass and discriminate against women show smaller profits than those that don't.

Similar to the organizational model in its power-based formulations, the sociocultural/gender model conceptualizes sexual harassment as the domination of women in the workplace. In the sociocultural model harassment is a result of adherence to traditional sex roles. Traditionally, women have been in powerless socioeconomic positions and so are forced to exchange sexual favors for promotion, raises, or merely to keep their jobs (Jones, Remland, and Brunner, 1987). Men use their social power in the workplace in an attempt to control their female colleagues. Tangri, Burt, and Johnson (1982) found some support for the sociocultural/gender model. However, this model does not address the fact that approximately 15% of all working men are also the victims of sexual harassment; how can women and homosexual men, who have little social power, harass men?

In addition to these early models, two other explanations have been formulated from later research. They are the sex-role spillover theory and the person-environment interaction model. Gutek's sex-role spillover model (Gutek & Morasch, 1982; Konrad & Gutek, 1986), proposes that when occupations are dominated by one sex or the other, the gender role of the predominant group influences the workrole expectations for that job and the treatment of women within the workgroup. To demonstrate, a secretary's workrole includes taking notes, typing documents, keeping her boss' calendar, and answering the telephone. Although certainly not a comprehensive list, these are the activities expected of a good secretary. The secretarial field has been dominated by women

throughout the 20th century. Thus, the sex-ratio of this occupation is skewed. Gutek argues that because of this, the traditional sex-roles of women carryover and become intermingled with the work-role expectations of the job of secretary. Some of the characteristics included in the feminine sex-role are pet (cheerful and engaging), mother (protective and nurturing), and sex object (provocative and sexually available). Therefore, a secretary might also be expected to bring her boss coffee, remind him/her of daily appointments and upcoming due dates, or dress in seductive way. She might be expected to act out any combination of these sex-roles. The primary prediction of the sex-role spillover theory is that gender-balanced work groups will experience less harassment. The prediction is well supported by the data and has important implications for intervention (Fitzgerald and Shullman, 1993; Fitzgerald and Ormerod, 1993).

The person-environment interaction model proposed by Pryor (1992; Pryor, LaVite, and Stoller, 1993) hypothesizes that harassment is the result of an individual predisposition to harass combined with organizational norms that allow or encourage such behavior. Who has these predispositions and why, as well as what type of organization facilitate such behavior will be addressed later in this paper. This model does not fully explain sexual harassment, for it is quite unlikely that such a widespread problem can be explained by individual deviations alone, however it does contribute important data concerning the organizational factors that affect (positively or negatively) the occurrence of sexual harassment.

Each of these theories, with the exception of the natural/biological model (which may have been too poorly operationalized to be tested fairly), has a good deal of

supporting data. It is unlikely that any one theory gives an accurate, comprehensive explanation of the dynamics of sexual harassment. In conjunction, though, these theories present a reasonable description of how sexual harassment occurs. Much more research is needed to determine what combination of explanations presents an accurate description of sexual harassment or if there are other factors that these models have overlooked. However, these models provide a good basic understanding and foundation upon which possible solutions can be built.

Characteristics of the Victim

Strictly speaking, any individual can be the victim of sexual harassment: male or female, heterosexual or homosexual, white or black, old or young, attractive or homely. If a power differential exists between two individuals, then the possibility of harassment exists. Although anyone can be a victim, there are certain characteristics typical of sexual harassment victims.

Women are more commonly the victims of sexual harassment. “This is especially true where women are a highly visible minority in the work area” (Gruber and Bjorn, p. 274, 1982). In their survey of 138 female autoworkers, Gruber and Bjorn (1982) found that the ratio of women to men was significantly related to the frequency and severity of sexual harassment. A very small number of women in an area does not receive much attention; however, when the women’s presence is more noticeable, the frequency and severity of harassment increases. These results have been replicated by Gutek (1993; Gutek and Morasch, 1982) and Lafontaine and Tredeau (1986). Why should women in

small, but significant numbers (such as in traditionally male occupations) be the targets of more harassment? Lafontaine and Tredeau offer three possible explanations. One suggestion is that in these positions, the women's sex-roles may be especially salient (see also Gutek and Morasch, 1982). A second possibility is that these women "may be identified as more serious threats to male privilege and power" and the men retaliate with harassing behavior (Lafontaine and Tredeau, p. 436, 1986). Lastly, because women in these jobs typically are treated in stereotypic ways, it may be that they are better able to identify inappropriate behavior as sexual harassment than are their counterparts in traditionally female occupations. A fourth hypothesis, not mentioned by Lafontaine and Tredeau, is that the social comparison data provided by additional female coworkers allows a woman to make an attribution that a harasser behaves inappropriately to other women as well, and that she is not responsible for his behavior (Festinger, 1954; Kelley, 1967).

