DOING SEXUAL HARASSMENT
WITHIN GENDERED WORKPLACE STRUCTURES

A Thesis

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ABSTRACT

Sexual harassment has destructive emotional and economic consequences for targets. It both reflects and reproduces a system of gender inequality in which men often use institutional power to coerce sex and sexual harassment to reinforce gender hierarchies. Workplaces and the climates within them are often complicit in such processes. Building on the sexual harassment literature, this thesis offers a process-based framework for understanding sexual harassment in employment. Drawing from both quantitative data and significant qualitative case materials pertaining to actual incidents of sexual harassment in the state of Ohio from 1988-2003, I examine the extent of sexual harassment across subgroups and describe the process of sexual harassment, including the actions of harassers and targets and the events that lead up to the filing of sexual harassment charges. These analyses also highlight the responses of workplaces to harassing behaviors and the descriptions of those responses and behaviors by witnesses. Results show how the process of sexual harassment differs for men and women, most notably in the overall likelihood of being sexually harassed and in the response of the workplace itself to harassment claims. Differences also exist with regard to collective and individual harassment. Finally, and in terms of the process of harassment, findings indicate that it only intensifies and takes on an aggressive, yet less explicitly sexual, form over time even when the harasser is confronted or internal workplace complaints are filed. By highlighting these events and their meanings, this thesis provides a foundation on which to construct solutions to a problem that negatively colors the daily work experiences of both women and men.
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CHAPTER 1

INTRODUCTION

Workplace sexual harassment has been a high profile issue throughout the past few decades and cases like Clarence Thomas vs. Anita Hill have generated national attention. Since Catherine Mackinnon (1979) defined it as workplace sex discrimination, sexual harassment has also been an important topic for gender theorists, social psychologists, and professors of law. Sexual harassment continues to be a pervasive social problem. Uggen and Blackstone (2004) analyze data from the 1996 General Social Survey and find that approximately 43 percent of female adults and 26 percent of males reported experiencing the GSS definition of harassment, “a complex single item referencing sexual advances, physical contact, and sexual conversations” (p. 83). With notable exceptions, however, rigorous sociological study of the subject has been rather sparse. Because sexual harassment is such an emotionally and politically charged issue, most research adopts, at least in part, a critical problem-solving approach that seeks the roots of harassment to diminish its frequency.

Theoretically and practically, being sexually harassed has long been considered a female and feminized experience, but in recent years, the sexual harassment of men by women and by other men has increased in frequency as a topic for empirical and theoretical consideration. Whether this harassment should be included in the same conceptual model as male harassment of women remains to be seen. Likewise, male on male harassment has not been adequately theoretically distinguished from female on male harassment and female on female harassment has been ignored completely because it is so infrequent. Are these forms of sexual harassment comparable enough to fit in a single model, or should different models be used to describe these phenomena as qualitatively distinct?
This thesis produces a process-based account of sexual harassment by exploring these questions and relating them to the power relations that have been implicated in sexual harassment literature. If the sexual harassment of women can be seen as an artifact of patriarchal structures that reinforce gender dichotomy and the oppression of women, we may need a different way to conceptualize the sexual harassment of men. The harassment of women and men may both rely on essentialized notions of gender and gendered sexuality (see Kimmel and Smith 2005). This reliance could produce similar or different processes for men and women. The interactions that constitute and contribute to gender and sexual harassment can be read as part of a process of doing gender and difference that helps reproduce oppressive workplace structures and define daily employment experience for women and men. The pervasive nature of sexual harassment is indicative of a morass of power, gender, and sexuality that is in and of the interactions and institutions that compose society.
CHAPTER 2

SEXUAL HARASSMENT

Following MacKinnon (1979), legal decisions have treated sexual harassment as workplace sex discrimination, a violation of Title VII of the Civil Rights Act of 1964 (www.eeoc.gov). Two basic forms of harassment fall under the legal definition: "Quid pro quo harassment involves sexual threats or bribery that are made a condition of employment or used as the basis for employment decisions," while hostile environment harassment occurs when certain behaviors, including sexual jokes, offensive touching, or other activities, create an environment that is intimidating or hostile or impairs normal job functions for an individual (Welsh 1999). Non-verbal as well as verbal behaviors can constitute sexual harassment (Welsh 1999), and hostile environment harassment was long held to a "reasonable person" standard, which "asked whether a reasonable person in a similar work environment under like or similar circumstances would find the unwelcome social-sexual behavior so pervasive and severe that it created a hostile working environment" (Wiener et al., 1997). In legal proceedings involving a female plaintiff, the "reasonable person standard" has been replaced by a "reasonable woman standard" based on the implicit male gender of the "reasonable person" as well as on women's perceived vulnerability in the workplace and lower tolerance for sexualized interactions (Wiener et al., 1997; citing Abrams, 1989). Kimmel and Smith (2005) argue that this shift in standard of evaluation reifies a stereotypic picture of masculinity, simultaneously stereotyping targets of sexual harassment as female or feminine. In legal cases, this picture has proven a barrier to male targets of harassment who are expected to conform to the normative "definition of

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1 In a study of Canadian Human Rights Commission complaints, Welsh (2000), finds that only 14% complaints logged by women assert quid pro quo sexual harassment.

2 For a detailed account of the reasonable woman standard and its effects on court decisions, as well as its possibly paternalistic grounding, see Wiener et al. (1997).
masculinity-sexually omnivorous and predatory, violent and aggressive, risk taking and emotionally
disconnected, disinterested in family life and in health” (Kimmel and Smith 2005:163).

Theories of Sexual Harassment

Sexual harassment involves personal relationships and relationships of power: in society as a
whole, within organizations, and between individuals. Several theories of sexual harassment incorporate
relational explanations, including sex-role spillover, power/domination, and “doing gender.” Others focus
on structural variables such as numerical and normative dominance. Uggen and Blackstone (2004) have
combined power/domination, doing gender, and numerical and normative dominance in their discussion of
“McKinnon’s sociocultural theory” (p. 65) and Rospenda et al. (1998) refer to power as sociocultural, but
research and literature more often approach these theories independently. Because gender itself operates at
multiple levels (see Risman 2004): individual (Chodorow 1987; Bem 1982; 1993), interactional (West and
Zimmerman 1987), and institutional/structural (Acker 1990) sexual harassment cannot be fully accounted
when focusing on any one of these levels while ignoring the others. The fragmenting tendency produces (or
is perhaps a product of) a lack of conceptual clarity in theory that obscures the applicability of these
theories to a diverse group of women and to men.

The theory of sex-role-spillover suggests that men sexually harass women because they are
accustomed to associating with women in domestic spheres and their expectations of feminine behavior and
appropriate behavior towards women carry over into the workplace (Padavic and Orcutt 1997; see also
Gutek 1987). Limited support has been found for this theory, especially in workplaces with uneven ratios
of men to women (Welsh 1999). Padavic and Orcutt (1997), for example, find that male judges and lawyers
(especially older judges) interact with female judges and lawyers in a stereotypical and potentially
harassing manner. However, the researchers argue that this would be better interpreted as the enactment of
dominance.

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3 Riseman (2004) posits gender as a social structure (like political and economic structures) and suggests
that gender takes place at the institutional level (such as in workplace organizations) within this structure.
This is an uncommon innovation, so structures and institutions are considered the same for this discussion.
The domination explanation for sexual harassment holds that men harass to dominate or control women, especially in situations where men have structural or organizational power over women (Gruber 1998). While it has been argued that men use power to get sex (MacKinnon 1979), others have claimed, "men use sex to maintain power" (Wise and Stanley 1987/Lee 2001;28). Thus, the sexualized behavior of men towards women defines women as sexual objects as opposed to fellow workers. Men's greater social status enables them to assert power over women through sexual harassment, even when perpetrators of harassment have less institutional power (Rospenda et al. 1998). Rospenda et al. (1998) study what they call "contrapower harassment," and find that women and members of minority groups in positions of organizational power do indeed experience sexual harassment by persons of less institutional but more social authority. In this interactional context, the term domination implies motive; whether consciously or unconsciously, men sexually harass women because they want to control them and maintain or (in the case of contrapower harassment) regain power and privilege.

