

Hispanic Law Students' Perceptions of Discrimination, Justice, and Career Prospects

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In this study, ethnic and gender discrimination perceived by minority students was investigated in a sample of 118 Hispanic law school students. Despite governmental efforts at promoting affirmative action practices, perceived discrimination can act as a barrier in the legal profession that keeps minority and female attorneys from advancing in the profession. Results were consistent with the hypotheses, suggesting that (a) female students anticipated more discrimination in the legal profession than male students; (b) the higher the perceived discrimination, the less fair the students perceived the promotion process in their future law firm will be; and (c) the lower the perceived fairness of the promotion process, the lower the satisfaction with their chosen career (the law profession) and the lower the respondents' perceived career prospects. Practical implications and avenues for future research are discussed.

Organizational behaviorists have studied the effects of perceived ethnic and gender discrimination in the workplace with important results. Ethnic discrimination was found to be positively related to work tension and negatively related to organizational commitment and job satisfaction (Sanchez & Brock, 1996). For women, perceptions of gender discrimination were associated with lower feelings of power and prestige on the job and more work conflict (Gutek, Cohen, & Tsui, 1996). In addition, Gutek et al. (1996) found that women perceived more discrimination against women than did men and felt their organization favored men in hiring and promotions. McWhirter (1997) measured ethnic and gender differences in perceived barriers to education and career among Mexican American and Euro-American high school students. She found that female students perceived more barriers than male students, and Mexican American participants anticipated more barriers than

Euro-American participants. The results of the study suggest that high school students are aware of the potential for gender and ethnic discrimination in their future workplace.

There has been a lack of research on whether minority law school students expect to encounter ethnic and gender discrimination once they complete their professional training and enter the legal profession. In this study, a sample of Hispanic law school students was surveyed to ascertain what they believe they will face once they enter the legal profession. The following research questions were addressed: Does a perception of future discrimination in one's workplace have an effect on perceptions of promotion fairness and perceived career prospects? and Are perceptions of fairness related to their satisfaction with the legal profession? Answering these questions also makes a contribution to the procedural justice literature by examining how ethnic and gender discrimination affect perceptions of justice in the workplace. There has been little research done on the effect of gender and ethnicity on perceptions of fairness.

We address this gap in the literature by surveying Hispanic law school students about what they anticipate the environment to be like in law firms. It is important to understand the barriers in the workplace that minority law school students perceive prior to their entering the legal profession because these perceived barriers are likely to influence such critical decisions as how long they plan to stay in the organization or even the profession.

There has been an increase in management research using Hispanic populations that corresponds to the increase in Hispanics' participation in the U.S. workforce. In 1990, Hispanics were the second largest minority group in the U.S. population (9.0%) and in the U.S. labor force (7.5%) (Bento, 1997). By the year 2050, Hispanics should represent 22.5% of the U.S. population, which will make Hispanics as numerous as all other minorities combined (Fine, 1995). Understanding the perceptions of a group of Hispanic law school students will increase our knowledge about the career choices made by highly educated ethnic minorities, a population that is highly sought after and yet still often stigmatized.

Literature Review and Hypotheses

Many of the empirical studies using race or ethnicity as a variable in management research lack theories or models for understanding race differences. This suggests a need for theory development and empirical work around race and ethnic differences as they relate to organizational behavior and more attention to the intersection of race and gender (Nkomo, 1992). Some

researchers have begun to address these theoretical concerns. Using a public sector organization as a research setting, Powell and Butterfield (1997) tested the theory that promotion candidates' race works to the disadvantage of racial minorities in a promotion decision. They confirmed that race does work to the disadvantage of a minority candidate but that the effect is not a direct one. Race indirectly affected promotion decisions through job-relevant variables such as employment in the hiring department and years of work experience. In other words, promotion outcomes were attributable to race differences in key job-relevant variables that affected promotion decisions by review panels.

