2012

Victims of more than just bias gender's influence on jury awards and other monetary benefits in workplace sexual harassment claims

Anthony Ferraro
University of Central Florida

VICTIMS OF MORE THAN JUST BIAS: GENDER'S INFLUENCE ON JURY AWARDS AND OTHER MONETARY BENEFITS IN WORKPLACE SEXUAL HARASSMENT CLAIMS

by

ANTHONY J. FERRARO

A thesis submitted in partial fulfillment of the requirements
for the Honors in the Major Program in Legal Studies
in the College of Health and Public Affairs
and in The Burnett Honors College
at the University of Central Florida
Orlando, Florida

Summer Term 2012

Thesis Chair: Dr. C. Chad Cronon

ABSTRACT

The main objective in this research was to examine the extent to which gender and gender biases influence monetary benefits received, including jury award amounts, in workplace sexual harassment claims. Two methods were utilized to explore the discrepancies in monetary benefits received based on gender differences. The first method used was a survey to test various gender attitudes, attitudes on sexual harassment, and how influential a victim's gender was on determinations of damage award amounts in sexual harassment cases. 6 two-way factorial univariate between-subject analyses of variance (ANOVAs) were used to analyze the survey data. The second method in this project consisted of an examination of claims filed by victims of sexual harassment. Equal Employment Opportunity Commission statistics were broken down by gender with respect to resolution type. This provided a means to assess the actual monetary benefits received by both men and women across all possible forms of claim resolutions.

In conjunction, these two methods provide a more balanced approach to the assessment of gender discrepancies in sexual harassment claims. Using a combination of actual claims of sexual harassment and survey data, rather than just one or the other, allows for direct comparison between perception and reality. The comparison of perception and reality allows for a more complete assessment of the state of sexual harassment claims as they relate to victim's gender. With a more complete assessment of sexual harassment claims and perceptions of sexual harassment it may be possible to bring to light potential injustices caused by gender or gender stereotyping, and correct any imbalances that may be present.

DEDICATION

For those who cannot protect themselves,

For the victims,

For their families,

And so that we may be better able to serve them in the future.

ACKNOWLEDGMENTS

I would like to acknowledge a few select individuals, for without them this thesis could never have been completed. Thank you Ian Waldick, my research partner, for your hard work, dedication, and passion for this project. I wish you all the best in your continued research and work in this area. To Dr. Cynthia Brown, thank you for ultimately helping to inspire the idea and methodology used in this research. To Melissa Robin, thank you for your dedication, support, and constant willingness to help me throughout the entirety of this project. To Emily Edwards thank you, for your patience, guidance, and critique. To Mr. Richard Gause and Dr. Penny Beile, thank you for being a constant and consistent outlet for assistance throughout the progress of this project. Finally, thank you to my tremendous committee: Dr. Gina Fromang, Dr. Shannon Carter, and my Thesis Committee Chair Dr. Chad Cronon. I sincerely appreciate all you have done to help make this thesis possible.

TABLE OF CONTENTS

LIST OF TABLES

INTRODUCTION

Sexual harassment, as both a legal issue and a social problem, is a complex matter for which societal views and case law is constantly adapting and growing. As a legal issue, sexual harassment is a facet of civil rights law which takes its root in the Civil Rights Act of 1964.[1] The Civil Rights Act of 1964 marked a major milestone in the development of an individual's freedoms and protections within the framework of the United States legal system. Although the Civil Rights Act of 1964 never actually addresses the issue of sexual harassment, the act's inclusion of sex as a protected class has served as the foundation for which sexual harassment case law is built.

The development of an individual's protections against sexual harassment, under the Civil Rights Act of 1964, has, and continues to be, molded by judicial rulings which serve to further interpret and shape this, still young, legal concept. As sexual harassment law, through the Civil Rights Act of 1964 and judicial decisions, has grown, societal perception and an increased understanding of sexual harassment in the general population has taken root. Despite this development, the societal image of who an actual victim of sexual harassment is has been an issue marked by contention. From its inception, the use of sex as a protected class was meant to protect women. The problem exists that although the law recognizes both men and women equally in their protections against sexual harassment, society's perception may still hold sexual harassment for men to a separate standard than for women.

[1] 42 U.S.C. § 2000e et seq. (2012).

Different standards and perceptions based on gender can be extremely problematic when dealing with claims of sexual harassment and their legal remedies. In claims that are pursued all the way to trial, jurors will be given the power to make determinations as they relate to monetary benefits for the victim of sexual harassment. Any discrepancies between the actual standard and a juror's perception or personal biases can potentially cause discrepancies in the monetary benefits the victim will receive. This is a major issue because, a juror, by the very nature of his/her position, has an expectation to abjure personal biases and make decisions in a purely objective manner. If gender influences jury determinations then the expectation of objectivity is not met. When this expectation of objectivity is not met damage award amounts, inevitably and unavoidably, will become overinflated and/or underinflated, based on an individual's gender.

Furthermore, discrepancies may extend to more than just the trial level. Discrepancies between male and female victims may also exist in forms of non-adversarial resolutions. Before a claimant, the party bringing action, can take a sexual harassment case to court there are other forms of claim resolutions that do not involve litigation. These resolutions can vary from dismissals, to settlements, to other forms of conciliations. Discrepancies in this stage of can be problematic because even when a victim's claim does not go all the way to trial they may still be unable to receive a fair resolution. This is problematic as victims seeking to resolve their claims without the use of litigation may fall to a similar dilemma as if they were to pursue their claims all the way to trial, leaving no adequate unbiased means to seek damages against their perpetrator.

The main objective in this research was to examine the extent to which gender and gender biases influence monetary benefits received, including jury award amounts, in workplace sexual harassment claims. To examine this object, two separate testing methods have been utilized to explore the discrepancies in monetary benefits received based on gender differences. The first method used was a survey to test various gender attitudes, attitudes on sexual harassment, and how influential a victim's gender was on determinations of damage award amounts in sexual harassment cases. This survey results consisted of 249 useable responses. The overall purpose of the survey was to assess the various gender biases that survey-takers held as well as to interpret whether or not an individual's biases against men, women, or both had any influence on the amounts they would award in sexual harassment cases of similarly situated victims.

The second testing method in this project consisted of an analysis of claims filed by victims of sexual harassment. Statistics are provided over multiple jurisdictions to better assess the extent to which discrepancies exist by locale. To test if discrepancies exist between men and women, the statistics were broken down by gender with respect to resolution type. This provided a means to assess the actual monetary benefits received by both men and women across all possible forms of claim resolutions.

In conjunction, these two methods provide a more balanced approach to the assessment of gender discrepancies in sexual harassment claims. Using a combination of sexual harassment statistics and survey data, rather than just one or the other, allow for direct comparison between perception and reality. The comparison of perception and reality allows for a more complete

assessment of the state of sexual harassment claims as they relate to victim's gender. With a more complete assessment of sexual harassment claims and perceptions of sexual harassment it may be possible to bring to light potential injustices caused by gender or gender stereotyping, and correct any imbalances that may be present.

BACKGROUND

This section will illustrate the history of sexual harassment and sexual harassment law in the United States. The background will begin with the development and enacting of the Civil Rights Act of 1964 and continue into the developments of the 21st century. The background section will focus on sexual harassment as it relates to workplaces and therefore will serve as an examination of Title VII sexual harassment law.

The Enacting of the Civil Rights Act of 1964

Passed by the House of Representatives on February 10, 1964, amended and passed by the Senate on June 10, 1964, and finally accepted and signed into law by the House of Representatives and President Lyndon B. Johnson respectively on July 2, 1964, the Civil Rights Act of 1964 served as a major landmark in the development of individual protections and liberties in the United States.[2] The Civil Rights Act of 1964 immediately, and somewhat reluctantly, provided a national change in the way society viewed those who were not white males. A precedent would be set that forced Americans to adapt and accept the growing sediment of equality within the context of the law. By way of this monumental shift in protection the Civil Rights Act of 1964 provided a basis for the extended protections that are enjoyed today by a variety of other disadvantaged groups at the federal, state, and even local levels.[3]

Title VII of the Civil Rights Act of 1964, which takes its basis from the Commerce Clause of the United States Constitution, provides protection for those of a protected class from

[2] David B. Filvaroff & Raymond E. Wolfinger, *The Origin and Enactment of the Civil Rights Act of 1964*, *in* LEGACIES OF THE 1964 CIVIL RIGHTS ACT 22, 26 (Bernard Grofman ed., 2000).
[3] *Id.* at 30.

adverse employment actions taken against them based on their protected class. The five protected classes, for purposes of Title VII, are race, color, religion, sex, and national origin.[4] Sex, as a protected class, was not originally included in the first draft of the Civil Rights Act of 1964. It was suggested as an amendment to the bill on February 8, 1964 by Congressman Howard Worth Smith from Virginia as a way to undermine the entire bill.[5] Although unsuccessful in his intent, Smith's amendment was included and has been monumental in the protection of women and men from civil rights violations based on their sex ever since. The inclusion of sex as a protected class is what would ultimately create the protection from workplace sexual harassment. Any adverse employment decisions made against an individual because of their protected class is unlawful. Therefore, by including sex as a protected class, sexual harassment in the workplace is now an area protected by law.

The Equal Employment Opportunity Commission and the Regulation of Title VII

The Civil Rights Act of 1964 was the key piece of legislation produced in response to the civil rights movement in the United States. With every piece of legislation, however, there must be means of regulation established. To protect the rights of individuals under Title VII, the Equal Employment Opportunity Commission (EEOC) was established with the passing of the Civil Rights Act of 1964. The EEOC was initially established with very little actual power and scope. Title VII, originally, would only apply to employers with at least 100 employees and not include federal, state, and local government agencies. The Civil Rights Act of 1964 contained a

[4] MARCIA MOBILIA BOUMIL, STEPHEN C. HICKS, JOEL FRIEDMAN & BARBARA EWERT TAYLOR, LAW AND GENDER BIAS 131 (1994).
[5] Robert C. Bird, *More Than a Congressional Joke: A Fresh Look at the Legislative History of Sex Discrimination of the 1964 Civil Rights Act*, *in* SEXUAL HARASSMENT LAW: HISTORY, CASES, AND THEORY 5 (Jennifer Ann Drobac ed., 2005).

provision expanding coverage to a greater number of employers yearly until 1968. Despite the expansion to employers with at least 25 employees by 1968, many employers still would not have to follow the rules established by Title VII. Furthermore, the only actual powers granted to the EEOC, by way of the Civil Rights Act of 1964, were powers to investigate and mediate claims of workplace discrimination and if need make recommendations to the Department of Justice to take legal action.[6] These minimal powers would leave the EEOC with little ability to take action on behalf of victims. Without any real form of authority or power, the EEOC would be unable to provide adequate protections to members of protected classes from employment discrimination under Title VII. An expansion of regulatory powers was necessary in order for the EEOC to protect those it was created to serve

This expansion of powers would come in the form of the Equal Employment Opportunity Act of 1972, signed into law by President Richard Nixon on March 24, 1972. The scope of Title VII was expanded to include employers with a minimum of 15 employees and to include government agencies. Most significantly of all, however, the EEOC was granted the power to bring suit on behalf of victims of employment discrimination.[7] These greatly expanded powers would allow the EEOC to actually serve as an enforcement authority and regulate claims of employment discrimination effectively. The EEOC's scope would further be expanded by the 1991 Amendment to the Civil Rights Act, giving the regulatory agency jurisdiction over federal government employees and any claims of employment discrimination they may have. The EEOC would also gain importance as it would have discretionary powers as to determinations in

[6] Kenneth Y. Chay, *The Impact of Federal Civil Rights Policy on Black Economic Progress: Evidence from the Equal Employment Opportunity Act of 1972*, 51 INDUSTRIAL AND LABOR RELATIONS REVIEW 608, 610-611 (1998).
[7] *Id.*

the validity of an individual's claim. Without the EEOC's approval, an individual would be unable to file a federal suit seeking protection under Title VII.[8]

The EEOC is responsible for performing four major functions as it relates to employment discrimination: (1) the EEOC investigates potential Title VII violations, determine claim validity, and attempt to mediate situations between parties; (2) the EEOC acts as the authority in the interpretation of Title VII; (3) the EEOC stands as the entity responsible for the enforcement of Title VII; and (4) the EEOC is responsible for bringing action against federal employers for claims found to be valid.[9] These chief functions serve as the EEOC's primary source of enforcement for Title VII. Even with the EEOC in place, and more powerful following the Equal Employment Opportunity Act of 1972 and the 1991 Amendment to the Civil Rights Act, the question of what conduct is appropriate and inappropriate under Title VII has still been an area of great debate. The legislature's lack of guidance in defining discrimination for purposes of Title VII has left one of the most fundamental questions of employment discrimination law unanswered. Alfred Blumrosen, the first chief of the office of conciliations of the EEOC, distinguished this responsibility, of defining discrimination under Title VII, as a task ultimately left to the courts.[10]

[8] *Ibid.* 4, at 133-134.
[9] *Id.* at 132.
[10] Paul Burstein, *The Impact of EEO Law: A Social Movement Perspective*, *in* LEGACIES OF THE 1964 CIVIL RIGHTS ACT 135-136 (Bernard Grofman ed., 2000).

Defining Discrimination under Title VII

Disparate Treatment v. Disparate Impact

Title VII defines many of the crucial terms required for proper interpretation and implementation of its provisions, such as who is considered an employer or employee under Title VII. One term that will not be found in the definitions of Title VII, however, is discrimination. Defining discrimination, on its face, is a relatively simple concept in which people are treated differently as a result of a distinguishing characteristic. Interpreting the specific requirements for discrimination protection under a federal law is a much more laborious process. There are two forms that discrimination, under Title VII of the Civil Rights Act of 1964, can take: disparate treatment and disparate impact.

Disparate treatment is the form of discrimination most commonly associated with violations of Title VII. Disparate treatment describes employment actions or decisions that on their face are discriminatory against a protected class. Discrimination that falls under the category of disparate treatment is typically a more direct form of discrimination in which, "there is a deliberate intention to discriminate on the basis of one of [the] prohibited categories."[11] Although Title VII cases involving disparate treatment usually seem to be more overt and offensively discriminatory, the greater potentially to discriminate against a large population, rather than only a few people or a single individual, lies with cases of disparate impact.

[11] *Ibid.* 4, at 134.

Disparate impact, as a concept under Title VII, can take its root from the United Supreme Court case of *Griggs v. Duke Power Co.*[12] This was a class action suit in which African American employees of the Dan River Steam Station, a branch of the Duke Power Company, alleged discrimination, based on race, in the hiring and placement of potential employees. The company had a policy in place that only allowed African American employees to work in the Labor Department, the lowest paying position in the company. In contrast, white employees had the accessibility to work in the Labor, Coal Handling, Operations, Maintenance, or Laboratory and Test departments. Following the Civil Rights Act of 1964, the company lifted its policy restricting African Americans to the Labor Department and instead instituted a high school diploma requirement for those seeking employment in any department other than Labor. As the United States Supreme Court would eventually hold, Duke Power Company's use of high school diplomas as a prerequisite was an unreasonable measure of future job performance meant to specifically exclude individuals based on their race. Although the policy, on its face, was not discriminatory, the plaintiffs were still entitled to relief under Title VII. This judgment would act as the precedent for claims of disparate impact.

Defining Burdens in Title VII Cases

Determinations of what should and should not be considered discrimination under Title VII was still an issue left unresolved and without a statutory guideline, responsibility to interpret discrimination under Title VII would rest solely with the courts. *McDonnell Douglas Corporation v. Green*[13] would prove to be the first major ruling on the plaintiff's burden in Title

[12] *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).
[13] *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973).

