

Justice, Sexual Harassment, and the Reasonable Victim Standard

Deborah L. Wells

Beverly J. Kracher

ABSTRACT. In determining when sexual behavior in the workplace creates a hostile working environment, some courts have asked, "Would a reasonable **person** view this as a hostile environment?" Two recent court decisions, recognizing male-female differences in the perception of social sexual behavior at work, modified this standard to ask, "Would a reasonable **victim** view this as a hostile environment?" As yet, there is no consensus in the legal community regarding which of these standards is just.

We propose that moral theory provides the framework from which business people can construct just procedures regarding sexually hostile environments. We argue that the natural duty of mutual respect of persons and the natural duty not to harm the innocent compels business people to identify sexually hostile work environments from the perspective of the reasonable victim, usually from the woman's perspective.

Within the context of this moral framework, a training approach designed to reduce the incidence of sexually harassing behaviors in the workplace is proposed.

Introduction

The Senate judiciary committee hearings confirming the appointment of Justice Clarence Thomas to the

United States Supreme Court provided dramatic testimony that sexual harassment remains a formidable workplace problem. Although the practical impact in the workplace of the Thomas-Hill controversy is difficult to judge, two recent lower court decisions related to sexual harassment should cause managers to take stock of the treatment of sexual harassment within their companies. The impact of these decisions on employers who permit sexually hostile work environments to exist is dubious at this time. This paper presents a compelling moral argument that explains why employers must identify sexually hostile work environments from the perspective of the victim, most often a woman.

Forms of sexual harassment

There are two generally recognized forms of sexual harassment (EEOC Guidelines, 1980). In *quid pro quo* sexual harassment, the victim is promised an employment benefit or advantage in return for a sexual favor or is denied continued employment or some advantage for refusing to participate in sex (*Arbitration Journal*, 1988). The victim is implicitly or explicitly told that he or she will be selected to fill a position, receive a pay increase, a promotion, or a favorable performance rating, for example, in return for performing a sexual act. Or, the victim is implicitly or explicitly told that he or she will lose his or her job, or receive a low performance rating, for example, if he or she does not perform sexually.

The second widely recognized form of sexual harassment, hostile environment sexual harassment, occurs when an employee's work performance suffers because sex-related behaviors in the work place create an intolerable work environment (EEOC Guidelines, 1980). Co-workers, supervisors, or even

Deborah Wells is an Assistant Professor of Management at Creighton University. She received her Ph.D. in industrial/organizational psychology. Her publications have appeared in the Journal of Applied Psychology and the Journal of Vocational Behavior. Her primary research interests are related to women's workplace issues.

Beverly Kracher is an Assistant Professor of Business Ethics and Society at Creighton University. She received her Ph.D. in philosophy. She has lectured on business ethics to accounting, sales, and management groups. Her current research interests are ethical role modeling, the place of moral motivation in business, and sexual harassment in the workplace.

customers or clients who continuously ask employees for dates, or make lewd remarks or gestures to employees, can create a hostile working environment. So can the posting of suggestive calendars, posters, or centerfolds or the display of lewd magazines.

Sexual harassment and the law: rulings prior to Ellison and Jacksonville Shipyards

Section 703 (a) (1) of Title VII of the 1964 Civil Rights Act prohibits employment discrimination on the basis of sex. For more than ten years after the passage of the Civil Rights Act, however, the judicial system did not recognize sexual harassment as employment discrimination. Reasoning that sexual attraction would naturally play a role in employment decisions and that perpetrators were acting on their own when they harassed others, courts declined to view sexual harassment as deprivation of employment opportunities to victims, chiefly women (Koen, 1990; Morlacci, 1987). This "boys will be boys" reasoning prevailed until the mid-1970s, when lower courts at last allowed that the most invidious type of sexual harassment, *quid pro quo*, was indeed a form of discrimination. Even so, courts found sexual harassment to be discriminatory only if the victim suffered a tangible economic loss, such as denial of a promotion or pay increase, by refusing the harasser's sexual demands. If the impact of harassment was psychological or otherwise intangible, no discrimination was found to have occurred (Morlacci, 1987).

In 1986, the United States Supreme Court heard its first case dealing with sexual harassment. The high court's ruling in *Meritor Savings Bank v. Vinson* was particularly important because it recognized hostile environment sexual harassment as a form of employment discrimination that could be as potentially harmful as *quid pro quo* sexual harassment. Although this Supreme Court decision regarding hostile environment sexual harassment was viewed by feminists and interested others as a triumph, the text of the ruling itself leaves much interpretation for the lower courts (Hauck and Pearce, 1987; Hukill, 1991). Specifically missing is a test or decision rule for when a work environment is so contaminated by sexual behavior that it can be considered truly hostile (Koen, 1990).