Age is another important factor. Younger women are more likely to be harassed, and the younger the worker, the more likely she is to be a target (Gutek, 1985; Merit Systems, 1981,1987).

Length of employment, related to age, might be a more informative characteristic. In their study, Lafontaine and Tredeau (1986) found a curvilinear relationship between level of harassment and years at present job. Women who had been at their present job for between two and three years had experienced more harassment than those who had been there for one year or more than four years. It may be the case that "after an initial period, men may feel it is acceptable or even expected [to] introduce a sexual dimension into a

relationship”(Lafontaine and Tredeau, p. 440, 1986). The harassment may let up when women have been with a company long enough to have the authority or personal influence to discourage the harasser.

Gruber and Bjorn (1986) found no significant relationship between frequency of harassment and job seniority. (They divided their sample into those who had worked 3 years or less and those who had worked more than 3 years. Two categories may not have been enough to show a relationship.) However, they did find a significant relationship between frequency and severity of harassment, and job skills and job status. Thus, women who had poor job skills or worked in low status jobs received more harassment. These findings lend credence to the belief that women who do not have power and status advantages are more likely to be the targets of sexual harassment.

Marital status is another salient characteristic of sexual harassment victims. Unmarried women experience harassment more frequently than other women (Fitzgerald and Ormerod, 1993; Gruber and Bjorn, 1982). Fitzgerald and Bjorn describe marital status as a “dummy variable” because it could be correlated with other explanatory variables such as age, perceived “unavailability”, and vulnerability particularly if the husband or partner is powerful. It is important to note that widowed women do not seem to be considered in the unmarried woman group, but divorced women are. This represents an interesting shift in social beliefs. In the early history of this country, especially during the colonial era, widowed women were considered to be “available” as soon as a week after the death of their husband (see History).

Little research has been done to examine to what degree race and ethnicity affects harassment. Gruber and Bjorn (1982) found that black women were more likely to be harassed than were white women. However, of their sample of 138 women, only 40 were black. In a later study of 824 Los Angeles County workers, Jensen and Gutek (1982) found that minority women, who made up one third of the sample, were no more vulnerable to harassment than Anglo women. Yet, because no ethnic distinctions were made within the general classification of "minority", these results may be misleading. It is possible that majority attitudes toward specific groups or the belief systems and social norms of each subculture (i.e. Hispanic, Asian, etc.) led some minorities to be harassed more frequently than others. When all minorities were lumped into one group, the effect of their ethnicity or race may have been masked by the mean. Clearly, not enough research has been done in this area to make definitive statements. The fact that minority (especially black) women have been among the trailblazers both in seeking restitution and in receiving national attention (Thomas/Hill hearings) for sexual harassment seems to indicate that ethnicity may indeed be a significant factor.

Another factor that has received little attention is sexual orientation. In the only study that addressed this issue, Schneider (1982) found that the lesbians reported higher levels of all types of sexual approaches than did their heterosexual counterparts. Unfortunately, age and sexual orientation were confounded, and further research is needed.

Individual beliefs also seem to influence the likelihood of being sexually harassed. Attitudes toward feminism and sexual harassment influence how women interpret their

experiences. Women with profeminist beliefs are more likely to identify behavior as harassing than women with traditional attitudes (Brooks and Perot, 1991; Pryor and Day, 1988; Jensen and Gutek, 1982). Furthermore, the more educated a woman is, the more likely she is to consider an incident as sexual harassment.

This picture of the typical victim of sexual harassment, then, is that of a young, unmarried woman. She has little education, few job skills, and low job status. In short, she has little ability to retaliate should someone try to take advantage of her. She is the perfect target.

Effects of Sexual Harassment

A woman who is being sexually harassed has to deal not only with her harasser, but with the disbelief and belittlement of her bosses and coworkers. Rather than finding sympathy and assistance, she is often treated as if she were a troublemaking eccentric. Sooner or later she is likely to become filled with self-doubt (Gutek and Koss, 1993).