In the structural context, the term dominance refers to variables external to (though mutually impacting) the motives of individuals. Centering the organizational level, numerical dominance explanations of sexual harassment focus on sex-ratios in the workplace and in the daily contact between men and women. Early sexual harassment research concluded that sex-role spillover occurs most frequently "when the gender ratio is heavily skewed toward either men or women because skewed situations render 'femaleness' more salient and visible," (see Welsh 1999 for an overview; 178). According to the contact hypothesis, harassment occurs when women come into daily contact with men. Normative dominance, on the other hand, describes masculine work cultures, male dominated organizational hierarchies, and other structural factors that contribute to the gendering of interactions in the workplace (Acker 1990). Women entering into traditionally male-dominated jobs/occupations may be perceived as threatening to male workers and therefore targeted for harassment (Welsh 1999, Gruber 1998). Though this threat becomes a motive for harassment, ultimately the climate of dominance becomes the trigger for harassment and can also affect women workers occupying "female" jobs, such as secretaries, in male workplaces. Gruber (1998) finds that work environments (gender-ratios) are more important predictors of sexual harassment than stereotypes about occupations (as traditionally male or female); numeric trumps normative dominance.
More subtle than the notion of harassment as a raw exertion of power (institutional or social) is the idea that sexual harassment arises from a process of “doing gender.” West and Zimmerman (1987) have argued that gender and gender differences are achieved and reinforced during each interaction between individuals in which behavioral expectations are inspired, frustrated, or met. In their interview/participant observation study of temporary workers, Rogers and Henson (1997) argue that sexual harassment is not something that spills-over from the outside into innocent organizations. Rather, gender relations are built into the structure of the workplace where female workers and workers in low-status jobs are expected to ‘do gender’ and ‘do (gendered) deference.’ Often organizational structure positions women as subordinate to men and makes sexuality part of the job description (Acker 1990). This expectation is implicit in workplace interactions that assume heterosexuality and require low-status individuals, especially women, to defer to their superiors and display themselves as sexually available (Rogers and Henson 1997). Men can also suffer from gendered requirements, as well as the derision that arises from inhabiting feminized occupations. When a woman or man does not behave in a way that is considered gender-appropriate, sexual harassment may occur as “gender policing,” functionally punishing them in order to reinforce hegemonic standards of behavior (Brake 1999, Frank 1997, Kimmel and Smith 2005).

Workplace interactions that ‘do’ gender take place within a gendered work structure, as described by Acker (1990), who suggests that “gender, the body, and sexuality are part of the processes of control in work organizations.” The division of labor within organizations is based on a system of job assessment that values certain types of work and skills-those traditionally performed and held by men- over others and endows jobs that require these skills with more hierarchal power. Sexual harassment functions in such a system to control women and reproduce power structures, by adding sexual availability and sexual submission to the definition of women’s jobs (see also MacKinnon 1979). Workplace structure and policies can also help combat sexual harassment. According to Mueller (2001), “although women experience sexual harassment more often than men and also are harassed for reasons that are sex-specific and that reflect power differentials between the sexes... specific harassment policies and more general work context [can] reduce harassment victimization for both women and men” (p. 437).
Does Sexual Harassment Differ by Gender?

Most sexual harassment literature has focused on the experiences of women and the causes of male on female sexual harassment, perhaps rightly so, for the greater percentage of sexual harassment targets has consistently been found to be female (Uggen and Blackstone 2004). In recent years, however, more researchers have been drawn to the experiences of male victims, and several have examined instances in which men are both the targets and the harassers (Welsh 1999). There is also evidence that more men have been filing sexual harassment charges. Data compiled by the U.S. Equal Employment Opportunity Commission’s Office of Research, Information, and Planning show a steady increase in the percentage of men filing sexual harassment cases from 9.1% in 1992 to 15.1% in 2004 (EEOC, 2005).

The legal history of same gender male sexual harassment has, according to Kimmel and Smith (2005), continued to trip over an adjective-based definition of masculinity as “aggressive, ambitious, analytical, assertive, athletic, competitive, dominant, forceful, independent, individualistic, self-reliant, self-sufficient, and strong” (p.151, italics in original). In the workplace, this masculinity is conflated with success and in courts is both unchallenged as the obstruction to women’s success and brought to bear as the single definition applied to all men (Kimmel and Smith 2005). Cases of same-gender sexual harassment in particular received mixed responses (Kimmel and Smith 2005). Four courts that ruled between 1992 and 1997 had diverging views on this form of harassment: that it was “actionable only when the accused harasser was homosexual,” that “Title VII was gender neutral” and therefore could be applied, that it was actionable only if men could prove that they were subject to differential treatment from women, and that Title VII did not apply because “it was intended to address ‘gender discrimination,’ not harassment that is ‘sexual’” (Kimmel and Smith 2005). 4 Finally, in 1998, the Supreme Court tried the landmark same-gender sexual harassment case, Oncale v. Sundowner Offshore Services, Inc., and concluded that Title VII applied to same-gender as well as other-gender sexual harassment (DuBois et al. 1998).

Same-gender sexual harassment is especially prevalent among men. In a survey of active military personnel who had experienced unwanted sexual attention, Dubois et al. (1998) find that while 99% of female targets experienced other-gender harassment, 35% of male targets had male harassers. Consistent

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with later research, (DuBois et. al 1998; Uggen and Blackstone 2004), Berdahl et. al. (1996) find that men are often harassed by other men and Waldo, Berdahl, and Fitzgerald (1998) find that men are sexually harassed by other men as frequently as they are by women. Men are also more likely to be targets of same-gender sexual harassment than are women.

The types of unwanted attention are also different for men and women (Uggen and Blackstone 2004), and for male victims of same and other gender harassment (DuBois et al. 1998; Waldo, Berdahl, and Fitzgerald 1998). The gendered power dynamics of some workplaces affect men and women differently, especially in the manifestation of sexual harassment. Sexual coercion may occur in cases of same-gender harassment, and can be directed at men that are either homosexual or heterosexual. However, the majority of cases of same-gender harassment of men are hostile environment (Kimmel and Smith 2005) and the harassment often takes the form of lewd comments or gender policing (Waldo, Berdahl, and Fitzgerald 1998).

Waldo et al. (1998) examine court cases that suggest that men who report hostile environment sexual harassment are likely to be ruled against, whereas courts usually find in favor of the complainant in cases of sexual coercion. While Waldo et al. (1998) conclude that men do not seem to react in a terribly negative manner to their experiences of harassment, DuBois et al. (1998) find the effects of same-gender sexual harassment on men are much more pervasive than the effects of other-gender harassment. For instance, male targets of male harassers are more likely to experience rape or sexually suggestive jokes and report more negative professional and emotional consequences (including low quality of work, low self esteem, and opinion of own gender). DuBois et al. (1998) conclude that, though few significant differences were found for female victims of male vs. female harassers, “same- and other-gender sexual harassment are meaningfully different phenomena” (p. 742). Indeed, other scholars have suggested that male on male harassment is more analogous to male on female harassment than to female on male (Berdahl, Magley, and Waldo 1996).

Possible Variations in Process

Because theories of sexual harassment are also often predicated on the notion of women as the primary victims of sexual harassment, many of these theories are not readily applicable to the experiences
of men as targets of harassment. Though workplace gender-ratios may seem germane, results from the few studies available have been mixed at best. Dubois et al. (1998) suggest that in occupations, such as the military, which are heavily skewed toward males, men will enact power by harassing vulnerable men in place of women. Others have demonstrated that gender composition of workplaces is relevant to the sexual harassment of men, because male workers in predominantly female occupations are more likely to experience sexual harassment (Kohlman, 2001). However, Mueller et al. (2001) find that workplace gender-ratios do not significantly impact the prevalence of the sexual harassment of men. They find, alternatively, that contextual variables have gender-specific effects.

The motives driving sexual harassment may also differ for men and women. Psychologist Margaret Stockdale (2005) theoretically distinguishes between approach and rejection-based sexual harassment. Approach-based harassment occurs when harassers are motivated by attraction or sexual desire, while rejection-based harassment “consists of behaviors that imply a desire to humiliate, punish, and otherwise drive away the target” (2005; 124). For women targets, these two types are not always clearly demarcated, but for men they are much more distinct. Men who are targets of approach-based harassment experience “unwanted sexual advances or sexual attention… [that] tend to imply sexual attraction” (Stockdale 2005;123). For targets of same-gender harassment this may be homosexual attraction. Same gender rejection-based harassment is read as “acts of domination” and becomes part of doing gender or gender policing that takes place in many workplaces (Stockdale 2005; 123). Stockdale (2005) also notes that when women harass men with rejection or approach motives, the behavior is less “insidious” because “it typically does not perpetuate the reproduction of masculine hegemony as do rejection-based [same-gender harassment] and all sexual harassment against women” (126). Actual motives of harassers for harassing cannot be easily studied, but are often imputed based on the context of harassment.