VII cases. Percy Green, a mechanic and known civil rights activist, was laid off by his employer, the McDonnell Douglas Corporation. Green alleged that the termination of his employment and lack of consideration for re-hire, when jobs were available, were racially charged and due to his role in civil rights protests. He alleged these complaints through §§ 703(a)(1)[14] and 704(a)[15] of the Civil Rights Act of 1964 respectively. § 703(a)(1) states that:

"[it shall be an unlawful employment practice for an employer] to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."

§ 704(a) states that:

"It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter."

[14] 42 U.S.C. § 2000e-2(a)(1) (1964).
[15] 42 U.S.C. § 2000e-3(a) (1964).

The EEOC made a determination of reasonable-cause under § 703(a)(1) of Title VII and therefore, after unsuccessful attempts to conciliate the situation, allowed him to file a federal suit against the McDonnell Douglas Corporation. The trial court dismissed Green's claim under § 703(a)(1). After Green's appeal to the U.S. Circuit Court of Appeals was unsuccessful he was left with only one other option for relief: The United States Supreme Court.

The United States Supreme Court, on a writ of certiorari from the Eight Circuit Court Appeals, found that the trial court erred in its dismissing of Green's case. In its opinion, delivered by Justice Lewis Powell, Jr., the United States Supreme Court set precedent for the four fundamental elements in the establishment of a prima facie case under Title VII. A prima facie case can be defined as, "a case sufficient on its face, being supported by at least the requisite minimum of evidence, and being free from palpable defects."[16] The Court held that in order to meet his burden of a prima facie case under Title VII, Green must prove that: (1) he belonged to a protected class (as defined by Title VII); (2) he was qualified for the position in which he was applying; (3) despite his qualifications, was rejected; and (4) McDonnell Douglas Corporation continued to try and fill the position with applicants that possessed qualifications tantamount to Green's. These four elements would become a necessary burden for all plaintiffs to meet when seeking protection under Title VII.

Though *McDonnell Douglas Corporation v. Green*[17] would provide the framework for prima facie showings in Title VII cases, this was only the first step the refinement of burdens

[16] STEVEN H. GIFIS, BARRON'S LAW DICTIONARY 362 (1984).
[17] *Ibid.* 13.

under Title VII. In *Texas Department of Community Affairs v. Burdine*[18] the United States Supreme Court would further clarify the burdens of both the plaintiff and the defendant in a Title VII case. Burdine was a female employee with the Texas Department of Community Affairs. She failed to be promoted to the position of Project Director, within the Public Service Careers Division, for which she applied and was qualified. Following a restructuring of the Public Service Careers Division and an eventual filling of the position for which she had applied, Burdine was fired. Burdine brought action against the Texas Department of Community Affairs alleging that the reason she was not promoted and was subsequently fired was a result of sex discrimination. The importance of this case did not rest in the determination of the Texas Department of Community Affairs' discrimination or lack of discrimination. The ultimate significance of this case rests in the clarification of the parties' burdens in Title VII cases. The United States Supreme Court established that following a prima facie showing the defense simply has a burden of production to establish a non-discriminatory basis for their employment decision. If the defense can produce a legitimate non-discriminatory rationale, the burden of persuasion in Title VII actions will then ultimately rest on the plaintiff.

Both *Texas Department of Community Affairs v. Burdine*[19] and *McDonnell Douglas Corporation v. Green*[20] would prove to be monumental steps in the development of Title VII law. The holdings of these cases would serve to create a concrete blueprint for the burdens of the plaintiff and the defendant in Title VII cases. Neither of these cases, however, would define Title VII protections against sexual harassment. It would end up taking the United States

[18] *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248 (1981).
[19] *Id.*
[20] *Ibid.* 13.

Supreme Court 22 years from the enacting of the Civil Rights Act of 1964 to actually hear a Title VII case on sexual harassment.[21]

Sexual Harassment in the Workplace: Hostile Work Environment and Quid Pro Quo

Sex, as a protected class, has been a term of great debate since its inclusion in the Civil Rights Act of 1964. Although many Title VII cases had explored sex discrimination prior to 1986, one key area of sex discrimination had yet to be broached by the United States Supreme Court. *Meritor Savings Bank v. Vinson*[22] would be the first United States Supreme Court to address the issue of sexual harassment under the protection of Title VII. Mechelle Vinson was a teller, head teller, and eventually assistant bank manager with Meritor Savings Bank. Vinson was an employee of Meritor Savings Bank for a period of approximately 4 years before she was fired for taking excessive sick leave. Vinson would bring action against the bank alleging that unwelcome sexual advances from her supervisor created a hostile work environment which directly violated Title VII. The Court, in drawing from both an 11th Circuit Court of Appeals case, *Henson v. Dundee*[23], and the Code of Federal Regulations Guidelines on Discrimination Because of Sex[24] recognized what would be eventually be deemed a "hostile work environment" as an acceptable and legitimate claim under Title VII. The language of *Henson v. Dundee*[25] describes sexual harassment that creates a hostile work environment as a, "barrier to sexual

[21] JENNIFER ANN DROBAC, SEXUAL HARASSMENT LAW: HISTORY, CASES, AND THEORY 58 (2005).
[22] *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).
[23] *Henson v. Dundee*, 682 F.2d 897 (11th Cir. 1982).
[24] 29 C.F.R. §1604.11(a) (1985).
[25] *Ibid.* 23.

equality at the workplace." This form of sexual harassment is illustrated by the Code of Federal Regulations Guidelines on Discrimination Because of Sex[26] which states:

"*Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."*

The third condition, as stated by the Code of Federal Regulations Guidelines on Discrimination Because of Sex provides the foundation for a claim of hostile work environment sexual harassment under Title VII.

In further defining this area of protection against sexual harassment under Title VII, the Court would establish, again drawing from *Henson v. Dundee*[27] that in order for a plaintiff to claim that he/she was subjected to a hostile work environment the sexual harassment, "must be sufficiently severe or pervasive 'to alter the conditions of [the victim's] employment and create an abusive working environment.'" Severe is meant to refer to the how intense, offensive, or otherwise perverse the discriminatory conduct is while pervasive is meant to refer to the frequency of such conduct. This concept of "severe or pervasive" would become a key point in

[26] *Ibid.* 24.
[27] *Ibid.* 23.

the determination of hostile work environment claims. Following the ruling in *Meritor Savings Bank v. Vinson*[28] both a plaintiff's use of a claim of hostile work environment sexual harassment under Title VII and the requirements for protection under that same claim were fully acknowledged and clarified.

The first and second conditions for which sexual harassment may constitute sex discrimination for purposes of Title VII, as stated in the aforementioned the Code of Federal Regulations Guidelines on Discrimination Because of Sex, are the basis for "quid pro quo" sexual harassment. Quid pro quo is a Latin term which translates to, "what for what" or "something for something".[29] This principle refers to instances of sexual harassment where the victim must submit and/or comply to some form of sexually-based condition in exchange for some form of employment consideration. Instances of quid pro quo sexual harassment involve an exchange of some sort, hence its moniker.

Both quid pro quo and hostile work environment are forms of sexual harassment that Title VII's protects against through the protected class of sex. Although sexual harassment is an area that through both statutory and case law has become unequivocally protected by Title VII, much debate and conflict has resolved around who may actually claim protection against sexual harassment through Title VII. As the protection against sexual harassment for purposes of Title VII is rooted in the protected class of sex, the basis for determination of who may or may not be a victim of sexual harassment should exist in how sex is defined for purposes of Title VII.

[28] *Ibid.* 22.
[29] *Ibid.* 16, at 381.

The Reach of Title VII: Who Does Sex Protect?

The Civil Rights Act of 1964 explicitly names race, color, religion, sex, and national origin as protected classes. The language of the Act makes clear that workplace discrimination against an individual because of one these protected classes is unlawful. Although it is known that that such discrimination is unlawful, an individual seeking to make a claim for protection must show that they are indeed a member of a protected class. In sexual harassment claims, the protected class that claimants must show they are a member of is sex. Originally there was little guidance in the interpretation of who may claim Title VII protection on the basis of sex. This was further cemented by the fact that many early commissioners of the EEOC did not take sex discrimination seriously, as they were much more concerned about race discrimination.[30] Without any statutory definitions, explicit requirements, and little direction from the EEOC, the interpretation of who may claim Title VII protection on the basis sex was left to the courts. Through their continued interpretation, the denotative and connotative views of the victims of sex discrimination have been molded and morphed across society as a whole.

The inclusion of sex as a protected class in the Civil Rights Act of 1964 was introduced to protect women. It has been that suggested that the only congressmen to champion its inclusion as a protected class were either trying to make a mockery of the bill as whole, or as a means to help and protect the "weaker sex".[31] The concept of whether or not a man could seek protection under Title VII, using sex as a protected class, was an issue many did not even

[30] *Ibid.* 10, at 142.
[31] Cynthia Deitch, *Gender; Race, and Class Politics and the Inclusion of Women in Title VII of the 1964 Civil Rights Act, in* RACE, CLASS, & GENDER: COMMON BONDS, DIFFERENT VOICES 294 (Esther Ngan-Ling Chow, Doris Wilkinson & Maxine Baca Zinn eds., 1996).

consider initially. In *Newport News Shipbuilding & Dry Dock Co. v. EEOC*[32] the United States Supreme Court would address this concept. In this case the EEOC alleged that Newport News Shipbuilding & Dry Dock Co. was discriminating against its male employees by providing additional pregnancy benefits for female employees. The EEOC argued that by not expanding coverage to male employee's pregnant spouses Newport News Shipbuilding & Dry Dock Co. was provided less comprehensive coverage for male employees than female employees. The United States Supreme Court sided with the EEOC citing that the language of Title VII that, "any individual" is protected from adverse employment because of the individual's race, color, religion, sex, or national origin. This ruling would set the foundation for male claims of sex discrimination under Title VII.

Another area that has been a subject of great debate, in the interpretation of who may be a victim of sex discrimination under Title VII, is the idea of gender stereotyping and gender roles as a form of discriminatory behavior. In the case of *Price Waterhouse v. Hopkins*[33] primarily noted for its introduction of the concept of a mixed-motive case (a case in which an employer has both a legitimate and an illegitimate reason for an employment decision), the case also served to highlight the use of gender stereotyping and gender roles as a form of sex discrimination. Ann Hopkins was an employee with Price Waterhouse who alleged sex discrimination in her failure to receive promotion to Partner. Despite Hopkins prowess in helping secure major contracts for her firm, she received some negative criticism during the promotion process as it related to her attitude and personality. Although this sort of criticism

[32] *Newport News Shipbuilding & Dry Dock Co. v. EEOC*, 462 U.S. 669 (1983).
[33] *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989).

may normally be grounds for someone to not receive promotion, the criticism of Hopkins' attitude and personality only existed because of gender stereotyping and a belief, by some partners, that women should adhere to traditional gender roles. One partner stated that Hopkins, "overcompensated for being a woman," while another suggested that her swearing was a problem, "because it's a lady using foul language." The advice that Hopkins' received in order to have a better chance at receiving partnership in the future was to, "walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry."

The Court, in *Price Waterhouse v. Hopkins*[34] stated that sex stereotyping could be used as evidence to show that sex was a factor in employment decisions, although, evidence of sex stereotyping alone was not necessarily absolute proof of such discrimination. The ultimate holding in this case was related to the setting of guidelines for mixed-motive cases and therefore the Court would not make an ultimate determination of whether or not the sex stereotyping of Price Waterhouse's partners was sufficient to prove Hopkins' claim of discrimination. The Court did, however, set a precedent that the use of gender stereotyping and gender roles in employment decisions can be used in a claim of sex discrimination. This decision built off of the United States Supreme Court's holding in *Los Angeles Dept. of Water and Power v. Manhart*[35] which first broached gender stereotyping. In this case the Court addressed the issue of gender stereotyping, stating that, "employment decisions cannot be predicated on mere 'stereotyped' impressions about the characteristics of men and women." The decisions in *Los Angeles Dept. of*

[34] *Id.*
[35] *Los Angeles Dept. of Water and Power v. Manhart*, 435 US 702 (1978).

Water and Power v. Manhart[36] and *Price Waterhouse v. Hopkins*[37] have provided an outlet for victims of gender stereotyping to seek protection under Title VII.

This concept of gender stereotyping would be taken to a new level in *Oncale v. Sundowner Offshore Services, Inc.*[38] In this case Joseph Oncale, an employee for Sundowner Offshore Services, Inc., brought action against his employer for sex discrimination under the protection of Title VII. Oncale alleged that his fellow employees subjected him to, "sex-related, humiliating actions," and even, "threatened him with rape." Oncale would eventually quit his job under fear of being raped. Although no adverse employment action was actually taken against Oncale, the Court found that the conduct of his co-workers was severe and pervasive enough to alter the conditions of his employment and therefore constitute a hostile work environment. The matter, however, for the United States Supreme Court to decide was whether or not same-sex sex discrimination was covered under Title VII. The Court would ultimately conclude that this type of discrimination was actionable under Title VII. There is major difference, however, between same-sex sex discrimination and discrimination on the basis of sexual orientation.

Despite the Court's ruling in *Oncale v. Sundowner Offshore Services, Inc.*[39], there is still no actionable protection under Title VII for adverse employment actions that occur because of an individual's sexual orientation. It has been the opinion of some courts that the arguments of same-sex sexual harassment and gender stereotyping are simply a way for homosexual

[36] *Id.*
[37] *Ibid.* 33.
[38] *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998).
[39] *Id.*

individuals to seek protection under Title VII.[40] This remains a major gray area in Title VII law as the United States Supreme Court has never even heard a case on the issue of sexual orientation as one of the protected classes. Individuals seeking protection from adverse employment decisions on the basis of sexual orientation are forced to seek other remedies. Depending on the state in which such conduct occurs, additional remedies may be available. Some states have expanded the protections of their citizens to include protection on the basis of sexual orientation as an extension of Title VII, however no federal statute currently exists that protects individuals from adverse employment action that occurs as a result of their sexual orientation.[41]

[40] JANIS L. MCDONALD, FRANK S. RAVITCH & PAMELA SUMNERS, EMPLOYMENT DISCRIMINATION LAW: PROBLEMS, CASES, AND CRITICAL PERSPECTIVES 77 (2007).
[41] *Id.* at 80.

EMPIRICAL RESEARCH IN SEXUAL HARASSMENT

This section will highlight various research studies and findings in the area of sexual harassment. The main focus of the research in this section focuses on the perception of victims of sexual harassment, changes and developments in the perception of sexual harassment as a whole, and an overview of the key factors influencing perception of sexual harassment. This section will not include the research used to construct the survey used in this project, as that research is described in detail in the *Survey Construction* section of this thesis.

The Perception of Sexual Harassment as a Social Problem

Despite the impact of the Civil Rights Act of 1964 and its subsequent amendments, sexual harassment is still a major civil rights issue in the United States today. It has been found that approximately 42-44% of women have been sexually harassed at some point (during a two year period), and that approximately 14-19% of men have been sexually harassed during the same period of time.[42] This discrepancy between the percentage of men and the percentage of women who are victims of sexual harassment has led to the continued connotation that sexual harassment is a "woman issue". Workplace sexual harassment specifically, is still viewed, by some, as a major achievement by women in extending the rights of women and likened to the extended coverage of Title VII to protect pregnancy leave.[43] The likening of sexual harassment to pregnancy leave suggests a common perspective that women are the only victims of sexual harassment. This perspective creates a situation where men are typically quick to be labeled a perpetrator, yet rarely typified as a victim.

[42] Margaret S. Stockdale, Michelle Visio & Leena Batra, *The Sexual Harassment of Men: Evidence for a Broader Theory of Sexual Harassment and Sex Discrimination*, 5 PUBLIC POLICY 630, 631-632 (1999).
[43] *Ibid.* 31, at 303.