Hostile environment sexual harassment and the law: reasonable victim standards in Ellison and Jacksonville Shipyards

A contemporary and controversial legal development in hostile environment sexual harassment employment discrimination litigation is the product of lower court rulings in two states. A California appellate court, in *Ellison v. Brady*, demanded that hostile environments be judged from the viewpoint of a reasonable victim, not a reasonable person. In *Jacksonville Shipyards*, a Florida court ruled that the impact of sexually suggestive calendars and other photographs prominently displayed in a workplace be judged from the viewpoint of those negatively affected: women (Murphy *et al.*, 1991; Simon, 1991).

Ellison v. Brady and Jacksonville Shipyards: brief description and implications

Ellison v. Brady

After accompanying colleague Gray to lunch on one occasion, IRS employee Kerry Ellison received a number of letters, in addition to subsequent social invitations, from Gray. Ellison reported Gray's behavior to her supervisor, but attempted to further discourage Gray with the assistance of a coworker who asked Gray to leave Ellison alone. Subsequently, the supervisor, too, asked Gray to stop, but he continued to write letters to Ellison. Although, as the court later acknowledged, many of these letters were innocuous in nature, in one letter Gray stated that he could not stand to feel Ellison's hatred of him, and he continued to write even after she was temporarily relocated in another city for training. When Ellison returned following the completion of her training, Gray agreed to be transferred to a different office, but later changed his mind and successfully protested the transfer through his union's grievance procedure. Upon his return to the office in which Ellison worked, she filed a complaint with the California EEOC (Simon, 1991).

The judge in the federal court that first heard Ellison's case declared that love letters did not constitute sexual harassment, according to any reasonable person. But the decision in *Ellison v. Brady*

rendered by the appeals court overturned the original decision, saying that what does or does not constitute sexual harassment can only be determined by viewing the alleged harassing acts from the perspective of a reasonable victim. This appellate court decision achieved notoriety because it overturned the reasonable person test for judging the impact of one individual's behavior on another.

Jacksonville Shipyards

The Ninth Circuit Court of Appeals, in *Ellison V. Brady*, was not the only court to recognize the merits of the reasonable victim standard. A federal court in Jacksonville, Florida recognized that by allowing male welders latitude in posting printed materials depicting women in sexually submissive positions, the Jacksonville Shipyards perpetuated a work atmosphere that was degrading to female welders (Hayes, 1991; Murphy *et al.*, 1991). This court, too, declared that the impact of posting sexually demeaning materials should be judged from the perspective of the victim; in this case from the perspective of the female employees.

Reactions to Ellison and Jacksonville Shipyards

Some members of the legal community have labeled the courts in *Ellison v. Brady* and *Jacksonville Shipyards* "maverick." These critics discount the impact of the reasonable victim standard, saying that such a standard will not be widely adopted (Larsen, 1991; Epping, 1992). These attorneys narrowly define the reasonable victim standard to mean that only a person who is exactly like the victim (same race, same gender, same age, and so on) is able to judge a situation from that victim's perspective. But it is not necessary to understand the reasonable victim standard in this sense. The reasonable victim standard only requires that a person is able to put himself or herself in the position of the victim in order to judge a situation from that victim's perspective, and it is in this latter sense that we will use the reasonable victim standard in this paper. As of today, there is no agreement within the legal community to

use the reasonable victim standard in either sense to identify hostile environment sexual harassment.

Reasonable victim standard: from the law to morality

The fact that there is no single set of legally accepted criteria for identifying hostile work environments created by sexual harassment is problematic for business since accepted legal standards often function as adequate guides for constructing policies for the workplace. But this has been overcome with past problems. Many policies, for example smoking policies, have been made without the benefit of legal precedent. That policies must be set without benefit of legal precedent is not surprising, since it often takes years before court edicts, especially Supreme Court edicts, are issued in response to problems arising in day-to-day work life. Given this legal vacuum, it is imperative that businesses look to other sources of standards for conducting their activities. One such source has been, and will be, morality.

Morality is a relevant source of standards for business since, other than legal precedent, it is the only other criterion for determining what is just or fair. Thus, in the case of hostile environment sexual harassment we can look to morality in order to construct a policy that fairly identifies sexually hostile environments. The thesis of this paper is that fair workplace policies regarding sexually hostile environments identify sexually hostile environments from the perspective of the reasonable victim. We use the modern moral theory of John Rawls to defend this thesis.