In organization behavior research that uses race and ethnicity as a variable, findings are highly mixed. For example, inconsistent results were found in studies of (a) how race or ethnic identity affects job satisfaction, (b) whether there is racial or ethnic bias in hiring interviews, (c) the nature of the effect of race and ethnicity on leader behavior and subordinate reactions, and (d) the validity of various employment tests for people of different racial and ethnic groups (Cox & Nkomo, 1990). One interpretation of these mixed results is that some subtle form of racism is operating in these studies (Brief et al., 1997).

Hispanics face challenges in the labor force such as (a) language problems, which may range from minor to major communication difficulties; (b) lower educational attainment of many Hispanics; and (c) biculturalism, which is how to deal with acculturation into the larger American society (Knouse, Rosenfeld, & Culbertson, 1992).

In this study, the perceptions of male and female Hispanic law school students are assessed, including whether they will face discrimination based on ethnicity in their workplace. In addition, items are included that assess whether gender influences perceptions of discrimination. In Powell and Butterfield's (1997) study of promotions in a federal agency, women of color did not experience the negative effects of race that men of color experienced. However, Hispanic women executives in another study believed that being a woman and a Hispanic in the business world meant carrying a double burden because of resistance to them first as Hispanics and then as women (Glass Ceiling Commission Report, 1995). Sanchez and Brock (1996) controlled for gender in their study of ethnic discrimination because they believed Hispanic women may perceive discrimination as occurring because of gender discrimination as opposed to ethnicity. This study provided Hispanic law school students the opportunity to report their perceptions of the ethnic and/or gender discrimination they anticipate encountering in their law firms.

Perceptions of Justice in Promotions to Partner

The model in Figure 1 allows for ethnic and gender discrimination as factors affecting perceptions of promotion fairness. Procedural justice refers to the design of procedures, specifically, how well the design incorporates the criteria that individuals use to evaluate fairness. The criteria are consistency, accuracy, correctability, representativeness, ethicalness, and suppression of unrestrained self-interest (Leventhal, 1980; Leventhal, Karuza, & Fry, 1980). Put another way, individuals believe that allocative procedures that satisfy certain criteria are fair and appropriate. Identifying the factors that influence perceptions of fairness is one way in which procedural justice theory can be advanced and a contribution can be made (Gilliland, 1993).

When individuals perceive that there will be gender or ethnic discrimination in their workplace for individuals similar to themselves, they will be less likely to perceive that promotion procedures and outcomes will be fair. For example, if a female law school student perceives that discrimination based on gender exists in her law firm, she will be less likely to agree that promotion procedures will be standardized for consistency and based on accurate information for associates of the same gender. When promotion procedures are not standardized, or when criteria for promotion decisions are unspecified or vague, there may be more occasions for gender-related bias favoring men to affect the outcome of the promotion process (Powell & Butterfield, 1994). Research has shown that discrimination is a major factor reported by women in management acting as a deterrent to career development (Davidson & Cooper, 1992).

In a review of research on gender effects on performance evaluation (Nieva & Gutek, 1980), it was found that more promale bias by evaluators occurs when extrapolation from available data to future contexts is required (as in promotions), whereas less bias is likely in evaluating past performance because less inference is required (as in awarding performance bonuses). In research on managerial selection decisions, researchers concluded that due to the complexity of the decision, organizational discrimination may be covert and therefore less easily understood (Ohlott, Ruderman, & McCauley, 1994). The potential for biased perceptions and stereotyping is great for the promotion potential decision because the supervisor may not have adequate information (Landau, 1995). Lower rates of promotion for female lawyers are at least partly due to subjective evaluation systems that permit male partner biases to filter through (Kende, 1994). When procedures for promotion are standardized and criteria for decisions are well established, qualified women may fare at least as well as qualified men (Powell & Butterfield, 1994).