Two theories, harassment as enactment of power/interactional domination and doing gender/gender policing, do prove illuminating, especially when combined, and begin to approach an explanation for the same-gender sexual harassment of men. Harassment raises the social status of the male harasser in the workplace that values hegemonic masculinity, while lowering the hierarchal position of the feminized target and instilling fear and discomfort (Stockdale 2005, Kimmel and Smith 2005). Thus, “Men who are gender-nonconforming will face a hostile environment from other, gender-conforming men.
And....when they file a claim of sexual harassment, it only amplifies the difference” (Kimmel and Smith 2005).

Kimmel (1994) suggests that masculinity is defined in opposition to “others,” especially women. The current construction of masculinity is based on positions of power, specifically in the marketplace. Men perform their masculinity for the acceptance/approval of other men and are thus engaged in a form of homosocial competition. Because men are the ultimate judges of one another, homophobia emerges and dictates the fear of other men, and the fear of being perceived as gay or feminine and therefore not a real man. Homophobia, “keeps men exaggerating all the traditional rules of masculinity, including sexual predation with women” and sexual harassment (p. 89, see also p. 92). Lee (2000) finds that rigid requirements for masculinity and homophobia also contribute to the sexual harassment by men of other men, which may include accusations of homosexuality or femininity.

Labeling and Responding to Sexual Harassment

Definitions of and responses to harassment also seem to differ among women and between men and women. Because the behaviors considered “sexual harassment” are so diverse, other concepts, for example “gender harassment” may be more appropriate for describing some of these behaviors. Harassment can be a particularly blurred category in work environments that are highly sexualized and in which men and women engage in consensual sexual relationships and banter (Williams 1999). It has been well established that there are gender differences in identifying acts of sexual harassment and defining certain actions as such (Quinn 2002, Padavic and Orcutt 1997, Berdhal et al. 1996, etc.). Berdahl et al. (1996) describe sexual harassment as an intersection of sex and power. Harassing behaviors have different meanings for women and men, the latter being less likely to perceive behaviors as harassing because they have more social and physical power. Indeed, men have consistently been found less likely than women to label behaviors as sexual harassment (Uggen and Blackstone 2004), a tendency which Quinn (2002) suggests is more indicative of ignoring than ignorance. Indeed, many men do not consider their potentially harassing behaviors, such as “girl watching,” from the perspective of their victims, for the behaviors comprise a “game” between men as subjects. This male play serves to bond men in relation to female objects whose subjectivity is ignored and dismissed (Quinn 2002).
Lee (2001) notes that women themselves do not always label unwanted male behaviors as sexual harassment. She suggests problems that arise with forcing all experiences with this unwanted behavior under the umbrella term of "sexual harassment" and "new ways to describe unwanted male sexual conduct might need to be adopted so that women are able to name and challenge the practices which they find unacceptable" (p. 35). Likewise, the concept of "gender harassment" may be usefully applied to male or female targets who are subjected to harassment based on non-normative gender behaviors (Lee 2000; Uggen and Blackstone 2004).

The majority of women who are victims of sexual harassment may not report incidents, choosing instead methods of avoidance, diffusion, negation, and confrontation (Rogers & Henson 1997). There also may be personal or organizational constraints on the response options available to sexual harassment targets. Wasti and Cortina (2002) reveal that response strategies tend to cluster around five methods: "social coping, avoidance, negotiation, advocacy seeking [organizational or legal action], and denial" (p. 398). The responses chosen by a target of sexual harassment are influenced by cultural forces and there are differences between collectivist (who use more avoidance) and individualist cultures. Few studies have analyzed response patterns as a process and even fewer have approached a systematic examination of male responses to sexual harassment (for a notable exception of the latter, see Dubois et al. 1998). Likewise, most studies make use of self-reports to determine if harassment has occurred. This lacks a neutral standard of measure and any way of accessing the standpoint of harassers or workplace institutions.
CHAPTER 3

A PROCESS-BASED APPROACH TO SEXUAL HARASSMENT

Because of the differential power dynamics and interpretations that underlie the sexual harassment of men and women, and following Berdal et. al (1996), this paper will investigate whether the sexual harassment of men and women by men or women can be considered manifestations of the same process, or require fundamentally different conceptual models. While there have been a number of studies that have focused on both structural and interactional factors that are predictive of sexual harassment or on responses to harassment, very little work has dealt with the actual process that takes place. The empirical analysis conducted in this project will be mechanism as opposed to motive focused (see Reskin 2003), but will posit both harassers and their victims as individuals who act based on motives within preexisting structures of power and gender.

Recent sexual harassment literature has attempted to explore the subject of men as victims of harassment, but few pieces have succeeded in isolating sexual harassment that is at once objectively and subjectively defined. Because of a disconnect between legal and personal definitions of sexual harassment, particularly in the case of men, data bridging this gap will be extremely valuable. There is also an absence of research that includes the perspectives of workplaces and individuals accused of sexual harassment. This thesis contributes to the literature by uncovering and analyzing the process of harassment as it occurs for both men and women. I will examine the unfolding process of sexual harassment, including the actions of both harassers and targets and the events that lead up to filing sexual harassment charges. I consider the responses of workplaces and the descriptions offered by witnesses in sexual harassment cases as well as the perspective of the harasser. Bringing the harasser back in to conceptual and empirical models provides a strong addition to research on the interactions that constitute sexual harassment, of women and of men.
CHAPTER 4

DATA

This project employs archival data from the Ohio Civil Rights Commission (OCRC) to produce a comparative analysis of male and female same and other gender sexual harassment. Data was recorded and filed by the OCRC from 1988-2003 and donated to The Ohio State University in 2003 for discrimination research, broadly defined. The OCRC investigates cases in which discrimination might have occurred in employment, housing, public accommodation, or credit and lending. Aggregate data will be used to provide information on general trends and descriptive statistics and more detailed material from individual cases will be brought to bear on a sub-sample of cases. This sub-sample of OCRC case files was content coded for general case information by The Ohio Discrimination Project at The Ohio State University. To find information specific to sexual harassment, I more deeply analyzed 15 OCRC cases filed by men and women. Though theoretical framework was guided by previous research, because measurement of sexual harassment processes (as opposed to content or frequency) has not been accomplished by a sociologist, the project necessitates a partial grounded theory approach and uses the OCRC findings to choose cases in which harassment, as legally defined, actually took place.

Both smaller samples used in this study are taken from a pool of 688 content coded cases of discrimination that have been designated as Probable Cause by the OCRC. Of these, 70 cases are cases of workplace sexual harassment and are considered representative of the total population of all probable cause sexual harassment cases in the dataset (N = 368). In Probable Cause cases, the commission found enough evidence to deem it highly likely that sexual harassment actually occurred in the described situations. The case files that were analyzed include documents submitted to the OCRC that describe events leading to the filing of sexual harassment charges from the perspectives of the targets of sexual harassment and from their workplace organizations and/or harassers (claims and counter-claims).
The sampling frame for aggregate data was all cases submitted to the OCRC in which the charging party (complainant) lists sexual harassment as one of the ways in which they were discriminated. These cases include probable cause, settled cases, and cases in which no probable cause was found. The ethnomethodological analysis, which comprises the bulk of the project, will include a small number of cases (N = 15) selected from the above sample in which probable cause was found. The use of these data allows the isolation of instances of sexual harassment that were defined as such subjectively by complainants, male and female, and also from the legal standpoint of the Ohio Civil Rights Commission. Therefore, it can be assumed that these are not frivolous cases. Given that sexual harassment actually occurred in these cases, differences in process along gender lines are highlighted and the isolation of distinct types and progressions of harassment is possible.