Like any form of discrimination, the obvious effect of sexual harassment is economic. Targets who refuse to cooperate with quid pro quo sexual harassment, who are “bad sports”, or who complain may find that their job evaluations drop, that raises, promotions, or career opportunities are denied. Targets find themselves demoted, not offered overtime and benefits, or worse, fired. In one survey of victims of harassment, it was found that 24% were fired outright, while another 42% were pressured into quitting (Crull, 1982; Gutek, 1985).

Likened to rape and sexual assault, sexual harassment has significant and long-lasting personal effects on its victims (Gutek and Koss, 1993). Loy and Stewart (1984) found that nervousness, irritability, and uncontrolled anger were the most frequently mentioned responses to all types of harassment. The more severe the harassment, the more likely the victims were to experience loss of motivation, uncontrollable crying, sleeplessness, and eating difficulties. Depending on the severity of the abuse, some victims have displayed the symptoms of Post-Traumatic Stress Disorder (PTSD). They reexperience the events (“flashbacks”), have heightened arousal, and avoid people that remind them of the incidents (Gutek and Koss, 1993). According to Gruber and Bjorn (1982), sexual harassment lowers self-esteem and life satisfaction. Benson and Thomson (1982) found it to be associated with lessened self-confidence, and Gutek (1985) found that it sometimes negatively affected the victim’s personal relationships.

Even when her harasser and his supporters do not deliberately sabotage the victim’s career, sexual harassment changes the target’s work environment. After the incident, a harassed individual’s interpersonal relationships at work often deteriorate (DiTomaso, 1989). She may not trust her coworkers or feel close to them, especially if they were not supportive or did not believe her allegations. A lowered sense of self-esteem can cause the victim to feel incompetent and perform badly -- sometimes causing the victim to lose her job. “Sexual harassment can derail a career or lead or force a woman into an occupation which pays less well and/or offers fewer opportunities for advancement”(Gutek and Koss, p. 31, 1993).

The Harasser

Little research has been done on harassers. Although there are cases of females sexually harassing, most harassment is perpetrated by males. Supervisors are more likely to use quid pro quo harassment, while coworkers more typically use hostile work environment harassment (Lafontaine and Tredeau, 1986). However, both groups commit both forms of harassment. Furthermore, supervisors and coworkers are not the only ones to harass; sexual harassment of employees by clients can and does happen.

Pryor (1987) has developed a scale that tries to determine the likelihood of an individual sexually harassing others. Known as the Likelihood to Sexually Harass (LSH) Scale, it measures attitude toward sex, feminism, and rape. It also looks at ability to empathize with harassment victims. From the initial studies using the LSH, the harasser profile emerged. The typical harasser is an individual who emphasizes sexual and social male dominance (Pryor, 1987). Harassers have traditional, nonfeminist beliefs. They are authoritarian in nature and see nothing wrong with exploiting women. (The Likelihood to Rape scale was highly correlated with the LSH scale.) They have little, if any, empathy for their victims. Ironically, although these men are more likely to sexually exploit women, they have more negative feelings about sex in general.

Pryor (1987) did an interesting study to assess the behavioral validity of the LSH instrument. He had two conditions, one in which the subject taught a female confederate to play golf, and one in which the subject taught the confederate to play poker. Half of the male subjects were potential harassers, and half were nonharassers as defined by their LSH scores. As predicted, it was found that subjects who scored high on the LSH scale took advantage of the ambiguous golf condition, touching and flirting much more than

their nonharassing counterparts. In the poker condition, the harassers did not touch the women at all. Evidently men who have sexual harassment proclivities will take advantage of ambiguous situations, that is, situations with an excuse for physical contact, and in which there is little or no likelihood of being punished.

In 1993, Pryor, LaVite, and Stoller developed a theory to explain sexual harassment based on the findings of the LSH scale. The person/situation interaction model proposes that some individuals are predisposed to perform sexually harassing behaviors. When the potential harasser perceives management as being tolerant of or condoning sexual harassment, he will sexually harass. This model suggests the importance of the organization in ending the problem of sexual harassment. It is important to note that although the LSH scale is an accurate predictor of male harassers, it is less accurate at predicting female harassers (Bartling and Eisenman, 1993).

The Organization

What characteristics of an organization contribute to the harassment of its workers? Two factors seem to affect the organization's contribution to sexual harassment: sex ratio and organizational culture. As we have seen, organizations in which there is an equal ratio of women to men have fewer reports of sexual harassment. This may be because as men and women interact more frequently, they become used to each other. Men feel less threatened by women, and women have more influence and power, making them less appealing victims. As the sex ratio levels, the distribution of power becomes more uniform across sexes, making it more difficult to harass unchallenged.