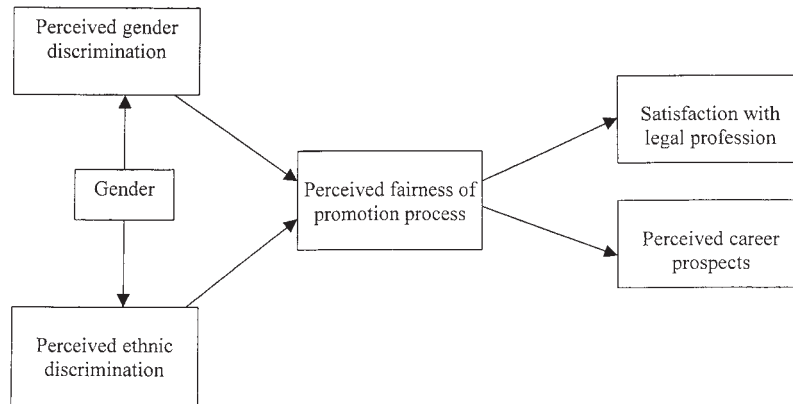


Figure 1. Proposed theoretical model.

Hypothesis 1: Perceptions of discrimination will be negatively related to the perceived fairness of the promotion process.

Influence of Gender on Perceptions of Discrimination

Compared to men, women will be more likely to perceive that they are kept from advancing in their firms due to their gender. It is difficult to make a case for men experiencing discrimination on the basis of their gender when one looks at the percentage of men running the country's largest companies. Ninety percent of the top jobs at the 500 largest companies in the United States are held by men, and nearly 98% of CEO, chairman, and company president positions are held by men (Himmelstein & Forest, 1997). Even though some research has shown that gender worked to women's advantage in promotion decisions in federal government agencies (Lewis, 1986; Powell & Butterfield, 1994, 1997), these results may have been due to the unique nature of promotion procedures in the federal government that stresses procedural fairness, objectivity, openness, and accountability by decision makers. In professional service firms such as law firms, the procedure is subjective and is affected by partner biases, politics, and power relations (Malos & Campion, 1995).

Hypothesis 2: Gender will be related to perceived ethnic and gender discrimination. Specifically, women are more likely than men to perceive that there is discrimination preventing them from advancing in their firms.

Perceived Career Consequences

Law schools, similar to any professional school, are meant to prepare students for their chosen career. Although law students have yet to experience being a full-time law associate, it is likely that they develop impressions of what life will be like in their chosen profession. Research has demonstrated a link between Hispanic law associates' perceptions of discrimination and negative perceptions of career success as well as increased intentions to leave their firms (Foley, Kidder, & Powell, in press). Similarly, satisfaction with one's chosen career has been found to influence both career and organizational commitment (Aryee, Chay, & Chew, 1994; Aryee & Tan, 1992). If Hispanic law students perceive that they will face discrimination in their future places of employment, they are likely to have lower satisfaction with their chosen career of law. Research in the career literature has also shown that career satisfaction is strongly related to number of promotions (Bozionelos, 1996).

If individuals perceive that the promotion process in their law firm will be fair, they may be more likely to have advancement aspirations (i.e., a strong desire to be promoted to partner) and advancement expectations (i.e., expectations of attaining partnership). There is evidence to show that people have low career aspirations when they think their chances for promotions are low; however, aspirations are not necessarily low to begin with but may be lowered as people encounter the realities of their job situation (Kanter, 1977). In the legal profession, for example, women associates are half as likely to become law firm partners as men (Beiner, 1996). Blocked opportunity, powerlessness, and tokenism tend to generate employees who have low aspirations, lack commitment, and behave ineffectively in leadership roles (Kanter, 1977). A woman's assessment of her potential for success in her career influences the extent to which she emphasizes her career. In other words, the greater the potential for success, the more she is likely to emphasize success (Powell & Mainiero, 1992). However, even when women are promoted, the research has shown that promotions bring less power for women than men (Ragins & Sundstrom, 1989).

We hypothesize that the relationship between perceptions of discrimination and our two outcome variables will be accounted for by fairness perceptions. Discrimination will have an effect on individuals' satisfaction with the legal profession and their perceived career prospects because of the unfairness perceived in the promotion process. In other words, if we removed fairness from the model, we would expect a positive relationship between discrimination and the outcome variables. However, when fairness is added

to the model, the previously significant relationships are considerably weakened. We predict that perceived fairness is a potent condition for the effect to occur.

Hypothesis 3: Perceived fairness of the promotion process will mediate the relationship between perceived discrimination and the outcome variables, satisfaction with the legal profession and perceived career prospects.