In the construction of sexual harassment as a social issue, the basic conflict existing is a woman, or victim, against a man, or perpetrator. Thus exists the view that, "sexual harassment exemplifies and promotes employment practices which disadvantage women in work (especially occupational segregation) and sexual practices which intimately degrade and objectify women."[44] At its root, sexual harassment is sex discrimination, and as such, for sexual harassment to occur, a person's sex must be the determining factor in adverse employment actions. When perception dictates that a man is the perpetrator and a woman is the victim, the view that sexual harassment is a way for men reinforce their dominance over women is a natural progression. This perception is furthered by research suggesting that sexual harassment can act as a means to perpetuate a male-dominated patriarchal society.[45]

The concept that men sexually harass women to maintain a male-biased power hierarchy is not without consideration. In any given culture, the dominant group in power inevitably creates a social structure more reflective of that particular group's attributes and tendencies. Therefore, in a male-dominated culture, "theory and practice created by men contain an inherent but invisible male bias across disciplines."[46] Within the socially constructed confines of a typified sexually discriminatory workplace, the perception exists that men are in control and possess a greater deal of power over their female subordinates. When examining issues of sexual harassment, feminist perspectives' would suggest that it is important to look at sexual harassment

[44] Catharine A. MacKinnon, *Sexual Harassment of Working Women*, *in* SEXUAL HARASSMENT LAW: HISTORY, CASES, AND THEORY 23 (Jennifer Ann Drobac ed., 2005).
[45] Kathleen M. Rospenda, Judith A. Richman & Stephanie J. Nawyn, *Doing Power: The Confluence of Gender, Race, and Class in Contrapower Sexual Harassment*, 12 GENDER & SOCIETY 40, 56 (1998).
[46] LIZA H. GOLD, SEXUAL HARASSMENT: PSYCHIATRIC ASSESSMENT IN EMPLOYMENT LITIGATION 49 (2004).

within the scope of the masculine culture for which typical harassment occurs.[47] Therefore, if it can be legitimately suggested that society still operates within a male-dominated culture, it can be legitimately suggested that men would consciously and/or subconsciously act to preserve their dominance. If, consciously and/or subconsciously, men are trying to preserve their dominance over women, then it could be reasonably construed that men, by their very nature, are more inclined to commit acts of sexual harassment. This position, however, rests on the initial assumption that the United States operates in a male-dominated, patriarchal society in which men will seek to retain and fortify their dominant stature.

Although it can reasonably be acknowledged that men have served as the dominant sex throughout the history of the United States, the Civil Rights Act of 1964, in conjunction with its subsequent amendments and litigation deriving from its tenets, acts as an overwhelming black mark to this logical progression. The perception that men in a male-dominated society would do everything in their power to retain their influence over the opposite sex stands in direct contrast to the protections specifically intended to safeguard women against discrimination on the basis of sex. This fact, in many ways negates the notion that the perception of sexual harassment as a social problem exists as a tool for men to reinforce their dominance over women and maintain power. Therefore, the justification for the typifying of men as perpetrators and women as victims in sexual harassment claims must exist independently of that perspective. As sexual harassment finds its root in sex discrimination, an underlining cause for the perception that

[47] Harriet Samuels, *Sexual Harassment in the Workplace: A Feminist Analysis of Recent Developments in the UK*, 26 WOMEN'S STUDIES INTERNATIONAL FORUM 467, 480 (2003).

sexual harassment only substantially exists as men sexually harassing women may be found in the societal typifications associated with each sex (gender roles, and gender stereotyping).

"While the biological sex difference has been both exaggerated and used to justify different treatment, sex inequality as a social force has been reflected in the substantive content of sex roles."[48] The construction of social roles, specifically gender roles in this case, enable a level of social constraint and innate discrimination in the associations made about both men and women. During construction of the Civil Rights Act of 1964, many congressmen only argued for the inclusion of sex as a protected class because they thought men had a responsibility to protect women.[49] The roles of men, as the protectors of women, and women, as needing the protection of men, may hold influence in the perception of sexual harassment, the perception of the victims of sexual harassment, and the perception of the perpetrators of sexual harassment. Research suggests that both men and women perceive, "significantly more behaviors as sexual harassment when the scenario [involves] a female victim and a male perpetrator rather than a male victim and a female perpetrator."[50] The constructed perception that women are in need of protection and that it is the responsibility of men to protect them lends itself to the way in which sexual harassment is viewed. If it is the responsibility of men to protect women, and not the other way around, then the typification of women as the victims may make sense.

Although it may be cemented in society that sexual harassment, as a social problem, is a woman's issue where men are the perpetrators and women are the victims, this perception is

[48] *Ibid.* 44, at 28-29.
[49] *Ibid.* 31
[50] Marita P. McCabe & Lisa Hardman, *Attitudes and Perceptions of Workers to Sexual Harassment*, 145 THE JOURNAL OF SOCIAL PSYCHOLOGY 719, 735 (2005).

flawed. The perception that exists within society fails to take into account men who are victims of sexual harassment and the existence of same-sex sexual harassment. As these concepts are not readily associated within what is viewed as the social problem of sexual harassment, the inclusion of these forms of sexual harassment as actual societal problems are left outside of the fray. Failing to acknowledge these sub-concepts of sexual harassment as a part of the social problem is ultimately discriminatory on its face.

Same-Sex Sexual Harassment

"Nothing in Title VII necessarily bars a claim of discrimination 'because of…sex' merely because the plaintiff and the defendant (or the person charged with acting on behalf of the defendant) are of the same sex," states the language of the United States Supreme Court case of *Oncale v. Sundowner Offshore Services, Inc.*[51] Despite the fact that precedent has held unequivocally that same-sex sexual harassment may be protected against under Title VII, societal perception fails to recognize it as a major issue. This is especially important when considering the victims in same-sex sexual harassment. Men are more likely to be victims of same-sex sexual harassment than opposite-sex sexual harassment and men are more likely to be victims of same-sex sexual harassment than women.[52] This is an interesting dynamic because same-sex sexual harassment that occurs between men typically involves heterosexual men and is used more as a tool to exert dominance and masculinity than to fulfill any actual sexual objective.[53]

[51] *Ibid.* 38.
[52] *Ibid.* 42.
[53] Carol Jones, *Drawing Boundaries: Exploring the Relationship Between Sexual Harassment, Gender, and Bullying,* 29 WOMEN'S STUDIES INTERNATIONAL FORUM 147, 154 (2006).

The concept of men being sexual harassed by other men as an exertion of dominance stands in stark contrast to three typical associations made about sexual harassment: (1) the victim of sexual harassment is female; (2) the perpetrator of sexual harassment is of the opposite sex; and (3) sexual harassment occurs with some form of actual sexual intent. In fact, the reality of the form sexual harassment usually takes further compounds this issue. The most prevalent form of sexual harassment experienced in the workplace is generally, "sexually suggestive comments or jokes,"[54] which presents an added layer of challenges for the victims of same-sex sexual harassment to face. This is especially true because the majority of victims in instances of same-sex sexual harassment are men. Cultural traits that men are supposed to possess, or rather society dictates they should possess, include competiveness, toughness, and a win-at-all-costs mentality.[55] Therefore, as societal gender roles would dictate, men should not feel harassed or intimidated by these "sexually suggestive comments or jokes," and consequently when they are subjected to such conduct, are not in fact victims of sexual harassment. This notion, however unscrupulous it may be to the victims it fails to recognize, is only one of the societal misconceptions of same-sex sexual harassment.

Another misconception of same-sex sexual harassment is the lack of regard for the situational factors involved in instances of same-sex sexual harassment. Generally there is no distinction, whatsoever, made between same-sex sexual harassment involving heterosexual individuals and same-sex sexual harassment involving homosexual individuals.[56] The notion

---

[54] *Ibid.* 50, at 731.
[55] Michael A. Messner, *Masculinities and Athletic Careers, in* RACE, CLASS, & GENDER: COMMON BONDS, DIFFERENT VOICES 73 (Esther Ngan-Ling Chow, Doris Wilkinson & Maxine Baca Zinn eds., 1996).
[56] Eros DeSouza & Joseph Solberg, *Women's and Men's Reactions to Man-to-Man Sexual Harassment: Does the Sexual Orientation of the Victim Matter?*, 50 SEX ROLES 623, 636 (2004).

that both same-sex sexual harassment involving homosexual individuals and same-sex sexual harassment involving heterosexual individuals is the same thing, can be potentially damaging to a victim's claim of sexual harassment. Any pre-conceived notions or biases that may exists within an individual's perception about homosexuals in general, many influence the way all instances of same-sex sexual harassment are viewed. With no federal protection in place against workplace discrimination based on sexual orientation and a lack of distinction regarded to the type of sexual harassment occurring in same-sex sexual harassment claims, it could be reasonably construed that victims of same-sex sexual harassment are in fact being discriminated against, when compared to victims of opposite-sex sexual harassment. If relief in instances of same-sex sexual harassment is lacking equal consideration under the protections of Title VII, then a fundamental discrepancy is occurring. Any discrepancies in relief are rooted in the perception of the determiners of fact in sexual harassment cases: the jury.

Factors Influencing Juror Perception

As the influence that a jury exerts on a case of sexual harassment is absolute, it is critical to examine anything that can potentially alter the determinations the jury makes. A variety of external factors exist that may influence the perception a particular juror has about a victim of sexual harassment or sexual harassment in general. An individual's gender, working status, and even their past personal experiences can influence the way in which he/she view victims of sexual harassment.[57] Men, for instance, are more likely to attribute additional blame to victims of sexual harassment than women are.[58] These variations in viewpoints can potentially have a

[57] Margaret De Judicibus & Marita P. McCabe, *Blaming the Target of Sexual Harassment: Impact of Gender Role, Sexist Attitudes, and Work Role*, 44 SEX ROLES 401, 413-414 (2001).
[58] *Ibid.*

significant outcome in the way a sexual harassment case eventually is decided. The way a jury views the victim of sexual harassment is equally important to the way determinations are made. Gender stereotyping and gender roles are a major influence in almost every aspect of society. Research has suggested that individuals are directly influenced by the behaviors of victims in relation to their gender role expectations. If individuals feel as though victims acted as they were supposed to act, or act similarly to them, they will be more sympathetic to the victim's plight.[59]

A victim of sexual harassment's mannerisms and behaviors can also influence the way a jury views them. Research has suggested a correlation between the complainant's behavioral tone and their perceived liability. In a situation in which the victim is more outspoken or assertive with their complaint of sexual harassment, there is a greater likelihood that their claim will be believable and that the employer will be found liable.[60] This factor may cause grave discrepancies between victims who are more docile and those who are more outgoing and aggressive. The notion that a jury favors a more assertive victim may be related to the way in which they perceive how unwelcome the perpetrator's conduct actually was. Docile victims may, therefore, be disadvantaged as conduct may be perceived as, "welcome until [the victim] proves otherwise. This places the burden for demonstrating that the behavior was unwelcome on the target of the conduct rather than on the defendant's ability to demonstrate how [he/she] knew [his/her] advances were welcome."[61] In instances involving male victims, a docile victim could

[59] Amy Rose Grubb & Julie Harrower, *Understanding attribution of blame in cases of rape: An analysis of participant gender, type of rape and perceived similarity to the victim*, 15 JOURNAL OF SEXUAL AGGRESSION 63, 75 (2009).
[60] Richard L. Weiner, Roni Reiter-Palmon, Ryan J. Winter, Erin Richter, Amy Humke & Evelyn Maeder, *Complainant Behavioral Tone, Ambivalent Sexism, and Perceptions of Sexual Harassment*, 16 PSYCHOLOGY, PUBLIC POLICY, AND LAW 56, 76-77 (2010).
[61] *Ibid.* 46, at 149.

then expect to be further scrutinized because he does not fit the gender stereotypes culturally thrust upon him.[62]

Another factor that can greatly influence a juror's perception is exposure to sexual harassment training. Individuals that have have had substantial sexual harassment training are more likely to identify and consider unwanted sexual gestures, remarks, deliberate touching, and pressure to go on dates or engage in activities outside of work as sexual harassment. Men, in particular, who are subjected to sexual harassment training, are generally more cognizant and sensitive to these forms of sexual harassment.[63] This type of exposure can greatly alter the perception that a juror may hold. Men, typically, are more likely to discount the severity of sexual harassment, whereas women are generally more sympathetic to victims, especially when sexual harassment policies are not in place.[64] When exposure to prior sexual harassment training is prevalent, the perception of what is and is not sexual harassment and who is and is not a victim of sexual harassment are potentially altered.

The consideration of gender, as an independent variable in sexual harassment claims, creates a unique scenario in which the victim's gender potentially influences the decisions rendered regarding a claim of, in its simplest form, gender discrimination. This concept, although seemingly paradoxical on its face, is an all too true reality in sexual harassment claims. When a claim of sexual harassment is taken to trial any pre-conceived notions a jury may have

---

[62] *Ibid.* 55.
[63] Heather Antecol & Deborah Cobb-Clark, *Does Sexual Harassment Training Change Attitudes? A View from the Federal Level*, 84 SOCIAL SCIENCE QUARTERLY 826, 838-839 (2003).
[64] Stacie A. Cass, Lora M. Levett & Margaret Bull Kovera, *The Effects of Harassment Severity and Organizational Behavior on Damage Awards in a Hostile Work Environment Sexual Harassment Case*, 28 BEHAVIORAL SCIENCES AND THE LAW 303, 317-318 (2010).

about gender, as it relates to victims and perpetrators of sexual harassment, may become a categorical foundation for any decisions rendered. This is an issue when a jury attempts to objectively analyze the facts of a case. If gender acts as a factor in determinations rendered, objectivity becomes seemingly impossible. A case of sexual harassment has specific guidelines rooted in statutory and juridical law which must be followed. Therefore, objectivity and adherence to these guidelines is of the utmost importance. If any gender influences decisions regarding sexual harassment lawsuits, objectivity drastically diminishes. This is problematic because, a juror, by the very nature of his/her position, has an expectation to abjure personal biases and make decisions in a purely objective manner. If gender influences jury determinations then the expectation of objectivity is not met. When this expectation is not met damage award amounts, inevitably and unavoidably, will become overinflated and/or underinflated based on an individual's gender.

METHOD I: SURVEY

"I'm the result of upbringing, class, race, gender, social prejudices, and economics. So I'm a victim again. A result."[65]

-James Hillman

First Director of Studies

C. G. Jung Institute in Zürich, Switzerland

The quantifying of an individual's perceptions and attitudes can be an extremely difficult task, yet the results, when such research is validly conducted, have the potential to yield tremendous insight into the human mind. As James Hillman suggested, humans are ultimately a product of variables; whether those variables are biological, psychological, or sociological. These variables are the essence of what makes an individual who they are. By being able to numerically categorize an individual's personality, views, and values, it is then more likely to be able to predict how a particular segment of the population may act in a particular scenario or under a certain set of circumstances.

Construction

In the construction of a survey the first element that needs to be addressed is the protection of the participants. Therefore, it was necessary to construct, and have approved by the University of Central Florida Institutional Review Board (IRB), an Informed Consent that would detail the purpose of the research, the rights of the participants, and who to contact if the

[65] Scott London, *From Little Acorns: A Radical New Psychology (An Interview With James Hillman)*, 267 THE SUN MAGAZINE 8, 9 (1998).

participant's had any questions or concerns about the research. The Informed Consent was listed as the Page 1 of the survey. At the bottom of Page 1 participants were required, before viewing any other page of the survey, to answer either yes or no to the statement, "I have read and understand the informed consent. I agree to participate in this survey and understand that I may discontinue the survey at any time, without penalty." If the participant selected the answer choice "Yes" he/she was directed to Page 2 of the survey. If the participant selected the answer choice "No" he/she was directed to a screen containing the statement, "Thank you for taking the time to consider participating in this research. If anything about this research project made you feel uncomfortable please feel free to contact the researcher or the University of Central Florida Institutional Review Board." The survey, in its entirety is listed as Appendix A. IRB approval of the study and the modifications made are listed as Appendices B, C, and D respectively.

