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SEXUAL HARASSMENT POLICIES
IN THE
ORGANIZATION

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Scope and Method of Study: This study reviews literature covering sexual harassment in organizations and reasons why sexual harassment policies are being instituted in organizations. Hypotheses are made concerning the relationship of organizational characteristics to the presence of a sexual harassment policy. A questionnaire was sent to over 200 professionals seeking information on various facets of sexual harassment policies. Chi-square is used for the statistical analysis of the data. Conclusions are drawn from the literature reviewed and the sample which was surveyed.

Findings and Conclusions: Employers are found to be liable in cases where the employer has knowledge or should have knowledge of the constituted sexual harassment. Sexual harassment policies are usually instituted in an organization in order to aid in prevention of employer liability. Certain characteristics of organizations tend to increase the likelihood of the presence of a sexual harassment policy: large organizations (500 or more employees) are more likely to have policies than smaller organizations. Also, a union presence increases the likelihood of a sexual harassment policy. Furthermore, firms that have implemented policies have reported more allegations than firms without policies, although the reason for most firms implementing policies is an effort to be more defensive. Finally, a wider range of organization sizes, industries, and community settings are implementing sexual harassment policies due to the fact that more employers are finding themselves liable and have decided to take preventive measures.

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I. Introduction

Allegations of sexual harassment in the workplace have become more commonplace in recent years. Scholarly comment in legal periodicals as well as victim-centered research in behavioral science journals have comprised the bulk of the relevant literature. Much of this literature is quite shrill in its advocacy of better conditions for working women. Empirical analysis of corporate responses to such developments has been lacking.

This study attempts to address this gap in published research. A mail survey was used to identify characteristics of firms with sexual harassment policies in place or under development. These were compared and contrasted with the characteristics of firms lacking such policies.

Developing case law, particularly litigation in the federal courts under Title VII of the 1964 Civil Rights Act, has led to increasingly large awards as well as increasingly damaging public relations exposure. As a result, more firms are considering the adoption of formal employee relations policies pertaining to sexual harassment. This Chapter will summarize the major cases and trends in this area of the firm's legal environment. Chapter II will provide an overview of other relevant published literature. The survey methods followed in this study are presented in Chapter III with specific hypotheses to be tested also given in that Chapter. The results of these empirical analyses appear in Chapter IV with a discussion following in Chapter V. A concluding chapter makes recommendations for corporate policy on the basis of the findings reported here.

The Legal Environment Prior to 1977

State Remedies

Victims of sexual harassment have long had two avenues of redress open to them under state statutes. If the harassment involved unwelcome physical contact, criminal prosecution could theoretically be pursued for battery,¹ or, in more aggravated situations, even assault. However, criminal prosecution imposes two difficult burdens upon the complaining party. First, the standard of proof required, proof beyond a reasonable doubt, is the most vigorous of all judicial standards of proof to meet. Second, any penalty imposed would operate against the convicted perpetrator without providing direct remedy to the victim; the offender would be fined or sentenced to some term and degree of confinement, but no restoration of previous status or condition would be awarded to the victim. Thus, while pursuit of a criminal complaint may satisfy an urge to avenge a wrong sustained, such a course of action has limited prospects of success and yet offers nothing of a remedial nature to the victim of a sexual harassment incident, even one who prevails in court. For these reasons, criminal complaints are not frequently utilized in harassment cases despite their applicability in theory.

The second avenue open under state statute would be a civil action under the law of torts. Simply stated, a tort is a civil wrong which does not involve a contract and which results in injury or damage to the plaintiff. A

¹A person has a right not to be touched by others. Simple touching, however unintended, is technically simple battery. While de minimis violations of this legal standard occur daily (e.g., in a crowded elevator), such "victims" seldom resort to prosecution; a simple apology is usually offered and is typically accepted graciously. However, the kind of physical contact that would occur in the context of sexual harassment would likely go beyond the incidental brushes of moving pedestrians across or through common pathways. Criminal complaint for a battery that does not also involve assault charges remains a plausible if discouraging course of action.

tort may involve an act of commission, such as libel, or it may involve an omission of action where the obligation to do so is present, such as negligence. To prevail in litigation, a plaintiff must prove his charges with a preponderance of the evidence, a less rigorous standard than the one required for criminal conviction. If successful, a plaintiff may be awarded damages that are restorative in nature; that is, the plaintiff may be compensated for whatever value has been lost or prevented as a consequence of the defendant's behavior. Punitive damages may also be awarded, if the defendant's actions can be shown to have been intentional, flagrant, or deliberately malicious.

This second approach is more attractive to most harassment victims both because of the prospect of personal remedy and because of the lower barrier of proof to surmount in order to prevail. However, the roster of behaviors that can be addressed through this type of civil action derives from the common law, a body of legal concepts that does not recognize wrongs sustained as a result of discrimination or traditional notions of relationships between genders or races. In short, sexual harassment is not necessarily a cause of action under tort law in many jurisdictions. So, while both criminal complaint and civil tort action under state law remain in effect as alternatives for victim action, neither of the mechanisms have not been frequently successful. Because of this, such possibilities have not produced a legal environment to which corporations have had to make much adjustment.

The legal environment is less hospitable where state statute proscribes workplace discrimination. In such jurisdictions, a third avenue is open to victims of sexual harassment. But even there, courts prior to 1977 did not always recognize the applicability of the discrimination statute to instances of sexual harassment.

The development of a cause of action for sexual harassment under discrimination law has taken place largely in the federal courts and particularly under the 1964 Civil Rights Act. Title VII of this Act forbids discrimination in employment. But equally importantly in the development of discrimination case law, Title VII also created the Equal Employment Opportunity Commission (E.E.O.C.), an advocacy agency empowered to carry the litigation burden in federal court when meritorious cases arise that cannot be resolved outside of court to the satisfaction of the parties involved. However, plaintiffs seek the federal forum for other reasons, too, though. The higher profile of federal litigation often raises the stakes for the employer through the prospect of expanded media attention and increasingly adverse public relations consequences. Such exposure changes the plaintiff's environment but little. The media attention may even loom as vehicle for generating partisan support from various groups who follow such developments with keen interest. These considerations may combine to generate a more attractive settlement offer from the employer than what would have been offered in a case litigated under state law. In addition, a federal case may offer the plaintiff an opportunity to draw upon a wider geographical set of case precedents that may bear upon the case at bar. In an area of law that is developing as rapidly as sexual harassment law is, and where trends seem to be moving in the direction of plaintiffs' positions, this can be an important buttress to any particular case at issue. This is particularly true for cases arising in jurisdictions where prevailing social attitudes come into play in state courts less receptive to harassment plaintiffs' arguments. Finally, the E.E.O.C. as an advocacy-oriented agency can assist in developing a plaintiff's case headed for federal court, when corresponding state agencies typically enjoy much more meager levels of financial funding and staff expertise.

For all these reasons, plaintiffs have generally tried to have their cases heard in federal court whenever possible. In 1977, a case was brought to court that established the applicability of Title VII in harassment cases, finding harassment to be a manifestation of discrimination on the basis of gender.

Tomkins v. Public Service Electric & Gas Company²

At the trial court, Tomkins alleged she had accepted an invitation to lunch from her male supervisor, ostensibly to discuss an upcoming performance review. She further asserted that upon reaching the restaurant, the supervisor proceeded to make unwelcome advances, implying that her acquiescence to those demands for sexual favors would be necessary if their working relationship was to be satisfactory. Tomkins left the restaurant, despite an alleged attempt by the supervisor to restrain her physically. She claimed he warned her that no one in the firm would give credence to her complaint about the incident should she file such a protest.

Tomkins charged that the firm knew or should have known the work environment to which she had been assigned unequally inhospitable for women vis-a-vis men. Her employment situation at the firm deteriorated and Tomkins was ultimately discharged. Tomkins charged the firm had retaliated against her because she had formally complained about her supervisor's conduct. The trial court upheld the firm's discharge on the grounds that Tomkins had failed to state a cause of action under Title VII. The Third Circuit Court of Appeals reversed the decision, stating that Tomkins' charges--if true--did indeed establish a cause of action for the plaintiff, inasmuch as conditions of employment

²568 F. 2d. 1044, 16 FEP Cases 22.

in Tomkins' office would then be different for men and women on the basis of their respective genders.

The appellate court found that the supervisor's alleged actions were not personal and incidental to his position as supervisor. The company had assigned him to a position of responsibility in the firm, a position invested with discretionary authority concerning working conditions and job advancement prospects of his subordinates. As an agent of the firm, he was in a position to allocate or withhold the firm's resources to subordinate employees, thereby determining their conditions of employment. If he undertook or threatened to undertake the distribution of corporate opportunities, he was not acting solely on a personal basis and the firm was held strictly liable for his actions. When the court embraced this legal theory, known as respondeat superior, the most important development in harassment case law to date was reached. From this point on, the legal environment for harassment made any disregard for corporate responsibility for the workplace climate a very risky and ill advised business posture.

The employer's position in Tomkins was analyzed assiduously for ways in which other cases might be distinguishable. Tomkins had been a solid employee prior to the incident at the restaurant with her supervisor. There were clear differences in the employer's assessments of her work before and after this incident, and the differences could be linked with the restaurant episode itself. The actions alleged to have been committed by Tomkins' supervisor were clear, direct, unmistakable, and flagrant. The utility company had had no corporate policy in effect at the time of Tomkins' restaurant episode. And despite a timely report of the incident to the company authorities, little was done in the way of action by the firm until much later. In a case that came to court a year later in Oklahoma, substantial differences on these points were to lead to a finding in favor of the employer.

Basis for Reduced Employer Liability for Supervisors' Actions

In Neeley v. American Fidelity Assurance Company,³ the firm did have a formal policy in effect that disallowed sexual advances by one employee toward another. Moreover, while the supervisor's actions were unwelcome and patronizing, they were determined to be neither explicitly nor implicitly conditions of employment; the plaintiffs' objections to such behavior would not have placed her job or her prospects of advancement at risk under the company policy in effect at the time. In addition, the specific acts alleged-- the supervisor's placing of his hands on the shoulders of some female employees and his telling of dirty jokes in mixed company-- may have seemed a de minimis breach of a code of conduct entirely distinguishable from the supervisor's actions alleged to have been committed in Tomkins. Finally, Neeley neither complained of her supervisor's actions in a timely manner, as did Tomkins, nor was her previous personal history free of comprising patterns, as Tomkins' was. She had undergone psychological therapy for a recognized inability to cope with employment directives from male supervisors.

The existence of a company policy forbidding unwelcome sexual advances does not completely insulate the employer from liability, however, not even if the alleged victim fails to pursue company complaint procedures. In Miller v. Bank of America,⁴ a supervisor's actions toward a plaintiff minority female rendered the employer vicariously liable on the theory of respondent superior, where other features of an underlying fact pattern were more in line with Tomkins than with Neeley.

³CIV-77-0151-13 (Oklahoma 1978), 17 FEP Cases 482.

⁴600 F. 2d. 211 (1979).

The Nexus of Harassment and Employment Consequences

In Vinson v. Taylor⁵, a female plaintiff became involved in an affair of some two years duration with her supervisor. A personal relationship led to romantic encounters during normally scheduled working hours as well as outside the working day, and to sexual encounters both on and off company premises. It was undisputed that the initial hiring of the plaintiff and her subsequent rate of advancement were due to her merit and unrelated to the personal relationships with her supervisor.

Whatever misgivings the plaintiff may have had initially, the relationship did continue over an extended period of time and was found by the trial court to have been a voluntary one. When the relationship unravelled, working in close proximity to one another became difficult. Vinson took an indefinite sick leave and was discharged a year later for abusing that leave.

The appellate court overruled the trial court, citing Bundy to pay that "[a]n infringement of Title VII is not, however, necessarily dependent upon the victim's loss of employment or promotion."⁶ The appellate court interpreted the earlier Bundy decision to stand for the proposition that a female harassment victim need not prove resistance to sexual advances as a prerequisite to establishing a Title VII of sexual harassment. Therefore, the appellate court concluded, "a victim's capitulation to sexual overtures or to on-the-job sexual advances cannot work a forfeiture of her opportunity for redress."⁷

⁵36 FEP Cases 1424 (D.C. Cir. 1985).

⁶36 FEP Cases 1426, note 25.

⁷Id. at 1427.

In a secondary evidentiary issue, the Vinson v. Taylor trial court was found to have erred in refusing to allow the plaintiff to call other women as witnesses in order to establish the defendant supervisor's pattern of such activity.

Prior to the appellate court ruling in this case, legal authorities could summarize the case law with a single, clear rule: if there is no nexus between the alleged acts of harassment and tangible job consequences for the plaintiff, and if in addition there is no notice of the problem to the firm, then there is no basis for employer liability in a harassment case under Title VII (Waks and Starr, 1982). In the wake of Vinson, it would seem that the employer is strictly liable for all acts of supervisory harassment, regardless of whether pertinent policies exist or the employer has actual knowledge of the deeds and words of its supervisors. Only clearly de minimis acts of patronization/harassment and a compromising personal history of the plaintiff would seem to remain as mitigating factors for an employer's strict liability for the conduct of its supervisors.

Employer Liability for Harassment by Co-Workers

In Continental Can Company v. Minnesota,⁸ the plaintiff charged she had been the object of repeated and explicit verbal abuse of a patently sexual nature from her co-workers. She also alleged she had been the recipient of unwelcome physical contact of a blatantly and unmistakably sexual nature. The plaintiff complained to her supervisor, but the co-workers, according to her charges, continued their behavioral patterns unabatedly.

⁸297 NW. 2d. 241 (Minn. Sup. Ct. 1980).

While this actionb was brought under a Minnesota state statute rather than under Title VII, the state statute involved was clearly modeled after the federal law and the federal courts could reasopnably be expected to reach a similar decision on the same basis, given a comparable fact pattern (Waks and Starr, 1982). In its decision, the Minnesota Supreme Court stated that the law

does not impose a duty on the employer to maintain a pristine working environment. Rather, it imposes a duty on the employer to take prompt and appropriate action when it knows or should know of co-employees' conduct in the workplace amounting to sexual harassment.⁹

Employer inaction in the face of specific and timely complaints was cited as part of the basis for holding the employer liable in Bundy v. Jackson, too, although that case involved allegations of harassment by superiors and could have been decided on the basis of strict employer liability.¹⁰

The Minnesota Supreme Court's decision in Continental Can underscores an important aspect of the applicability of discrimination law to cases where sexual harassment is alleged. It is not the act of harassment per se that is so outrageous as to be proscribed by law; the decision in Continental Can clearly pointed out that an employer does not have an obligation to maintain a work environment that is "pristine." What the employer does have an obligation to do, however, is to maintain a workplace that does not permit differentially outrageous conduct toward one gender. That is, a workplace that offers a climate more inhospitable to women than to men must be corrected by the employer in charge of it, or else working conditions are unequal on the basis of gender. It is the inequality of the situation, and not the outrageousness of the situation, which is repugnant to discrimination law.

⁹Id. at 249.

¹⁰641 F. 2d. 934 (D.C. Cir. 1981).