Method

Sample and Procedure

We obtained permission to survey the approximately 2,500 members of the Hispanic National Bar Association (HNBA), a professional organization composed mainly of Hispanic lawyers, law professors, judges, and law students. The portion of the HNBA membership that was relevant to this study consisted of current law students. The HNBA's records indicated that its members included approximately 1,026 Hispanic law school students, of which we obtained 118 completed surveys, for a response rate of approximately 12%. Respondents were 64% female, 33% Mexican, 18.3% Puerto Rican, 17.4% Cuban, 29.6% Central/South American, and 1.7% Spanish. Approximately 36% of the respondents were married, 59.6% had no children, whereas 25% had only one child. The average age was 28.18 years, 81% were born in the United States, 28% had a family member who was a lawyer, and 81.8% had a working spouse.

Measures

All variables were measured on a Likert-type scale ranging from 1 (*strongly disagree*) to 5 (*strongly agree*). A complete list of the items for the explanatory variables can be found in Table 1.

Perceived ethnic discrimination. Law school students' perceptions of ethnic discrimination were measured with a modified version of Sanchez and Brock's (1996) Perceived Discrimination Scale designed to measure general discrimination in the workplace favoring non-Hispanics. Students in this study were asked to "Please begin each sentence with: In my future job, I will probably . . ." The items addressed anticipated future ethnic discrimination on the job. Therefore, each item assesses the degree to which a particular example of ethnic discrimination is likely to be experienced by the respondent. An exploratory principal-axis factor analysis revealed one factor with

Table 1. Explanatory Variables and Items

Perceived ethnic discrimination

“Please begin each sentence with: In my future job, I will probably . . . ”

1. Feel that my ethnicity is a limitation
2. Find that sometimes people try to stop me from advancing because of my ethnic origin
3. Not get enough recognition because I am different
4. Feel that others exclude me from their activities because of my ethnic background
5. Find that people look down on me if I practice customs of my culture

Perceived gender discrimination

“Please begin each sentence with: In my future job, I will probably . . . ”

1. Find that men are promoted faster than women in this organization
2. Find that men are more likely than women to be promoted to partner in this organization

Perceived fairness of the promotion process

“Please begin each sentence with: In my future job, I will probably . . . ”

1. Find that the promotion procedure to partnership is designed to use standards so that decisions can be made with consistency
2. Find that the promotion procedure to partnership is designed to allow for requests for clarification or additional information
3. Find that the promotion procedure to partnership is designed to collect accurate information
4. Find that the promotion procedure to partnership is designed to provide opportunities to appeal or challenge the decision
5. Find that the promotion procedure to partnership is designed to provide useful feedback regarding the decision and its implementation
6. Find that the promotion procedure to partnership is designed to include the concerns of the promotion candidate affected by the decision

NOTE: Response options were 1 (*strongly disagree*) to 5 (*strongly agree*).

an eigenvalue above 1. The average of these five items was used as a scale indicator of the perceived ethnic discrimination (Cronbach's alpha = .86).

Perceived gender discrimination. This variable was measured with a modified version of Gutek et al.'s (1996) scale designed to measure gender discrimination in the workplace. The two items were averaged (Cronbach's alpha = .86).

Perceived fairness of the promotion process. Procedural justice was measured with eight items. The first six items were drawn from Moorman's (1991) Procedural Justice Scale (which was modified by replacing the word *procedures* with *the promotion procedure to partnership*). We also measured Karambayya and Brett's (1989) 2-item Procedural Justice Scale. This scale

asks both about the fairness and satisfaction with the process, which is a common practice in procedural justice research (Lind & Tyler, 1988). An exploratory principal-axis factor analysis of responses to the eight items yielded one factor with an eigenvalue above 1. The average of the eight items was used as one scale indicator of perceived fairness of the promotion process (Cronbach's $\alpha = .91$).

Dependent variables. For each of the dependent variables, the scale items were modified by asking respondents to "Please begin each sentence with: In my future job, I will probably . . ."

Satisfaction with the legal profession. Two items were developed to measure respondents' satisfaction with their chosen career, the legal profession: "like working in the legal profession" and "like working in my chosen area of the legal profession" (Cronbach's $\alpha = .80$).