Aside from the creation and implementation of an Informed Consent, the first step in designing a survey, "is to determine what the questions are that need to be asked. These will be a function both of the research objectives and of the survey design to be used."[66] The main research objective for the survey section of this project was to determine if discrepancies exist between the perception of similarly situated men and women in workplace sexual harassment claims. Therefore, it was imperative to determine the factors that would be used to construct a survey capable of answering that question. The victim of sexual harassment is generally typified by society as a woman. When the expectation for who a victim is, is compromised, innate and

[66] IAN BRACE, QUESTIONNAIRE DESIGN: HOW TO PLAN, STRUCTURE AND WRITE SURVEY MATERIAL FOR EFFECTIVE MARKET RESEARCH 11 (2008).

unsubstantiated bias may influence how the victim is viewed.[67] Understanding a participant's attitudes and biases towards a particular sex would an imperative element to test. Another key element to test would be the participant's attitudes and biases towards sexual harassment in general. By being able to differentiate participants, based on these factors and various demographic questions, it would then be possible to test if any particular segments of participants would potentially be biased in the determination of award amounts in workplace sexual harassment cases.

To evaluate biases that participants may have, either for or against a particular sex, two scales were included in the survey. The first of these measures was a short version of *The Ambivalent Sexism Inventory* (ASI), which appears as Page 2 of the survey. The ASI used is a 22 question, 6-point Likert scale test to evaluate hostile and benevolent sexism against women[68]. Likert scales are a form of questioning in which participants are asked to respond to a statement by selecting one answer choice on a continuum of answers. All Likert scale measures used in this survey consisted of a continuum from 0 (Strongly Disagree) to 5 (Strongly Agree). Hostile sexism, for purposes of this scale, involve explicit prejudicial biases against women, whereas benevolent sexism, for purposes of this scale, is:

> *"A set of interrelated attitudes towards toward women that are sexist in terms of viewing women stereotypically and in restricted roles but that are subjectively positive in feeling*

[67] Juan M. Madera, Kenneth E. Podratz, Eden B. King & Michelle R. Hebl, *Schematic Responses to Sexual Harassment Complainants: The Influence of Gender and Physical Attractiveness*, 56 SEX ROLES 223, 229 (2007).
[68] Peter Glick & Susan T. Fiske, *The Ambivalent Sexism Inventory: Differentiating Hostile and Benevolent Sexism*, 70 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 491, 512 (1996).

tone (for the perceiver) and also tend to elicit behaviors typically categorized as prosocial (e.g. helping) or intimacy-seeking (e.g. self-disclosure)."[69]

Higher scores on the ASI indicate more sexism toward women, whereas, lower scores indicate less sexism toward women. Permission to use the ASI is listed as Appendix E. The second measure used to tests biases that participants may exhibit for or against a particular sex is *The Ambivalence Toward Men Inventory* (AMI), which appears as Page 3 of the survey. The AMI is a 20 question, 6-point Likert scale test to evaluate hostility toward men and benevolence toward men.[70] The measures of hostility toward men and benevolence toward men are defined similarly to the measures of hostile sexism and benevolent sexism used in the ASI. Higher scores on the AMI indicate more hostility toward men, whereas, lower scores indicate less hostility toward men. Permission to use the AMI is listed as Appendix F.

To test any biases that participants may have towards sexual harassment as whole *The Sexual Harassment Attitude Scale* (SHAS), which appears as Page 4 of the survey, was used. The SHAS is a 19 question, 6-point Likert scale test to test participant tolerance and acceptance of sexual harassment. This measure was also used to indicate participant levels of, "agreement with contemporary feminist understandings of [sexual harassment's] causes."[71] Higher scores on the SHAS indicate a greater tolerance of sexual harassment, whereas, lower scores indicate a lower tolerance of sexual harassment. Permission to use the SHAS is listed as Appendix G. The final section of Likert scale questions for the survey can be found on Page 5. Page 5 consists of

[69] *Id.* at 491.
[70] Peter Glick & Susan T. Fiske, *The Ambivalence Toward Men Inventory: Differentiating Hostile and Benevolent Beliefs About Men*, 23 PSYCHOLOGY OF WOMEN QUARTERLY 519, 536 (1999).
[71] Donald B. Mazer & Elizabeth F. Percival, *Ideology or Experience? The Relationships Among Perceptions, Attitudes, and Experiences of Sexual Harassment in University Students*, 20 SEX ROLES 135, 140 (1989).

5, 6-point Likert scale questions. These questions were self-created with the intent to address sexual harassment attitudes that were not covered within the SHAS. Male and female victims, as well as same-sex sexual harassment, were the focal point of the questions in this section.

The next segment of the survey was the Social Scenario section (pages 6 and 7).[72] After participants completed Page 5 of the survey they were randomly directed to either page 6 or page 7 of the survey. This action was successfully executed by the insertion of a Percent Branch logic function. Participants had a random 50% chance of being directed to page 6 and a random 50% chance of being directed to page 7. Participants received no indication that they had skipped a page, as pages 6 and 7 were both labeled Page 6, and page 8 was labeled Page 7, and question numeration remained consistent throughout. The Section Scenario section involved participants reading a brief scenario involving an incident of workplace sexual harassment. The facts of the incident were modeled after the case of *Meritor Savings Bank v. Vinson.*[73] Participants were then asked, through a series of Radio Button questions, to determine liability, claim validity, and award amounts. The information and questions on pages 6 and 7 were identical, aside from one major factor. On page 6, the victim was a woman and the perpetrator was a man. On page 7, the victim was a man and the perpetrator was a woman. After completion of the page that they were directed to, whether it was page 6 or 7, all participants were directed to Page 7. The final page of the survey, Page 7, consists of a 19 question general demographic section.

[72] Author: The use of, "page x" in this context refers to the titled sections for the survey and in no way refer to the physical pages of Appendix A.
[73] *Ibid.* 23.

Testing Procedure

The survey was launched, through the host website *SurveyGizmo*, on April 18, 2012. The survey was closed on June 26, 2012. The surveys were individually reviewed and determined to be either usable or unusable. If the participant answered all questions in the survey from Page 1-Page 6, and answered , at a minimum, question 74 (What is your sex?) and question 75 (What is your Date of Birth) from Page 7, their survey would be considered for inclusion in the data analysis. Overall, 249 out of 433 total responses were completely useable.[74] Only 1 response was disqualified for failure to accept the Informed Consent. After the unusable responses were removed, the remaining, useable responses were exported for initial scoring and then exported to the data collection program SPSS for testing and analysis.

Each individual participant's response was evaluated through six categories. The first category was based on the version of the survey taken by the participant. If the participant was directed to page 6 during the survey, then he/she was assigned a 0 in the Survey Version category and the response was designated as a Version 1 response. If the participant was directed to page 7 during the survey, then he/she was assigned a 1 in the Survey Version category and the response was designated as a Version 2 response. The participant's sex was the second category evaluated. Male participants were assigned a 0 in this category and female participants were assigned a 1.

The third category evaluated was the participant's Social Scenario Rating. Responses on Page 6 were used to create a participant's Social Scenario Rating. The response selected to each question on Page 6 (67-73) was assigned either a 0 or a 1. The participant, based on their

[74] Author: "Total responses," includes all completed, partial, and disqualified surveys.

responses, would receive an initial raw score anywhere between 0 and 7. If the participant's initial raw score was 0-3, he/she would be designated as Favors Victim and assigned a 0 for the third category. If the participant's initial raw score was 4-7, he/she would be designated as Does Not Favor Victim and assigned a 1 for the third category. The raw scoring used to determine a participant's Social Scenario Rating can be found on Table 1.

Table 1: **Raw Scoring for Social Scenario Rating**

	Radio Button Choice 1	**Radio Button Choice 2**	**Radio Button Choice 3**	**Radio Button Choice 4**	**Radio Button Choice 5**	**Radio Button Choice 6**
Quest. 67	0	1	-	-	-	-
Quest. 68	0	1	-	-	-	-
Quest. 69	0	1	-	-	-	-
Quest. 70	0	1	-	-	-	-
Quest. 71	1	0	0	1	0	1
Quest. 72	1	0	0	1	0	1
Quest. 73	1	0	0	1	0	1

The fourth, fifth, and sixth categories evaluated were participants' scores on the ASI, the AMI, and the SHAS. The ASI, AMI, and SHAS are all measures for which responses are recorded through a 6-point Likert scale with values 0 (strongly disagree) – 5 (strongly agree). Responses to questions on each page were scored individually. Participant responses to the questions on Page 2 of the survey were used in the scoring of the ASI. Participant responses to the questions on Page 3 of the survey were used in the scoring of the AMI. Participant responses to the questions on Page 4 of the survey were used in the scoring of the SHAS. Responses recorded for each question were added together, totaled, and then used to determine a

participant's final score (0, 1, 2, 3, 4, 5) in each respective category.[75] Final scoring for all six categories is exhibited by Table 2.

Table 2: Scoring for Participant Survey Responses

	0	1	2	3	4	5
Survey Version	Version 1	Version 2	-	-	-	-
Sex	Male	Female	-	-	-	-
Social Scenario Rating	Favors Victim	Does Not Favor Victim	-	-	-	-
ASI	0-10	11-32	33-54	55-76	77-98	99-110
AMI	0-9	10-29	30-49	50-69	70-89	90-100
SHAS	0-9	10-28	29-47	48-66	67-85	86-95

Results

After the final scoring was complete on participant responses to the survey, the participant scores were exported to SPSS. To evaluate this data, 6 two-way factorial univariate between-subject analyses of variance (ANOVAs) were conducted. 3 of these ANOVAs used a population segment of Version 1 responses, while the other 3 ANOVAs used a population segment of Version 2 responses. Participant sex and Social Scenario Ratings were used as independent variables in every ANOVA. The dependent variables used were the ASI, the AMI, and the SHAS, however, the testing of these measures was mutually exclusive to each ANOVA conducted. The constructs of the ANOVAs used are illustrated by Table 3.

[75] Author: The response scores for questions 3, 6, 7, 13, 18, and 21 were reversed before the ASI was totaled.

Table 3: Model of ANOVAs Conducted

	ANOVA 1	ANOVA 2	ANOVA 3	ANOVA 4	ANOVA 5	ANOVA 6
Population Segment Used	Version 1 Responses	Version 1 Responses	Version 1 Responses	Version 2 Responses	Version 2 Responses	Version 2 Responses
Independent Variable 1	Sex	Sex	Sex	Sex	Sex	Sex
Independent Variable 2	Social Scenario Rating	Social Scenario Rating	Social Scenario Rating	Social Scenario Rating	Social Scenario Rating	Social Scenario Rating
Dependent Variable	ASI	AMI	SHAS	ASI	AMI	SHAS

ANOVAs 1, 2, and 3 used a population segment of Version 1 responses. The population segment for these ANOVAs included 135 participants. Of the 135 participants, approximately 40.74% were male (n = 55) and approximately 59.26% were female (n = 80). Approximately 17.04% were designated as Favors Victim (n = 23) and approximately 82.96% were designated as Does Not Favor Victim (n = 112) for purposes of the Social Scenario Rating. ANOVAs 4, 5, and 6 used a population segment of Version 2 responses. The population segment for these ANOVAs included 114 participants. Of the 114 participants, approximately 41.23% were male (n = 47) and approximately 58.77% were female (n = 67). Approximately 19.30% were designated as Favors Victim (n = 22) and approximately 80.70% were designated as Does Not Favor Victim (n = 92) for purposes of the Social Scenario Rating.

For all analyses, a significance level of $\alpha = .05$ was used ANOVA 1 found a statistical significance at the $p < 0.05$ level in ASI scores for both males and females F (1, 131) = 5.623, p = 0.019, and for participants designated as Favors Victim and Does Not Favor Victim on the Social Scenario Rating F (1, 131) = 13.456, p = 0.000. Male participants, who took Version 1 of

the survey, scored higher on the ASI (M = 2.546; SD = 0.715) than female participants (M = 1.950; SD = 0.899) by approximately 11.91%. Participants designated as Does Not Favor Victim, who took Version 1 of the survey, scored higher on the ASI (M = 2.330; SD = 0.799) than participants designated as Favors Victim (M = 1.522; SD = 0.947) by approximately 16.17%. ANOVA 2 found no statistical significance at the $p < 0.05$ level in AMI scores for males and females F (1, 131) = 0.013, p = 0.909, nor for participants designated as Favors Victim and Does Not Favor Victim on the Social Scenario Rating F (1, 131) = 2.358, p = 0.127.

ANOVA 3 found a statistical significance at the $p < 0.05$ level in SHAS scores for both males and females F (1, 131) = 6.653, p = 0.011, and for participants designated as Favors Victim and Does Not Favor Victim on the Social Scenario Rating F (1, 131) = 13.456, p = 0.047. Male participants, who took Version 1 of the survey, scored higher on the SHAS (M = 2.873; SD = 0.982) than female participants (M = 2.000; SD = 0.886) by approximately 17.46%. Participants designated as Does Not Favor Victim, who took Version 1 of the survey, scored higher on the SHAS (M = 2.438; SD = 1.047) than participants designated as Favors Victim (M = 1.957; SD = 0.767) by approximately 9.62%.

ANOVA 4 found a statistical significance at the $p < 0.05$ level in ASI scores for males and females F (1, 110) = 7.823, p = 0.006. Male participants, who took Version 2 of the survey, scored higher on the ASI (M = 2.638; SD = 0.673) than female participants (M = 2.060; SD = 0.919) by approximately 11.56%. No statistical significance at the $p < 0.05$ level was found for participants designated as Favors Victim and Does Not Favor Victim on the Social Scenario Rating F (1, 110) = 0.624, p = 0.431. ANOVA 5 found no statistical significance at the $p < 0.05$

level in AMI scores for males and females F (1, 110) = 3.515, p = 0.063, nor for participants designated as Favors Victim and Does Not Favor Victim on the Social Scenario Rating F (1, 110) = 0.442, p = 0.508. ANOVA 6 found a statistical significance at the $p < 0.05$ level in SHAS scores for males and females F (1, 110) = 7.283, p = 0.002. Male participants, who took Version 2 of the survey, scored higher on the SHAS (M = 2.766; SD = 0.890) than female participants (M = 2.194; SD = 0.802) by approximately 11.44%. No statistical significance at the $p < 0.05$ level was found for participants designated as Favors Victim and Does Not Favor Victim on the Social Scenario Rating F (1, 110) = 0.634, p = 0.427.

Men, in both versions of the survey, scored significantly higher than women on the ASI and the SHAS. Neither sex, nor Social Scenario Rating were significant indicators of AMI scores for either population segment. Social Scenario Ratings were only a significant indicator of ASI and SHAS scores on the population segment that took Version 1 of the survey. Those designated as Does Not Favor Victim scored significantly higher on the ASI and the SHAS than those designated as Favors Victim. This was a very interesting result considering that Version 1 responses dealt with a Social Scenario involving a female victim. Since significance was not found between Social Scenario Rating and ASI scores or SHAS scores for participants that took Version 2 of the survey it is reasonable to conclude that the significance found between Social Scenario Rating and ASI scores, and Social Scenario Rating and SHAS scores is a product of the sex of the victim and sex of the perpetrator in the scenario.