Rawls' moral theory

Heralded as the most ambitious and influential work in social philosophy in the late twentieth century, John Rawls' *A Theory of Justice* (1971) establishes a fair method for arriving at fundamental principles of justice for individuals as well as for the basic institutions of society. Rawls' central idea is that just principles are those principles people, when in a certain fair situation, would unanimously accept. Rawls calls the situation of fairness "the original position" and

describes it as a hypothetical situation where free, self-interested, impartial, and rational people agree to principles of conduct they must live by once outside of the original position.

Anyone who has ever tried to get a group of self-interested people to unanimously agree to anything will immediately recognize a problem Rawls faced when constructing his theory. Self-interested people pursue private agendas and thus it is difficult if not impossible to achieve consensus among them. Furthermore, it is difficult to maintain impartiality in self-interested people. Rawls responds to these problems by requiring that we drop all knowledge of our private agendas and, like justice herself, become more or less blindfolded to the qualities that bias our agreements. Thus, in the original position individuals know nothing about who they will be once outside of the original position. That is, in the original position individuals know nothing about what race they will be, their intellectual ability, social status, religion, or class. Rawls calls imposition of the blindfold “the veil of ignorance.” This veil of ignorance ensures impartiality and promotes unanimity.

Rawls argues that rationality in the original position dictates use of the maximin strategy. This means that an individual will choose principles where the worst outcome for him or her is the least bad. In *A Theory of Justice* Rawls argues for and systematically explores two social principles of justice he believes would be agreed to in the original position, namely, the equal liberty principle and the difference principle (p. 302).

In particular, the difference principle is the assertion that social and economic inequalities are to be arranged so that they are both:

- (A) to the greatest benefit of the least advantaged . . . and,
- (B) attached to offices and positions open to all under conditions of fair equality of opportunity (Rawls, 1971, p. 302).

Rawls also argues that in the original position individuals would consent to at least five principles of justice for individuals and individual arrangements (which he calls natural duties). These principles are the duty to uphold just institutions, the duty to give mutual aid, the duty of mutual respect of

persons, the duty not to harm the innocent, and the duty not to injure.

Rawls' principles pertain to hostile environment sexual harassment in two important ways. First, there must be equal opportunity to hold offices and positions in a just society, according to the second part of the difference principle. Since hostile environment sexual harassment violates this principle by closing off to victims the offices and positions they would otherwise hold, hostile environment sexual harassment is shown to be unjust. Second, an understanding of the duty to show respect to persons and the duty not to harm the innocent provides a framework from which we can devise fair workplace policies regarding hostile environment sexual harassment, as we shall show in the following section.

Natural duties and hostile environments

The duty not to harm the innocent and the duty to show mutual respect to persons provide an excellent moral framework for constructing a standard from which to judge whether or not a sexually hostile work environment exists. The rest of this section shows how the duties to show respect to persons and not to harm the innocent provide an identification of sexually hostile environments from the perspective of the victim.

Both duties, namely, to show respect to persons and not harm the innocent, would be agreed to in the original position and thus are important moral constraints. Regarding the duty not to harm the innocent, we can assume that the innocent are persons who are unwilling recipients of harm done to them.

Regarding the duty to show mutual respect Rawls states:

Mutual respect is shown in several ways: in our willingness to see the situation of others from their point of view, from the perspective of their conception of their good; and in our being prepared to give reasons for our actions whenever the interests of others are materially affected . . . Further, . . . to respect another as a moral person is to try to understand his aims and interests from his standpoint and to present him with considerations that enable him to accept the constraints on his conduct . . . Also respect is shown in a willingness to do small favors and courtesies . . . because they are an appropriate

expression of our awareness of another person's feelings and aspirations . . . parties in the original positions know that in society they need to be assured by the esteem of their associates. Their self-respect and their confidence in the value of their own system of ends cannot withstand the indifference much less the contempt of others. Everyone benefits from living in a society where the duty of mutual respect is honored (Rawls, 1971, pp. 337–338).

Rawls tells us that respect for persons involves being willing to see things from another's point of view. We need not agree with this other person's perspective, but in order to show respect we must be willing to recognize the other person's perspective and act appropriately. This respect, Rawls tells us, must be mutual and not one-sided. For example, I must be willing to see your perspective and you must be willing to see mine.

Prima facie, there are four ways to identify sexually hostile work environments. First, sexually hostile environments could be identified from the perspective of the reasonable harasser. Second, sexually hostile environments could be identified from the perspective of the reasonable harasser and the reasonable victim (assuming that these perspectives are different from one another). Third, sexually hostile environments could be identified from the perspective of the reasonable person, that is, from the perspective of the reasonable harasser or the reasonable victim (where these perspectives are ultimately the same). Fourth, sexually hostile environments could be identified from the perspective of the reasonable victim. While there are these four possibilities, we assert that only by identifying sexually hostile environments from the perspective of the reasonable victim will a workplace policy be practical and just. Our reasons for not choosing the first three alternatives are the following.