Working with archival data necessarily presents a number of limitations. There may be an unknown survival bias (some case files may have been misplaced or removed from the archive for unknown reasons), many of the more recent cases of sexual harassment are still open or are not yet available for review, and all cases occurred in Ohio and were considered not only according to federal law, but also Ohio law. This limits generalizability, but, as will be seen, the rates of filing for sexual harassment are very similar between Ohio and the entire United States, suggesting that there may be other similarities as well. Finally, by focusing my in-depth analysis on cases of probable cause, I do not examine whether the OCRC definition of sexual harassment may itself be biased in some fashion. The OCRC relies on a shared understanding of what behaviors constitute sexual harassment, though offices around the state may exhibit some variation, and this definition may not be applicable to all instances of male-targeted (or indeed female-targeted) sexual harassment. For the Ohio Discrimination Project, only probable cause case files are currently available. Nonetheless, this conservative definition of sexual harassment increases the validity of the differences that are found among sexual harassment cases, because these differences remain even given the possible limitations of the OCRC definition of sexual harassment. In addition, this unique dataset presents a rare opportunity to reveal the process of harassment that has been both formally and subjectively identified. The data also contains the perspectives of targets of harassment, harassers, workplaces, and witnesses. The self-reports used in most sexual harassment literature cannot approach this and lack the corroboration of an independent entity like the OCRC.
CHAPTER 5

ANALYTIC STRATEGY

The data analysis proceeds in three parts: statistical analysis of aggregate OCRC data, more comprehensive evaluation of a sub sample of probable cause cases, and in-depth examination of individual case-files.

Aggregate OCRC data is analyzed to reveal mean differences between men and women filing sexual harassment cases. These first findings will suggest whether subjective and objective naming of harassment differs by gender: who files more often and who files more “serious” cases. Differences at the aggregate level provide also provide a backdrop against which a comparison of probable cause cases can be held. Chi Square statistics are used to determine if there are gender differences between filing and probable cause (or other serious finding) for men and women net of age and race. Analyses will include gender composition of population filing, percent probable cause, and age differences. These first findings will include a brief exploration of whether racial disparities render gender differences spurious. Rospenda et al. (1998) argue that “gender, race, and class jointly influence access to power” (p.57) and that these informal sources of power help to enable harassment. Furthermore, it has been found that women who are racial minorities are more likely to be harassed (Rundblad 2001; Murrell 1996). Differences in filing and serious finding by race are therefore considered a possible artifact of this power dynamic and a factor in the relationship between gender and serious finding. Age is considered another of these sources of power because Uggen and Blackstone (2004) have predicted that younger workers are especially vulnerable to sexual harassment.

The sub-sample of content-coded cases are then analyzed to see whether men and women filing for sexual harassment differ on employment level variables from each other and from the population filing for discrimination as a whole. This section examines similarities among all targets of sexual harassment, as
well as substantive differences between men and women. Variables include occupational prestige and hierarchal positions of the harasser and charging party. This discussion is essential in revealing the structural power that renders low status workers vulnerable to sexual harassment. It also implicates class as a source of power that plays out structurally as well as informally.

The bulk of the investigation focuses on an in-depth analysis of probable cause sexual harassment cases. A sample of 15 cases was chosen to compare male and female charging parties across various workplace contexts. These cases were examined for the interactional dynamics that unfold in instances of sexual harassment. The resulting qualitative data was used to identify what sorts of key events take place during the process of harassment that leads to the filing of charges. The most salient of these events often appear on the initial charge form filed by the complainant and are described in more detail elsewhere in the files along with additional events. With care to incorporate the Stockdale’s (2005) scales to measure same-gender male sexual harassment, all cases were examined for:

- The content of harassment
- Whether content or severity of harassment changes over time
- Number of harassers involved and their genders
- Workplace position of harasser(s) vis-à-vis charging party
- Charging party’s responses to harassment
- The workplace outcome of harassment

Each workplace is given ample opportunity in all cases to respond to the charges and to address each grievance introduced by the charging party. The response is usually included as a letter in each file and can be written by an attorney, a human resources representative, the owner/CEO of the company, the direct supervisor of the employee, or some combination. These documents provide the workplace’s response to the legal accusations of the charging party. Sometimes statements or affidavits from the alleged harasser or witnesses are also included. The content of the sample of these responses was analyzed and divided into different categories to establish if there are different story patterns based on the genders of the charging party and of the harasser(s). These documents were examined for:

- Responses to each of the charging party’s grievances.
- Description of charging party and his/her character.
- Description of accused harasser.
- Company actions and explanation for workplace outcomes.
- The presence of workplace policies that explicitly address sexual harassment.
After establishing general categories for claims and counterclaims, gender differences were sought in the manifestation of these categories (See Appendix A for sample coding device). The analysis that follows constitutes a description of the process of harassment, rather than a prediction of the contexts in which harassment might occur. If the harassment narrative looks substantively different for any combination of same and other gendered harassment for men and women, it is plausible that different conceptual models are needed to explain the sexual harassment of men and women by men and women. Discussion describes what these conceptual differences might be and whether they result from gendered power differentials.
CHAPTER 6

VARIATIONS BY GENDER, RACE, AGE, AND OCCUPATION

Between 1988 and 2003, 4748 people filed with the Ohio Civil Rights Commission claiming sexual harassment as one form of discrimination they had experienced in the employment process, including hiring decisions, promotions, demotions, discharge, as well as discomfort in the workplace and other factors related to employment. After reviewing statements from the men and women complaining of harassment, their workplaces/employers (or lawyers), witnesses, and sometimes harassers, as well as documents containing workplace composition statistics, inter-office memos, and hard evidence (pictures and drawings posted in the office, etc.), the OCRC determines whether or not there is probable cause that discrimination actually occurred and the case should be sent to the Attorney General. Sometimes during the investigation, the workplace being scrutinized offers a cash or positional (job-based) settlement to the complainant and preempts probable cause finding or future trials. Other times, the charging party receives these benefits independent of the OCRC and withdraws the case. This data set notes when cases were deemed “probable cause” or were “settled.” For the purposes of aggregate data analysis, probable cause and settled cases are considered serious, as are cases withdrawn with benefits and cases of successful conciliation. These are discussed as “serious cases” in the analysis that follows.

Women file more cases of sexual harassment and more of these are considered serious cases. Of those filing because of harassment, 88.8% or 4212 are women and 11.2% (533) are men. These percentages mirror the EEOC’s national statistics that report an average of 11.8% of cases filed by men each year during the same time period (EEOC 2005). As Figure 1 demonstrates, a serious finding was received by 33.9% of women, while only 22.4% of men received a serious outcome. This represents a significant gender difference ($\chi^2 = 28.88$, $p<0.01$) with women more likely to receive findings favorable to the charging party (see Figure 1). These differences are exacerbated when only probable cause cases are
considered, with 8.4% of female cases found to be probable cause as opposed to 3.9% of male cases ($\chi^2 = 12.83, p<0.01$). Reasonably, we might expect a higher percentage of cases filed by men might be probable cause cases because the view of sexual harassment as feminizing and general male non-labeling of harassment could mean men only file when cases are severe. This does not appear to be the case and the actual gender differential could arise from several possible factors. Women might experience more serious forms of harassment (Uggen and Blackstone 2004). The harassment directed at women might also be more visible or pervasive leading to more witnesses, or more men might file frivolous cases or cases that represent sexual-harassment backlash as described by Berdhal et al (1996).  

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Not Serious Cases</strong></td>
<td>2803</td>
<td>415</td>
<td>3218</td>
</tr>
<tr>
<td></td>
<td>66.5%</td>
<td>77.9%</td>
<td>67.8%</td>
</tr>
<tr>
<td><strong>Serious Cases</strong></td>
<td>1411</td>
<td>118</td>
<td>1529</td>
</tr>
<tr>
<td></td>
<td>33.5%</td>
<td>22.1%</td>
<td>32.2%</td>
</tr>
<tr>
<td><strong>Total Filed</strong></td>
<td>4214</td>
<td>533</td>
<td>4747</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Figure 1: Serious Finding by Gender in Sexual Harassment Cases ($\chi^2 = 28.88, p = 0.0$)

Alternatively, the sexual harassment experienced by men might be qualitatively different than the harassment of women and thus not as easily captured by the lens of the OCRC (or employers offering settlements). Although the scope of this thesis is limited to probable cause cases, if non-probable cause cases become available for review future research could address this question by comparing probable cause to non-probable cause cases.  

Finally, there may be other factors that account for this differential, such as race and age.

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5 Some men accuse women of harassment claiming that women threaten to accuse men of harassment to gain power in the workplace and that women abuse (what men perceive as) organizational favor and privileging of women.