Employer Liability for Harassment by Non-Employees

In EEOC v. Sage Realty Corporation,¹¹ a female lobby attendant in a Manhattan office building complained that she was a victim of sexual harassment by non-employees that was or should have been foreseeable by the employer. The employer discharged her for refusing to wear a uniform the employer said was in keeping with its participation in the 1976 American Bicentennial festivities. The court found the costume to be "short, revealing, and sexually provocative,"¹² and gave credence to the plaintiff's claims that the uniform elicited unwelcome sexual comments as well as jestures from passersby. The plaintiff wore the costume for two days, but thereafter she refused to do so and was subsequently discharged. The court upheld the plaintiff's right to refuse to be subjected to the harassment that would inevitably have been associated with the garment in question.

In such cases, the liability of the employer appears to arise only if and when it knew or should have known of the conduct which is the basis of a complaint. While the employer may not be able to completely control the conduct of vendors, customers, and passersby, it appears that the employer nevertheless has an affirmative obligation to insulate its employees from the harassment of which it is aware. It seems probable, however, that the scope of the employer's responsibility may vary with the nature of the business in which he is engaged. A woman who applies for a job as a topless dancer in a night club that advertises the sexual allure of its scantily clad performers is arguably assuming some responsibility for the foreseeable problems of such a job. Such an employer might not be reasonably expected to maintain the standard of employee insulation from harassment by non-employees that would be considered appropriate for employers in less exotic business pursuits.

¹¹507 F. Supp. 599 (S.D.N.Y. 1981).

¹²Id. at 610.

A business necessity exception would seem to be applicable in these instances, for the principal mission of such a business is to provide sexually alluring entertainment.

This is entirely consistent with decisions in other types of discrimination cases. An airline is not allowed to limit selection of cabin attendants to women only, even if its clientele can be shown to prefer being waited upon by shapely and attractive females. The basis for this decision is that such an airline has as its principal business function the safe transportation of and cargo, not providing sexually alluring entertainment.¹³ However, where the firm's principal function is safe transportation of people and cargo, a firm may discriminate on the basis of factors related to safe vehicle operation, even if such factors carry with them the effect of an adverse impact on an otherwise protected group.¹⁴

While the night club example above is extreme, it is well to note that employers do bear some measure of responsibility in any event for the environment in which their employees toil, even if that environment is the product of external influences over which the employer has but limited control.

Summary

Under the doctrine of respondeat superior, the employer assumes strict liability for the sexual harassment actions of its supervisors, regardless whether such supervisors were acting in a manner consistent with existing company policy or not. The capitulation of the victim or her failure to file a timely complaint with an appropriate officer of the firm does not shield the

¹³Diaz v. Pan American World Airways Inc., 442 F. 2d. 385, 3 FEP Cases 337 (1971).

¹⁴Hodgson v. Greyhound Lines, Inc. 499 F. 2d. 859, 7 FEP Cases 817 (1974).

corporate employer from legal liability in instances of harassment by a supervisor. This is a recent development in the emerging case law and is a departure from earlier legal standards.

The employer is not strictly liable for the actions of co-workers or those outside his/her employ. However, if the plaintiff alleging harassment can show that the employer knew or should have known of the actions complained of, there may still be employer liability if there is a failure to act promptly to alleviate the condition.

Employer liability for sexual harassment is not limited to liability for employees only. Employee exposure to unwelcome overtures by vendors, customers, or even passersby must be addressed when the employer first becomes aware of the problems encountered by one of the firm's employees. The standards to be observed can be expected to vary with industry and perhaps with prevailing local standards of decorum; but the employer cannot avoid all responsibility for the exposure of his/her employees to harassment by others simply because these others are outside his/her employ.

The legal principles discussed in this Chapter characterize part of the environment in which employers must function today. However, the legal decisions and commentary are not the only body of relevant research on this topic. The following Chapter of this study will examine the published behavioral research of a victim-centered orientation. Thereafter, attention will shift to the empirical work, which is the principal contribution of this study. Chapter III discusses the mail survey design and the survey instrument employed. Research hypotheses are also formally presented in Chapter III. Results of this survey and the statistical analyses of the responses appear in Chapter IV. A discussion of the findings is given in Chapter V. The thesis concludes with a brief section in which the limitations of this study are acknowledged, the principal findings are summarized, and recommendations for future lines of research and inquiry are suggested.

Chapter II

Review of the Published Literature

In this Chapter, various aspects will be covered concerning the literature that has been written on sexual harassment. First, the published research emphasizing the nature of harassment, the type of complaint, the profile of complainants, and the handling of complaints will be discussed.

Next, research that concentrates on the victims of sexual harassment is investigated including their social environment, the responses and costs to victims, and the types and levels of support available to victims who experience this harassment at the workplace.

The employer as a defendant is focused upon to explain the scope of legal liability that the employer incurs and the extreme costs that have to be met as a result of sexual harassment incidents at work.

The effect of a sexual harassment policy will then be discussed and its use as a tool to prevent sexual harassment at work and reduce employer's liability.

Finally, the Chapter will be summarized and the literature assessed as to what has been covered and what further research needs to be done in this area.

Sexual Harassment Incidents in the Workplace

The Social Environment that Makes Sexual Harassment Possible

Research indicates that men and women view sexual harassment differently. Ross and Green (1983) contend that women tend to see sexual harassment as something large and troublesome, while many men find it

difficult to see anything at all. Studies also indicate a greater acceptance of sexual harassment by men more than women. McClain (1981) contends that the general attitude is that disciplining is lax concerning sexual behavior because "boys will be boys" and "nice girls don't do that kind of thing." Since there is such a wide discrepancy in opinions about what constitutes sexual harassment, what is viewed by one member as "acceptable" may not be viewed the same by another. Furthermore, there are the traditional stereotypes that women are the weaker sex, temptresses, or preeminently concerned with their roles as wives and mothers (Crocker and Simon, 1981)

Type of Behavior Complained About

To probe deeper into the type of incidents most reported on sexual harassment, the Bureau of National Affairs conducted a survey on the most common complaints concerning sexual harassment.

The fact is recognized that those given the survey may be more inclined to respond if they have experienced a type of sexual harassment on their job. Therefore, there may be self-reported bias in the data collected. However, that does not invalidate the study.

The Bureau reported the following responses to the questionnaire:

<u>Type of Harassment</u>	<u>Proportion of Respondents Identifying Most Common Complaint</u>
Comments--jokes of a sexual nature	60%
Unwelcome invitations to engage in sexual activity	23%
Physical touches of a sexual nature	13%
Pressure to engage in sexual activity as a condition of employment or promotion	4%
Sexual assault	1%

It would appear that in the vast majority of cases, verbal communication rather than physical action constitute the alleged harassment. Under such circumstances, the employee is not so much endangered as pressured: the work climate is contaminated with distractions and infused with emotional stress. The imposition of such conditions on subordinates (typically females) by superiors (typically males) takes the form of an exercise of power. While sex roles provide a backdrop against which this power is asserted, at its core the problem involves dominance more than it does sexuality.

That sexual harassment may fundamentally be an abuse of power by those in positions of authority is further supported in the Bureau of National Affairs survey. Over five hundred members of the Bureau's Personnel Policies Forum were sent questionnaires and 270 responses identified the following information concerning sexual harassers:

<u>Alleged Offenders</u>	<u>Proportion Identified as Major Offenders</u>
Immediate supervisors	46%
Co-workers/other peers	33%
Other managers/superiors	9%
Clients/customers	--
Other	1%

Immediate supervisors were identified more frequently than any other group as alleged offenders. Co-workers and peers also held a substantial percentage of those accused of sexual harassment. Therefore, contact with the victim appears to have a high influence on the likelihood of sexual harassment. It appears managers and superiors one or more steps removed are less of a potential threat to victims. This inherently supports the power theory: since upper management already has authority, there is no need to prove their power over the subordinate.

Profile of Complainants

The Bureau of National Affairs survey further discovered the following information concerning women's sexual harassment complaints:

(Desmarais and Desmarais, 1981):

<u>Persons Making Complaints</u>	<u>Ranking of Most Common Complaint</u>	<u>Women Working in Occupation</u>
Plant/service workers	35%	10%
Other office/clerical workers	33%	24%
Secretaries	16%	8%
Professional/technical employees	6%	35%
Low or mid-level managers	2%	16%
High level managers	--	6%
Other	1%	1%

The occupational data was not taken from the original Bureau study but rather is to be used for comparative purposes. Although only 10% of the women work in plant and service occupations, that group ranked the highest in sexual harassment complaints. Office and clerical workers are ranked a close second in complaints but also compose a larger percentage of women working in such jobs. The professional and technical, low, mid-level, and high level managers constitute a fairly low percentage of those making complaints yet they make up a total of 23% of women working in those occupations. When one controls for the proportion of women working at jobs in various categories, the power theory is again supported concerning complaints made about harassment incidents originating at the lower levels. Consequently, one can conclude that the blue and pink collar workers are more affected by sexual harassment than are the white collar workers.

As might be imagined, while any person can be a victim of sexual harassment, research shows that women are the most likely candidates. Peterson and Massengill (1982) note that victims commonly are women between the

ages of 24-34 (most severe forms of sexual harassment); in entry level occupations; trainees; and of lower educational levels.

At present the reverse condition--male subordinates experiencing sexual harassment from female supervisors--is seldom reported. However, as more women advance into supervisory positions, they may wield their power to take advantage of their positions and perhaps make male workers' jobs conditioned on acquiescence to such demands.

Other factors may be involved in the threat of sexual harassment in the workplace. Working women are typically dependent upon men, and being at the mercy of male superiors adds direct economic clout to male sexual demands (Rubenstein, 1983). Close contact with workers increases the dependency of women and there is more pressure to "get along" with others. In addition, Polansky (1980) notes four factors which play a critical role in the success of sexual threats and coercion and intimidation on the job: assertions of male dominance are socially sanctioned, men normally hold higher rank at work, work is a source of income and since society trains women to be 'nice,' few women object to male invasiveness unless it is profoundly disturbing."

Complaint Process

In drafting a complaint alleging sexual harassment, Vermeulen (1981) suggests the following should be included: 1) the nature of the incidents; 2) the context in which they occurred; 3) the way they affected or interfered with the plaintiff's work; 4) allegations that the incidents were sufficient to create different terms and conditions of employment for female employees; 5) facts alleged to constitute notice, either actual or constructive, to the employee; and 6) a statement that the employer failed to make a timely and appropriate response.

Grievance Mechanism

Vermeulen (1982) suggests that a grievance mechanism is useful to handle complaints of sexual harassment, to administer appropriate disciplinary actions where allegations have been proved, and to incorporate education about sexual harassment into a management training program. Reference to grievance procedures to resolve sexual harassment complaints is made in the policy statement where an explanation of what procedures are available and an illustration of how to use the process are presented. As employers combine internal grievance mechanisms with company-wide policies condemning acts of harassment, the likelihood that victims will report incidents of sexual harassment increases (Gross and Waxman, 1981).

Conversely, Marmo (1982) offers the opinion that from a union's perspective, the grievance procedure is ill-suited to handle cases of sexual harassment. The union is faced with a role conflict in deciding which position to take if both the woman and man in the same bargaining unit are involved in a sexual harassment incident. Marmo (1982) suggests that this is one of the reasons sexual harassment cases are being seen more in arbitration where an objective third party may overview the case. Grievance mechanisms are not likely to be found, however, unless there is an organized bargaining unit. Only 20% of the civilian workforce is covered by labor contracts, and women are less likely to be covered than men (28% of the male workforce is unionized vs. 13% of the female workforce) (U.S. Bureau of the Census, Statistical Abstract of the U.S. 1984). Grievance mechanisms, however effective they may be, are not likely to be an accessible vehicle of complaint resolution for the vast majority of working women.

Handling Complaints

The employer has a role of protecting targets of sexual harassment from retaliation of supervisors. Stanley-Elliott (1981) suggests that the employer may wish to reprimand the offender, deny a promotion or raise, require attendance at a training program, transfer, demote, or fire the offender.

Collins and Blodgett (1981) note that top managers are isolated from occurrences of sexual harassment, and middle-level management are somewhat less aware of misconduct than lower-level managers. Therefore, in their opinion reports which may be disregarded by lower management may never be heard of by upper management until litigation is filed.

Goldman and Goldman (1983) stated that evidence shows that a harassment situation will not get better if it is ignored. On the other hand, they report that recommendations for various self-help measures by harassment victims appear to have great success. For example, 70% of the female and 29% of the male respondents to a federal survey reported that their request of an investigation by their own organization "made things better"; 54% of the females and 67% of the males reported improvement resulting from asking or telling the harasser to stop; and the respected reports of improvement upon reporting harassment to the supervisor or other officials were 53% and 35% respectively (Sexual Harrassment in the Federal Workplace, 1981).

A variety of techniques may be used in implementing formal procedures in an organization. In one survey enacted by Peterson and Massengill (1982), a questionnaire was sent to a sample of Fortune 500 firms and those with formal complaint procedures were asked to describe

their approach. Four different techniques accounted for almost 85% of the methods described: 1) contact corporate personnel manager of personnel department (30.8%); 2) open door policy (28.2%); 3) follow chain of command (17.9%); and 4) contact EEO manager (7.7%).

Saint James (1983) compiled a list of procedures for employers who desire to become better prepared for the situation: hear the complaint with empathy, objectivity, and patience; get a written and signed statement; consult with the company's legal counsel; and interview the accused person fairly and with an open mind.

The Effect of Sexual Harassment on the Victim Responses and Costs

The costs of sexual harassment to victims can become very great. According to Rubenstein (1983), women's work has been characterized by occupational segregation, vertical stratification, and income inequality.

Furthermore, the Alliance Against Sexual Coercion (a non-profit center which counsels victims of sexual harassment throughout the U.S.) has suggested that women experiencing the stress of sexual harassment may undergo a level of tension which can cause them to ramble, lose focus, and become confused in their descriptions of sexual harassment incidents (Backhouse, 1981). Not only are there emotional effects of sexual harassment, but penalties for refusal to accede to the harasser may result. In addition, the victim involved in a sexual harassment case has tremendous costs in terms of status and economic consequences. Psychological consequences may result in problems such as distress, anxiety, decreased concentration, and depression (Ross and Green, 1983).

For a woman, the injury of sexual harassment occurs when she is confronted by an educator whose concern is not with her intellectual growth or an employer who does not care about her productivity but with the satisfaction of his own sexual needs and desires for power (Crocker and Simon, 1982). Schnupp, Windham, and Draughn (1981) reported confirmation of mental anxiety, humiliation, and loss of job or promotion as frequent occurrences after sexual harassment.

Polansky (1980) contends that Title VII cases are costly and time-consuming and even if victims can find a willing and able attorney, they cannot afford to take the necessary time to pursue this sort of action.

Apparently, many women are reluctant to come forward and bring their cases to court. Collins and Blodgett (1981) suggest seven reasons for women's reluctance to report such incidents: women 1) do not think they will be believed; 2) will be punished by smaller raises or "bad" jobs; 3) will be ostracized by both male and female employees; 4) will be accused of inviting the advance; 5) have guilty feelings that perhaps the advance was invited subconsciously; 6) fear publicity; or 7) are unsure exactly what is harassment and what is just interaction of people.