METHOD II: SEXUAL HARASSMENT CLAIMS AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

To fully understand how gender can influence award amounts and other monetary benefits received in workplace sexual harassment cases it is necessary to examine the actual claims of sexual harassment. The primary outlet for victims of workplace sexual harassment is the EEOC and therefore, by analyzing claims that pass through the EEOC it is possible to determine who the real victims are and if any factors influence the monetary benefits that they will receive. This section will detail national statistics on claimants of workplace sexual harassment, a more comprehensive breakdown on victims, resolution types, and monetary benefits received for victims in the Middle District of Florida, and a discussion of what this data may suggest.

National Statistics

For the fiscal year of 2011, the most recent year of available data, the EEOC received 11,364 new claims of workplace sexual harassment.[76] During this same period, the EEOC closed 12,571 claims of sexual harassment resulting in $52.3 million in monetary benefits received, excluding monetary benefits received through litigation. 473 of the 12,571 closures, or approximately 3.8%, were unsuccessful conciliations. Unsuccessful conciliations are claims closed in which the victim is determined to have cause, and is unable to amicably resolve the

[76] Author: The fiscal year spans from October 1st - September 30th.

issue with their employer.[77] Unsuccessful conciliations are that type of claim resolution for which litigation arises.

With the national statistics that are actually available, as related to workplace sexual harassment claims, it is unrealistic to make any statements about the influence of gender on award amounts or other monetary benefits those victims received. The only discernible difference, through the EEOC national statistics provided, between male and female victims is in claims made. Of the 11, 364 claims made in the fiscal year of 2011, approximately 16.3% were filed by males, and 83.7% were filed by females. This, however, does not provide any actual insight into the potential monetary discrepancies that could exist between male and female victims. Although more detailed requests were made of the EEOC, through Freedom of Information Act requests, for breakdowns of sexual harassment claims and resolutions by victim and perpetrator sex as well as by jurisdiction, 2 of 3 requests for information from the EEOC were denied. The three responses from the EEOC that included decisions regarding the requests made are included as Appendices H, I, and J.

Statistics for the Middle District of Florida

Of the three responses that included decisions regarding the requests made, only the first request was granted. The information provided by the EEOC's Miami District Office, listed as Appendix H, provides a comprehensive breakdown of claim resolutions by victim's gender for the Middle District of Florida. The Middle District of Florida consists of Baker, Clay, Duval, Hernado, Hillsborough, Lake, Lee, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas,

[77] *Sexual Harassment Charges EEOC & FEPAs Combined: FY 1997 – 2010*, UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (July 1, 2012), http://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm.

Sarasota, Seminole, and Saint Johns counties. In the fiscal year of 2011, the most recent year of available data, the EEOC received 376 new claims of sexual harassment for the Middle District of Florida. Of the 376 new claims of sexual harassment 314, or approximately 83.51%, were filed by females, and 59, or approximatley15.69%, were filed by males. 3 claims, or approximately 0.80%, were filed by victims with an unspecified gender.

In the fiscal year of 2011, the EEOC closed 372 claims of sexual harassment in the Middle District of Florida resulting in $1,917,777 in monetary benefits. 359 of the 372 closures included victims with a specified gender. Closed claims involving an unspecified gender accounted for $41,000 of the $1,917,777 in monetary benefits. This leaves $1,876,777 in monetary benefits received for closures involving individuals with a specified gender. Of the 359 closures involving individuals with a specified gender, 296, or approximately 82.45%, were claims involving female victims. 63, or approximately 17.55%, of the closures were men. Of the $1,876,777 in monetary benefits received by individuals with a specified gender, $1,763,777, or approximately 93.98%, was received by women. Only $113,000, or approximately 6.02%, of all monetary benefits received by individuals with a specified gender were men. Of the 359 closures involving individuals with a specified gender, the average amount of monetary benefits received by each individual woman was approximately $6,340. Comparatively, the average amount of monetary benefits received by each individual man was approximately $1,793. The average amount of monetary benefits received by women was approximately $4,546, or 3.5 times more per closure than men.[78]

[78] EEOC MIAMI DISTRICT OFFICE, Report No. 5102012156112, FOIA REQUEST FOR EEOC STATISTICS (2012).

Discussion

Although this sample size is relatively small, the limited sample still suggests a bias towards women with regard to monetary benefits received. Despite the fact that there are likely other contributing factors (including severity and persistency of the harassment, victim's salary or hourly wage, and whether or not the employer had a sexual harassment policy in place) to the determination of monetary benefits received, the disproportionate amounts received between men and women does beseech further inquiry. A more detailed breakdown of claims to include perpetrator sex, as well as a larger sample size could provide a more accurate and complete assessment of the discrepancies that exist between male and female victims.

Generally, "women [are] much more likely than men to view sexual behavior in the workplace as sexual harassment," however, as the years have progressed, society, as a whole, has come to view hostile work environment sexual harassment as a growing problem.[79] Despite the societal push to recognize sexual harassment as an issue in the workplace, sexual harassment for men is still an issue lacking adequate attention. By analyzing the claims resolved in the Middle District of Florida in 2011 it is reasonable to suggest that men may be receiving unequal treatment in sexual harassment claims. Although the sample size is small, the vast discrepancy existing between men and women, in terms of monetary benefits received does suggest the possibility that the discrepancies are sex-based. By being able to recognize these discrepancies, it may be possible to discover which factors may contribute most to them. In order to isolate these factors, it will be necessary to have a more comprehensive, detailed, breakdown of existing

[79] J. Mitchell Pickerill, Robert A. Jackson & Meredith A. Newman, *Changing Perceptions of Sexual Harassment in the Federal Workplace*, 1987-94, 28 LAW & POLICY 368, 387 (2006).

sexual harassment claims for a larger population segment. With this information, it may then be possible to find a substantial indicator of inequality in workplace sexual harassment claims based on sex.

CONCLUSION

Workplace sexual harassment is a civil rights issue that continues to negatively affect society. With the legal safeguard against workplace sexual harassment rooted in the Civil Rights Act of 1964's protection against discrimination on the basis of sex, it would seem fundamentally flawed for discrepancies to exist between men and women seeking protection under its reach. The general perception exists that women are the victims of sexual harassment and men are the perpetrators, however, these distinctions fail to recognize both male victims, and acts of same-sex sexual harassment. Various characteristics, actions, and attitudes can also contribute to the way victims and perpetrators of sexual harassment are viewed.

Three of these attitudes were explored through this research; sexism towards women, hostility towards men, and sexual harassment tolerance. A greater understanding of the link between individuals' prejudices and their views on sexual harassment and its victims may provide inroads to correct any inequalities that may exist. The results of the ANOVAs found that sex was a significant indicator in ASI and SHAS scores. Men were both more likely to exhibit sexism towards women and more likely to be tolerant of sexual harassment. The results also found that when the victim of sexual harassment is a woman and the perpetrator is a man, whether or not the participant favors the victim is a significant indicator of ASI and SHAS scores. This was not true of situations involving a male victim and a female perpetrator. The fact that these indicators exist for situations involving a female victim and a male perpetrator, and not the other way around, suggests that victims may be viewed differently based solely on gender. This claim is further enhanced by EEOC statistics suggesting discrepancies in monetary benefits received based on the victim's sex.

Recognizing that differences in perception exist based on the victim's sex in a workplace sexual harassment claim is the first step in identifying what causes these discrepancies and what can be done to correct them. Further inquiry into the actual monetary discrepancies that exist in sexual harassment claims, as well as subsequent research to identify what factors contribute to such discrepancies will provide a better understanding of why and to what extent male and female victims of sexual harassment are being viewed differently. This research has shown that whether a participant favored a victim or not, when the victim was female, can make some indications of the participant's prejudices and attitudes about women and sexual harassment as a whole. With further research, more significant indicators may be discovered and it may be possible to identify additional areas of inequality that may exist.

APPENDIX A: SURVEY

Gender and Workplace Sexual Harassment

Page 1

The Effects of Gender on Jury Award Amounts in Workplace Sexual Harassment Cases

Informed Consent

Principal Investigator(s): Chad Cronon, J.D.

Sub-Investigator(s): Anthony Ferraro, Undergraduate Researcher
Ian Waldick, Undergraduate Researcher
Investigational Site(s): University of Central Florida, Legal Studies Department

Introduction: Researchers at the University of Central Florida (UCF) study many topics. To do this we need the help of people who agree to take part in a research study. You are being invited to take part in a research study which will include about 200 people. You must be 18 years of age or older to be included in the research study.

The person doing this research is Dr. Chad Cronon, of the UCF Legal Studies Department. UCF students learning about research are helping to do this study as part of the research team. Their names are: Anthony Ferraro and Ian Waldick..

What you should know about a research study:
- A research study is something you volunteer for.
- Whether or not you take part is up to you.
- You should take part in this study only because you want to.
- You can choose not to take part in the research study.
- You can agree to take part now and later change your mind.
- Whatever you decide to do will not be held against you.
- Feel free to ask all the questions you want, via email, before you decide.
- You must be 18 years of age or older to participate.

Purpose of the research study: The purpose of this study is to determine the role that gender and gender biases play in jury award amounts in workplace sexual harassment cases. We will be examining the correlation between participants' views about gender and views about sexual harassment.

What you will be asked to do in the study: Participants will be asked to complete an online survey about gender and sexual harassment beliefs. This survey can be completed from any computer with internet access, and it must be completed in one sitting. This survey will be hosted on SurveyGizmo. If a question makes you uncomfortable, or you would rather not answer, you will not be penalized for skipping it. There are no wrong answers to the questions asked.

Location: Participants may take the survey on any computer that has internet access.

Time required: We expect that the research will take approximately thirty minutes.

Compensation or payment: There is no direct compensation for taking part in this study.

Anonymous research: The research will not require the disclosure of any identifying information. All of the information that you provide will be treated as confidential.

Study contact for questions about the study or to report a problem: If you have questions, concerns, or complaints, or think the research has caused you any detriment, please contact Dr. Chad Cronon, Faculty Supervisor, Department of Legal Studies at (407) 823-2603 or by email at chad.cronon@ucf.edu.

IRB contact about your rights in the study or to report a complaint: Research at the University of Central Florida involving human participants is carried out under the oversight of the Institutional Review Board (UCF IRB). This research has been reviewed and approved by the IRB. For information about the rights of people who take part in research, please contact: Institutional Review Board, University of Central Florida, Office of Research & Commercialization, 12201 Research Parkway, Suite 501, Orlando, FL 32826-3246 or by telephone at (407) 823-2901. You may also talk to them for any of the following:

- Your questions, concerns, or complaints are not being answered by the research team.
- You cannot reach the research team.
- You want to talk to someone besides the research team.
- You want to get information or provide input about this research.

I have read and understand the informed consent. I agree to participate in this survey and understand that I may discontinue the survey at anytime, without penalty. *

- ○ Yes
- ○ No

Page 2

Below is a series of statements concerning men and women and their relationships in contemporary society. Please indicate the degree to which you agree or disagree with each statement using the following scale: 0 = disagree strongly; 1 = disagree somewhat; 2 = disagree slightly; 3 = agree slightly; 4=agree somewhat; 5 = agree strongly.

1. No matter how accomplished he is, a man is not truly complete as a person unless he has the love of a woman. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

2. Many women are actually seeking special favors, such as hiring policies that favor them over men, under the guise of asking for "equality." *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

3. In a disaster, women ought not necessarily to be rescued before men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

4. Most women interpret innocent remarks or acts as being sexist. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

5. Women are too easily offended. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

6. People are often truly happy in life without being romantically involved with a member of the other sex. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

7. Feminists are not seeking for women to have more power than men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

8. Many women have a quality of purity that few men possess. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

9. Women should be cherished and protected by men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

10. Most women fail to appreciate fully all that men do for them. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

11. Women seek to gain power by getting control over men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

12. Every man ought to have a woman whom he adores. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

13. Men are complete without women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

14. Women exaggerate problems they have at work. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

15. Once a woman gets a man to commit to her, she usually tries to put him on a tight leash. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

16. When women lose to men in a fair competition, they typically complain about being discriminated against. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

17. A good woman should be set on a pedestal by her man. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

18. There are actually very few women who get a kick out of teasing men by seeming sexually available and then refusing male advances. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

19. Women, compared to men, tend to have a superior moral sensibility. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

20. Men should be willing to sacrifice their own well being in order to provide financially for the women in their lives. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

21. Feminists are making entirely reasonable demands of men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

22. Women, as compared to men, tend to have a more refined sense of culture and good taste. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

Page 3

Below are a series of statements concerning men and women and their relationships in contemporary society. Please indicate the degree to which you agree or disagree with each statement using the scale below: 0 = disagree strongly; 1 = disagree somewhat; 2 = disagree slightly; 3 = agree slightly; 4 = agree somewhat; 5 = agree strongly.

23. Even if both members of a couple work, the woman ought to be more attentive to taking care of her man at home. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

24. A man who is sexually attracted to a woman typically has no morals about doing whatever it takes to get her in bed. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

25. Men are less likely to fall apart in emergencies than women are. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

26. When men act to "help" women, they are often trying to prove they are better than women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

27. Every woman needs a male partner who will cherish her. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

28. Men would be lost in this world if women weren't there to guide them. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

29. A woman will never be truly fulfilled in life if she doesn't have a committed, long-term relationship with a man. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

30. Men act like babies when they are sick. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

31. Men will always fight to have greater control in society than women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

32. Men are mainly useful to provide financial security for women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

33. Even men who claim to be sensitive to women's rights really want a traditional relationship at home, with the woman performing most of the housekeeping and child care. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

34. Every woman ought to have a man she adores. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

35. Men are more willing to put themselves in danger to protect others. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

36. Men usually try to dominate conversations when talking to women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

37. Most men pay lip service to equality for women, but can't handle having a woman as an equal. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

38. Women are incomplete without men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

39. When it comes down to it, most men are really like children. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

40. Men are more willing to take risks than women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

41. Most men sexually harass women, even if only in subtle ways, once they are in a position of power over them. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

42. Women ought to take care of their men at home, because men would fall apart if they had to fend for themselves. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

Page 4

Below are a series of statements concerning sexual harassment in a variety of scenarios. Please indicate the degree to which you agree or disagree with each statement using the scale below: 0 = disagree strongly; 1 = disagree somewhat; 2 = disagree slightly; 3 = agree slightly; 4 = agree somewhat; 5 = agree strongly.

43. An attractive woman has to expect sexual advances and should learn how to handle them. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

44. Most men are sexually teased by many of the women with whom they interact on the job or at school. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

45. Most women who are sexually insulted by a man provoke his behavior by the way they talk, act, or dress. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

46. A man must learn to understand that a woman's "no" to his sexual advances really means "no." *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

47. It is only natural for a woman to use her sexuality as a way of getting ahead in school or at work. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

48. An attractive man has to expect sexual advances and should learn how to handle them. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

49. I believe that sexual intimidation is a serious social problem. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

50. It is only natural for a man to make sexual advances to a woman he finds attractive. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

51. Innocent flirtations make the workday or school day interesting. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

52. Encouraging a professor's or a supervisor's sexual interest is frequently used by women to get better grades or to improve their work situations. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

53. One of the problems with sexual harassment is that some women can't take a joke. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

54. The notion that what a professor does in class may be sexual harassment is taking the idea of sexual harassment too far. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

55. Many charges of sexual harassment are frivolous and vindictive. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

56. A lot of what people call sexual harassment is just normal flirtation between men and women. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

57. Sexual assault and sexual harassment are two completely different things. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

58. Sexual harassment refers to those incidents of unwanted sexual attention that aren't too serious. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

59. Sexual harassment has little to do with power. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

60. Sexism and sexual harassment are two completely different things. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

61. All this concern about sexual harassment makes it harder for men and women to have normal relationship. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

Page 5

Below are a series of statements concerning sexual harassment and gender. Please indicate the degree to which you agree or disagree with each statement using the scale below: 0 = disagree strongly; 1 = disagree somewhat; 2 = disagree slightly; 3 = agree slightly; 4 = agree somewhat; 5 = agree strongly.