Workers may learn to relate as colleagues, diminishing the saliency of sex differences. It is also possible that the greater number of women in the organization changes the organizational culture, sending clearer, stronger messages that sexual harassment will not be tolerated (Gruber and Bjorn, 1982; Gutek and Morasch, 1982; Gutek, 1985).

Second, corporate culture also plays an important role. As mentioned earlier, Pryor, LaVite, and Stoller (1993) suggest that if a potential harasser believes that his behavior will be condoned by the organization, he will harass. Thus, it follows that the likelihood of harassment will diminish when an organization shows that women are not employed merely in service roles, but are regarded as equals in the company hierarchy. This hypothesis is supported by the work of Lafontaine and Tredeau (1986). They found a strong negative relationship between the level of harassment and the level of perceived equal employment opportunity for women within a company.

Konrad and Gutek (1986) found sexualization of the workplace to be an important variable. A sexualized culture refers to a climate in which there is a great deal of talking about sex, sexual joking, and sexual behavior. Because these behaviors are ingrained in the organization, some workers may be honestly unaware that such behavior can be sexual harassment. In addition, a sexualized workplace may suggest that other forms of sexual harassment may be tolerated (Pryor, LaVite, and Stoller, 1993). It seems reasonable, then, to assume that a company striving to eliminate sexual harassment should try to equalize the male/female employee ratio, promote female employees, and treat sexual jokes, innuendoes, and other sexual references and displays as unbusiness-like.

Responses to Sexual Harassment

Currently, there are three avenues that a victim of sexual harassment can pursue: addressing the problem informally, taking formal action within the company, and seeking redress from a source outside the company. Which method a victim uses largely depends on the frequency and severity of the harassment, and the perceived effectiveness of the solution.

The most common avenue is to take informal action, such as ignoring the incident, speaking directly to the harasser, or having a coworker speak to the harasser. Most women tend either to ignore the harassment or speak to the harasser. Apparently, part of the reason for choosing silence is that if the harasser discovered that his actions were having an effect it might encourage, rather than discourage, him. Rowe (1981) suggests that the individual write a letter to the harasser explaining in detail her version of the incident, what about the incident made her uncomfortable, and what she would like to happen next. This can be an effective solution because, even if it does not persuade the harasser to stop, the letter can be used later as proof of what happened and that the harasser knew what he was doing was making the victim uncomfortable. In situations where the harasser had not intended to make the victim uncomfortable, an informal method is effective. However, if the harasser's behavior is intentional, then this method will not deter him, and in fact may encourage him (Benson and Thomson, 1982; Gruber and Bjorn, 1982, 1986; Gutek and Koss, 1993; Loy and Stewart, 1984).

The other means of dealing with a harasser involve the victim filing formal charges, either internally or externally. A formal charge is usually less appealing than informal action because the target loses control of the situation and, because the incident may now

be public knowledge, she may suffer embarrassment or become the target of retaliatory action -- both by the harasser and other employees. Furthermore, early studies suggest that the target also might not complain of the incident because she does not want to damage the harasser's professional reputation and/or family (Gutek, 1985; Jensen and Gutek, 1982). Certainly, more research needs to be done to pinpoint what it is about the formal procedures that victims try to avoid. Of the female victims responding to the 1987 US Merit Systems Protection Board study, only 5% filed a formal complaint or requested an investigation (Gutek and Koss, 1993). In the original 1981 study, only 2% of those harassed took official action. The Women's Legal Defense Fund (1991) estimated that between 1 and 7% of harassment victims take action. Clearly then, formal policies are not effective deterrents -- they deter the victim, not the harasser.

Virtually all corporations have some sort of grievance policy to address allegations of sexual harassment. To what extent the policies are effective varies from company to company. The procedure followed in filing a complaint is pretty standard. The victim would file her complaint with someone designated by the company as the ombudsman, usually the Human Resources manager or EEOC officer. The ombudsman then begins an investigation of the allegations, usually with the help of a special committee. The suspected harasser is informed of the allegations made against him and given an opportunity to argue his case. (The alleged harasser may or may not be told who his accuser is.) Based on the evidence presented by both sides, the committee determines if the complainant was sexually harassed, and punishes the harasser accordingly. Although it

is not required by law, a great deal of weight is placed on whether the victim pursued every other alternative, especially company policies, before turning to the courts.