There is pressure on the job to "accept" sexual harassment. It is easier to ignore an incident than to take action which could ultimately affect one's position. As noted above, a harassment victim may believe she alone has been approached and therefore will keep silent feeling that they might have "encouraged" this behavior unknowingly. The harasser may have pestered others, but because of the "silence," victims keep believing they were the only ones affected. Their fear is one of accusing the harasser and then being unable to find support for allegations among either superiors or colleagues.

Furthermore, there may be prejudice present already in that the woman may be trying to "frame" her employer. Crocker and Simon (1981) suggest that intense scrutiny of the plaintiff is likely to occur when women make allegations that challenge both the processes of a major social institution and men's attitudes about women's sexuality.

Types and Levels of Support Available to Victims of Sexual Harassment

Goodman (1978) contends that a group of women have a much stronger position from which to demand that an employer adopt personnel policies which protect women against offensive work conditions, make those policies known to women, and enforce the policy when it is violated than individual women. Furthermore, if women try to organize to fight sexual harassment in the workplace and the employer retaliates against them, they may be eligible for NLRB protection (Polansky, 1980). Section 7 of the NLRB as amended protects the rights of worker to self-organize and engage in concerted action for mutual aid or protection. Women, even if not represented by a union, may act in concert for mutual aid and protection.

Besides bringing court action, women are beginning to try other kinds of organizing as well. In the forefront of these efforts is Working Women's United Institute, a national resource, research and action center, which serves as a clearinghouse for women and groups affected by harassment and interested in solving it (Goodman, 1978). There are many other organizations which aid women if they have trouble in the workplace with sexual harassment, but usually the EEOC is the most informed concerning current laws and practices.

As indicated, employees do not have to face the courts alone. Workers who bring charges of sexual harassment against their employers often have their legal expenses paid for by governmental human rights agencies. Companies, however, have the option to settle out of court rather than go to the considerable expense of defending themselves and providing the staggering amounts of information they are required to produce (Saint James, 1983). Furthermore, publicity is avoided which is of important consequence because of the adverse implications a sexual harassment case has to the employer.

Actually, there are several ways to deal with harassment at the workplace. Saunders (1984) recommends trusting instincts, seeking advice and counseling from friends and co-workers, and not ignoring the harassment but rather assessing options. The individual should write a detailed statement of facts as the she/he sees them, should describe feelings and what damage she/he thinks has been done, and should make short statements of what the accuser wants to happen next. Yet another way to deal with the harasser is simply to write a letter to him and complain about the incident. The harasser may not even know his attentions are undesired.

Victims have access to effective remedies. Actually, the scope of relief available to the prevailing plaintiff in a sexual harassment suit is the same as that in all Title VII cases: back or front pay; lost employment benefits or their monetary equivalent; reinstatement; and appropriate adjustments in the plaintiff's personnel files (Vermeulen, 1982). Another option for the employee is to seek equitable relief by remedying the situation at the workplace. This may include an injunction ordering the employer to develop a policy concerning sexual harassment

which must be publicly posted, distributed to all present and future employees and incorporated into all personnel manuals, rules and regulations (Vermuelen, 1982). These actions thereby strive to solve the problem without actually seeking revenge against the company or individual.

The Defendant Employer

Scope of Legal Liability

Desmarais and Desmarais (1981) claim that it is evident that with an increasing number of women daily entering the national workforce there will be greater sexual abuse unless employers and supervisors take steps to abate sexual advances which result in harassment of the employee. The employer's dilemma is obvious with determination of sexual harassment made on a case-by-case basis. It is difficult for the employer to define the issues. Hoyman and Robinson (1980) note the following: 1) the definition of sexual harassment is too broad for employers to define; 2) there is a new role for the personnel manager called for under the EEOC Guidelines; and 3) there are some unresolved legal issues raised by the EEOC Guidelines which will affect the disposition of future cases.

According to Allegretti (1980), both the courts and the EEOC generally hold that an employer has an obligation to maintain a workplace free of sexual harassment. The largest point of difference among the cases center on the extent to which, and under what circumstances, an employer will be held responsible for the acts of its supervisors (Conte and Gregory, 1983). The courts are still unclear on this point. An employer must be careful in potential lawsuits, especially when

dismissal of an employee may be due in part to rejection of sexual advances, and in part due to inadequate work performance (Desmarais and Desmarais, 1981). Therefore, the employer must exercise caution in determining the complaint of a victim if she/he claims demotion or termination because of the denial of sexual advances. Baxter (1982) claims that, in general, the employer must show only that it made a good faith and reasonable effort to discover the facts surrounding the alleged complaint. This effort by the employer to discover the legitimacy of a sexual harassment claim usually releases him from liability.

As defined by the EEOC guidelines, the employer is strictly liable for sexual harassment committed by an agent or supervisor or a nonemployee if the employer fails to take immediate and appropriate corrective action (Martin, 1981). Thus far, employer liability for discriminatory acts of supervisors is generally established, though there are almost no acts of case law on co-worker harassment and few on harassment by "others" (Ongelia and Cornelius, 1981).

There are many complaints about the EEOC definition of liability. Schnable (1981) stated that many employers have expressed the view that the liability of employers under Section 1604.11(c) is too broad and unsupported by case law. However, the strict liability imposed in Section 1604.11(c) is in keeping with the general standard of employer liability with respect to agents and supervisory employees.

Therefore, an employer has an affirmative duty to investigate complaints of sexual harassment and deal appropriately with the offending personnel (Nardino, 1978). The precise response will vary, but the basic principle remains the same, states Allegretti (1980): an employer is responsible for sexual harassment both when it affirmatively

engages in harassment and when it tolerates harassment by not acting to prevent it.

Frequently, many employers do not realize the extent of their legal liability in these cases. Therefore, employees should guard themselves against liability. Desmarais and Desmarais (1981) state that the following circumstances provide freedom from liability: 1) formulate and distribute a policy against sexual harassment by supervisors and co-workers; 2) provide a workable mechanism for the prompt reporting of sexual harassment claims; 3) include the rapid issuance of a disciplinary warning, suspension, demotion or discharge to the person complained of; and 4) balance the privacy rights of the parties by affording anonymity when determination is made.

The plaintiff must prove employer liability. Allegretti (1980) states that female employees must show: the employer knew (or should have known) of the harassment; the employer failed to take reasonable measures to prevent or remedy the harassment; and the harassment affected the employee's terms or conditions of employment because it was sufficiently pervasive and severe to create an offensive working environment. This is a theory of liability which provides guidance to employers about their obligations while still providing protection to employees.

Employer Costs

As is evident by the previous statements, employer liability can be costly. Sexual harassment suits are a no-win situation for employers. They are costly for management in terms of legal fees, back pay, punitive damages and adverse publicity (Ross and Green, 1983). As noted before,

job turnover, cost of absenteeism, and cost of decline in both individual and workgroup productivity are important concepts to the employer as results of sexual harassment.

The work effects of sexual harassment are numerous to the company. Hoyman and Robinson (1980) note that turnover may increase if harassed employees feel there is no hope for remedying the situation. Also, low morale, inefficiency, lack of teamwork and low productivity are further examples of negative repercussions. In fact, the U.S. Merit Systems Protection Board estimated that the cost to employers in terms of morale, productivity, lost time and turnover was \$189 million (Saunders, 1984). Therefore, sexual harassment is very costly to the organization and may become even more so as compensatory damages are introduced.

Defenses Against Sexual Harassment

As sexual harassment cases increase in frequency, defenses are needed for court cases. Baxter (1982) contends that courts will be far more likely to be lenient on firms where the employer has adopted a firm policy against sexual harassment, adopted a complaint resolution mechanism, and publicized the means by which employees may institute complaints.

According to Vermeulen (1982), the most commonly utilized employer defenses in sexual harassment litigation are the following: 1) the sexual advances or demands alleged by the plaintiff never happened; 2) the sexual relationship in which the plaintiff became involved was consensual; 3) the sexual advances or demands constituted an individual encounter between two employees which was without employment consequences; 4) the employer had no notice that the alleged conduct was occurring; 5) the plaintiff failed to utilize proper company procedures

for complaining about incidents of sexual harassment; 6) the employer had notice but investigated and took appropriate action; and 7) the plaintiff was terminated for a legitimate "work reason" having no relationship to sexual harassment. The employer's making known disapproval of such conduct before the incident occurs may be the best defense. Crocker and Simon (1981) suggest that threatening participating supervisors with discipline or discharge and encouraging the victims of unwelcome sexual advances to complain to the administration may reduce the number of incidents. This type of action will place the company in the best position possible to defend against the claims.

Sexual Harrasment Policy

Protection

By adopting a firm stance against sexual harassment prior to the initiation of litigation, Ross and Green argue an institution will go a long way toward defending itself against liability. The organization may, by virtue of such a policy, discourage behavior that might lead to allegations of harassment in the first place. However, although policies do provide some protection, they cannot take into account all situations. Rowe (1981) contends that no matter how carefully worded the corporation policy concerning sexual harassment is, new kinds of cases arise in varieties which prevent any precise anticipation of problems. Rowe, further suggests that with a policy implemented, those offended may actually be unwilling to report sexual harassment if they think that public exposure of the situation and mandatory punishment of the offender will follow.

However, courts do consider the fact that the company has taken precaution with the implementation of a policy. Ross and Green (1983) suggest that a policy to be implemented should include the following: 1) sexual harassment needs to be defined--the EEOC's definition has proved to be the most effective definition; 2) sexual harassment policy should also prohibit accusations made "without good cause"; and 3) retaliation should also be addressed. Employees should be warned that it is a violation of policy to initiate any action or reprisal against a subordinate, student or fellow employee for reporting sexual harassment (Ross and Green, 1983).

Furthermore, a policy usually makes it easier for women to report incidents. Many employers may be reluctant to have men and women work together for fear that this type of misconduct will occur; however, a policy can help in clarifying the company's attitude. According to Stanley-Elliott (1981), a company policy against sexual relationships in supervision may be critical to the success of mentoring programs for women. It is easier to break a rule if the rule is not written as company policy but rather considered a moral code.

A comment in the New York University Law Review (1976), stated that although a sexual harassment policy may be instigated, a finding that sexual harassment occurred can be rendered virtually meaningless if the people who are supposed to administer the remedy choose to protect their employees and undercut the finding by taking minimal remedial action.

Furthermore, Cohen and Vincelette (1984) note that ironically, implementing procedures such as those suggested in the EEOC Guidelines such as having the employer "affirmatively raise the subject" of sexual harassment and inform employees of "their right to raise and how to raise

the issue," increase the potential liability of the employer by fulfilling the requirement notice. It appears to these authors that the employers who have no knowledge of instances of sexual harassment are those employers which have the least liability. This is in direct contradiction to the recommendation offered in the New York University Law Review (1976). Therefore, it may be that current disagreement in this area does little to encourage employers to adopt policies which might prevent harassment from occurring, but instead encourage the "quick fix" to individual problems of which they are made aware.

Conclusion

As noted in the literature, most sexual harassment is verbal rather than physical and only the more severe cases tend to be filed in courts.

There seems to be a gap in the literature concerning the victims most likely to take a case to court or to file charges concerning sexual harassment, i.e. whether the complainant is more likely to be an extrovert versus introvert, someone with more experience versus someone with less experience, an older person versus a younger one, etc.

Concerning the complaint process itself, although a grievance mechanism may be used, there are drawbacks. A union may perhaps find itself representing both the victim and offender. There is also the reluctance of the victim even to report the harassment, which may eventually build until there is enough evidence to litigate. Union representation is not universally available to harassment victims either.

It is generally acknowledged that preventing sexual harassment in the first place is better than having to stop the conduct in its more advanced stages. Since top management may be somewhat removed from the evidence, lower management needs to be sensitive and aware of such incidences to reduce employer liability.

The emphasis of past material written on sexual harassment has been on awareness of the problem--the fact that sexual harassment is occurring. The articles that are written concerning corrective action, that may be taken by an employer, state that a policy should be instigated, but few go into detail. Although the literature has covered recommendations for policies and suggestions for formulating a policy, there appears to be a little research on the type of organization and characteristics of such an organization which carries a sexual harassment policy. In the next chapter, a description of a survey sent to various professionals regarding sexual harassment policy will be explained, and an attempt will be made to fill some of the gaps concerning policies on sexual harassment.

III. Description of Survey on Sexual Harassment

Purpose of Survey

As noted in the previous chapter, there is a lack of research concerning the implementation of sexual harassment policies and the type of firms most likely to have sexual harassment policies.

The topic of sexual harassment has been progressing through the stages which most issues pass through: awareness of the problem, appreciation for the plight of those affected, and proposals and implementation of solutions to the problem. First, in the middle '70's attention was called to the fact that sexual harassment was a problem. During the latter part of the 70's and the early '80's employers to recognize the problem and realize that something had to be done. At the present time, another transition period has come in which employers need guidance to solve the problem of sexual harassment in the workplace.

The focus of this survey is to discover correlations between the existence or nonexistence of sexual harassment policies (proposed as part of the solution) and characteristics of companies who do/do not have such policies. This will identify the types of employers who are responding to the current climate of concern with policies. Identification of such employers is the first step in an empirical analysis of the effectiveness of such policies.

Mail Questionnaire

A mail questionnaire was chosen as the most efficient and reasonable way to obtain responses from a representative sample despite the

inherent limitations of such an approach. Opinion about response selectivity in this type of survey has been pointed out (Dillman, 1978). First, the recipients of the mail questionnaire have an opportunity to examine it in its entirety before deciding to respond. It is recognized that interest in a particular topic may be important in determining whether or not a questionnaire is completed and returned and that self-reporting bias may occur since firms who have sexual harassment policies may be more likely to return the surveys. The ability to provide answers to questions is important. There will be missing data on the questionnaire response, especially from those firms who have not yet implemented sexual harassment policies. Even so, the mail questionnaire approach was taken because firms are assured of the anonymity of their answers in regard to their particular organization and therefore they are expected to be more likely to answer questions on such a sensitive topic as sexual harassment. This approach also permits the widest breadth of research inquiry within the constraints of resources available for this study.

Survey Instrument

A small group of human resource professionals who served as officers in a professional organization were invited to review and critique a preliminary version of the survey instrument. A letter was sent to these professionals (Appendix A), asking for comments on the cover letter to be sent with the survey (Appendix B), the preliminary version of the survey instrument itself (Appendix C), and a list of items on the survey instrument which were specifically marked for comments (Appendix D).

These questions were asked of this group mainly to improve the survey by clarifying questions which may have been ambiguous. Comments from this group were made, and changes were implemented accordingly. Furthermore, support was asked of particular professional officers in the group in allowing a notice to be put in the newsletter of the organization to notify potential respondents in that organization that a questionnaire would be coming concerning the topic of sexual harassment (Appendix E).

The survey consisted of only seventeen questions. This was done to insure that a time limit of approximately 15 minutes would be observed in answering the questionnaire. Questions were avoided which might have had to be looked up in files, thereby using more time than originally set aside to complete the survey. In addition, specific instances concerning sexual harassment in the organization were not sought. These procedures were implemented to avoid providing reasons for respondents not to answer the questionnaire.