62. Women deserve higher award amounts in sexual harassment cases than men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

63. Most men who bring sexual harassment cases to court are just looking for money. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

64. Most women who bring sexual harassment cases to court are just looking for money. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

65. Women are more likely to be victims of sexual harassment than men. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

66. Same-sex sexual harassment is as big of a problem as opposite-sex sexual harassment. *

	0	1	2	3	4	5	
Disagree Strongly	○	○	○	○	○	○	**Agree Strongly**

Page 6

Please read the following case outline and answer the questions below as if you were a jury member hearing the case. You may assume that all information given to you is factual. There are no wrong answers. Please answer honestly.

Mary has worked as a bank teller at Fullwillow Credit Union for the past 5 years. Mary was very attentive to her work and was rarely late. She was very popular with the other employees and always received exemplary reviews. One day during a shift, Mary's manager Richard requested she meet with him for dinner to discuss a new overtime policy. Mary agreed and met up with Richard for dinner the following evening. During the course of the dinner Richard suggested that they become intimate. Mary refused Richard's advance. The following day, without prompting, Mary succumbed to Richard's request the night prior, for fear of losing her job. Mary had never been told she would suffer any detriment by refusing to have sexual relations with Richard. Mary and Richard continuously engaged in sexual relations over the next six months. After six months Mary began an exclusive relationship with another man, thus ending her relationship with Richard. Immediately after the relationship ended, Richard took no adverse action against Mary. One year later Mary was fired for poor work performance after failing a quarterly review.

Mary has brought suit against Fullwillow Credit Union alleging that she was subjected to a hostile work environment and that her performance was marred by continuous fear of losing her job once she terminated her sexual relationship with her supervisor Richard.

67. Is Mary's claim valid? *

- ○ Yes
- ○ No

68. Should Richard be liable for Mary's claim? *

- ○ Yes
- ○ No

69. Should Fullwillow Credit Union be liable for Mary's claim? *

- ○ Yes
- ○ No

70. Should Mary be awarded back pay of $51,600 for wages and benefits lost since her firing? *

- ○ Yes
- ○ No

71. How much should Mary be compensated for any actual psychological damage or emotional distress she may have suffered? *

- $87,500
- $350,000
- $1,400,000
- All of these amounts are too high
- All of these amounts are too low
- Mary should not be awarded damages for psychological damage or emotional distress

72. How much should Mary be awarded in punitive damages from Richard (award amount used to punish the offender)? *

- $37,500
- $150,000
- $600,000
- All of these amounts are too high
- All of these amounts are too low
- Mary should not be awarded punitive damages from Richard

73. How much should Mary be awarded in punitive damages from the credit union (award amount used to punish the offender)? *

- $581,250
- $2,325,000
- $9,300,000
- All of these amounts are too high
- All of these amounts are too low
- Mary should not be awarded punitive damages from the credit union

Page 6

Please read the following case outline and answer the questions below as if you were a jury member hearing the case. You may assume that all information given to you is factual. There are no wrong answers. Please answer honestly.

Richard has worked as a bank teller at Fullwillow Credit Union for the past 5 years. Richard was very attentive to his work and was rarely late. He was very popular with the other employees and always received exemplary reviews. One day during a shift, Richard's manager Mary requested he meet with her for dinner to discuss a new overtime policy. Richard agreed and met up with Mary for dinner the following evening. During the course of the dinner Mary suggested that they become intimate. Richard refused Mary's advance. The following day, without prompting, Richard succumbed to Mary's request the night prior, for fear of losing his job. Richard had never been told he would suffer any detriment by refusing to have sexual relations with Mary. Richard and Mary continuously engaged in sexual relations over the next six months. After six months Richard began an exclusive relationship with another woman, thus ending his relationship with Mary. Immediately after the relationship ended, Mary took no adverse action against Richard. One year later Richard was fired for poor work performance after failing a quarterly review.

Richard has brought suit against Fullwillow Credit Union alleging that he was subjected to a hostile work environment and that his performance was marred by continuous fear of losing his job once he terminated his sexual relationship with his supervisor Mary.

67. Is Richard's claim valid? *

- ○ Yes
- ○ No

68. Should Mary be liable for Richard's claim? *

- ○ Yes
- ○ No

69. Should Fullwillow Credit Union be liable for Richard's claim? *

- ○ Yes
- ○ No

70. Should Richard be awarded back pay of $51,600 for wages and benefits lost since his firing? *

- ○ Yes
- ○ No

71. How much should Richard be compensated for any actual psychological damage or emotional distress he may have suffered? *

- $87,500
- $350,000
- $1,400,000
- All of these amounts are too high
- All of these amounts are too low
- Richard should not be awarded damages for psychological damage or emotional distress

72. How much should Richard be awarded in punitive damages from Mary (award amount used to punish the offender)? *

- $37,500
- $150,000
- $600,000
- All of these amounts are too high
- All of these amounts are too low
- Richard should not be awarded punitive damages from Mary

73. How much should Richard be awarded in punitive damages from the credit union (award amount used to punish the offender)? *

- $581,250
- $2,325,000
- $9,300,000
- All of these amounts are too high
- All of these amounts are too low
- Richard should not be awarded punitive damages from the credit union

Page 7

Please answer these demographic questions to the best of your ability. If you are uncomfortable answering any of these questions please feel free to contact the researcher, continue without answering, or discontinue the survey at any time.

74. What is your sex?

- ○ Male
- ○ Female

75. What is your date of birth? (MM/DD/YYYY) *

76. What is your race?

- ○ American Indian or Alaskan Native
- ○ Asian
- ○ Black or African American
- ○ Native Hawaiian or other Pacific Islander
- ○ White
- ○ Other

77. Are you Hispanic or Latino?

- ○ Yes
- ○ No

78. Is English your primary language?

- ○ Yes
- ○ No

79. Do you speak any other languages other than English?

- ○ Yes
- ○ No

80. Were you born in the United States?

- ○ Yes
- ○ No

81. Were you born in the state of Florida?

- ○ Yes
- ○ No

82. Is your primary residence in the state of Florida?

- ○ Yes
- ○ No

83. In what town/city is your primary residence?

84. What is your current living situation?

- ○ Live alone
- ○ Live with parent(s)/guardian(s) (excluding parent(s)/guardian(s) that would be listed as dependents)
- ○ Live with unrelated roommate(s)
- ○ Live with significant other
- ○ Live with significant other and child(ren)
- ○ Other

85. What is your marital status?

- ○ Single
- ○ Married
- ○ Widowed
- ○ Divorced/Separated
- ○ Remarried
- ○ Other

86. What is your highest level of education?

- ○ No Degree
- ○ High School Diploma or equivalent (or in progress)
- ○ Associates Degree (or in progress)
- ○ Bachelors Degree (or in progress)
- ○ Masters Degree (or in progress)
- ○ Doctorate Degree or equivalent (or in progress)

87. If currently enrolled in school, what is your current G.P.A.?

- ○ 0.0-2.0
- ○ 2.1-2.5
- ○ 2.6-3.0
- ○ 3.1-3.5
- ○ 3.6-4.0

88. What is your father's highest level of education?

- ○ No Degree
- ○ High School Diploma or equivalent (or in progress)
- ○ Associates Degree (or in progress)
- ○ Bachelors Degree (or in progress)
- ○ Masters Degree (or in progress)
- ○ Doctorate Degree or equivalent (or in progress)

89. What is your mother's highest level of education?

- No Degree
- High School Diploma or equivalent (or in progress)
- Associates Degree (or in progress)
- Bachelors Degree (or in progress)
- Masters Degree (or in progress)
- Doctorate Degree or equivalent (or in progress)

90. What is your current employment status?

- Unemployed
- Employed part-time
- Employed full-time
- Self-employed
- Other

91. What is your current religious affiliation?

- Buddhist
- Catholic
- Christian Protestant
- Hindu
- Jewish
- Muslim
- None
- Other

92. With what religious affiliation were you raised?

- ○ Buddhist
- ○ Catholic
- ○ Christian Protestant
- ○ Hindu
- ○ Jewish
- ○ Muslim
- ○ None
- ○ Other

APPENDIX B: IRB LETTER OF APPROVAL FOR EXEMPT HUMAN RESEARCH

University of Central Florida Institutional Review Board
Office of Research & Commercialization
12201 Research Parkway, Suite 501
Orlando, Florida 32826-3246
Telephone: 407-823-2901 or 407-882-2276
www.research.ucf.edu/compliance/irb.html

Approval of Exempt Human Research

From: **UCF Institutional Review Board #1**
FWA00000351, IRB00001138

To: **Christopher Chad Cronon** and Co-PIs: **Anthony J. Ferraro, Ian E. Waldick**

Date: **April 03, 2012**

Dear Researcher:

On 4/3/2012, the IRB approved the following activity as human participant research that is exempt from regulation:

Type of Review:	Exempt Determination
Project Title:	The Effects of Gender on Jury Award Amounts in Workplace Sexual Harassment Cases
Investigator:	Christopher Chad Cronon
IRB Number:	SBE-12-08333
Funding Agency:	
Grant Title:	
Research ID:	N/A

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB. When you have completed your research, please submit a Study Closure request in iRIS so that IRB records will be accurate.

In the conduct of this research, you are responsible to follow the requirements of the Investigator Manual.

On behalf of Sophia Dziegielewski, Ph.D., L.C.S.W., UCF IRB Chair, this letter is signed by:

Signature applied by Joanne Muratori on 04/03/2012 08:32:49 AM EDT

IRB Coordinator

APPENDIX C: IRB LETTER OF APPROVAL FOR MODIFICATION I

University of Central Florida Institutional Review Board
Office of Research & Commercialization
12201 Research Parkway, Suite 501
Orlando, Florida 32826-3246
Telephone: 407-823-2901 or 407-882-2276
www.research.ucf.edu/compliance/irb.html

Approval of Exempt Human Research

From: **UCF Institutional Review Board #1**
FWA00000351, IRB00001138

To: **Christopher Chad Cronon** and Co-PIs: **Anthony J. Ferraro, Ian E. Waldick**

Date: **April 18, 2012**

Dear Researcher:

On 4/18/2012, the IRB approved the following minor modification to human participant research that is exempt from regulation:

Type of Review:	Exempt Determination
Modification Type:	The SONA system will no longer be used. Instead the survey will be distributed through a variety of means electronically – a hyperlink to the survey, hosted by SurveyGizmo, will be sent to individual students through E-Community e-mail lists, social media, and in classes with the permission of instructors.
Project Title:	The Effects of Gender on Jury Award Amounts in Workplace Sexual Harassment Cases
Investigator:	Christopher Chad Cronon
IRB Number:	SBE-12-08333
Funding Agency:	
Grant Title:	
Research ID:	N/A

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB. When you have completed your research, please submit a Study Closure request in iRIS so that IRB records will be accurate.

In the conduct of this research, you are responsible to follow the requirements of the Investigator Manual.

On behalf of Sophia Dziegielewski, Ph.D., L.C.S.W., UCF IRB Chair, this letter is signed by:

Signature applied by Joanne Muratori on 04/18/2012 09:47:53 AM EDT

Joanne Muratori

IRB Coordinator

APPENDIX D: IRB LETTER OF APPROVAL FOR MODIFICATION II

University of Central Florida Institutional Review Board
Office of Research & Commercialization
12201 Research Parkway, Suite 501
Orlando, Florida 32826-3246
Telephone: 407-823-2901 or 407-882-2276
www.research.ucf.edu/compliance/irb.html

Approval of Exempt Human Research

From: **UCF Institutional Review Board #1**
FWA00000351, IRB00001138

To: **Christopher Chad Cronon** and Co-PIs: **Anthony J. Ferraro, Ian E. Waldick**

Date: **April 20, 2012**

Dear Researcher:

On 4/20/2012, the IRB approved the following activity as human participant research that is exempt from regulation:

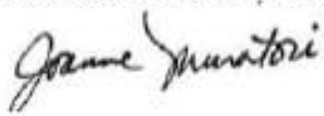
Type of Review:	Exempt Determination
Modification Type:	Revised consent document, that does not imply that only UCF students can participate, has been approved for use.
Project Title:	The Effects of Gender on Jury Award Amounts in Workplace Sexual Harassment Cases
Investigator:	Christopher Chad Cronon
IRB Number:	SBE-12-08333
Funding Agency:	
Grant Title:	
Research ID:	N/A

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB. When you have completed your research, please submit a Study Closure request in iRIS so that IRB records will be accurate.

In the conduct of this research, you are responsible to follow the requirements of the Investigator Manual.

On behalf of Sophia Dziegielewski, Ph.D., L.C.S.W., UCF IRB Chair, this letter is signed by:

Signature applied by Joanne Muratori on 04/20/2012 04:45:21 PM EDT



IRB Coordinator

APPENDIX E: PERMISSION TO USE THE AMBIVALENT SEXISM INVENTORY

Re: Permission to use ASI in undergraduate research

From: **Peter S. Glick** (peter.s.glick@lawrence.edu)
Sent: Sun 2/12/12 10:54 PM
To: ian.waldick@knights.ucf.edu (ian.waldick@knights.ucf.edu); Peter S. Glick (peter.s.glick@lawrence.edu)
Cc: ferraroaj@knights.ucf.edu (ferraroaj@knights.ucf.edu)

Please feel free to use the ASI in your research. Good luck!

PG

Connected by DROID on Verizon Wireless

-----Original message-----

From: "ian.waldick@knights.ucf.edu" <ian.waldick@knights.ucf.edu>
To: "Peter S. Glick" <peter.s.glick@lawrence.edu>
Cc: "ferraroaj@knights.ucf.edu" <ferraroaj@knights.ucf.edu>
Sent: Mon, Feb 13, 2012 03:38:51 GMT+00:00
Subject: Permission to use ASI in undergraduate research

Dr. Glick,

We are requesting permission to use the Ambivalent Sexism Inventory, from your 1995 research, as part of a survey for our undergraduate research project. My research partner, Anthony Ferraro, and I are investigating the role that gender and gender biases play in jury award amounts in federal workplace sexual harassment cases. We will determine, through the analysis of statistical data and survey data, the discrepancies between male and female sexual harassment award amounts. We would like to use the ASI in order to determine if there is a correlation between the way that potential jury members (our participants) would award damages in sexual harassment scenarios and the level of ambivalent sexism present. Please feel free to contact me at (352)229-0202 or ian.waldick@knights.ucf.edu for any more information. Thank you for your time, and we look forward to hearing from you.

Sincerely,

Ian Waldick

APPENDIX F: PERMISSION TO USE THE AMBIVALENCE TOWARD MEN INVENTORY

Re: Permission to use AMI in undergraduate research

From: **Peter S. Glick** (peter.s.glick@lawrence.edu)
Sent: Fri 3/02/12 11:24 AM
To: ian.waldick@knights.ucf.edu (ian.waldick@knights.ucf.edu)

Certainly! Please feel free to use the AMI as well!