6 However, such a comparison would necessitate the development of a new measurement scale for harassment that would allow the researcher to systematically decide if there is enough evidence to conclude events occurred and can reasonably be considered unacceptable.
Race is one variable that might moderate the relationship between gender and serious case finding. In 2000, the racial composition of Ohio was 84% white, not of Latino origin, 11.5% black, 1.9% Latino, 1.2% Asian or Pacific Islander, and .2% Native American (Ohio Quick Facts http://quickfacts.census.gov/qfd/states/39000.html). Of the filing sample, 69.8% is white, 22.9% black, 0.1% Latino, 0.4% Asian or Pacific Islander and 6.7% “other.” This indicates that blacks file at higher rates than whites, whereas Asians and Latinos are slightly underrepresented in the sample (a finding that also holds when comparing OCRC data with 1990 Census data). Because so few non-blacks or whites file for sexual harassment, only blacks and whites are considered in the following discussion.

Figure 2 presents gender differences in serious finding controlling for race. There is a significant difference in favorable outcome between whites and blacks ($\chi^2 = 6.58$, $p < 0.05$), with 29.3% of cases with black complainants probable cause or settled as compared to 33.7% of cases with whites. Differences between men and women retain significance when controlling for race, even when only white complainants are considered ($\chi^2 = 13.59$, $p < .01$). Further there are no significant differences between black and white women ($\chi^2 = 3.15$, $p > .05$) or between black and white men ($\chi^2 = 1.05$, $p > .10$) in outcome of investigation. Gender is therefore more salient than race in predicting serious finding.

Race does not explain away gender differences, but the aggregate data provide the ability to examine other explanatory options, such as age, that have been highlighted in the literature (Uggen and Blackstone 2004). Men filing for sexual harassment are 1.56 years older than women ($t = 3.342$, $p < .01$), with a mean age of 33.9 as opposed to women’s mean age of 32.5. This finding contradicts the theoretical predictions of Uggen and Blackstone, who suggest that younger men will be targeted for harassment. It may be the case, however, that younger men lack the confidence to report harassment or that men tolerate

---

7 Within the group of black complainants, however, 19.3% of women are given settlements or probable cause findings while only 9.5% of black men receive similar outcomes. This represents a significant difference ($\chi^2 = 8.64$, $p < 0.01$) and an intriguing puzzle. This differential may be related to co-filing for race discrimination; complainants who file for race discrimination as well may be more or less likely to be found in favor of. The OCRC allows charging parties to choose multiple bases of charge, including both gender discrimination and race discrimination. Sexual harassment falls under the category of gender discrimination, but 277 black complainants (27.5%) and 78 white complainants (2.5%) also file for race discrimination. The only significant gender differences in filing for race discrimination are found for blacks ($\chi^2 = 22.417$, $p < .001$), with 24.5% of women and 42.0% of men filing both for race and sexual harassment. However, filing for race discrimination does not significantly affect likelihood of probable cause or settled for any group of complainants.
<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th></th>
<th>White</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Total</td>
<td>Female</td>
</tr>
<tr>
<td>Not Serious</td>
<td>68.64%</td>
<td>80.11%</td>
<td>70.65%</td>
<td>65.31%</td>
</tr>
<tr>
<td>Serious</td>
<td>31.36%</td>
<td>19.89%</td>
<td>29.35%</td>
<td>34.69%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

χ² = 9.22, p = .00

χ² = 13.59, p = .00

Figure 2: Serious Case (Probable Cause or Settled) by Gender controlling for Race

harassing behaviors for longer periods of time than women before taking legal action. In general, however, persons filing for sexual harassment with the OCRC are approximately 3 years younger than the population of charging parties as a whole (t = -8.69, p < .001). When only men are considered, the age difference increases. The mean age of men filing for other forms of discrimination is 3.1 years higher than the mean age of men filing for sexual harassment (t=6.613, p<.01).

To determine the net effects of gender on probable cause or settled finding, a logistic regression was conducted to measure the effect of gender controlling for age and race. As illustrated in Figure 3, with these controls in place, gender still significantly affects the probability of serious outcome (b=-.54, p<.01). Men are 71.6% less likely to receive a serious outcome than women.

<table>
<thead>
<tr>
<th></th>
<th>B</th>
<th>S.E.</th>
<th>Odds-Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>-0.54***</td>
<td>0.13</td>
<td>0.58</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>0.16</td>
<td>0.09</td>
<td>1.17</td>
</tr>
<tr>
<td>Age</td>
<td>-0.017***</td>
<td>0.15</td>
<td>0.98</td>
</tr>
<tr>
<td>Constant</td>
<td>-0.24</td>
<td>0.22</td>
<td>0.79</td>
</tr>
</tbody>
</table>

Reference categories include Women and White (N=3453)***significant at .001 level

Figure 3: Logistic Regression, Probability of OCRC Finding of Serious
With the bulk of the available aggregate explanatory options for this gender differential exhausted, a final hypothesis regards the type of harassment experienced or the position of the harasser vis-à-vis the complainant. Unfortunately, the data do not provide this information for non-probable cause cases. Perhaps, once the story of sexual harassment is fleshed out for men and women who in all likelihood actually experienced it, another explanation of probable cause finding can be offered.

The addition of employment-level variables to the aggregate data allows me to determine if structural factors might differ by gender. I statistically analyzed a sub-sample of 688 coded probable cause cases of employment discrimination. These cases were randomly selected from a pool of all probable cause cases by the Ohio Discrimination Project, and the resulting sample included 70 sexual harassment cases out of a total of 368 probable cause cases of sexual harassment (in the larger data set). Specific information was coded from each original case file and the data were recorded in SPSS. Examination of these data helps to further describe the people who file sexual harassment charges and to distinguish these sexual harassment complainants from individuals who have experienced other forms of discrimination.

Analysis reveals several differences between the 70 persons filing for sexual harassment and those filing for other forms of discrimination. Targets of sexual harassment tend to have lower occupational prestige scores than targets of other forms of discrimination ($r = -.101, p < .05$). This indicates that sexual harassment targets may be structurally vulnerable because they are low in hierarchy or lack social power because of class position (Rospenda et al. 1998). There are also significant differences ($\chi^2 = 105.27, p < .01$) in the workplace position of the alleged discriminator in cases of sexual harassment, as shown in Figure 4. Over 30% of sexual harassment complainants accused the owner, whereas only 5.8% of other cases did. These may be cases of quid pro quo sexual harassment. The majority (almost 62%) of non-harassment cases cite a manager or supervisor as the alleged discriminator whereas only 43.5% of sexual harassment cases do so. Only 1.3% of non-sexual harassment cases allege a fellow worker as the discriminator, but that percentage jumps to 15.9 in sexual harassment cases. These could represent hostile environment cases. Workplace institutions are also the focus of charges in 29.0% of other discrimination cases, but only 8.7% of sexual harassment cases. Perhaps sexual harassment cases are more personal and

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3 Basis and Issue of Charge were also analyzed, but gender and probable cause differences were not significant.
less systematic than other forms of discrimination. These differences remain nearly constant when only women filing for discrimination are considered (N= 439, χ²=83.7, p<.01).

![Bar chart showing case type and person accused](image)

**Figure 4: Case Type and Person Accused**

Within the sample of sexual harassment cases (N = 70), there is a significant difference between men and women in terms of occupational prestige, though this difference is qualified by the presence of only three men in the sample versus 67 women. Men have 14.7 points lower occupational prestige than women (r =.30, p <.05), possibly implying that women’s structural power is undermined by lower social power, allowing higher prestige women to be harassed (Rospenda et al. 1998). Because of the small sample size, few other conclusions can be drawn about gender differences in this sub-sample of harassment cases. Qualitative analysis will continue to investigate possible gender differences and enrich the statistical analyses to assess what actually happens in workplaces where sexual harassment occurs.
CHAPTER 7

THE PROCESS OF SEXUAL HARASSMENT

To help illuminate and dissect the processes and events that compose workplace sexual harassment of women and men, 15 cases were chosen for the qualitative portion of this project. The 70 coded probable cause cases consist of 67 women and 3 men. This in itself is an indication of the rarity of male cases of sexual harassment. Of the 67 women, 10 were chosen for consideration via stratified random sampling. They were chosen to represent two general age groups (≥ 30 and <30), and three job categories (traditionally female, traditionally male, and mixed). “Police officer” and “secretary”, for example, are considered male and female jobs. When the job title (i.e. the actual position held) was not obviously “male” or “female” it was labeled mixed. Case files were available for two complainants in one of the cases, so the 10 cases chosen for closer examination represent eleven women aged 28-46, including three secretaries, a waitress, a seamstress, an electrician, a police officer, a corrections officer, a laborer, an assembly line worker, and member of housekeeping.