The cover letter was prepared to serve as the respondent's first introduction to the questionnaire and to motivate the respondent to answer the questionnaire quickly. Oklahoma State University letterhead was used to ensure the respondent of the legitimacy of the survey. Each letter was individually dated, personalized, and signed. Assurances of anonymity were given and a way of requesting results of the study without disclosing the identity of the respondent was provided.

The questionnaire format was based on recommendations for instrument construction by Dillman (1978). Questions were distinguished from answer categories by the use of upper and lower case letters since this type of printing aids the respondent in following the survey.

Question and response categories were arranged vertically on the page for ease of reading and prevention of omission when answering the questionnaire.

Furthermore, questions were grouped according to similarity of content so that the reader would not have to switch thought processes in moving from one question to the next. Also, the ordering principle was used in the questionnaire. This principle states that the topic areas most likely to be objectionable to respondents should be positioned after the less objectionable ones. Since sexual harassment is a sensitive topic, it was thought that respondents might be more willing to answer the questions if they were led incrementally into this portion of the survey instrument.

There are four different types of question structures according to Dillman (1978), all of which were used in this survey: open-ended, close-ended with ordered choices, close-ended with unordered response choices and partially close-ended.

The first three questions in the survey sought general personal information from the respondent as well as general characteristics of the organization. These included the title of the respondent's position, the range of authority associated with that particular position, and the principal products or services of the organization. Questions concerning the business were asked in Questions 4-6: the number of full-time equivalent people, the presence or absence of union representation, and the environment where operations were conducted. Questions 7 and 8 concerned the current compensation package of the organization compared

to both the surrounding area (regardless of industry) and the industry (regardless of the geographical location of the respondent).

Questions 9 and 10 asked about the economic trends the company had had to face recently. Question 9 considered the changes of level of employment in the organization, and Question 10 referred to the rise or fall of employment in the industry. Question 11 inquired about the range of service or products distributed by the firm; answer choices ranged from local neighborhood distribution to national or international distribution. Question 12 concerned a more sensitive topic. It asked the respondent to identify candidly the level of commitment of his or her particular organization to affirmative action programs. The answer-range varied from technical non-compliance in the affirmative action program to aggressive action.

Question 13 went to the crux of the issue; it asked if there were a sexual harassment policy in the organization. The month and the year that the policy was implemented was requested as well.

Question 14 asked how the employees and employers were made aware of the sexual harassment policy, if one existed. A request was then made for a copy of the sexual harassment policy in the organization. Once again, anonymity was assured.

Question 15 asked if formal allegations of sexual harassment had occurred within the past decade (1975-85), noting that the surveyors need not give details. Question 16 was related to 15 in that the respondent was asked to tell if the policy were implemented before or after allegations of a sexual harassment incident. Responses were available in both categories concerning nonexistence of formal allegations and sexual harassment incidents.

The final question requested the respondent to rank in importance, factors influencing the decision to develop a policy (if one were present). Various responses were provided, but an open space categorized as "other" was also included in case reasons other than those listed on the survey were used.

A note on the last page expressed the appreciation of the researchers and stated that a business reply envelope was enclosed for those wishing to request survey results, reaffirming that anonymity would be retained.

Follow-up Postcard

Most people who answer questionnaires do so almost immediately after they receive them (Dillman, 1978). A followup postcard is sent not to overcome resistance but rather to jog memories and help rearrange the priorities of the respondent. A postcard was mailed approximately one week after the survey was sent. It served both as an acknowledgement to those who had responded and a friendly, courteous reminder to those who had not (Appendix F). One week was chosen as an appropriate time for making an appeal since the timing conveys a sense of importance yet does not give the impression that the surveyor is impatient or unreasonable.

The first lines on the postcard stated that a questionnaire had been sent to the respondent the previous week and why. The second paragraph contained the crucial message the postcard was designed to convey. People who had already returned their questionnaires were thanked and those who had not were asked to do so "today," a time reference to emphasize the importance of immediate response.

The final paragraph was an offer to replace the questionnaire if it had been lost or misplaced. Again, all postcards were signed in blue ink to provide a personal touch.

Sample

Over 200 professionals received the questionnaire. Approximately 75% of those surveyed were members of one organization in a Midwestern metropolitan area. The remaining 25% were members of the same umbrella organization but were randomly selected from a different region in the United States. The umbrella organization provided a roster of potential respondents but at the same time included members across a broad range of both private and public sector employees. The group of 50 was used as a control group for trying to ascertain external validity of the sample.

The representative sample from the primary survey was chosen carefully. Only one person was selected from each organization and the person selected was the one best able to answer questions concerning a sexual harassment policy in the organization. For example, persons who had titles of Personnel Director and Affirmative Action Officer were chosen over persons with titles of Employment Benefits Coordinator or Employee Trainer. Furthermore, in using this professional organization's members questionnaires were sent both to public and private sectors. Therefore, the sample was advantageous in providing representation from both groups.

The primary area surveyed is a good representation of the nation as a whole. In comparing the different industries between this community and the United States generally, there is little percentage difference between the main industry categorizations of finance, insurance, real estate, services, agriculture, mining, and transportation (County Business Patterns, Oklahoma and United States 1980 Census of Population). The labor force demographic percentages are generally comparable to the nation as a whole with respect to race and gender for the civilian workforce.

Incomes in this community were also compared with those of the United States generally. Controlling for race, male and female employees ranked higher in wages, above the industry average in all segments in the U.S. 1980 Census of Population with an approximate \$3,000-\$5,000 difference. The average housing prices in the community surveyed were within 3% of the mean housing prices nationally.

To the extent that this community reflects national conditions, one may generalize with the same confidence that the findings reported here represent a broad national base.

Hypotheses

The literature pertaining to sexual harassment is normative, prescriptive, and advocacy oriented. Empirical analysis is virtually absent, making it difficult to anchor empirical hypotheses presented here to other scholarship on this topic. Therefore, the hypotheses developed here are acknowledged to be intuitively derived.

Size

Large organizations usually have the funds to hire a staff specialist in the human resources area whose job it is to know about current issues in such areas as sexual harassment. Such staff expertise is believed to operate to develop and implement policies. Therefore, larger organizations are expected to be more likely to have a policy than small organizations.

Hypothesis 1

The larger the size of the organization (more employees), the more likely the presence of a sexual harassment policy.

Date Implementation

Since larger organizations are expected to have a sexual harassment policy, one further expects that these organizations recognize the need for a policy sooner than smaller organizations. This further relates to the fact that they usually have a specialist in the area who would be sensitized to issues in the personnel area.

Hypothesis 2

Larger organizations are expected to implement sexual harassment policies sooner than smaller organizations.

Proactive Orientation

Organizations which are not aggressive wage or compensation setters are not expected to be bellwether agencies concerning the sexual harassment issue either. The reluctant tendency of management to be proactive in compensation and wage areas can be expected to have carryover effects to other areas as well.

Hypothesis 3

Those organizations with low wages/low compensation packages in their particular area will be less likely to have a sexual harassment policy.

Turnover

The rapid increase in numbers of employees in the industry as a whole or in organizations themselves can create an unstable environment. Because of this instability, employees in such organizations can be expected to have the belief that work can be found elsewhere easily and therefore a supervisor's actions are not of concern. References are not likely to be checked as thoroughly in organizations with labor shortages because of the urgent need for the worker. Therefore, the employers may

feel they need to protect themselves under these kinds of circumstances by implementing sexual harassment policies.

Hypothesis 4

Labor force expansion in an organization/ industry will be positively correlated with the existence of a sexual harassment policy.

Union Presence

Usually a grievance mechanism is instituted in those organizations where a union is present, so employees feel that there is a particular format to follow when an incident occurs. An employee will therefore be more likely to take his/her case through an established grievance process. A specified grievance procedure will set a precedent so that there is a greater likelihood that consistent results will occur. Therefore, employers may desire to protect themselves by standardizing procedures and sanctions as much as possible in such situations.

Hypothesis 5

The presence of a union will increase the likelihood of a sexual harassment policy.

EEO Posture

Those companies which are aggressive with respect to equal employment opportunity and which have affirmative action programs are expected to be more likely to have a sexual harassment policy. Such an EEO posture bespeaks a commitment to equity concerns of employees who have traditionally lacked power in organizations. Sensitive employers will be more likely to be aware of the effects sexual harassment has on an organization as well.

Hypothesis 6

Those companies which have either aggressive or moderately aggressive affirmative action programs will be more likely to have a sexual harassment policy.

Sexual Harassment Incident

Because of the awareness of employer liability arising from a previous sexual harassment incident, employers can be expected to be anxious to limit their responsibility in the future through a sexual harassment policy.

Hypothesis 7

Those companies which have had sexual harassment incidents will be more likely to have policies than those who have not experienced such complaints.

Statistical Methodology

The Statistical Applications Software (SAS) package is used in from the Oklahoma State University Computer System analyzing data derived from the survey. The dichotomous nature of the dependent variable--that is, the presence or absence of an employer policy relating to allegations of sexual harassment--is considered as a function of various levels of other discrete variables. A chisquare test of statistical significance is the indicated method of such circumstances. This technique is virtually universal in its level of familiarity, and the applications described here do not pose any novel or innovative approaches. An extended discussion of this technique is therefore not essential for this study.

Summary

This survey was begun in an attempt to gather information on sexual harassment policies in organizations and characteristics of companies which have these types of policies. Every attempt was made to increase the response rate of the survey in order to gain a comprehensive reflection of policy development and implementation.

Hypotheses were offered concerning the effects of organizational size, wage and compensation packages, labor force expansion, union presence, EEO posture, and the existence of incidents of sexual harassment in the past. Furthermore, responses are examined for patterns associated with development and implementation decisions, although no hypotheses are offered in this area.

Finally, the chisquare statistical test of significance was identified and justified as the appropriate analytical technique under the circumstances presented in this study.

Chapter IV

Analysis of the Data

Introduction

This chapter will first discuss the results of the mail survey undertaken in this study. The chapter will also identify and discuss historical frequencies and patterns of respondents that, while not amenable to being tested for statistical significance, are nonetheless relevant to this study.

The major focus of this chapter will be on the seven hypotheses presented in the previous chapter. The testing of those hypotheses will be discussed in the order they appeared. The criterion for asserting statistical significance has not been established in connection with empirical work in the topic area of sexual harassment. In this study, statistical significance will be asserted at the 0.10 alpha level.

The chapter will conclude with a summary.

Response Rate

From the sample of 202 surveyed, 65 usable responses were received (32.18%). Given the sensitive nature of the topic involved, this response rate was consistent with preliminary expectations. Of these 66 respondents, 40 organizations (61.54%) claimed to have sexual harassment policies and 25 organizations (38.46%) indicated they did not have sexual harassment policies. Only 1 organization claimed to have a sexual harassment policy under development; however, this response was dropped from the sample and was not used in statistical testing.

Hypothesis Testing

Organization Size

The first hypothesis anticipated that the greater the number of employees in an organization, the more likely there was to be a sexual harassment policy. The number of employees in an organization was coded into three size groups: 1-100 (small), 101-500 (medium), and 501 and over (large). There were nine small organizations (13.84%), 28 medium-size organizations (43.08%), and 28 large organizations (43.08%) which responded. Of the 40 sexual harassment policies reported, only 5.00% (2) were in effect in small organizations. Of the sexual harassment policies reported, medium-size organizations made up 42.50% (17); and large organizations provided 52.50% (21) of the sexual harassment policies reported (see Exhibit 1).

The hypothesis proved significant with $\chi^2 = 8.03$ and $p = .018$. As anticipated, large organizations were more likely to have sexual harassment policies.

Further analysis was done in comparing the dates of implementation of sexual harassment policies and industries. Products or services in an industry were divided into 3 groups: 1) agriculture and mining; 2) manufacturing and transportation; and 3) retail, finance, and services. Dates of implementation of policies were comprised of 5 groups, covering 5-year periods, the first beginning implementation of a policy before 1965 and the final groups ending in 1985.

Due to the sparse data, valid chi square tests could not be performed in those categories. However, frequencies were noted from the 34 respondents to the question. Before 1965, only 2 (5.88%) organizations,

Exhibit 1

NUMBER OF EMPLOYEES IN ORGANIZATION
AND SEXUAL HARASSMENT POLICY

Number of Employees	0-100	101-500	501 and over	Total
Policy	2	17	21	40
	3%	26%	32%	61%
No Policy	7	11	7	25
	11%	17%	11%	39%
Total	9 14%	28 43%	28 43%	65 100%

both in manufacturing and transportation, had implemented policies. No policies were implemented from 1966-75 by any of the respondents. In 1976-80, 10 policies (29.42%) were implemented: 1 policy (2.94% of the present total) in agriculture and mining; 4 policies (11.77% of the present total) in manufacturing and transportation; and 5 policies (14.71% of the present total) in retail, finance, and services. Finally, in 1981-85, 22 policies (64.70% of the present total) were implemented; 2 (5.88% of the present total) in agriculture and mining, 10 (29.41% of the present total) in manufacturing and transportation, and 10 (29.41% of the present total) in retail, finance, and services.

According to the survey responses, agriculture and mining comprised 8.82% (13) of the sexual harassment policies, manufacturing and transportation comprised 47.06% (16) of the policies, and retail, finance, and services comprised 44.12% (15) of the policies (see Exhibit 2).

As is evident, there has been a general trend for such policies to proliferate across all industries in recent years. The highest percentage of policies implemented to date were in manufacturing and transportation, then retail, finance, and services, and finally, agriculture and mining.

Size and Policy Implementation Date

The second hypothesis related the relationship between the date of implementation of a sexual harassment policy and organizational size. A large organization was expected to be more likely to implement a sexual harassment policy earlier than a small organization. From the sample taken, it was shown that there is a general trend for large organizations to implement policies sooner than small organizations.

Exhibit 2

INDUSTRY AND
DATE OF IMPLEMENTATION OF
SEXUAL HARASSMENT POLICY

	Agriculture and Mining	Manufacturing and Transportation	Retail, Finance, and Services	Total
<=1965	0	2	0	2
		6%		6%
1976-80	1	4	5	10
	3%	12%	15%	30%
1981-85	2	10	10	22
	6%	29%	29%	64%
Total	3 9%	16 47%	15 44%	34 100%

The dates of sexual harassment policy implementation were categorized into five groups; the first group comprised organizations implementing policies before 1965, followed by four groups covering five-year periods which end in 1985. Organizations were grouped according to number of employees in small (1-100), medium (101-500), and large (501 and over) firms. Respondents included 1 (2.86%) small, 14 (40.00%) medium-size, and 20 (57.14%) large organizations. Only large organizations (2) implemented policies before 1965. No policies were implemented by respondents between 1966-1975. In the years from 1976-80, 10 organizations implemented sexual harassment policies--10.00% were small (1), 30.00% medium-size (3), and 60.00% large organizations (6). In 1981-85, 23 policies were implemented--47.83% (11) in medium-size organizations and 52.17% (12) in large organizations (see Exhibit 3).

The hypothesis was not significant-- $\chi^2 = 4.659$ and $p = .3241$; however, the results were in the direction anticipated.

Compensation Level

The third hypothesis proposed that organizations would be less likely to have sexual harassment policies if they had low compensation packages. The respondents were asked to compare their compensation packages (1) with those of other organizations in the same area and (2) with those of the same type of organization in other geographical locations. Answers were categorized into three groups: 1) wage leaders or those offering a higher scale compensation package (wage leaders); 2) organizations offering competitive compensation packages (competitive); and 3) organizations offering somewhat lower than competitive compensation packages or minimum wage (lower than competitive).