Connected by DROID on Verizon Wireless

-----Original message-----

From: "ian.waldick@knights.ucf.edu" <ian.waldick@knights.ucf.edu>
To: "Peter S. Glick" <peter.s.glick@lawrence.edu>
Cc: "ferraroaj@knights.ucf.edu" <ferraroaj@knights.ucf.edu>
Sent: Fri, Mar 2, 2012 14:51:28 GMT+00:00
Subject: Re: Permission to use AMI in undergraduate research

Dr. Glick,

On February 12, 2012, my research partner Anthony Ferraro and I requested permission to use your Ambivalent Sexism Inventory in our research regarding the role that gender plays in jury award amounts in workplace sexual harassment cases. We would also like to request permission to use your Ambivalence toward Men Inventory. We think it would be beneficial to our research to be able to identify the levels of ambivalence toward men, as well as women, and examine how that correlates with participants' views on award amounts. Please feel free to contact me at (352)229-0202 or ian.waldick@knights.ucf.edu for any more information. Thank you for your time, and we look forward to hearing from you.

Sincerely,

Ian Waldick

P.S. My research partner, Anthony Ferraro, is cc'd on this email.

APPENDIX G: PERMISSION TO USE THE SEXUAL HARASSMENT ATTITUDE SCALE

Fw: Re: Current E-mail Address for Dr. Mazer.

From: **Don & Anne Mazer** (mazer@pei.sympatico.ca)
Sent: Fri 3/09/12 10:08 AM
To: ian.waldick@knights.ucf.edu

Dear Ian Waldick;
You have my permission to sue the Sexual Harassment Attitude Scale in your work
Regards,
Don Mazer
----- Original Message -----
From: Jane McKay
To: mazer@pei.sympatico.ca
Sent: Friday, March 09, 2012 10:07 AM
Subject: Fwd: Re: Current E-mail Address for Dr. Mazer.

Nice talking to you. Cheers. Jane

>>> Heather Russell 08/03/2012 3:12 PM >>>
Hi Jane,

Here is the email request per our conversation.

Thanks,
Carla

>>> Carol MacDonald 08/03/2012 1:07 PM >>>
Hi Heather: Can you help this gentleman? Thanks, Carol

>>> <ian.waldick@knights.ucf.edu> 3/8/2012 12:07 PM >>>
To Whom it May Concern,
We are looking for a current email address for Dr. Mazer. My research partner and I would like to request permission to use the Sexual Harassment Attitude Scale, from Dr. Mazer's 1989 article, in our undergraduate research project. We are investigating the role that gender plays in jury award amounts in workplace sexual harassment cases. This scale would be used as part of our survey, so that we could measure the participants' attitudes toward sexual harassme nt. If you have any questions, please feel free to contact me at ian.waldick@knights.ucf.edu or (352)229-0202. Thank you for your time.

Sincerely,

Ian Waldick

P.S. My research partner, Anthony Ferraro, is cc'd on this email.

APPENDIX H: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RESPONSE TO FREEDOM OF INFORMATION ACT REQUEST 1

U.S. Equal Employment Opportunity Commission
Miami District Office

2 South Biscayne Blvd
Suite 2700
Miami, FL 33131
(305) 808-1785
(305) 808-1742 TTY
(305) 808-1855 FAX

February 24, 2012

Anthony Ferraro, Undergraduate Researcher
University of Central Florida
P.O. Box 161602
Orlando, FL 32816

Re: FOIA No.: 510-2012-156112, FOIA request for EEOC Statistics

Dear Mr. Ferraro:

Your request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received by the Miami District Office on February 24, 2012 is assigned the above FOIA number. It will be processed by Carine Jean-Marie who can be reached at (305) 808-1785.

[ ] EEOC will issue a determination on your request on or before . FOIA and EEOC regulations provide 20 working days to issue a determination on a request, not including Saturdays, Sundays and federal holidays. In unusual circumstances, EEOC may extend the 20 working days by 10 additional working days or stop processing your request until you respond to our request for fee or clarifying information. Should EEOC take an extension or stop processing your request, notice will be issued prior to the expiration of the 20 working days.

[X] Your unperfected request under the FOIA was received on February 24, 2012. The request will **not** be assigned for processing until it is perfected by the submission to this office a copy of a "Filed" marked court Complaint on the above charge. Failure to submit a copy of the "Filed" marked Complaint within 30 days of your receipt of this letter may result in the administrative withdrawal of your request. Upon receipt of the "Filed" marked Complaint, your request will be perfected and processing will begin. At that time, EEOC will issue a letter acknowledging receipt of your perfected FOIA request, providing the name of the person who will be processing your request, and the date by which you may expect to receive a response from me. You may contact the Requester Service Center for status updates on your FOIA request or for FOIA information by telephone to (202) 663-4500, by fax to (202) 663-4679, by e-mail to FOIA@eeoc.gov, or by mail to the EEOC, Requester Service Center, 131 M Street NE, Suite 5NW02E, Washington, DC 20507. Additionally, if you submitted your FOIA request on line, you may monitor its status at https://egov.eeoc.gov/foia/.

Cordially,

Ozzie L. Black
Deputy Director

Fredricka B. Warren

Fredricka B. Warren
Information Specialist/FOIA

FW/cjm

U.S. Equal Employment Opportunity Commission
Miami District Office

2 South Biscayne Blvd
Suite 2700
Miami, FL 33131
(305) 808-1785
(305) 808-1742 TTY
(305) 808-1855 FAX

March 8, 2012

Anthony Ferraro
University of Central Florida
P.O. Box 161602
Orlando, FL 32816

Re: FOIA No.: 5102012156112
FOIA request for EEOC Statistics

Dear Mr. Ferraro:

Your Freedom of Information Act (FOIA) request, received in this office on February 24, 2012 has been processed. Our search began on February 24, 2012. All agency records in creation as of February 24, 2012 are within the scope of the EEOC's search for responsive records. The paragraph(s) checked below apply:

[ ] A portion of your request is neither granted nor denied because: [ ] Your request does not reasonably describe the records you wish disclosed or [ ] No records fitting the description of the records you seek disclosed exist or could be located after a thorough search. The remainder of your request is:

- [ ] Granted
- [ ] Denied pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.
- [ ] Granted in part and denied in part. Portions not released are being withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[X] Your request is granted.

[ ] Your request is denied pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ ] Your request is granted in part and denied in part. Portions not released are being withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ ] You must send a check for $[ ] made payable to the United States Treasurer by mail to the above address. Manual search and review time is billed per quarter hour based on the personnel category of the person conducting the search. Fees for search services range from $5.00 per quarter hour to $20.00 per quarter hour. Direct costs are billed for computer searches and in certain other circumstances. Photocopying is billed at $.15 per page. 29 C.F.R. §1610.15. The attached Comments page will further explain any direct costs assessed.

The fee has been computed as follows:

[ ] Commercial use requests: [ ] pages of photocopying; [ ] quarter hour(s) of [ ] review time; and [ ] quarter hour(s) of [ ] search time; Direct costs are billed in the amount of [ ] for [ ].

[ ] Requests by educational or noncommercial scientific institutions or representatives of the news media: [ ] pages of photocopying. The first 100 pages are provided free of charge.

[ ] All other requests: [ ] pages of photocopying and [ ] quarter hour(s) of [ ] search time. Direct costs are billed in the amount of [ ] for [ ]. The first 100 pages and 2 hours of search time are provided free of charge.

[ ] The disclosed records are enclosed. No fee is charged because the cost of collecting and processing the chargeable fee equals or exceeds the amount of the fee. 29 C.F.R. § 1610.15(d).

[ ] The disclosed records are enclosed. Photocopying and search fees have been waived pursuant to 29 C.F.R. § 1610.14.

[ ] You may appeal this decision by writing within thirty days of receipt of this letter to the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, N.E., Suite 5NW02E, Washington, D.C. 20507. Your appeal will be governed by 29 C.F.R. § 1610.11.

[ ] See attached Comments page for further information.

Sincerely,

Ozzie L. Black
Deputy Director

Fredricka B. Warren

Fredricka B. Warren
Information Specialist/FOIA

FW/cjm

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

[ ] (2)
[ ] (3) (A)(i)
[ ] Section 706(b) of Title VII
[ ] Section 709(e) of Title VII
[ ] Section 107 of the ADA
[ ] (3)(A)(ii)
[ ] 41 U.S.C. §253b(m) of the National Defense Authorization Act
[ ] (4)
[ ] (5)
[ ] (6)
[ ] (7)(A)
[ ] (7)(B)
[ ] (7)(C)
[ ] (7)(D)
[ ] Other (see attached)

Equal Employment Opportunity Commission and State or Local FEP Agencies
Sexual Harassment Charges Received from 10/01/2004 thru 09/30/2011
Against Respondents in the Middle District of Florida *

	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011
Total Receipts	382	366	408	513	409	393	376
Sex Female	319	294	347	418	337	316	314
% Sex Female	83.5%	80.3%	85.0%	81.5%	82.4%	80.4%	83.5%
Sex Male	57	68	55	88	63	67	59
% Sex Male	14.9%	18.6%	13.5%	17.2%	15.4%	17.0%	15.7%

* Middle District of Florida is defined as the counties of Baker, Clay, Duval, Hernado, Hillsborough, Lake, Lee, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Sarasota, Seminole & Saint Johns

Equal Employment Opportunity Commission and State or Local FEP Agencies
Sexual Harassment Charges Resolved from 10/01/2004 thru 09/30/2011
Against Respondents in the Middle District of Florida *

Gender	Disposition	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011
Female	Total Closures	316	299	261	309	264	296	295
Female	Settlement	19	37	24	30	28	27	26
Female	% Settlement	6.0%	12.4%	9.2%	9.7%	10.6%	9.1%	8.5%
Female	Withdrawal w/ Ben	41	28	38	44	24	26	34
Female	% Withdrawal w/ Ben	13.0%	9.4%	14.6%	14.2%	9.1%	8.7%	11.5%
Female	Admin Closure	54	35	50	52	53	59	69
Female	% Admin Closure	17.1%	11.7%	23.0%	16.8%	20.1%	19.8%	23.0%
Female	No Cause	178	178	123	166	136	156	148
Female	% No Cause	56.3%	59.5%	47.1%	53.7%	51.5%	52.0%	50.0%
Female	Reasonable Cause	24	21	16	17	23	28	18
Female	% Reasonable Cause	7.6%	7.0%	6.1%	5.5%	8.7%	9.4%	6.1%
Female	Conciliation	6	5	2	3	5	6	1
Female	% Conciliation	1.9%	1.7%	0.8%	1.0%	1.9%	2.7%	0.3%
Female	Failed Conciliation	18	16	14	14	18	20	17
Female	% Failed Conciliation	5.7%	5.4%	5.4%	4.5%	6.8%	6.7%	5.7%
Female	Merit Closures	84	86	76	91	75	81	80
Female	% Merit Closures	26.6%	28.8%	29.9%	29.4%	28.4%	27.2%	27.0%
Female	Monetary Benefits	$1,641,813	$1,001,105	$1,95,390	$1,233,274	$739,334	$804,666	$1,763,777

Male	Total Closures	89	89	83	88	66	97	92
Male	Settlement	2	6	6	6	6	4	5
Male	% Settlement	2.9%	11.3%	15.1%	12.0%	10.9%	7.0%	7.9%
Male	Withdrawal w/ Ben	1	7	4	6	3	3	3
Male	% Withdrawal w/ Ben	1.4%	13.2%	7.5%	12.0%	5.5%	5.3%	4.8%
Male	Admin Closure	5	7	2	4	9	11	5
Male	% Admin Closure	7.2%	13.2%	3.8%	8.0%	16.4%	19.3%	7.9%
Male	No Cause	55	32	34	31	36	39	49
Male	% No Cause	79.7%	60.4%	64.2%	62.0%	65.5%	68.4%	78.2%
Male	Reasonable Cause	6	1	5	3	1		2
Male	% Reasonable Cause	8.7%	1.9%	9.4%	6.0%	1.8%		3.2%
Male	Conciliation							
Male	% Conciliation							
Male	Failed Conciliation	6	1	6	3	1		2
Male	% Failed Conciliation	8.7%	1.9%	9.4%	6.0%	1.8%		3.2%
Male	Merit Closures	9	14	17	15	10	7	10
Male	% Merit Closures	13.0%	26.4%	32.1%	30.0%	18.2%	12.3%	15.9%
Male	Monetary Benefits	$73,000	$57,213	$139,566	$135,727	$91,099	$67,300	$113,000

Unspecified Gender	Total Closures	7	7	8	16	10	15	13
Unspecified Gender	Settlement			1	3	2	1	1
Unspecified Gender	% Settlement			12.5%	18.8%	12.5%	6.7%	7.7%
Unspecified Gender	Withdrawal w/ Ben	1	1	2	2	1	2	2
Unspecified Gender	% Withdrawal w/ Ben	14.3%	14.3%	25.0%	12.5%	6.3%	13.3%	15.4%
Unspecified Gender	Admin Closure	3		1	3	6	1	2
Unspecified Gender	% Admin Closure	42.9%		12.5%	18.8%	37.5%	6.7%	15.4%
Unspecified Gender	No Cause	3	6	4	7	5	9	8
Unspecified Gender	% No Cause	42.9%	85.7%	50.0%	43.8%	31.3%	60.0%	61.5%
Unspecified Gender	Reasonable Cause				1	2	2	
Unspecified Gender	% Reasonable Cause				6.3%	12.5%	13.3%	
Unspecified Gender	Conciliation							
Unspecified Gender	% Conciliation							
Unspecified Gender	Failed Conciliation				1	2	2	
Unspecified Gender	% Failed Conciliation				6.3%	12.5%	13.3%	
Unspecified Gender	Merit Closures	1	1	3	6	5	6	3
Unspecified Gender	% Merit Closures	14.3%	14.3%	37.5%	37.5%	31.3%	33.3%	23.1%
Unspecified Gender	Monetary Benefits	$33,150	$37,000	$78,000	$118,500	$37,500	$12,900	$41,000

		FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011

Total Charges	Total Closures	392	356	352	375	335	370	372
Total Charges	Settlement	21	43	33	39	36	32	34
Total Charges	% Settlement	5.4%	12.0%	9.3%	10.4%	10.7%	8.6%	9.1%
Total Charges	Withdrawal w/ Ben	43	36	44	52	28	31	39
Total Charges	% Withdrawal w/ Ben	11.0%	10.0%	13.7%	13.9%	8.4%	8.4%	10.5%
Total Charges	Admin Closure	62	42	63	59	68	71	75
Total Charges	% Admin Closure	15.8%	11.7%	19.0%	15.7%	20.3%	19.2%	20.2%
Total Charges	No Cause	230	216	191	204	177	206	204
Total Charges	% No Cause	58.7%	60.7%	54.0%	54.4%	52.8%	55.7%	54.8%
Total Charges	Reasonable Cause	30	22	21	21	26	30	20
Total Charges	% Reasonable Cause	7.7%	6.1%	5.9%	5.6%	7.8%	8.1%	5.4%
Total Charges	Conciliation	6	5	2	3	5	8	1
Total Charges	% Conciliation	1.5%	1.4%	0.6%	0.8%	1.5%	2.2%	0.3%
Total Charges	Failed Conciliation	24	17	19	18	21	22	19
Total Charges	% Failed Conciliation	6.1%	4.7%	5.4%	4.8%	6.3%	5.9%	5.1%
Total Charges	Merit Closures	94	101	98	112	90	93	93
Total Charges	% Merit Closures	24.0%	28.1%	30.4%	29.9%	26.9%	25.1%	25.0%
Total Charges	Monetary Benefits	$1,747,962	$1,095,318	$1,002,955	$1,497,601	$866,933	$884,808	$1,917,777

* Middle District of Florida is defined as the counties of Baker, Clay, Duval, Hernado, Hillsborough, Lake, Lee, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Sarasota, Seminole & Saint Johns

APPENDIX I: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RESPONSE TO FREEDOM OF INFORMATION ACT REQUEST 2

U.S. Equal Employment Opportunity Commission
Office of Legal Counsel

131 M Street NE
Washington, DC 20507
(202) 663-4500
(202) 663-7026 TTY
(202) 663-4679 FAX

JUN 6 2012

Anthony Ferraro
University of Central Florida
P.O. Box 161602
Orlando, FL 32816

Re: FOIA No.: 510-2012-160352

Dear Mr. Ferraro:

Your Freedom of Information Act (FOIA) request, received in this office on May 04, 2012 has been processed. Our search began on May 04, 2012. All agency records in creation as of May 04, 2012 are within the scope of the EEOC's search for responsive records. The paragraph(s) checked below apply:

[ ] A portion of your request is neither granted nor denied because: [ ] Your request does not reasonably describe the records you wish disclosed or [ ] No records fitting the description of the records you seek disclosed exist or could be located after a thorough search. The remainder of your request is:

- [ ] Granted
- [ ] Denied pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.
- [ ] Granted in part and denied in part. Portions not released are being withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ ] Your request is granted.