If both the informal procedures and formal company harassment policies fail to address the incident(s) in a satisfactory manner, the victim has one more option -- to seek redress outside the company. Non-company techniques for settling harassment problems include alternative dispute resolution, and litigation. Alternative dispute resolution includes mediation and arbitration, and involves bringing in a neutral party to assist the victim, her harasser, and the company in settling the dispute. Hard data on the effect of alternative dispute resolution on sexual harassment is unavailable, as the technique is relatively new, and settlements are generally undisclosed (Faulkner, 1994).

There are numerous obstacles to litigation; among them are the expense of hiring legal counsel, the length of time before a settlement is reached, and the possibility of receiving no settlement. When a victim files suit in court alleging sexual harassment, she is usually put on trial, as well as the defendant. She must relive the trauma of the experience in the presence of strangers -- attorneys, court officials, jury members, and others in the courtroom. Defense attorneys often try to disparage her reputation and credibility to win their client's case. No detail of her life is above scrutiny. Furthermore, during and after the trial, she is often treated as an outcast at work -- if she still has a job. As her colleagues take sides and pass judgment on the details of her personal life, she must endure their glances and snide remarks. Despite these significant deterrents, a few women do seek legal redress.

Clearly, none of these solutions is without its flaws. Confronting the harasser may have no impact or may actually make the situation worse. The other, more public alternatives present so many potential negative repercussions and so few incentives for the victim that few women are willing to take the risk. Organizations and society at large need to carefully reevaluate these alternatives and make appropriate changes to ensure that complainants receive fair treatment when they lodge their complaints and not just more victimization. Legal remedies must be made more efficient, so that penalties to persons and organizations for harassment are swift and sure.

Synthesis and Conclusions

Prevention

Obviously, the best solution to the harassment problem is to prevent it from happening. Prevention requires change not only of the harasser, but of society, the organization, and potential victims as well. Society must become more aware of the magnitude and dynamics of the problem. It is hoped that as people realize how damaging and pervasive sexual harassment is, and become aware of the factors that encourage it, they will no longer tolerate it in fact, nor find it amusing in fictional media.

Organizations, as small societies, must carefully train their employees and monitor their corporate culture. Once again, improved understanding and awareness are essential if individuals are to stop behaving in unacceptable ways. Harassing individuals must be made aware of the inappropriateness of their behavior. Furthermore, potential victims (which realistically includes everyone) must be taught to recognize harassment and how to

handle the situation should they be sexually harassed. In addition, organizations must nurture a culture that encourages sensitivity to and respect for fellow employees. Comprehensive policies with strong punishments for sexual harassers can do much to ensure a corporate culture that does not propagate harassing behavior. Meeting these responsibilities will be difficult. However, by educating and sending strong, clear messages to all employees (from the assembly-line worker to the chairperson of the board), organizations can greatly contribute to the prevention and resolution of this problem.

Last, individuals must become more aware of their behavior and how it may be interpreted. They must educate themselves on this subject and apply the knowledge to their daily lives. They must strive to send clear, distinct messages and to ask for feedback to ensure that misunderstandings are corrected immediately. They must avoid ambiguous situations, of which sexual harassers will take advantage. Finally, they must become more empathic to the difficulties a sexual harassment victim endures. If individuals are more understanding and less judgmental, victims will be encouraged to take formal, binding action against their harassers. Thus, harassers will either quickly learn to improve their behavior or suffer the consequences. Either way, the behavior will cease and the problem of sexual harassment will be resolved that much more quickly.

Future Direction of The Law

There are several things the legal community can do as well to help eliminate sexual harassment. First, they can adopt a better definition of sexual harassment. Current

legal definitions are vague, and difficult to substantiate. A new tort or new criminal laws may be needed to address the problem. Finally, the legal community must educate its own members about sexual harassment -- both to ensure that the members are not harassing colleagues or clients, and to aid judges and attorneys in making the best decisions. Changes in the way the legal system treats victims of sexual harassment are needed; these changes will not be recognized, let alone carried out, if the members of the legal community are not fully aware of the negative impact and ineffectiveness of their current procedures.

Future Directions of Psychology

There are several ways in which the psychological research community can further contribute to the understanding of the sexual harassment problem. Foremost is to create a better operational definition of the problem. By offering a more common definition, we can avoid construct validity problems; we can also provide the legal and business communities with an eloquent definition. In addition, more research needs to be done on the victims and dynamics of sexual harassment. As mentioned earlier (see the Victim), we have found no systematic research on correlations between ethnicity (target or harasser) and sexual harassment. Similarly, we have found no data on how sexual orientation influences the dynamics of sexual harassment. Finally, although nearly 15% of male respondents report having been sexually harassed, we have not seen any research on them (Fitzgerald, Shullman, Baily, Richards, Swecker, Gold, Ormerod, & Weitzman, 1988; Gutek, 1981; Merit Systems Protection Board, 1981, 1988). It is probably not

reasonable to assume that the results of research on female victims is generalizable to males.