Exhibit 3

NUMBER OF EMPLOYEES IN ORGANIZATION
AND DATE OF IMPLEMENTATION OF POLICY

Number of Employees	0-100	101-500	501 and over	Total
<=1965	0	0	2	2
			6%	6%
1976-80	1	3	6	10
	3%	9%	17%	29%
1981-85	0	11	12	23
		31%	34%	65%
Total	1 3%	14 40%	20 57%	35 100%

In the comparison of compensation packages in the surrounding area regardless of industry, 14 respondents (21.54%) claimed to be wage leaders, 42 respondents (64.61%) considered themselves competitive, and 9 respondents (13.85%) said they offered lower than competitive compensation packages. Of the 40 organizations which offered sexual harassment policies, 25.00% (10) were wage leaders, 65.00% (26) offered competitive compensation packages, and 10.00% (4) offered lower than competitive packages (see Exhibit 4).

The test did not prove significant ($X^2 = 1.692$ and $p = .4291$), although both wage leaders and organizations offering competitive packages provided sexual harassment policies in greater proportion than their normal cell expectancy.

Next, compensation packages were compared with those of other organizations in the same industry. Of the total respondents, eighteen claimed to be wage leaders or offering a higher scale compensation package, 39 respondents said they offered competitive packages, and 8 respondents stated they offered somewhat lower than competitive compensation packages or minimum wage. Wage leaders accounted for 27.69% of the respondents, but 30.00% of the organizations offered sexual harassment policies. Of the total respondents, 60.00% claimed they were offering competitive compensation packages, but only 55.00% had sexual harassment policies. Finally, those organizations who had somewhat lower than competitive packages totalled 12.31% of the respondents, with 15.00% of the organizations containing sexual harassment policies (see Exhibit 5).

This test was not significant, either: $X^2 = 1.246$ and $p = .5364$. Therefore, the level of compensation offered by organizations does not

Exhibit 4

LEVEL OF COMPENSATION OFFERED RELATIVE TO
SURROUNDING AREA, REGARDLESS OF INDUSTRY
AND SEXUAL HARASSMENT POLICY

Level Offered	Wage Leader/ Higher Scale	Competitive	Lower than Competitive/ Minimum Wage	Total
Policy	10	26	4	40
	15%	40%	6%	61%
No Policy	4	16	5	25
	6%	25%	8%	39%
Total	14 21%	42 65%	9 14%	65 100%

Exhibit 5

LEVEL OF COMPENSATION OFFERED RELATIVE TO
NORMS OF INDUSTRY REGARDLESS OF GEOGRAPHICAL
LOCATION AND SEXUAL HARASSMENT POLICY

Level Offered	Wage Leader/ Higher Scale	Competitive	Lower than Competitive/ Minimum Wage	Total
Policy	12	22	6	40
	19%	34%	9%	62%
No Policy	6	17	2	25
	9%	26%	3%	38%
Total	18 28%	39 60%	8 12%	65 100%

appear to be associated with the existence of a sexual harassment policy to a significant degree.

Employment Level

In the fourth hypothesis, it was asserted that the existence of a sexual harassment policy would be positively related to the expansion in an organization/industry. The change in employment level was categorized for the organization/industry into three groups: 1) organization/industry whose employment levels had risen; 2) organization/industry whose employment levels had been constant; and 3) organization/industry whose employment levels had dropped.

First, employment levels were assessed in an industry regardless of geographical location. Out of a total of 61 usable respondents, 8 (13.11%) organizations' levels of employment had risen, 20 (32.79%) organizations' employment levels had stayed the same, and 33 (54.10%) organizations' employment levels had dropped. Of those organizations with expanding labor forces, 3 (37.50%) claimed to have sexual harassment policies. Of the 20 organizations with stable levels of employment, 13 (65.00%) indicated they had adopted such policies. From the organizations whose employment levels had dropped, 21 (63.64%) of the 33 organizations said they had adopted sexual harassment policies. The chi-square statistic was not significant at $\chi^2 = 2.078$ and $p = .3537$ (see Exhibit 6).

Next, levels of employment were compared within organizations. There were 19 (31.15%) respondents who stated that the employment level in their organizations had risen, 25 respondents reported that the employment level had remained constant, and 17 respondents stated that the employment level had dropped in their organizations.

Exhibit 6

LEVEL OF EMPLOYMENT OF ORGANIZATION
IN INDUSTRY
AND SEXUAL HARASSMENT POLICY

Level	Risen Dramatically/ Slightly	Same	Dropped Dramatically/ Slightly	Total
Policy	3	13	21	37
	5%	21%	34%	60%
No Policy	5	7	12	24
	8%	12%	20%	40%
Total	8 13%	20 33%	33 20%	61 100%

In those organizations which reported employment levels which had risen, 52.63% (10) of the organizations responding in this group had sexual harassment policies. For the organizations where employment levels stayed constant (40.98% of total respondents), 56.00% (14) of organizations had sexual harassment policies. Finally, organizations with employment levels which had dropped accounted for 27.87% of the respondents, but 76.47% (13) of those organization had sexual harassment policies (see Exhibit 7).

This test did not prove significant either ($\chi^2 = 2.521$ and $p = .2835$). However, in both industry and organization comparisons, organizations which had decreasing employment levels provided more sexual harassment policies than the percentage expected for that group. Therefore, the trend of sexual harassment policies appears to be counter-intuitive to the hypothesis.

Union Influence

The fifth hypothesis anticipated that there was more likely to be a sexual harassment policy in effect where a union is present. In 20 (31.25%) of the 64 organizations for which data were available, a labor union represented some proportion of the employees. Of these 20 organizations, 17 (85.00%) had sexual harassment policies. Of the 44 organizations that indicated they operated without union representation, 22 (50.00%) said they had sexual harassment policies. (see Exhibit 8).

This hypothesis was proven significant ($\chi^2 = 7.076$, $p = .0078$). There is a significantly greater likelihood of a sexual harassment policy for organizations that have union affiliations.

The implementation of sexual harassment policies was also compared to specific unions which were divided into 5 categories: production and

Exhibit 7

LEVEL OF EMPLOYMENT OF ORGANIZATION
AT ORGANIZATION
AND SEXUAL HARASSMENT POLICY

Level	Risen Dramatically/ Slightly	Same	Dropped Dramatically/ Slightly	Total
Policy	10	14	13	37
	16%	23%	21%	60%
No Policy	9	11	4	24
	15%	18%	7%	40%
Total	19 31%	25 41%	17 28%	61 100%

Exhibit 8

EXISTENCE OF A UNION
AND SEXUAL HARASSMENT POLICY

	Union	No Union	Total
Policy	17	22	39
	27%	34%	61%
No Policy	3	22	25
	5%	34%	39%
Total	20	44	64
	32%	68%	100%

maintenance, clerical, safety and security, transportation, and professional or technical unions. The dates of policy implementation were also categorized into 5 groups. The first group comprised organizations implementing policies before 1965, followed by four groups covering five-year periods which end in 1985.

Only one unionized organization (production and maintenance) implemented a policy before 1965. There were no sexual harassment policies implemented between 1966-75. In 1976-80, organizations that had unions implemented 6 sexual harassment policies, 3 with production and maintenance bargaining units, 1 with a safety bargaining unit, 1 with a transportation bargaining unit, and 1 with a professional and technical bargaining unit. Finally, in 1981-85 unionized organizations implemented policies; 4 with production and maintenance bargaining units, 1 with a clerical bargaining unit, 1 with a safety bargaining unit, and 1 with a transportation bargaining unit (see Exhibit 9).

Although the data was too sparse for a significant chi square, the general direction was not only to implement more sexual harassment policies, but also to expand policies across a wider range of trade union bargaining agents.

Affirmative Action Programs

The sixth hypothesis states that those organizations who have aggressive or moderately aggressive affirmative action programs will be more likely to have sexual harassment policies. Answers were categorized according to the organization's attitude toward affirmative action programs in the following manner: 1) organizations which are aggressive or moderately aggressive in the affirmative action program; 2) organizations who are in full compliance with affirmative action requirements, but which are not aggressive in this area; and

Exhibit 9

UNION CATEGORIES AND
DATE OF IMPLEMENTATION OF
SEXUAL HARASSMENT POLICY

	Production and Maintenance	Clerical	Safety and Security	Transpor- tation	Professional and Technical	Total
<= 1965	1	0	0	0	0	1
	7%					7%
1976-80	3	0	1	1	1	6
	19%		7%	7%	7%	40%
1981-85	4	1	1	2	0	8
	26%	7%	7%	13%		53%
	8	1	2	3	1	15
						100%

3) organizations in the process of change or organizations moving slowly in the affirmative action area.

Of the 64 total respondents, 27 (42.19%) said they had aggressive affirmative action programs, 24 (37.50%) organizations responded that they were in full compliance with the law, and 13 (20.31%) organizations acknowledged they were moving slowly in the affirmative action area. Of the 27 respondents in the category of aggressive organizations, 21 (77.78%) had sexual harassment policies in effect. Of those organizations who were in full compliance with affirmative action requirements, 12 (50.00%) of 24 indicated they had sexual harassment policies. Organizations moving slowly in the affirmative action area accounted for 13 (20.31%) of respondents; 6 (46.15%) or not quite half of these respondents were organizations with sexual harassment policies (see Exhibit 10).

The hypothesis was significant ($\chi^2 = 5.617$, $p = .0603$). Aggressive or moderately aggressive organizations did have more sexual harassment policies than those organizations less active in the affirmative action area.

Sexual Harassment Incident

In the final hypothesis, it was suggested that those organizations that have had sexual harassment incidents would be more likely to have sexual harassment policies than those who have not. This question was asked concerning formal allegations of sexual harassment filed within the company or with the EEOC concerning the organization within the past ten years.

There were 18 out of 65 respondents who acknowledged that formal allegations of sexual harassment had been made in their respective organizations over the last 10 years. Of these responses, 13 (72.22%) of 18 claimed to have sexual harassment policies in effect at the time of

Exhibit 10

COMMITMENT TO ORGANIZATION TO AFFIRMATIVE
ACTION PROGRAM
AND SEXUAL HARASSMENT POLICY

Level	Aggressive/ Moderately Aggressive	Full Compliance	Process of Change/ Moving Slowly	Total
Policy	21	12	6	39
	33%	19%	9%	61%
No Policy	6	12	7	25
	9%	19%	11%	39%
Total	27	24	13	64
	42%	38%	20%	100%

the survey. Of the total number of respondents, 40 (61.54%) said they had such policies in effect at the time of the survey. Of the 18 who acknowledged such claims had been made, 15 responded to a subsequent question concerning the timing of such claims. Of those 15 organizations, 10 (66.67%) reported that such allegations came about BEFORE the implementation of sexual harassment policies. Of the 25 organizations that did not have sexual harassment policies in effect at the time of the survey, 5 (20.00%) reported allegations of sexual harassment. A chi square test was run, however the results did not prove significant ($\chi^2 = 2.222$, $p = .1361$). A warning was also given for the test due to the sparse counts in some of the cells (see Exhibit 11).

In effect, this group without policies in place serves as a control group for those organizations which have implemented sexual harassment policies. Therefore, based on the sample it does not appear that a sexual harassment allegation has a positive influence on the existence of a sexual harassment policy.

Additional Findings

Environment

The presence of sexual harassment policies in organizations in small communities (population $\leq 30,000$) was compared with those of organizations located in large population centers (population of 30,001-500,000). Of the 57 who provided usable responses to this question, 12 (21.05%) were in the small population environment and 45 (78.95%) were in the large population environment. The small population environment accounted for 21.05% (36) of the total respondents, but only 16.67% (6) of these organizations had sexual harassment policies. The large population

Exhibit 11

SEXUAL HARASSMENT ALLEGATION
AND
SEXUAL HARASSMENT POLICY

	Before Incident	After Incident	Total
Policy	10	5	15
	50%	25%	75%
No Policy	5	0	5
	25%		25%
	15	5	20
	75%	25%	100%

environment accounted for 78.95% of the respondents; 83.33% (30) of the organizations had sexual harassment policies (see Exhibit 12).

The test was not significant ($\chi^2 = 1.131$, $p = .2876$). However, the results were in the direction of sexual harassment policies being disproportionately more likely in large population environments.

Scope of Distribution

Next, information was gathered concerning the scope of distribution of a firm's products. Categories divided firms which distributed nationally, in multi-state regions, and in local metropolitan areas. Of a total of 64 respondents, 28 distributed nationally, 24 distributed in multi-state regions, and 12 distributed in the local metropolitan area. Out of the 43.75% (28) of the respondents who distributed nationally, 71.43% (20) of the organizations had sexual harassment policies. Multi-state distributions of organizations accounted for 37.50% (24) of total respondents, but only 54.17% (13) of those organizations had sexual harassment policies. Finally, local metropolitan areas accounted for 18.75% (12) of the respondents; 50.00% (6) of these organizations had sexual harassment policies (see Exhibit 13).

The test was not significant ($\chi^2 = 2.360$, $p = .3073$), although the organizations who distributed nationally did have a larger percentage of sexual harassment policies than expected for the cell frequency.