Perceived career prospects. This variable was assessed with items that referred to both expectations and aspirations for advancement to partner. Advancement expectations were assessed with three items. One item was adapted from Greenhaus, Collins, Singh, and Parasuraman (1997): "I think I will eventually become a partner in this organization." Two additional items were developed for this study: "I would be surprised if I made partner in this organization," (reverse coded) and "I am confident that I will make partner in this organization." Advancement aspirations were assessed with three items. One item was adapted from Greenhaus et al. (1997): "I eventually want to become a partner in this organization." The other two items were developed for purposes of this study: "Although it requires a sacrifice, I aspire to be a partner in this organization," and "I will do whatever it takes to become a partner in this organization." A principal-axis factor analysis yielded one factor with an eigenvalue above 1. Cronbach's α for this six-item scale was .90.

Analyses

Mediated regression analysis was used to test our proposed model. We used the mediated regression procedure outlined by Baron and Kenny (1986): In Step 1, the mediator is regressed on the independent variable; in Step 2, the dependent variable is regressed on the independent variable; and finally in Step 3, the dependent variable is regressed simultaneously on both mediator and independent variable. A mediated relationship exists if the effect of the independent variable on the mediator is significant, the effect of the independent variable on the dependent variable is significant, the effect of

the mediator on the dependent variable is significant, and the effect of the independent variable on the dependent variable is less when the mediator is in the equation. In particular, the relationship is fully mediated if the independent variable has no significant effect when the mediator is controlled and partially mediated if the independent variable's effect is still significant but smaller when the effect of the mediator is controlled. Baron and Kenny also pointed out that given the nature of psychological studies, it is more likely to expect a partial mediation rather than a complete mediation.

An initial exploratory principal-axis factor analysis of the three explanatory variables (perceived ethnic discrimination, perceived gender discrimination, and procedural justice) extracted three factors with eigenvalues above 1. The first factor included all eight justice items, the second factor contained the five ethnic items, and the third factor contained the two gender items. No item cross-loaded above .4, and the item loadings ranged from .604 to .850 within factors. This indicated that the independent variables and the mediator variable were empirically distinct.

Results

Table 2 presents Pearson correlations, means, and standard deviations for the measured variables in our model: gender, perceived ethnic discrimination, perceived gender discrimination, procedural justice perceptions, satisfaction with the legal profession, and perceived career prospects.

Results of the mediated regression are presented in Table 3. Hypothesis 1 suggested that perceptions of ethnic and gender discrimination would be negatively related to perceptions of promotion fairness. The results of this analysis are listed as Step 1 of the analysis. This hypothesis was supported. Both forms of perceived discrimination had a significant, negative relationship with perceptions of procedural justice.

To test Hypothesis 2, that gender would have a direct effect on perceived ethnic and gender discrimination, independent-sample *t* tests were used. A significant difference was found between men and women in perceptions of gender discrimination ($t = -4.39, p = .000$) but not in perceptions of ethnic discrimination ($t = -.72, p = .473$). Therefore, female Hispanic law students perceive higher levels of gender discrimination, but both male and female Hispanic law students perceive the same level of ethnic discrimination.

Results for Hypothesis 3 are also presented in Table 3. Hypothesis 3 stated that perceptions of fairness would mediate the relationship between perceived discrimination and the outcome variables, satisfaction with the law profession and perceived career prospects. This hypothesis was supported,

Table 2. Descriptive Statistics and Correlations

| | <i>M</i> | <i>SD</i> | 1 | 2 | 3 | 4 | 5 |
|---------------------------------------|----------|-----------|--------|---------|---------|--------|--------|
| 1. Gender (0 = male, 1 = female) | 0.64 | 0.48 | | | | | |
| 2. Perceived ethnic discrimination | 2.42 | 1.01 | .07 | | | | |
| 3. Perceived gender discrimination | 3.75 | 1.00 | .28*** | .49*** | | | |
| 4. Procedural justice | 2.82 | 0.71 | -.18 | -.46*** | -.44*** | | |
| 5. Satisfaction with legal profession | 3.96 | 0.99 | -.09 | -.27** | -.21* | .32** | |
| 6. Perceived career prospects | 3.07 | 0.79 | -.24** | -.15 | -.33*** | .44*** | .42*** |