Because only three men appeared in the available coded cases, two additional male cases of sexual harassment were identified using the larger OCRC dataset and one of these cases featured two charging parties. There were 21 total probable cause cases of sexual harassment of men and the five cases (six men) considered for this project were chosen based on availability. The men in this sample were aged 26-41 and include a cook, two account directors, a foundry worker, a technician, and a convenience store night crew worker.

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9 This classification later proved problematic as a secretary in a predominately male work environment and a secretary in a predominately female or mixed environment might experience different forms of harassment, whereas within each type of environment the job position of the charging party also proves influential.
Analysis of these 15 harassment cases reveals that sexual harassment does not just happen. The observed patterns include several that are part of conventional wisdom, but have gone unsupported and unarticulated in the sexual harassment literature. Other patterns, at first glance, may seem to defy common sense. The following is a description of how sexual harassment unfolds, highlighting differences among and between male and female targets (known henceforth as ‘charging party’ or ‘complainant’).

In reviewing these cases, three different types of harassment emerge and all three are experienced by both men and women. Individual based harassment, where there is one primary harasser, and collective harassment, where multiple people “team up” to harass are two primary categories. Pan-harassment is a smaller category describing the harassment of several people by one individual. The distinction between collective and individual appears to be more important than traditional legal definitions of “quid pro quo” and “hostile environment,” even though collective is most associated with hostile environment and individual can legally be either. Additionally, the category of workplace harassment is created to describe content of harassment that seems to be non-sexual yet still pervasive and hostile. These various types of harassment will be discussed as the process of sexual harassment is described. Figure 5 (p. 23) illustrates the process of harassment as it occurs in workplaces leading up to the filing of harassment charges. Gender differences are found at certain points in this process, most notably in responses by employers to OCRC charges.

Harassment Begins

Prior to the onset of sexual harassment, the charging party (CP) either begins work (or interviews) with the respondent (the workplace) or is transferred to the harasser(s) shift/location. Harassment almost always begins as soon as the charging party enters the work environment of the harasser(s) and, with one exception, the harasser(s) uniformly are present in the environment before the charging party. This lends the charging party a measure of vulnerability. The exception is the case of Chip and James, whose male manager harassed them after he was transferred to their work location. This harassment could be the manager’s way of using hypermasculine behaviors to assert his authority in the workplace (Kimmel 1994).
Figure 5: The Process of Sexual Harassment
Harassment seems to fall into two main groups: individual harassment, where there is only one harasser and collective harassment, where multiple harassers are involved. All instances of collective harassment occurred in “shop” situations for male and female complainants who hold jobs that have normative male dominance: electrician, foundry worker, police officer, and corrections officer. The reverse is also true: all men and women in these “male” jobs filed for collective based harassment. This qualifies Gruber’s (1998) finding that numeric trumps normative dominance because different workplace contexts seem to breed different forms of harassment.

Individual harassers typically target only one co-worker or employee. Sometimes, however, an individual harasser indiscriminately harasses multiple people, often both men and women. For instance, Chip and James\(^{10}\) (both male account managers) were harassed by their male manager, Earl (including sexual comments, groping, and exposure of genitals), who also made “lewd” comments to several female customers. These situations of pan-harassment often lead to filing of claims by multiple charging parties. Deborah and Kay were both subjected to requests for sex, groping, lewd display, and sexual remarks by the male president of the manufacturing company where they worked. They were not alone, according to the testimony of a male witness: “Every attractive woman employed at Top Notch Manufacturing was sexually harassed at one time or another.” Individual harassment is consistent with Stockdale’s (2005) model of approach-based motives for harassment, while collective harassment is more similar to rejection-based. It is unclear where pan-harassment falls, but both types of motives may be represented. A hypothesis would be that pan-harassment is used for status maintenance to position the harasser as ‘alpha male’ among fellow men and degrade and undermine women workers.

The content of harassment seems to be different for men and women as well as for individual harassment or collective harassment. Both men and women experienced sexual coercion from an employer. Men do seem more likely to experience groping than women are, but are less likely to be questioned about their sex lives. No women were identified as lesbian, however the sexual identity of one man, Brandon, figured prominently in descriptions of his case (particularly in the documents of the respondent). The largest group of women, five, seem to suffer from individual based harassment, with two experiencing

\(^{10}\) All names of people and workplaces have been changed to protect confidentiality.
collective harassment and three women, including Deborah and Kay, experiencing pan harassment. The case of Jackie is unique here because it began as a case of individual harassment, but transitioned to collective after Jackie filed internal complaints. This transition will be discussed in depth later. Two of the men clearly experienced individual based harassment, one experienced collective harassment, and Chip and James (described above) experienced pan harassment. Two other cases were less clear-cut. Steven’s harassment by Helen prompted him to file charges, but there is evidence that Helen had previously teamed up with another woman to harass him. Norm Plyman, Marty’s male supervisor “was constantly telling male employees under his supervision to get on their knees and perform oral sex on him,” indicating pan-harassment. He particularly targeted Marty, however, possibly because Marty is diagnosed with a social/psychological disability.

[A witness] confirmed that while most of the other employees simply ignored the remarks, Marty became visibly upset with them. They seemed to grate on Marty, who in this witness’ opinion, was treated much worse by Mr. Plyman than [other workers].

Men seem to suffer from same-gender sexual harassment more frequently than other-gender sexual harassment. All female complainants in the sample had male harassers, while all of the men except Steven had male harassers. All of the primary harassers for both men and women were either structural superiors or co-workers and in the male cases of individual and pan-harassment harassment, the harassers are all superiors. Indeed, the harassers were structural superiors in all cases considered pan-harassment. In the case of Deirdre, a female corrections officer, the collective harassing situation was intensified when she experienced sexual allegations by male prisoners (common for female prison guards) and was coerced into taking a polygraph test regarding these allegations. Reminiscent of Rospenda et al.’s (1998) explanation of contrapower harassment, the structurally powerless prisoners used their social power as men to contribute to the hostile environment of Deirdre’s workplace.

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11 One of Jackie’s harassers was female, but this was considered racial harassment by Jackie and the OCRC.
Initial Reactions to Harassment and Their Effects

Early on, the charging party may ignore harassment or laugh it off (sometimes s/he even participates in ‘joking’). Many working class occupational environments in this sample are quite sexually charged. Two food service establishments were particularly rife with sexual banter, including gossip about sex lives and even making pizzas shaped like genitalia. Brandon, a cook at Anton’s Place, participated in this banter, but stopped finding it amusing when the owner, Anton, continually targeted him for harassment.

I kept telling Anton to please stop embarrassing me. this is harassment. However, he always continued with this behavior and sexual comments... when I went to get my paycheck from Anton, he said “are you going to suck my dick,” while opening his zipper and exposing himself. This happened at his office... On [February 21] Anton was lying down on his mattress in his office and he called my name. When I came in to his office, he was playing with himself and looking at my crotch, while making gestures with his tongue. On [March 3] I had to go inside the freezer to get some food. I bent over and Anton came from behind, pushing a carrot against my rear end. I complained to him about his treatment towards me and that I felt this was harassment. He laughed it off. The harassment continued.

Like Brandon, as the charging party realizes the undesirable behavior is persistent, or in cases of sexual advances, s/he will often refuse advances and let the harasser know s/he does not appreciate harassing behaviors. At this point the charging party may also complain to co-workers. Confronting the harasser(s) or refusing advances can have three possible results:

1) The behavior continues unchanged.

2) The behavior changes from sexual to general workplace harassment.

3) The behavior escalates (in frequency or severity).

Workplace harassment, as defined here, includes behaviors that are not explicitly sexual or gender demeaning, but are nonetheless part of a work environment that is hostile and disruptive to the charging party. Such activities represent an evolution or adjustment of sexual harassment and include staring, non-gendered insults, sabotaging work, ignoring the charging party or giving the CP the “cold-shoulder.” This
category also includes workplace retaliation (for complaining or refusing advances), including poor work assignments or denial of promotion or overtime.\textsuperscript{12}

As Denise\textsuperscript{13} describes,

Mark asked me to come over and he rolled his desk chair over towards me, grabbed me by my hips and pushed me towards him. He put his legs around me and put his head on my breasts. He then said 'I can make your job easy for you here.' I became very upset and left the room.... The next day he said he hoped I had not taken what had happened the day before the wrong way. \textit{I told him I did not appreciate his conduct and that I felt that he had no respect for me.} [Emphasis added]

After she refused his advances,

[Mark became] abusive towards me. He would call me 'Goddamn mother fucker' and yelled at me. He constantly used foul language when talking to me.