Reasons for Implementation of Sexual Harassment Policies

Statements were also gathered from the sample as to explanations of the reason why sexual harassment policies were implemented in the organizations. The respondents were asked to rank the reasons from most important to least important. The list of potential responses included (see Exhibit 14)

Exhibit 12

ENVIRONMENT IN WHICH ORGANIZATION OPERATES*
AND SEXUAL HARASSMENT POLICY

	Remote/ Rural/ Small Town	Small City/ Large City/ Suburb of a Large City	Total
Policy	6	30	36
	11%	52%	63%
No Policy	6	15	21
	11%	26%	37%
	12	45	57
	22%	78%	100%

*Small Town = Population < 30,000
 Small City = 30,0001 - 125,000
 Large City = 125,001 - 500,000
 Suburb of Large City = Population < 500,000

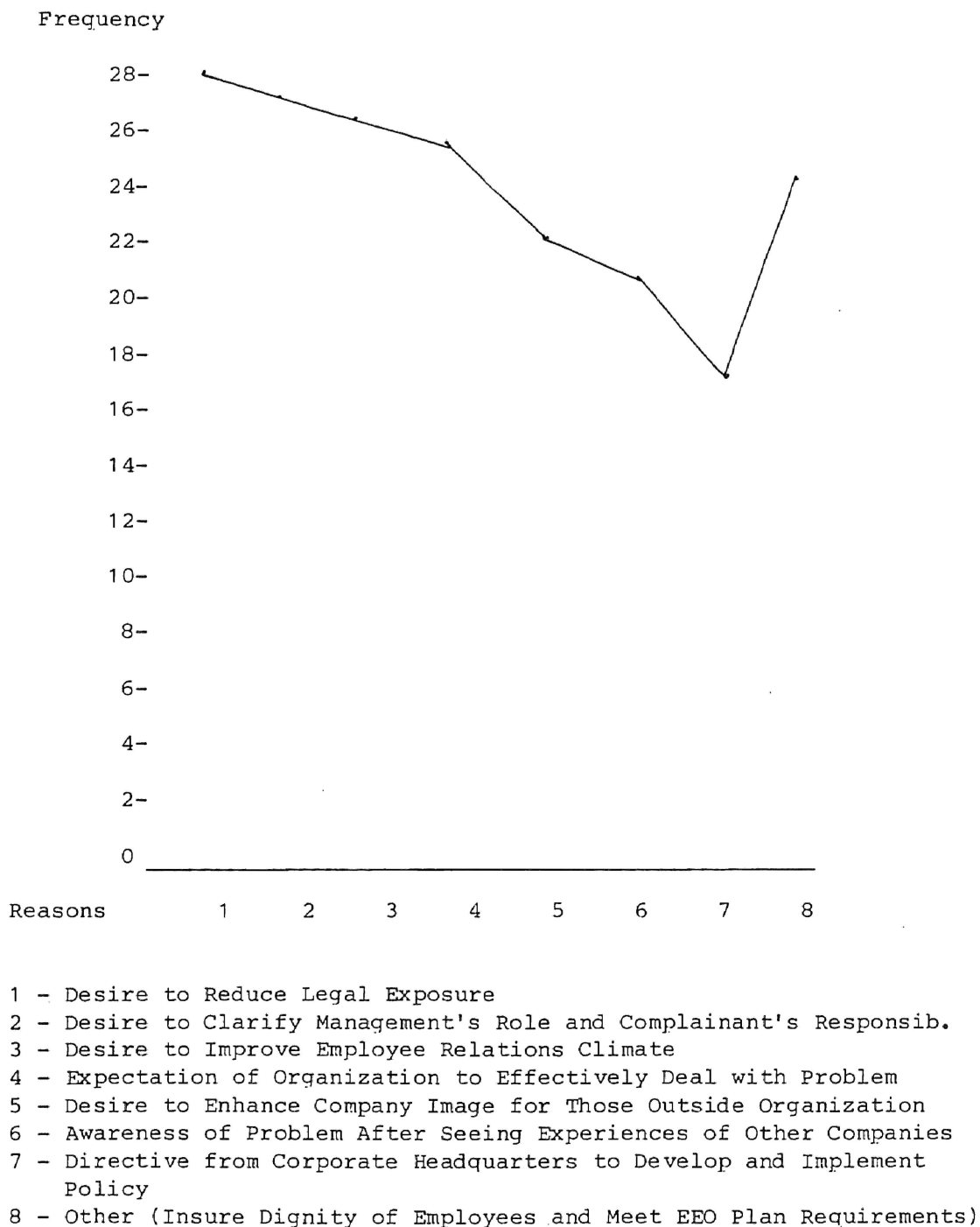
Exhibit 13

MARKET WHERE SERVICES OR PRODUCTS ARE DISTRIBUTED
AND SEXUAL HARASSMENT POLICY

	National	Multi-State	Local Metrop.	Total
Policy	20	13	6	39
	30%	26%	9%	60%
No Policy	8	11	6	25
	13%	18%	9%	40%
Total	28	24	12	64
	44%	38%	18%	100%

Exhibit 14

REASONS FOR INSTIGATING SEXUAL HARASSMENT POLICY



- 1) desire to reduce legal exposure;
- 2) desire to clarify management's role and complainant's responsibilities in the event of an alleged incident of harassment;
- 3) desire to improve employee relations climate;
- 4) an expectation by this organization of appropriate ways of dealing with any managerial problem, once the need to do so was demonstrated;
- 5) desire to enhance company image for those outside the organization;
- 6) awareness of the increasing prospect of having to process such a complaint, given the experiences of other organizations similar to the firm; and
- 7) directive from corporate headquarters to develop and implement such a policy.

A place was also left blank for comments other than those presented for ranking. The "other" category gained two responses: to insure the dignity of all employees and to have full compliance with the affirmative action program and EEO plan.

The top two reasons cited for implementing a sexual harassment policy were the desire to reduce legal exposure and the desire to clarify management's and complainant's role should a sexual harassment incident occur. Therefore, although the rankings were very close, the reasons for implementation of a sexual harassment policy most commonly offered were defensive in nature. Management seems to be more concerned about consequences of sexual harassment allegations than about prevention of sexual harassment incidents in the first place.

Methods of Relaying Sexual Harassment Policies

Data concerning methods of conveying information about sexual harassment policies were also gathered from the survey. Of these methods, 19 different

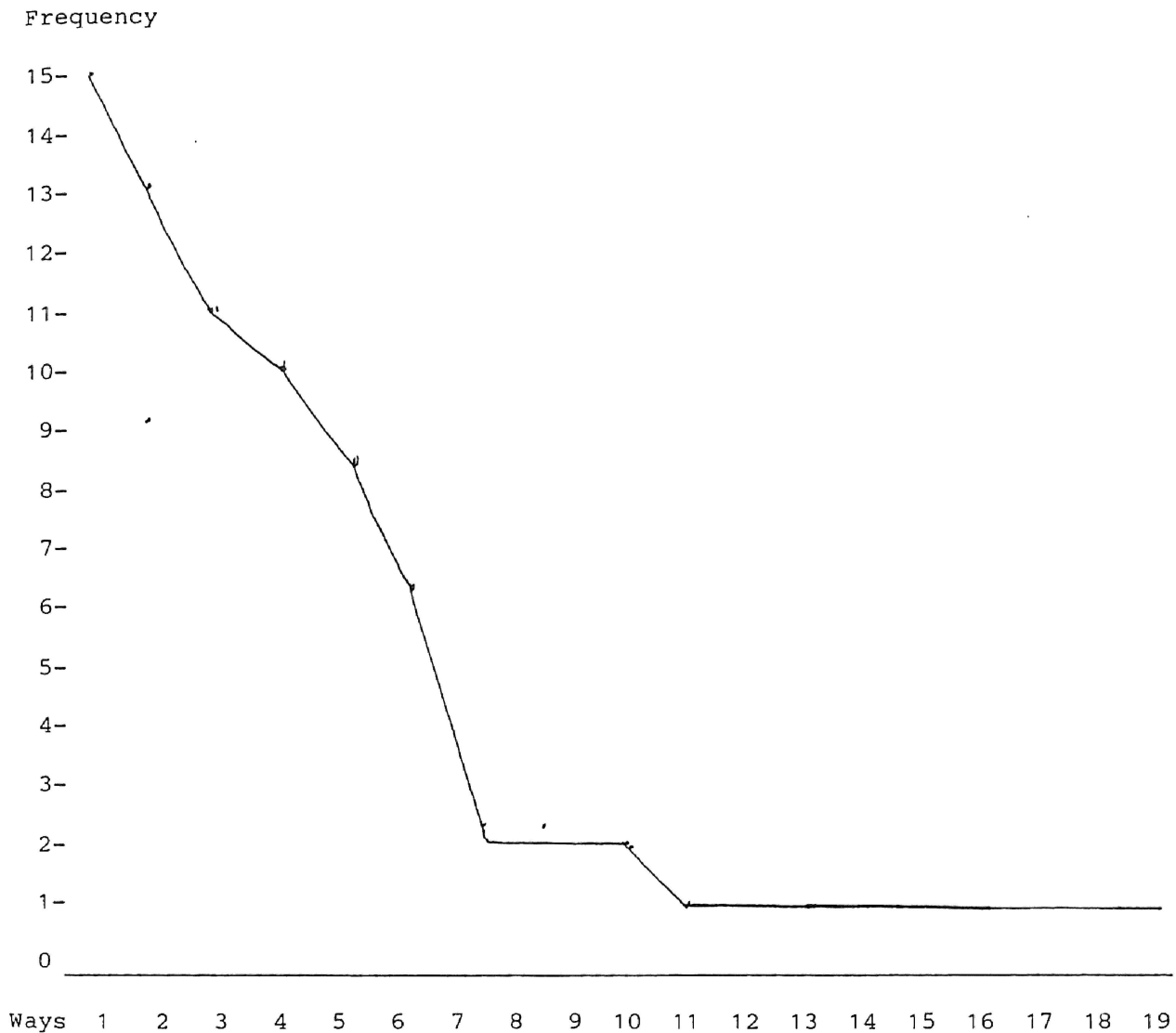
distribution methods or combinations of methods were identified. In descending order of frequency those methods included (see Exhibit 15)

- 1) personnel policy manual;
- 2) supervisor communication;
- 3) training program;
- 4) employee handbooks;
- 5) employee meetings;
- 6) bulletin board;
- 7) specific written policy;
- 8) affirmative action program;
- 9) memo
- 10) company newsletter;
- 11) understanding and signing a copy of the sexual harassment policy;
- 12) advisement of supervisors to watch for "signals";
- 13) management and employees have inherent knowledge of company's attitude;
- 14) UAW Master's agreement;
- 15) plant rules;
- 16) in-house communication;
- 17) workshops;
- 18) seminars; and
- 19) check distribution "stuffers."

According to the survey, several organizations also used more than one method to relay the policy to employees; the frequencies given in the chart will therefore add up to more than 100% because of the multiplicity of communication methods.

Exhibit 15

WAYS IN WHICH EMPLOYEES ARE MADE AWARE OF SEXUAL HARASSMENT POLICIES



- | | |
|--|------------------------------------|
| 1 - Personnel Policy Manual | 17 - Workshops |
| 2 - Supervisors | 18 - Seminars |
| 3 - Training Program | 19 - Check Distribution "Stuffers" |
| 4 - Employee Handbooks | |
| 5 - Employee Meetings | |
| 6 - Bulletin Board | |
| 7 - Specific Written Policy | |
| 8 - Affirmative Action Program | |
| 9 - Memo | |
| 10 - Company Newsletter | |
| 11 - Must Understand and Sign a Copy of Sexual Harassment Policy | |
| 12 - Supervisors Verbally Advised to Watch for Signals | |
| 13 - All Management Inherently Knows Company's Attitude | |
| 14 - UAW Master's Agreement | |
| 15 - Plant Rules | |
| 16 - In-house Communications | |

Conclusion

The analyses confirmed that a sexual harassment policy was more likely to be in place when the organization was large (size > 501), when there was the presence of a union, and when the employer maintained aggressive or moderately aggressive affirmative action programs.

There was a general trend for organizations not only to implement more policies in recent years, but also for policies to be spread across a wider range of industries.

Larger organizations did appear to implement sexual harassment policies sooner than smaller organizations. The level of compensation did not appear significant concerning the existence of a sexual harassment policy. Labor force contraction for the industry and organization related positively to the existence of a sexual harassment policy, contrary to the expectation of the original hypothesis that labor force expansion was an influential factor on policy implementation.

Sexual harassment incidents did not appear to affect the implementation of a sexual harassment policy; however, the existence of such policies as avenues of complaint may have contributed to higher allegation rates.

Those organizations that conducted their business in environments of small cities, large cities, and suburbs of large cities had more of a tendency to have sexual harassment policies than organizations in smaller towns and remote and rural areas. In addition, those firms with a larger distribution range (nationwide) accounted for disproportionately more sexual harassment policies than organizations operating in smaller environments.

In reviewing the reasons for implementing the sexual harassment policy, the reasons mentioned most often involved defense mechanisms for employers.

The methods used most frequently to relay the sexual harassment policy to employers were diverse. However, personnel policy manuals, supervisor communication, training programs, and employee handbooks were the most frequent methods used to relay the organization's sexual harassment policy.

V. Discussion of the Results

Introduction

This chapter will discuss the analysis of sexual harassment policies presented in the previous chapter. Explanations will be offered for the difference between the results and the original expectations.

Discussion

Dates of Sexual Harassment Policy and Industry

In relating industries (agriculture and mining, manufacturing and transportation, and retail, finance, and insurance) to sexual harassment policy implementation, it was found that 1) manufacturing and transportation, and 2) retail, finance, and services made up the bulk of those industries having sexual harassment policies, with approximately equal distribution in each of the industry categories.

This may be due to the large number of blue collar and pink collar workers in these industries. As stated earlier, the blue collar and pink collar workforce tend to make up the largest number of complainants concerning sexual harassment.

The general trend for more policies in the manufacturing and transportation area and the retail, finance, and services area may be attributed to an awareness of the abundance of allegations in the blue collar and pink collar workforce in these industry categories. Employers are aware that they have an obligation to employees to provide a harassment-free work environment. Therefore, policies are implemented to provide this protection.

One reason for the low percentage of sexual harassment policies in the mining, agriculture, and related natural resource industries may be due to the fact that women constitute a low percentage of the workforce in these areas.

Size and Policy Implementation Date

Although not proven significant, there was a general trend for larger organizations to implement sexual harassment policies earlier than either medium-size or small organizations. Unexpectedly, medium-size organizations taken from the sample have implemented almost as many sexual harassment policies within the past five years as large organizations.

This may be due to the fact that medium-size organizations are recognizing their susceptibility to sexual harassment allegations and realize that they are just as vulnerable to sexual harassment suits as large organizations. Thus, medium-size organizations are following the leadership of large organization practices by implementing sexual harassment policies.

Compensation Package

This result proved contrary to the expectation that firms with low compensation packages would lack sexual harassment policies, the survey showed that employer may be lacking in one area does not mean an employer is deficient in another area. Perhaps that is one of the reasons that organizations with low compensation packages offer their employees protection with a sexual harassment policy. The employers, recognizing deficiencies in some areas of their organization, strive to make up for their deficiencies by offering assistance in other areas, i.e. protection

of employees' rights in the workplace through implementation of a sexual harassment policy.

In the geographic area surveyed, oil businesses are the acknowledged wage leaders. Public sector organizations and service sector organizations both pay lower and have a higher proportion of females. Perhaps the computer masks this relationship of multicollinearity.

Employment Level

Sexual harassment policies were expected to be positively related to the labor expansion of an organization/industry. However, the result of this analysis proved to be counterintuitive. From the sample taken, it was found that sexual harassment policies are more likely to be found in organizations/industries with decreasing employment levels than in organizations/industries with increasing employment levels.

A possible explanation for this occurrence could be that tension rises in an organization which has to lay off or fire employees due to lack of funds. Consequently, employees may find blame with the organization more readily than in other circumstances, and therefore if a sexual harassment incident would occur, workers would be more likely to file a sexual harassment suit. In addition, organizations with decreasing employment levels recognize that with the possible occurrence of a sexual harassment allegation, their weak financial position makes them vulnerable to court costs and other fees which they could not afford. Consequently, employers try to protect themselves by specifying policies (i.e. sexual harassment) which minimize their liability.

Again, however, this may be an artifact of the sample. Large organizations have policies; but large organizations taken from the sample are organizations which are dependent in part on an oil-based economy, and that basis has been in decline regionally.

Union Influence

There was a significant positive correlation between organizations which have unions and the existence of sexual harassment policies. Perhaps the reason for the high significance lies in the fact that the union recognizes its responsibility to employees in an organization to provide protection for their rights. In fact, a grievance mechanism is set up for the express purpose of processing employee complaints. Pressure from the union may be placed on management to provide this protection for employees. Consequently, organizations are more likely to have a sexual harassment policy if a union is present.