NOTE: $N = 118$.* $p < .05$. ** $p < .01$. *** $p < .001$.

with one exception. Specifically, a significant relationship was found between perceived procedural justice and the two dependent variables. In addition, perceived justice fully mediated the relationship between both perceived discrimination measures (ethnic and gender) and satisfaction with the law profession, as well as fully mediating the relationship between perceived gender discrimination and perceived career prospects. However, the mediation analysis failed at Step 2 for perceived ethnic discrimination and perceived career prospects. In other words, perceived ethnic discrimination was not related to perceived career prospects. In sum, our argument that justice would be related to our outcome variables held, as well as our hypothesis that justice mediated the relationship between perceived discrimination and our career dependent variables, with the exception that the students in our sample did not associate ethnic discrimination with lower career prospects.

Discussion

The present study investigated whether there are perceptions of ethnic and gender discrimination in the legal profession among a group of Hispanic law school students. The purpose of the study was twofold. First, an attempt was made to gather evidence that perceived discrimination has a negative effect on perceptions of justice in the workplace. Second, we examined whether perceptions of injustice, in turn, negatively affected such workplace attitudes as satisfaction with the legal profession and perceived career prospects.

Table 3. Mediated Regression Analysis (standardized coefficients reported)

| | Perceived Justice | | Satisfaction With Law | | | Perceived Career Prospects | | |
|---------------------------------|-------------------|----------|-----------------------|-------|--------|----------------------------|-----------|----------|
| | Step 1 | | Step 2 | | Step 3 | Step 2 | | Step 3 |
| Perceived ethnic discrimination | -.46*** | | -.27** | | -.16 | -.15 | | .08 |
| Perceived gender discrimination | | -.44*** | | -.21* | -.09 | | -.33*** | -.17 |
| Perceived justice | | | | .25* | .28** | | | .48*** |
| Adjusted R^2 | .20 | .19 | .07 | .04 | .11 | .09 | .01 | .10 |
| F | 28.09*** | 26.09*** | 8.98** | 5.49* | 7.25** | 6.56** | <i>ns</i> | 13.87*** |
| | | | | | | | | 13.11*** |
| | | | | | | | | 14.92*** |

* $p < .05$. ** $p < .01$. *** $p < .001$.

We found that the Hispanic law students in our sample perceived some level of gender and ethnic discrimination in their future law firms (only 14% scored a 1 on perceived ethnic discrimination, and only 2.5% scored a 1 on perceived gender discrimination) and also that this discrimination negatively affects perceived fairness of the promotion process. Perceptions of promotion fairness were positively related to satisfaction with the legal profession and perceived career prospects. This has implications for law firms as they attempt to select and retain high-performing minority employees.

A second important finding is that fairness of the promotion process accounted for the relationship between perceived discrimination and satisfaction with the legal profession. Thus, the fairness of the promotion process is the mechanism influencing perceived career satisfaction. Given that our sample came from students motivated and prepared enough to enter law school, our results represent a conservative test—these are individuals who are capable, else they would not have been admitted. Future research should examine perceptions of Hispanic law students before entering law school to ascertain if there is something about the law school experience that accounts for the perceptions of discrimination among students yet to enter the workforce.

Finally, our results indicated that Hispanic law students see gender discrimination impeding career progress but do not believe that ethnic discrimination will be a major barrier to their perceived career prospects. This is a positive sign and is reflected in the relatively low average on the Perceived Ethnic Discrimination Scale (below the midpoint of 2.5, see Table 2). Clearly, these students believe that discrimination influences fair processes in law firms; however, they do not view discrimination as a major determinant of their own expected career outcomes. Perhaps these students feel that the current emphasis on managing and encouraging diversity will work in their favor once they are employed. Future research should examine other factors (such as positive attitudes toward affirmative action programs) to help explain why Hispanic law students do not believe that discrimination will be a major barrier to their own career advancement opportunities.

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