A few months later, Denise was fired by Mark’s son (part-owner with Mark) for “reasons beyond [their] control.”

\textit{Internal Complaints and Responses}

Confronting the harasser and complaining to co-workers are less likely in cases of collective harassment (involving multiple harassers). In these cases (male and female), the CP complains to a manager or supervisor instead of confronting her/his harassers. This could be because s/he fears retribution or ridicule for her/his discomfort (albeit justified). Charging parties experiencing individual harassment may also be reluctant to confront their harassers.

Eva, who worked in a housekeeping department, frequently witnessed obscene sexual display from Ralph, who was in the habit of using a floor buffer to arouse himself to the point of erection.

According to Eva’s female personnel director,

I told her that if Ralph, or anyone else should make her feel uncomfortable with an action or verbal let the person know that you dislike it and it is unwelcomed then let your supervisor or me know. Eva was upset with this. She related it to a past experience in school... I tried explaining that if it is not known that the action is disliked than nothing can be done. She left very upset.

\textsuperscript{12} As all the cases reviewed represent probable cause cases, situations in which confronting the harasser ended the harassment entirely are not represented, for they would probably not have led to the filing of further charges.

\textsuperscript{13} All names have been changed to protect confidentiality.
After the strategies of confronting the harasser, refusing advances, or complaining to co-workers fail to yield satisfactory changes, the charging party will often complain (if s/he has not already) to a supervisor/manager/human resources person/employer. In situations where the employer is the harasser, there may be no other forum to lodge complaints and the CP is likely to resign (considered “constructive discharge”). Deborah and Kay, for example, resigned after the manufacturing company president harassed them, Kay after only three days of employment.

Workplaces have a diverse array of methods for handling sexual harassment complaints. The methods observed in this project are all appallingly ineffective, an observation that may be read as tautological: incidents that are handled effectively and adequately address the concerns of the target of harassment likely do not result in a probable cause finding at the OCRC. Common respondent actions include: counseling the harasser(s) that “if this is going on, it is inappropriate,” monitoring the harasser’s behavior, telling the harasser who complained, telling the CP not to “make waves” or “rock the boat,” conducting an internal investigation that usually involves interviewing other employees, and holding meetings to discuss thinly veiled references to the charging party’s complaints. Consider the case of Jenna, an electrician and target of pervasive collective harassment. During a employee meeting, a female affirmative action officer, "alleged those who find things offensive of having low self esteem, being on the edge mentally and not feeling good about themselves." This technique dismissed the complaint as a personal defect of an overly sensitive charging party.

Internal investigations (as reported to the OCRC by the respondent) tend to yield no corroborating evidence. The actions of the workplace, or lack thereof, further amplify feelings of frustration in the Charging Party. S/he feels that s/he is not being taken seriously and has become the object of workplace scrutiny. S/he is accused of lying or being overly sensitive. Workers take sides, further alienating the Charging Party in cases of collective harassment or bitterly dividing the workforce in individual cases. In cases where the harasser is also the supervisor, the charging party may be isolated out of fear of retaliation as well, as in the case of Steven, whose companions during the retail night shift stopped associating with him after he accused his female supervisor, Helen, of making sexual advances and trying to kiss him. A few workers suggested they were afraid of Steven targeting them for legal action. Others feared Helen would
treat them poorly for talking to Steven, as he notes in an reply to the Respondent regarding a negative evaluation:

I talked to Mike all the time but he had to keep a lookout for Helen Anderson because he would get in trouble with her for help or talking to me the same goes for Angela... Mike told me that Helen Anderson told him if he helped me or even talked to me he would be stabbing her in the back.\textsuperscript{14} I did not file charges against Mike or Angela only Helen Anderson. She is the reason why I was isolated from the rest of the night crew.

Stockdale (2005) argues that the harassment of men by women is less “insidious” than the harassment of women by men or men by other men. It is clear that Steven did experience negative work consequences from the harassment, but whether the harassment “perpetuate the reproduction of masculine hegemony” (Stockdale 2005; 126) is less clear. Steven’s isolation in the workplace may have been due, in part, to the gendered expectations described by Kimmel and Smith (2005). Co-workers might have wondered why Steven would complain about sexual advances from a woman. The stereotype of men as sexual aggressors (Kimmel and Smith 2005) also emerged in a male witness’s response to the charge, claiming Mike had actually propositioned Helen instead of visa versa.

After the Charging Party complains to a superior in her/his workplace, the harassment again takes one of the three courses outlined above. When harassment is individually based, the change to harassing behaviors that are not explicitly sexual often occurs. This seems especially likely in cases when management monitors the harasser. Knowing someone in the workplace is watching to see if harassment takes place and often knowing who registered the complaint, the harasser is far from endeared towards his/her target and finds another way to harass her/him. According to a co-worker of Cynthia (assembly line worker),

It got to the point where James could not walk by Cynthia without touching her, putting his arm around her waist or on her shoulder, hugging her, or massaging her shoulders. he would do this in a suggestive manner... Cynthia told me that she told James not to touch her all the time... this was sexual harassment.

After Cynthia complained, management instructed James not to talk to her, and the regular harassment transitioned to workplace harassment: staring/leering and sabotaging Cynthia’s work. Workplace harassment may be more difficult for the charging party to prove and the workplace may consider the

\textsuperscript{14} The OCRC failed to substantiate this particular comment.
problem solved because the behaviors are no longer explicitly sexual. The environment is, however, still palpably hostile.

Collective based harassment seems to escalate after internal complaints, often adding workplace harassment that may include jokes about harassment. These collective situations may prove especially frustrating when management seems to be “in on the joke.” For example, when Jenna (electrician) asked for change to pay back money owed (from $15):

She was advised in front of other persons, including John [a supervisor], that "we can take it out in trade" and was told by John, "you should get at least three of four times out of her for that" after prompting from the other employees in the vicinity.

The transition from sexual to workplace harassment for Jackie was also a transition from individual to collective harassment. Jackie is a bi-racial woman who was fresh out of the police academy and still in her probationary period when her male trainer sexually harassed her. An internal investigation found this officer guilty and Jackie was transferred to another training officer. According to the OCRC, this male officer made racial remarks and, “would work crossword puzzles and read the newspaper as opposed to training her.” Jackie again complained and was transferred to a female officer, who “scorned her for turning in a fellow officer and retaliated against her in the evaluation process.”

*Charging Party files with the OCRC*

When the charging party’s responses to harassment, especially internal complaints, are not effective, s/he becomes absent from work frequently and/or seeks professional counseling. Ramona worked as a secretary in a Correctional institution and complained to multiple officials about sexual harassment, “as far back as… several months before she became AWOL due to attendance. Ramona [also] sought professional help to cope with the problem of sexual harassment.” These incidents of absenteeism often provide the workplace with an excuse to discipline or dismiss the charging party. Discipline and discharge then become catalysts for filing with the OCRC.

Even if the harassment has not changed or has become more severe or pervasive, the charging party becomes less tolerant of harassing and marginalizing behaviors. The same behaviors over an extended period of time serve as water torture that rankles more with each incident, however small. The charging
party's growing lack of tolerance is solidified by the perception that the employer questions or dismisses her/his claims and handles the cases superficially. It is at this point also that the charging party files charges with the OCRC. This progression from the first harassing incidents to filing with the OCRC can take years, but often takes place in only a few months. This shorter duration is especially prominent in cases of same-gender male harassment.