Further effects included the tendency through the years for sexual harassment policies to extend across all union categories: production and maintenance, safety, transportation, clerical, and professional and technical. A possible explanation for this occurrence is the comparison of a union in one industry to a union in another industry. As standards for employee protection are reached for one group, another group may strive to raise its standards accordingly. Thus, pressure is placed on the various unions to keep employee protection standards comparable. Implementation of a sexual harassment policy could easily be one such area. Trade unionism generally has an agenda that is shared to a degree by all its component unions. Sexual harassment policy development is one

area in which trade unionists would be expected to have common goals, and one place where management can agree to such goals without incurring major cost considerations.

Sexual Harassment Incidents

Sexual harassment allegations were found to occur more often in organizations where policies already existed. Thus, there appears to be a correlation between employees' complaints of sexual harassment and the existence of a policy in an organization. It appears an employee is more likely to complain about a sexual harassment incident if there is a specific written statement which forbids the practice and which creates a procedure for such complaints to be reviewed.

This occurrence, however, may result in subversion of the purpose of the policy itself as more allegations are made, some of which may not be meritorious. Because of the very existence of a sexual harassment policy in an organization, employees are more likely to make complaints. This abuse of the system may actually deter employers from implementing policies in their organizations.

Environment

Large population environments (30,001 - 500,000) and small population environments (population \leq 30,000) were also related to the existence of sexual harassment policies. Unexpectedly, there was not a significant difference between large population centers and small communities and the presence of a policy.

This may be due to the fact that there is a considerable amount of interaction and communication between the two environments. Whereas one might expect larger population environments to have more policies, perhaps their influence by way of knowledge involving current issues causes the

rift between smaller communities and large population centers to lessen somewhat. Therefore, suggestions of "traps to avoid" and experiences of sexual harassment allegations are related to smaller communities from large environments, and the smaller population environments are forewarned to implement policies in their organizations for protection.

Scope of Distribution

Another expectation was that firms which distributed products or services nationally would be more likely to have sexual harassment policies than firms which distributed products and services locally. However, the difference between the two was not significant. Perhaps this was due to firms being influenced more by their immediate surrounding area than by the scope of distribution of their products and services.

Reasons for Implementing Sexual Harassment Policies

The two main reasons for implementing sexual harassment policies involved the employer's desire for protection: 1) desire to reduce legal exposure and 2) desire to clarify management's role and complainant's responsibilities in the event of an alleged incident of harassment. Thereafter, the reasons for implementing a policy involved employees' welfare in an organization, reactive measure to the problem, enhancement of the company image, awareness of sexual harassment allegations in other organizations, and policy implementation orders from corporate headquarters.

Consequently, management's initial use for a sexual harassment policy is perceived as a defense mechanism. As more sexual harassment cases are brought into court, an organization's liability will be

clarified. Policies are recognized by courts as a measure taken by management to prevent sexual harassment in the workplace. Therefore, more organizations are likely to use this method as one of the few ways possible to limit liability in court.

Methods of Relaying Policy

The four most frequent methods of relaying sexual harassment policies to employees (representing over 60% of the respondents) were the following: personnel policy manual, supervisors, training program, and employee handbook.

Unexpectedly, only two of the methods involve any kind of written policy--the manual and the handbook. By relying on supervisors to relay the message, it seems that "words of warning" could be forgotten, neglected, or misinterpreted in the translation from supervisor to employee. More emphasis should be placed on the written policy which is recognized as an attempt by employers to prevent sexual harassment in the first place.

Conclusion

Manufacturing, transportation, retail, finance, and services industries accounted for the bulk of sexual harassment policies. Perhaps this was due to the large number of blue collar and pink collar workers in these industries. These workers also make up the largest percentage of complainants of sexual harassment.

Medium-size organizations, like large organizations, have implemented more sexual harassment policies in the past five years. The

leadership of large organizations could be a possible explanation for this occurrence.

Organizations offering low compensation packages were not substantially different from wage leaders in the industry. This is possibly due to organizations' efforts to offset their low compensation packages through other areas, i.e. providing a harassment-free work environment through implementation of a sexual harassment policy.

Furthermore, sexual harassment policies were found in greater frequency in organizations/industries with decreasing employment levels. This occurrence could be explained by organizations' attempts to lower their vulnerability to possible sexual harassment court cases. In addition, it could be attributed to the fact that large organizations, which have more policies as indicated from the sample, also represent organizations from the sample which are dependent upon an oil-based economy, which has been in decline regionally.

The strength of a union's influence on the existence of a sexual harassment policy may be due to the union's recognition of its responsibility to help provide a favorable working environment for the employees it represents.

Sexual harassment allegations were found more in organizations with sexual harassment policies than in organizations without policies. However, this could lead to abuse of the system as victims may report minor incidents that are not in actuality viable sexual harassment complaints. This pattern may also dissuade employers otherwise willing to consider implementing such policies from doing so.

There was no difference between the existence of sexual harassment policies in large or small population environments. Perhaps this is due to the influence of large population centers on small communities.

Although the national distribution of a product or service was determined to have no significance when compared to local distribution only, a possible explanation involves the influence of the particular immediate surrounding areas on an organization rather than the scope of distribution of an organization.

Finally, the reasons for implementing sexual harassment policies mainly involved the employer's need for a protection from sexual harassment allegations. The primary methods for relaying sexual harassment policies were personnel policies, employee handbook, supervisors, and training program. Employers should take care in relaying their policies to employees in written form so as to have a more substantial case, should a sexual harassment victim file suit against the organization.

The next chapter is the conclusion. Limitations to this research study will be analyzed. In addition, further research implications will be listed for possible future research.

VI. Conclusion

Past research on this subject has been very advocacy-oriented. Empirical research of sexual harassment has not been abundant, perhaps due to the fact that the subject is passing from an awareness stage by employers to an action stage. This stage involves action by the employer to prevent sexual harassment in the workplace. Although most of the literature recommends implementing a sexual harassment policy, little research has been done concerning the correlations of organizational characteristics to the existence of a policy.

Limitations of the Study

The chi square statistic tested for correlation, not causation. Even when statistical significance was demonstrated, there was no implication that a cause-and-effect relationship existed. Extrapolation of these results to an implication of causality was unwarranted.

Although the response rate (32.67%) was close to preliminary expectations, several chi square tests could not be proven significant due to the sparse counts in certain cells. The sensitive nature of the topic may have contributed to a decision not to respond in some instances, and this in turn limited the analysis of some variables.

There may be bias in the results due to the tendency for organizations which have sexual harassment policies to be differentially likely to respond to the survey, too. Also, since the questionnaire was a mail survey, questions were limited in number in order to obtain a better response rate.

Summary

If an employer fails to take appropriate action when a sexual harassment incident is alleged, that employer may be liable. If beyond de minimis technical violations the supervisor's acts are involved in imposing strict liability on the employer, then the law is quite clear. However, when acts of co-workers or those outside the firm's employ are alleged, the employer is not held to so stringent a standard. The question of whether the employer should have known has to be determined in each instance. Therefore, the court has moved from a reluctance to impose employer liability under Title VII to the other extreme--imposing liability even if the employer has had no notice of sexual harassment. An employer's liability for acts of employees and non-employees should be read narrowly. The complainant must provide timely notice; and in all probability the nature of the job may limit the employer's responsibility in certain categories of employment. To the extent that Title VII does not provide a remedy for sexual harassment, recourse is also available under common law theories directly against the harasser.

In reviewing the published literature, the researcher finds that the vast majority of incidents of sexual harassment giving rise to specific complaints appears to be from immediate supervisors. Therefore, this tends to lend support to the power theory. The power theory concerns supervisors or any person with authority in the workplace trying to exert power over subordinates. Harassment is more appropriately viewed as an attempt to exercise dominance than as a clumsy attempt at romance.

The expenses for both employers and employees are tremendous. For the victim, psychological and economic consequences become a consideration. For the employer, adverse publicity, legal fees, damage

awards, and job turnover are only a few costs which the employer faces following a sexual harassment incident.

To prevent sexual harassment, the establishment of sexual harassment policies is suggested. Policies should define sexual harassment and prohibit accusations without good cause. Retaliation should also be addressed in the text of the policy.

Seven hypotheses were made concerning the relationship of organizational characteristics to the presence of a sexual harassment policy. A sexual harassment policy was found to be more likely present in larger organizations, in firms with a union presence, and in firms in which aggressive or moderately aggressive affirmative action programs are in place.

Sexual harassment allegations were found to be more likely in organizations that had policies previously in force. Employer concern that having a policy may invite complaints appears to be well founded. Herein lies a dilemma. On the one hand, a policy should operate to discourage incidents of sexual harassment. On the other hand, implementation of a policy does appear at least in the short run, to be associated with an increased level of allegations. Since some of the allegations may be meritorious and troublesome to resolve, implementation of a policy must be viewed as a step toward solution of problems where they may exist rather than as a complete solution.

Research Recommendations

Sexual harassment policies are going through a transition period. Employers now aware of the problem of sexual harassment are asking for suggestions for dealing with the problem. However, the literature

published continues to focus on the consequences of sexual harassment for the victim and on advocacy theories in litigation. There is a need for further research in the sexual harassment policy area involving the effects of various kinds of sexual harassment policies and ways of implementing them. No research has been done on the characteristics of the type of policy which best serves a particular organization or industry. Neither do employers know what policy characteristics provide the greatest protection for them if an allegation of sexual harassment takes them before a court.

In conclusion, it does appear that the benefits of developing and implementing a sexual harassment policy outweigh the costs and risks of not doing so. However, the effort is not altogether without cost or risk to the employer, and the process of developing and implementing such policies should be undertaken with a conscious regard for this fact. The existence of a policy, at least in the early period following its adoption, seems to invite use. This may reflect accumulated dissatisfaction by harassed employees who have not previously had a viable means of recourse. If so, the baseline level of complaint activity may decline after a period of initial access to harassment complaint procedures. As supervisors become more aware of the willingness of subordinate employees to use the procedures, they may also be more inclined to take steps to remove the need in the first place. It is also possible, however, that social influences outside and beyond the workplace have raised the awareness level of prospective harassment victims to the point where formal complaints are and will continue to be more likely to be filed over almost any level of gender-related attention. More research is needed regarding this point.

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Oklahoma State University

COLLEGE OF BUSINESS ADMINISTRATION

STILLWATER, OKLAHOMA 74078
(405) 624-5064

January 25, 1985

Dear :

We are writing to each of the principal officers of the Tulsa Personnel Association under separate covers to solicit your respective inputs on a pending project. One of the undersigned is a candidate for an MBA here at Oklahoma State University, and a survey of personnel professionals is part of the research background for her master's thesis. We would invite you to comment on the preliminary form of the survey instrument enclosed, and we will prepare a final version of the instrument with your input in mind.

Our present intentions are to survey personnel professionals in several parts of the state. Tulsa Personnel Association members are not the only group we would like to sample, nor do we plan to survey all TPA members. However, inasmuch as we would like to use the TPA roster as a source of names of people to whom to mail our survey, we feel it is appropriate to invite the comment of the officers of the Association. We would appreciate any support you may find appropriate to give us, and you may be assured we will NOT proceed to involve TPA members without approval of this phase of the project from the officers of the Tulsa Personnel Association.

The topic of inquiry is sexual harassment policy. We wish to emphasize that we are concerned with the degree to which formally implemented organizational policies exist and what their content may be across organizations. We are NOT interested in the details of any particular episode in which sexual harassment may have been alleged, except to the degree that such an incident may have provided the impetus for the development of policy. Survey response will be anonymous, except to the degree that individual respondents may choose to identify themselves in order to receive copies of the completed study directly when the analysis has been performed. In any event, our results will be reported only as aggregate or summary data, and the responses of any individual or organization will not be traceable in any way.

To date, we have identified some sixty-five incidents of litigation arising out of sexual harassment complaints across the country. We have also included a review of the available literature. Published work in this topic seems to have emphasized legal strategy for defendant employers or plaintiff employees (law reviews), in many instances with a fairly shrill tone; or it has



emphasized specific cases (newsweeklies) with high dollar settlements or unique public policy or public relations ramifications. We have been unable to identify a single published study which identifies organizational variables correlated with the development/implementation of policies which pertain to this area of employee relations. It is this gap in the published literature that our proposed study seeks to address.

We are faced with something of a time constraint, inasmuch as Julie's anticipated graduation date is in May and the analysis of responses must be done before she can complete her thesis. However, that is secondary to doing this study in the right way, and we will hold up on mailing out the survey until you have had whatever time you require to consider this project proposal, until we can revise the preliminary survey instrument in light of your input, and until we can provide an advance notice to the members that some can expect to receive the surveys in the coming time frame.

We have included these items for your perusal:

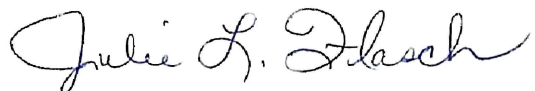
1. The cover letter, which we propose to send out to all who are invited to respond to the survey.
2. The preliminary version of the survey instrument itself.
3. A list of particular items on the survey instrument for which we specifically invite any comment you may care to offer.

Thank you very much for your consideration of this proposed study. We are anxious to work with the Association on this project and we look forward to your comments and suggestions for further improvements.

Sincerely,



Thomas G. Pearce
Assistant Professor of Management



Julie L. Flasch
MBA Candidate



Oklahoma State University

COLLEGE OF BUSINESS ADMINISTRATION

STILLWATER, OKLAHOMA 74078
(405) 624-5064

March 17, 1985

Dear

The enclosed questionnaire has been sent to you in connection with our research project on sexual harassment policies. The topic is the subject of a master's thesis here at Oklahoma State University for one of the undersigned. We are concerned with the extent to which formally adopted and implemented policies concerning allegations of sexual harassment are in existence. We are also interested in the time frame and the context of adoption of such policies where they exist. We wish to emphasize that we are NOT interested in the details surrounding any particular event that may have occurred, except insofar as the occasion may have provided the impetus for the development of a formal policy. A group of ASPA professionals have test piloted this project and we have benefited greatly from the suggestions they gave us.

Please be assured that any information you supply will be reported only as part of the aggregate result of all survey responses received. No data from any individual or organization will be traceable to that individual or organization in any way. We will be most pleased to provide those who participate in this project a copy of our final results once the analysis has been completed, and we have provided a return envelope for that specific purpose.

The questionnaire will take a small portion of your time. Your assistance with this project in returning the questionnaire at an early opportunity in your busy schedule would be most appreciated. In any event, we must ask that survey responses be returned by April 15, 1985, in order that we may begin our analysis in a timely manner.

Thank you for your kind attention to this request.

Sincerely,

A handwritten signature in cursive script that reads 'Thomas G. Pearce'.

Thomas G. Pearce
Assistant Professor of Management

A handwritten signature in cursive script that reads 'Julie L. Flasch'.

Julie L. Flasch
MBA Candidate



SEXUAL HARASSMENT

IN THE

WORKPLACE

Oklahoma State University

Company Questionnaire

Please fill in this questionnaire by checking the most appropriate answer or answer the question as otherwise indicated.

1. What is the principal product or service of your organization? (if your organization is in the public sector or is a non-profit organization, please so indicate).