In addition, studies must be conducted that take more comprehensive looks at the impact of the grievance process on the victim. It is only after we understand how and to what extent the current solutions are ineffective that we can correct and improve the process. Research also needs to be conducted to measure the impact of specific training/prevention programs in curbing sexual harassment. To date, there have been numerous articles recommending that organizations train their employees. However, there has been only one study that measured the effectiveness of a specific training program (Beauvais, 1986). Organizations, which rarely have the tools or resources to gauge the effectiveness of training programs, need research to tell them which training programs to implement. Otherwise, companies may spend millions of dollars on worthless training programs, decide that training does not work, and give up.

Finally, the psychology community needs to be on the look out for other possible explanations and solutions. The foundation, a basic explanation of sexual harassment, has been laid, but the building is unfinished. In the words of most psychology journals, "further research is needed".

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Law

Barnes v Train, 13 FEP Cases 123 (D.D.C.)*

Corne v Bausch and Lomb, Inc., 390 F. Supp. 161, 10 FEP Cases 289 (D. Ariz.)

Williams v Saxbe, 413 F. Supp. 654, 12 FEP Cases 1093 (D.D.C.)

Barnes v Costle, 561 F. 2d 983, 15 FEP Cases 245 (D.C. Cir.)

Bundy v Jackson, 641 F. 2d 934, 24 FEP Cases 1155 (D.C. Cir.)

Wright v Methodist Youth Services, 511 F. Supp. 307, 25 FEP Cases 563 (N.D. Ill.)

Henson v Dundee, 682 F. 2d. 897

Katz v Dole, 709 F. 2d. 251, 31 FEP Cases 152 (4th Cir.)

McKinney v Dole, 765 F. 2d. 1129, 38 FEP Cases 364 (D.C. Cir.)

Downes v FAA, 775 F. 2d. 288

Meritor v Vinson, 477 U.S. 57, 40 FEP Cases 1822

Rabidue v Osceola, 805 F. 2d. 611 (6th Cir.)

Hall v Gus Construction Co., 842 F. 2d. 1010, 46 FEP Cases 57 (8th Cir.)

Ellison v Brady, 924 F. 2d. 872, 54 FEP Cases 1346 (9th Cir.)

Harris v Forklift Systems, Inc., 114 S. Ct. 367, 126 L.Ed. 2d 295

Rogers v EEOC, 454 F. 2d 234 (5th Cir. 1971).

* Here is an example of how to read a legal cite :

Name of Case, Volume Publication Page number (Circuit in which case was heard)

Thus, to find Barnes v Train, one would go to volume 13 of the Fair Employment Practices (FEP) journal. The case is on page 123. There are three or four major publishers of court records.

Appendix

Table 1.
Commonly Experienced Forms of Sexual Harassment

	Gruber		Lafontaine		Merit Sys		Powell		Stockdale	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Sexual remarks	N/A	5.6	N/A	70	N/A	54	N/A	61		
Verbal abuse		23.8		47						
Sexual seduction								71	27	29
Verbal innuendo		9.4								
Leering,whistling		7.4		42					57	
Body language		5.0				64		27		
Letters/calls						87				
Subtle pressure				33		65				
Bribery/coercion		6.1							43	59
Touching				30		84		41	42	39
Sexual demands		28.1		3		81		26		
Sexual relations								8		
Assault		14.4		2						

(from Gruber and Bjorn, 1982; Lafontaine and Tredeau, 1986; US Merit Systems Board, 1981; Powell, 1983; Stockdale and Vaux, 1993)

Table 2.
Behaviors Commonly Perceived As Sexual Harassment

	Terpestra		Powell	
	Women	Men	Women	Men
Sexual remarks	85	72	51	N/A
Sexual seduction			8	
Verbal innuendos	39	11		
Leering, whistling	46	39	7	
Body language	88	86	46	
Graffiti	77	76		
Subtle pressure	38	41		
Touching	96	99	69	
Sexual demands	100	98	81	
Sexual relations			46	
Assault	94	96		

(from Terpestra and Baker, 1987; Powell, 1983)