[X] Your request is denied.

[ ] Your request is granted in part and denied in part. Portions not released are being withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ ] You must send a check for $[ ] made payable to the United States Treasurer by mail to the above address. Manual search and review time is billed per quarter hour based on the personnel category of the person conducting the search. Fees for search services range from $5.00 per quarter hour to $20.00 per quarter hour. Direct costs are billed for computer searches and in certain other circumstances. Photocopying is billed at $.15 per page. 29 C.F.R. §1610.15. The attached Comments page will further explain any direct costs assessed. The fee has been computed as follows:

- [ ] Commercial use requests: [ ] pages of photocopying; [ ] quarter hour(s) of [ ] review time; and [ ] quarter hour(s) of [ ] search time; Direct costs are billed in the amount of [ ] for [ ].

[ ] Requests by educational or noncommercial scientific institutions or representatives of the news media: [ ] pages of photocopying. The first 100 pages are provided free of charge.

[ ] All other requests: [ ] pages of photocopying and [ ] quarter hour(s) of [ ] search time. Direct costs are billed in the amount of [ ] for [ ]. The first 100 pages and 2 hours of search time are provided free of charge.

[ ] The disclosed records are enclosed. No fee is charged because the cost of collecting and processing the chargeable fee equals or exceeds the amount of the fee. 29 C.F.R. § 1610.15(d).

[ ] The disclosed records are enclosed. Photocopying and search fees have been waived pursuant to 29 C.F.R. § 1610.14.

[X] You may appeal this decision by writing within thirty days of receipt of this letter to the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, N.E., Suite 5NW02E, Washington, D.C. 20507. Your appeal will be governed by 29 C.F.R. § 1610.11.

[X] See attached Comments page for further information.

Sincerely,

Stephanie D. Garner
Assistant Legal Counsel FOIA Programs

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

[ ] (2)
[ ] (3) (A)(i)
[ ] Section 706(b) of Title VII
[ ] Section 709(e) of Title VII
[ ] Section 107 of the ADA

[ ] (3)(A)(ii)
[ ] 41 U.S.C. §253b(m) of the National Defense Authorization Act

[ ] (4)
[ ] (5)
[ ] (6)
[ ] (7)(A)
[ ] (7)(B)
[ ] (7)(C)
[ ] (7)(D)
[ ] Other (see attached)

Re: FOIA No.: 510-2012-180352 (Anthony Ferraro)

Comments

This is in response to your Freedom of Information Act (FOIA) request. You seek statistics in relation to sexual harassment claims. Your request has been denied.

The information you seek has been made available to the public. Visit our website at www.eeoc.gov. Below are the steps to locate the information you seek.

In the third column, under **Employees**, refer to the link **Sexual Harassment**.

At the bottom right, refer to the link **Statistics**.

You may review the chart provided **Sexual Harassment Charges EEOC & FEPAs Combined: FY1997 – FY 2011**.

We hope this information has been helpful to you.

APPENDIX J: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RESPONSE TO FREEDOM OF INFORMATION ACT REQUEST 3

U.S. Equal Employment Opportunity Commission
Office of Legal Counsel

131 M Street NE
Washington, DC 20507
(202) 663-4500
(202) 663-7026 TTY
(202) 663-4679 FAX

JUN 6 2012

Anthony Ferraro
University of Central Florida
P.O. Box 161602
Orlando, FL 32816

Re: FOIA No.: 510-2012-160352

Dear Mr. Ferraro:

Your Freedom of Information Act (FOIA) request, received in this office on May 04, 2012 has been processed. Our search began on May 04, 2012. All agency records in creation as of May 04, 2012 are within the scope of the EEOC's search for responsive records. The paragraph(s) checked below apply:

[ ] A portion of your request is neither granted nor denied because: [ ] Your request does not reasonably describe the records you wish disclosed or [ ] No records fitting the description of the records you seek disclosed exist or could be located after a thorough search. The remainder of your request is:

- [ ] Granted
- [ ] Denied pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.
- [ ] Granted in part and denied in part. Portions not released are being withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ ] Your request is granted.

[X] Your request is denied.

[ ] Your request is granted in part and denied in part. Portions not released are being withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ ] You must send a check for $[ ] made payable to the United States Treasurer by mail to the above address. Manual search and review time is billed per quarter hour based on the personnel category of the person conducting the search. Fees for search services range from $5.00 per quarter hour to $20.00 per quarter hour. Direct costs are billed for computer searches and in certain other circumstances. Photocopying is billed at $.15 per page. 29 C.F.R. §1610.15. The attached Comments page will further explain any direct costs assessed. The fee has been computed as follows:

- [ ] Commercial use requests: [ ] pages of photocopying; [ ] quarter hour(s) of [ ] review time; and [ ] quarter hour(s) of [ ] search time; Direct costs are billed in the amount of [ ] for [ ].

[ ] Requests by educational or noncommercial scientific institutions or representatives of the news media: [ ] pages of photocopying. The first 100 pages are provided free of charge.

[ ] All other requests: [ ] pages of photocopying and [ ] quarter hour(s) of [ ] search time. Direct costs are billed in the amount of [ ] for [ ]. The first 100 pages and 2 hours of search time are provided free of charge.

[ ] The disclosed records are enclosed. No fee is charged because the cost of collecting and processing the chargeable fee equals or exceeds the amount of the fee. 29 C.F.R. § 1610.15(d).

[ ] The disclosed records are enclosed. Photocopying and search fees have been waived pursuant to 29 C.F.R. § 1610.14.

[X] You may appeal this decision by writing within thirty days of receipt of this letter to the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, N.E., Suite 5NW02E, Washington, D.C. 20507. Your appeal will be governed by 29 C.F.R. § 1610.11.

[X] See attached Comments page for further information.

Sincerely,

Stephanie D. Garner
Assistant Legal Counsel FOIA Programs

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

[ ] (2)
[ ] (3) (A)(i)
[ ] Section 706(b) of Title VII
[ ] Section 709(e) of Title VII
[ ] Section 107 of the ADA
[ ] (3)(A)(ii)
[ ] 41 U.S.C. §253b(m) of the National Defense Authorization Act
[ ] (4)
[ ] (5)
[ ] (6)
[ ] (7)(A)
[ ] (7)(B)
[ ] (7)(C)
[ ] (7)(D)
[ ] Other (see attached)

Re: FOIA No.: 510-2012-160352 (Anthony Ferraro)

Comments

This is in response to your Freedom of Information Act (FOIA) request. You seek statistics in relation to sexual harassment claims. Your request has been denied.

The information you seek has been made available to the public. Visit our website at www.eeoc.gov. Below are the steps to locate the information you seek.

In the third column, under **Employees**, refer to the link **Sexual Harassment**.

At the bottom right, refer to the link **Statistics**.

You may review the chart provided **Sexual Harassment Charges EEOC & FEPAs Combined: FY1997 – FY 2011**.

We hope this information has been helpful to you.

REFERENCES

29 C.F.R. §1604.11(a) (1985).

42 U.S.C. § 2000e et seq. (2012).

42 U.S.C. § 2000e-2(a)(1) (1964).

42 U.S.C. § 2000e-3(a) (1964).

EEOC MIAMI DISTRICT OFFICE, Report No. 5102012156112, FOIA REQUEST FOR EEOC STATISTICS (2012).

Sexual Harassment Charges EEOC & FEPAs Combined: FY 1997 – 2010, UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (July 1, 2012), http://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm.

Griggs v. Duke Power Co., 401 U.S. 424 (1971).

Los Angeles Dept. of Water and Power v. Manhart, 435 US 702 (1978).

McDonnell Douglas Corporation v. Green, 411 U.S. 792 (1973).

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

Newport News Shipbuilding & Dry Dock Co. v. EEOC, 462 U.S. 669 (1983).

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998).

Price Waterhouse v. Hopkins, 490 U.S. 228 (1989).

Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981).

Henson v. Dundee, 682 F.2d 897 (11th Cir. 1982).

Amy Rose Grubb & Julie Harrower, *Understanding attribution of blame in cases of rape: An analysis of participant gender, type of rape and perceived similarity to the victim*, 15 JOURNAL OF SEXUAL AGGRESSION 63, 75 (2009).

Carol Jones, *Drawing Boundaries: Exploring the Relationship Between Sexual Harassment, Gender, and Bullying*, 29 WOMEN'S STUDIES INTERNATIONAL FORUM 147, 154 (2006).

Catharine A. MacKinnon, *Sexual Harassment of Working Women*, *in* SEXUAL HARASSMENT LAW: HISTORY, CASES, AND THEORY 23, 28-29 (Jennifer Ann Drobac ed., 2005).

Cynthia Deitch, *Gender; Race, and Class Politics and the Inclusion of Women in Title VII of the 1964 Civil Rights Act*, *in* RACE, CLASS, & GENDER: COMMON BONDS, DIFFERENT VOICES 294 (Esther Ngan-Ling Chow, Doris Wilkinson & Maxine Baca Zinn eds., 1996).

David B. Filvaroff & Raymond E. Wolfinger, *The Origin and Enactment of the Civil Rights Act of 1964*, *in* LEGACIES OF THE 1964 CIVIL RIGHTS ACT 22, 26, 30 (Bernard Grofman ed., 2000).

Donald B. Mazer & Elizabeth F. Percival, *Ideology or Experience? The Relationships Among Perceptions, Attitudes, and Experiences of Sexual Harassment in University Students*, 20 SEX ROLES 135, 140 (1989).

Eros DeSouza & Joseph Solberg, *Women's and Men's Reactions to Man-to-Man Sexual Harassment: Does the Sexual Orientation of the Victim Matter?*, 50 SEX ROLES 623, 636 (2004).

Harriet Samuels, *Sexual Harassment in the Workplace: A Feminist Analysis of Recent Developments in the UK*, 26 WOMEN'S STUDIES INTERNATIONAL FORUM 467, 480 (2003).

Heather Antecol & Deborah Cobb-Clark, *Does Sexual Harassment Training Change Attitudes? A View from the Federal Level*, 84 SOCIAL SCIENCE QUARTERLY 826, 838-839 (2003).

IAN BRACE, QUESTIONNAIRE DESIGN: HOW TO PLAN, STRUCTURE AND WRITE SURVEY MATERIAL FOR EFFECTIVE MARKET RESEARCH 11 (2008).

J. Mitchell Pickerill, Robert A. Jackson & Meredith A. Newman, *Changing Perceptions of Sexual Harassment in the Federal Workplace*, 1987-94, 28 LAW & POLICY 368, 387 (2006).

JANIS L. MCDONALD, FRANK S. RAVITCH & PAMELA SUMNERS, EMPLOYMENT DISCRIMINATION LAW: PROBLEMS, CASES, AND CRITICAL PERSPECTIVES 77, 80 (2007).

JENNIFER ANN DROBAC, SEXUAL HARASSMENT LAW: HISTORY, CASES, AND THEORY 58 (2005).

Juan M. Madera, Kenneth E. Podratz, Eden B. King & Michelle R. Hebl, *Schematic Responses to Sexual Harassment Complainants: The Influence of Gender and Physical Attractiveness*, 56 SEX ROLES 223, 229 (2007).

Kathleen M. Rospenda, Judith A. Richman & Stephanie J. Nawyn, *Doing Power: The Confluence of Gender, Race, and Class in Contrapower Sexual Harassment*, 12 GENDER & SOCIETY 40, 56 (1998).

Kenneth Y. Chay, *The Impact of Federal Civil Rights Policy on Black Economic Progress: Evidence from the Equal Employment Opportunity Act of 1972*, 51 INDUSTRIAL AND LABOR RELATIONS REVIEW 608, 610-611 (1998).

LIZA H. GOLD, SEXUAL HARASSMENT: PSYCHIATRIC ASSESSMENT IN EMPLOYMENT LITIGATION 49 (2004).

MARCIA MOBILIA BOUMIL, STEPHEN C. HICKS, JOEL FRIEDMAN & BARBARA EWERT TAYLOR, LAW AND GENDER BIAS 131, 133-134 (1994).

Margaret De Judicibus & Marita P. McCabe, *Blaming the Target of Sexual Harassment: Impact of Gender Role, Sexist Attitudes, and Work Role*, 44 SEX ROLES 401, 413-414 (2001).

Margaret S. Stockdale, Michelle Visio & Leena Batra, *The Sexual Harassment of Men: Evidence for a Broader Theory of Sexual Harassment and Sex Discrimination*, 5 PUBLIC POLICY 630, 631-632 (1999).

Marita P. McCabe & Lisa Hardman, *Attitudes and Perceptions of Workers to Sexual Harassment*, 145 THE JOURNAL OF SOCIAL PSYCHOLOGY 719, 735 (2005).

Michael A. Messner, *Masculinities and Athletic Careers, in* RACE, CLASS, & GENDER: COMMON BONDS, DIFFERENT VOICES 73 (Esther Ngan-Ling Chow, Doris Wilkinson & Maxine Baca Zinn eds., 1996).

Paul Burstein, *The Impact of EEO Law: A Social Movement Perspective, in* LEGACIES OF THE 1964 CIVIL RIGHTS ACT 135-136, 142 (Bernard Grofman ed., 2000).

Peter Glick & Susan T. Fiske, *The Ambivalence Toward Men Inventory: Differentiating Hostile and Benevolent Beliefs About Men*, 23 PSYCHOLOGY OF WOMEN QUARTERLY 519, 536 (1999).

Peter Glick & Susan T. Fiske, *The Ambivalent Sexism Inventory: Differentiating Hostile and Benevolent Sexism*, 70 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 491, 512 (1996).

Richard L. Weiner, Roni Reiter-Palmon, Ryan J. Winter, Erin Richter, Amy Humke & Evelyn Maeder, *Complainant Behavioral Tone, Ambivalent Sexism, and Perceptions of Sexual Harassment*, 16 PSYCHOLOGY, PUBLIC POLICY, AND LAW 56, 76-77 (2010).

Robert C. Bird, *More Than a Congressional Joke: A Fresh Look at the Legislative History of Sex Discrimination of the 1964 Civil Rights Act, in* SEXUAL HARASSMENT LAW: HISTORY, CASES, AND THEORY 5 (Jennifer Ann Drobac ed., 2005).

Scott London, *From Little Acorns: A Radical New Psychology (An Interview With James Hillman)*, 267 THE SUN MAGAZINE 8, 9 (1998).

Stacie A. Cass, Lora M. Levett & Margaret Bull Kovera, *The Effects of Harassment Severity and Organizational Behavior on Damage Awards in a Hostile Work Environment Sexual Harassment Case*, 28 BEHAVIORAL SCIENCES AND THE LAW 303, 317-318 (2010).

STEVEN H. GIFIS, BARRON'S LAW DICTIONARY 362, 381 (1984).