2. What is the title of the position you currently hold?

3. Please check which of the following best describes the scope of authority associated with your position: (Check one)

 DEPARTMENTAL

 SEVERAL DEPARTMENTS, BUT NOT PLANT-WIDE

 PLANT OR FACILITY

 REGION OR DIVISION

 CENTRAL OFFICE PROFESSIONAL

 CENTRAL OFFICE CORPORATE EXECUTIVE

4. Approximately how many full-time equivalent people does your organization employ. (Check one)

 LESS THAN 50

 50 - 100

 101 - 500

 501 - 1,000

 1,001 - 2,500

 2,501 - 5,000

 5,001 OR MORE

5. Is there union representation in your organization for (check those that apply):

_____ PRODUCTION AND MAINTENANCE WORKERS

_____ CLERICAL WORKERS

_____ SAFETY AND SECURITY WORKERS

_____ TRANSPORTATION AND DELIVERY PERSONNEL

_____ PROFESSIONAL AND/OR TECHNICAL WORKERS

_____ SALES STAFF

_____ OTHER (PLEASE SPECIFY) _____

_____ THERE IS NO UNION REPRESENTATION IN THIS ORGANIZATION.

6. The operations conducted by your organization are most accurately characterized as typically taking place in which of the following environments: (Check one)

_____ REMOTE

_____ RURAL

_____ SMALL TOWN (POPULATION < 30,000)

_____ SMALL CITY (30,001 - 125,000)

_____ LARGER CITY, BUT LESS THAN 500,000

_____ SUBURB OF A LARGE (< 500,000) METROPOLITAN CORE CITY)

7. Which of the following best describes the level of compensation offered by your organization to its employees on most benchmark jobs, RELATIVE TO THE SURROUNDING AREA, REGARDLESS OF INDUSTRY: (Check one)

 A WAGE LEADER

 NOT AMONG THE WAGE LEADERS, BUT OFFERING A HIGHER SCALE THAN
PREVAILING COMPENSATION PACKAGES

 COMPETITIVE COMPENSATION PACKAGE

 SOMEWHAT LOWER THAN COMPETITIVE COMPENSATION PACKAGE

 CLOSE TO MINIMUM WAGE WHENEVER POSSIBLE; THE ORGANIZATION SEEKS A
COMPETITIVE ADVANTAGE BY SAVING LABOR COSTS WHEREVER POSSIBLE

8. Which of the following best describes the level of compensation offered by your organization to its employees on most benchmark jobs, RELATIVE TO THE NORMS OF YOUR INDUSTRY REGARDLESS OF GEOGRAPHICAL LOCATION:

 A WAGE LEADER

 NOT AMONG THE WAGE LEADERS, BUT OFFERING A HIGHER SCALE THAN
PREVAILING COMPENSATION PACKAGES

COMPETITIVE COMPENSATION PACKAGE WITH RESPECT TO COMPARABLE
ORGANIZATIONS

 SOMEWHAT LOWER COMPENSATION PACKAGE WITH RESPECT TO COMPARABLE
ORGANIZATIONS

 CLOSE TO MINIMUM WAGE WHENEVER POSSIBLE; THE ORGANIZATION SEEKS A
COMPETITIVE ADVANTAGE BY SAVING LABOR COSTS WHEREVER POSSIBLE

9. During the past year, levels of employment AT YOUR ORGANIZATION have
(Check the one which best applies)

 RISEN DRAMATICALLY (10% AND OVER)

 RISEN SLIGHTLY (2% - 9%)

 STAYED ABOUT THE SAME

 DROPPED SLIGHTLY (2% - 9%)

 DROPPED DRAMATICALLY (10% AND OVER)

10. During the past year, levels of employment IN YOUR INDUSTRY have

 RISEN DRAMATICALLY (10% AND OVER)

 RISEN SLIGHTLY (2% - 9%)

 STAYED ABOUT THE SAME

 DROPPED SLIGHTLY (2% - 9%)

 DROPPED DRAMATICALLY (10% AND OVER)

11. Which of the following best describes the extent of the market where the services or products of your firm are distributed? (Check one)

_____ WE MARKET OUR PRODUCTS/SERVICES NATIONALLY AND/OR INTERNATIONALLY.

_____ WE MARKET OUR PRODUCTS/SERVICES PRIMARILY THROUGHOUT SEVERAL STATES IN OUR MULTI-STATE REGION.

_____ WE MARKET OUR PRODUCTS/SERVICES PRIMARILY IN THE SEVERAL COUNTIES IN OUR PORTION OF THIS STATE AND IN THE NEARBY COUNTIES OF ADJACENT STATES.

_____ WE MARKET OUR PRODUCTS/SERVICES PRIMARILY TO CONSUMERS (OR COMMERCIAL CUSTOMERS) IN THE LOCAL METROPOLITAN AREA.

_____ WE MARKET OUR PRODUCTS/SERVICES PRIMARILY TO THE NEIGHBORHOOD RESIDENTS IN OUR PORTION OF TOWN.

12. Which of the following best describes the commitment of your organization to affirmative action programs? (Check one)

 VERY AGGRESSIVE; THE ORGANIZATION ACTIVELY RECRUITS IN AREAS AND SCHOOLS WITH HIGH MINORITY ENROLLMENT, ADVERTISES POSITIONS IN PUBLICATIONS WITH HIGH MINORITY AND FEMALE READERSHIP LEVELS, ETC.

 MODERATELY AGGRESSIVE; ALL APPLICANTS AND CANDIDATES ARE EVALUATED FIRST ON THE BASIS OF RELEVANT SKILLS AND EXPERIENCE, BUT APPLICATIONS FROM MINORITIES AND WOMEN ARE ENCOURAGED AND ARE VIEWED WITH FAVOR IF OTHER CONSIDERATIONS DO NOT IDENTIFY ANYONE AS CLEARLY AND DISTINGUISHABLY SUPERIOR ON THE BASIS OF MERIT ALONE.

 IN FULL COMPLIANCE WITH APPLICABLE STATUTES; ALL DECISIONS ON PROMOTION AND/OR OF MERIT AND SENIORITY, WITH NO DEMOGRAPHIC FACTORS CONSIDERED. QUALIFIED MINORITIES AND WOMEN ARE ALWAYS WELCOME TO APPLY FOR ANY POSITION.

 IN THE PROCESS OF CHANGE; TRADITIONAL MODES OF OPERATION HAVE NOT PRODUCED DESIRED LEVELS OF MINORITY AND FEMALE HIRING OR PROMOTION, BUT CHANGES ARE IN THE WORKS.

 IN ALL CANDOR, THE ORGANIZATION HAS MOVED SLOWLY IN THIS AREA; IN SOME INSTANCES, TECHNICAL NON-COMPLIANCE MAY HAVE OCCURRED.

13. Is there presently a sexual harassment policy in the organization?

____ YES

_____ NO

_____ UNDER DEVELOPMENT BUT NOT YET IMPLEMENTED

If yes, when was the policy first implemented? _____ (MO./YR.)

14. If yes, how are supervisors and employees made aware of the sexual harassment policy?

_____ NOT APPLICABLE; NO POLICY PRESENTLY IN FORCE

IF A POLICY IN THIS AREA PRESENTLY EXISTS, WE WOULD BE GRATEFUL IF YOU WOULD SUPPLY US WITH A COPY. IF YOU DO SO, PLEASE OBLITERATE OR CUT AWAY ANY LOGO OR OTHER IDENTIFYING MARKS. WE ARE INTERESTED IN THE RANGE OF POLICIES ORGANIZATIONS DEVELOP BUT NOT IN ASSOCIATING PARTICULAR POLICES WITH PARTICULAR FIRMS.

15. Are you aware of any formal allegations of sexual harassment filed within the company or with the EEOC that have arisen in your organization during the past ten years? (We are not seeking any details of the specific incident(s)).

_____ YES

_____ NO

16. If the answer to the above question was 'yes'; did such incident(s) occur before or after the adoption of a formal sexual harassment policy?

_____ YES, BEFORE THE POLICY WAS ADOPTED.

_____ YES, AFTER THE POLICY WAS ADOPTED.

_____ WE HAVE NOT HAD ANY FORMAL ALLEGATIONS OF SEXUAL HARASSMENT.

17. If your organization has a sexual harassment policy, which factors were most influential in the decision to develop such a policy? (Please rank in order of importance, 1 being most important, 2 being second in order of importance, etc.)

_____ DESIRE TO REDUCE LEGAL EXPOSURE

_____ DESIRE TO IMPROVE EMPLOYEE RELATIONS CLIMATE

_____ DIRECTIVE FROM CORPORATE HEADQUARTERS TO DEVELOP AND IMPLEMENT SUCH A POLICY

_____ DESIRE TO ENHANCE COMPANY IMAGE FOR THOSE OUTSIDE ORGANIZATION

_____ DESIRE TO CLARIFY MANAGEMENT'S ROLE AND COMPLAINANT'S RESPONSIBILITIES IN THE EVENT OF AN ALLEGED INCIDENT OF HARASSMENT

_____ AWARENESS OF THE INCREASING PROSPECT OF HAVING TO PROCESS SUCH A COMPLAINT, GIVEN THE EXPERIENCES OF OTHER ORGANIZATIONS SIMILAR TO THIS FIRM

_____ AN EXPECTATION BY THIS ORGANIZATION OF ITSELF, THAT IT WILL DEVELOP RESPONSIVE AND APPROPRIATE WAYS OF DEALING WITH ANY MANAGERIAL PROBLEM, ONCE THE NEED TO DO SO IS DEMONSTRATED

_____ OTHER (PLEASE SPECIFY) _____

_____ THERE IS NO POLICY AT PRESENT

We appreciate your attention to this questionnaire at your early convenience. If you could please return the questionnaire by APRIL 15, 1985 we would be very grateful. Thank you for your time.



Thomas G. Pearce
Assistant Professor of Management



Julie Flasch
MBA Candidate

(Optional)

A return envelope is enclosed for those respondents who wish to request results of the survey anonymously.

We would specifically invite your comment on the questionnaire items as follows (though any additional comments you may wish to provide will of course be welcome as well):

Questions 7 and 8: We are not interested in specific wage levels for any particular job titles. However, an overall wage structure for any particular employer is likely to be set in a way that deliberately relates to the prevailing wage patterns in the industry or the community in a particular way. All things being equal, better paying organizations are likely to have different turnover rates, different work rules, and different employee relations policies than those which occupy a different niche in the overall range of compensation programs. We do not pass any judgment on such compensation decisions for their respective operations. We are interested in determining whether such compensation policies correlate with the development/implementation of policies in the area of sexual harassment.

Is there any better way to word a question that seeks the basic information to test for such a correlation?

Questions 9 and 10: Do the percentage figures (i.e., over 5%, 2-5%) seem to reflect accurately what people in industry and commerce would regard as a "dramatic" rise or fall in employment levels or a "slight" rise or fall in such levels? If not, are there any other percentages you might suggest instead?

Question 12: Litigation of sexual harassment complaints is generally brought under Title VII of the 1964 Civil Rights Act, although other legal vehicles are sometimes employed. Inasmuch as Title VII is so directly involved with this type of event, and inasmuch as the EEOC is the initial processor of such complaints just as it is for more conventionally encountered allegations of discrimination, it seems appropriate to correlate organizational policies pertaining to the two.

Is there a better way to solicit this information?

We deliberately left out any response category which should be an admission of the organization's being in a state of non-compliance with respect to Title VII or other discrimination-related statutes. We felt that asking for such an admission, even if and where such might be the case, would provide responses of questionable accuracy which could not be verified

unobtrusively; and would also deter such organizations from responding to the survey at all.

Would you suggest that, in the interest of presenting a questionnaire that affords a full range of known potential responses, we should include a "non-compliance" condition as a possible answer? (Such an inclusion might make respondents who are not in technical non-compliance but whose organizations are changing (and who are arguably upgrading their affirmative action programs) to feel better about answering what would otherwise be the "bottom" permissible response.)

Questions 13 and 16: As indicated previously, we are interested in a particular incident only insofar as it can be linked with the development and/or implementation of formal policy. It occurs to us that an allegation may give an organization the impetus to develop policy, but that conversely, the existence of a policy may provide the impetus for an employee complaint that may never have arisen in the absence of such a policy.

Is there any better way to solicit this kind of information?

GENERAL: Is the Tulsa Personnel Association willing to be identified as a distributor of this study down the road, so that we might permit responses in complete anonymity from those surveyed?

The survey in its present form is quite brief. This is partly because the absence of published research in this area provides little help in identifying specific organizational factors which are correlated with policy development and implementation in this area. Until we can establish generally correlated variables, we have no basis to probe deeply into any particular area. The brevity is also due to the potentially sensitive nature of this topic: lengthy surveys would be even less likely, in our view, to be completed and returned.

Is this instrument too superficial, too brief to be taken seriously? If so, in what ways would you suggest it be expanded?

We have no particular plans at present to expand this survey sampling beyond the State. However, it is at least possible that eventually we will, on the basis of information garnered in this project, come to view this as a pilot for a larger, broader study.

If we contemplate such an expanded study, is it necessary or appropriate to identify those possibilities to respondents at this time? On the one hand, we would not want to discourage participation on the basis that the present study is "only" a pilot, something less than the "real thing." On the other hand, we would not want to suggest to respondents now that there will definitely be more coming on this study, when there is a good possibility there will not be. (We do feel, however, that it is appropriate to share this prospect with you in your capacity as officers of the organization.

PLEASE FEEL FREE TO COMMENT ON ANY ASPECT OF THIS PRELIMINARY VERSION OF OUR SURVEY INSTRUMENT, OR ON ANY ASPECT OF THE PROPOSED STUDY.

We appreciate any level of endorsement you may feel you can give to this project. Below is a suggested quick overview that might be appropriate to include with the flyer that goes out in advance of the monthly meeting. We would offer the following suggestion:

Julie L. Flasch, an MBA candidate at OSU, is conducting a survey in conjunction with her master's thesis. Some TPA members will be contacted in the course of this study. The topic concerns sexual harassment policies which organizations have developed. The focus of her study is NOT on individual incidents or allegations, but rather on the policy response of organizations to the possibility of such incidents or allegations. TPA's input has been invited in preparing the final version of Julie's survey instrument, and care has been taken to ensure anonymity and confidentiality for all who respond. If you receive the survey, we urge you to respond to it.

VITA

Julie Lois Flasch

Master of Business Administration

Report: SEXUAL HARASSMENT POLICIES IN THE ORGANIZATION

Major Field: Business Administration

Biographical

Personal Data: Born in Guthrie, Oklahoma, December 24, 1962,
the daughter of Harold and Joy Flasch

Education: Graduated from Coyle High School, Coyle, Oklahoma
May, 1980; attended Langston University, Langston, Oklahoma
and the University of Science and Arts of Oklahoma, Chickasha,
Oklahoma, where a Bachelor of Science degree was received with
a major in Business Administration, April, 1983; completed
requirements for the Master of Business Administration degree
at Oklahoma State University, Stillwater, Oklahoma, May, 1985.

Work Experience: Assistant to the Business Manager, Langston
University, Langston, Oklahoma, 1980-83 (Summers);
Graduate Assistant to Thomas G. Pearce, Assistant Management
Professor, Oklahoma State University, 1983-84;
Graduate Assistant, Business Extension, Oklahoma State
University, 1984-85.