Responses to Charges

As previously noted, the workplaces charged with harassment are given ample chance to respond to the charges brought against them. These responses fit in a few general categories. The respondent may claim that no harassment occurred, that described actions occurred, but do not constitute harassment; that actual harassment occurred, but problems were solved internally; or that the charging party was engaging in (or initiating) the behaviors, and therefore the incidents do not comprise harassment. In these responses gender differences become quite apparent. Responses to charges brought by female charging parties are dispersed among these categories. Sexual harassment that transitioned to workplace harassment, for example, may be admitted in content, but denied as sexual harassment. Lynn, a laborer, was propositioned for dates several times by her male supervisor, Andy, and always refused. The company's position statement describes Lynn's complaints:

...eventually he stopped [asking her out]... all the other complaints that Lynn spoke of... dealt with Andy's methods as supervisor and not any further 'advances' on his part... For instance, Lynn complained that Andy asked her to perform jobs alone that were often performed by two people... While this may be a legitimate complaint of Andy, it did not and does not support a claim of sexual harassment.

Charges brought by men, however, fall mainly in the categories of complete denial and accusing the charging party of participating in behaviors. Respondents and their witnesses commonly allege that the workplace atmosphere is charged with sexuality or that "horseplay" is common and the charging party is active in sexual banter. That this seems an appealing response suggests support for Kimmel and Smith's (2005) assertion that men have been unilaterally viewed in the courts as sexually (and otherwise)
aggressive. The following testimony from Gabe’s supervisor, however, highlights the broad definitions of “horseplay” that should be problematic whether or not an employee (male or female) finds it offensive:

When Gabe (male, foundry worker) “walked out of the restroom... he responded that someone had hit him [in the groin] with a steel rod... although Gabe would not initially identify who hit him... he eventually did tell me that a fellow employee, Pete, had hit him.... I alerted... Assistant Plant Superintendent, that Pete must be reprimanded for horseplay and that Respondent would not tolerate such horseplay [emphasis added].

Though Pete was convicted of assault for this action, the employer described the behavior as “horseplay.” The assistant plant manager also “defined ‘horseplay’ as ‘goosing’ or pinching the buttocks, and tapping the groin area with work gloves” (OCRC summary of case report). Terms like “horseplay” are thus used normatively to dismiss unacceptable behavior as a matter of course.

In another case, the charging party’s status as an openly gay man figured prominently in the respondent’s testimony. The respondent suggests that Brandon only accused his male employer, Anton, of sexual harassment because of a telephone call in which Anton informed Brandon’s boyfriend of some statements that Brandon had made at work concerning their sex life.

In an apparent attempt to vindicate the alleged upset caused his male ‘friend’, Charging Party has alleged that he was subjected to harassment. To the contrary, however, it is clear that Charging Party voluntarily and repeatedly created the sexually charged atmosphere in which he worked [emphasis added]

In some cases, filing with the OCRC is followed by the respondent issuing a reprimand or discharging the charging party with the pretext of some measure of poor performance. For example, fellow night crew workers were encouraged by the store manager to document Steven’s poor performance for a separate file, later used to issue a reprimand. Retaliation cases offer a cursory view of what happens to the charging party after filing with the OCRC. Eventually many complainants are forced to resign if they have not been fired. Cases with no retaliation, however, tend to disappear after conciliation, or when they are continued in courts, leaving the OCRC with no account of long-term workplace results of filing discrimination charges.
CHAPTER 6

DISCUSSION

These findings enable several assertions. Foremost among these is the observation that collective and individual based harassment are indeed different phenomena. Collective harassment isolates already vulnerable charging parties and tends to escalate, not diminish, with each complaint that is made. Individual harassment may bitterly divide the workforce (with workers supporting either the harasser or the charging party), while harassment of multiple individuals tends to lead these individuals to resign as a unit. Individual harassment tends to be more "sexual" in nature, and motives may be inferred to be "approach based" (Stockdale 2005), while collective harassment tends to be more gender normative and could be considered "rejection based." These categories go beyond legal definitions of quid-pro-quo and hostile environment, for collective harassment can include both superiors and co-workers and the content of individual harassment is similar at a quid-pro-quo or hostile environment level. Though the power dynamic of being harassed by a superior certainly remains important, as Rospenda et al. (1998) argue, men retain social power over women who are structural equals or superiors. In male-dominated, hyper-masculine shop situations, this social power is manifested as collective harassment.

Uggen and Blackstone (2004) suggest that more vulnerable workers are harassed, including younger men and women of all ages. My findings suggest that men filing for harassment are actually older than women. Targets of harassment tend to be vulnerable in different ways, however. They have a lower occupational prestige than workers filing for other forms of discrimination and most are harassed by owners or supervisors. Harassment also tends to begin when targets first enter an environment in which the harasser is already present, granting the harasser more social status and seniority.

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The concept of workplace harassment is another contribution of this study and has important legal implications. If harassment transitions from the explicitly sexual to a non-sexual environment that is nevertheless hostile, it should not be assumed that the workplace has effectively eliminated discrimination. A non-sexual hostile environment should still be considered an actionable form of gender discrimination as it consists of unequal terms and conditions of employment.

At this time, only a few claims about gender differences in process can be made. Men experience pan-harassment more frequently, especially in sexualized environments. The gender policing behaviors described by Stockdale (2005), Kimmel and Smith (2005), and Lee (2000) were also highly visible in the case of Gabe, who experienced an incredibly brutal form of collective harassment. There also seem to be substantial gender differences in the management’s responses to the filing of charges, with men more likely to be accused of participating in a sexualized work environment and harassment more likely to be acknowledged for women targets.

The outlined process that emerges from this project forms a skeleton framework that will be bolstered through continued analysis of cases from the Ohio Civil Rights Commission. It has become clear that differentiating between male and female targeted sexual harassment is not sufficient to explain the variation in cases: the concepts of collective and individual based harassment are indispensable, and the unexplored category of pan-harassment must also be investigated. This could explain the preponderance of individual harassment for women. Review of more cases is needed to saturate these categories and determine if consistent differences are present. Because men are significantly less likely to receive a “serious” outcome, net of age and race, further research should also review cases that did not fall in this category to examine the causes of this differential. As additional information is added, the various forms this process may take will become more clearly realized and more stable conclusions will be drawn about the way individuals and workplaces “do” and react to sexual harassment.
CHAPTER 7

POLICY IMPLICATIONS AND CONCLUSIONS

Muller (2001) notes contextual variables of workplaces that help reduce instances of sexual harassment. These variables include workplace non-tolerance of sexual harassment and organizational characteristics including: social integration, structural differentiation, decentralization in decision-making, and formalization and legitimacy. Gruber (1998) also analyzes the effects of sexual harassment policies and procedures on the occurrence of sexual harassment and concludes that by using proactive tactics organizations can successfully minimize the occurrence of sexual harassment. My findings suggest that workplace non-tolerance would figure largely in a successful attempt to eliminate sexual harassment. This non-tolerance must extend from specific instances of sexual coercion to an overall environment that is highly sexualized. The difficulty will arise in distinguishing between pleasant sexual banter to help pass the time during slow workdays and a hostile environment that is beyond uncomfortable to some workers. The danger of humor and horseplay in such an environment is that it endows instigators with power to define appropriate gendered behavior and requires participation even by workers who are unwilling. Humor is not always innocent, especially for the women and men who become the objects of the joke.

These results also offer important implications for the handling of discrimination cases. According to a former OCRC employee, some Ohio legislators have pushed for legislation requiring targets of discrimination to file internal complaints, when human resource or affirmative action departments are available, before filing with the OCRC (personal communication, June 6, 2005). My findings suggest that responses to harassment at the organizational level are often not sufficient for handling sexual harassment complaints. Because supervisors and human resources or affirmative action officials may be dismissive of
complaints or complicit in harassment, external bodies like the EEOC and the OCR are indispensable for addressing sexual harassment and other forms of discrimination and their use should not be restricted.

In conclusion, this study's contribution to sexual harassment literature includes the use of unique data that enables a multi-method approach to harassment. Gender differences are explored at an aggregate level and then in-depth at the level of individual cases. The case-level approach is particularly strong because of the availability of both formal and subjective definitions of harassment as well as information on structural and interpersonal components of harassment. I have also included the perspective of the respondent, effectively bringing the harasser into the discussion. Using these methods, I have outlined the process of harassment, something that has not before been systematically accomplished in sexual harassment literature. Within this process, the actual "doing" of gender is brought into relief against the background of job context. Future research can use this general process as a framework for making further distinctions between the types of harassment and the way harassment is experienced differently among and between men and women. To effectively combat sexual harassment in the workplace, decision makers must first understand how it unfolds for different people in different workplace contexts. The process of sexual harassment described in this study provides a first step in developing this understanding and providing tolerable employment conditions for all workers.
LIST OF REFERENCES