If sexually hostile environments are identified from the perspective of the reasonable harasser, then the duty not to harm the innocent is not fulfilled. For the innocents in this case are the employees being subjected to unwelcome sex-related behavior. They are innocent since they are unwilling participants in the sexually harassing environment in which they find themselves. Innocents are harmed when hostile environments are defined only from the perspective of the harasser since that environment, unproblematic to the harasser who created it,

is demeaning to the target or victim and undermines his or her sense of self-esteem. If sexually hostile environments are identified only from the perspective of the harasser, then people are not required to consider the perspective of the victim. This allows harm to occur to the victim, which is morally unacceptable on the grounds of our natural duty not to harm the innocent.

While the duty to show mutual respect may lead us to think that we must identify sexually hostile environments from both perspectives, identifying hostile environments from the perspectives of both the reasonable harasser and the reasonable victim is practically worthless. For while persistent jokes, remarks, and gestures may be perceived as innocuous from the viewpoint of the employee or employer making them, they are threatening or abusive from the viewpoint of the target employee. The duty of mutual respect does require us to take into account another's perspective. But when the perspectives involved are irreconcilable, as in the case of sexually hostile environments, no constructive practical policy can be devised which identifies sexually hostile environments from both perspectives.

If sexually hostile environments are identified from the perspective of the reasonable person, then it does not matter whether the reasonable person assumes the role of the harasser or the victim. For if sexually hostile environments are identified from the perspective of the reasonable person, then there is only one perspective in hostile environment issues, namely, the reasonable person. If there is only one perspective, then as a reasonable person, that individual is able to extrapolate from the particulars of any role assumed and judge whether or not a sexually hostile environment exists in a situation. However, there is more than one perspective in hostile environment issues. As we show in a later section of the paper, men and women generally have different perspectives regarding sexual behavior at work. Since, generally, men are sexual harassers and women are the victims of sexual harassment, then generally harassers have a different perspective than victims. Thus, sexually hostile environments cannot be identified from the reasonable person perspective since there is no *one* reasonable person standard regarding sexually hostile environments.

Since there are reasons for not using the first three

alternatives to identify sexually hostile environments, we are left with the alternative of identifying sexually hostile environments from the fourth perspective, namely, through the perspective of the reasonable victim. This alternative is acceptable for the same reasons the others were not. First, it is practically workable since it provides us with a real way to discern instances of sexually hostile environments. For we need only ask reasonable victims if they see a sexual situation as unwelcome and abusive in order to identify sexually hostile environments. Second, it promotes an individual's duty not to harm the innocent because it requires that people identify sexually hostile environments from the perspective of the innocents. Third, it is consistent with current studies which evidence the differences in perspectives between harassers and victims.

Determining the exact qualifications for being a reasonable victim takes us outside the scope of this paper. Nevertheless, assuming that Rawls is correct in arguing that persons in the original position would consent to the duty to show respect to persons, we can say that a reasonable victim's perspective is restricted by the duty to show respect to persons. This is as it should be. The reasonable victim must show respect to others in as much as others must respect the victim. Thus, on the one hand, the reasonable victim must allow some sexual behavior that she finds merely annoying for the sake of the person with a more highly sexual orientation. On the other hand, the reasonable victim can restrict some sexual behavior in the workplace, namely, that sexual behavior that creates an abusive and thus harmful environment. Thus, adhering to the duty to show respect to persons allows us to distinguish between harmful sexual environments and sexual environments which are offensive yet not harmful and to assert that the reasonable victim identifies hostile environments as only those sexual situations that are abusive or harmful.

In summary, we argue that we should identify sexually hostile environments from the perspective of the reasonable victim. This identification standard is practical, and fulfills the duty not to harm the innocent. In keeping with Rawls, we affirm that a reasonable victim is a person who accepts a duty to show respect to persons. We argue that accepting this duty restricts the reasonable victim's perspective. And this is how it should be. On account of the duty

to show respect to persons who are more highly sexually oriented, the reasonable victim allows sexual environments in the workplace that are merely annoying. Yet on account of the duty to show respect to persons with less sexual orientations, the reasonable victim is permitted to restrict sexual environments which are abusive and harmful, that is, which are sexually hostile environments.

Employer responses to sexual harassment

Practitioner-oriented literature is filled with advice on how to avoid sexual harassment claims and costly subsequent litigation. The basic advice, followed by many employers, is to treat sexual harassment in much the same way other serious employee-reported problems are treated: Draft a policy forbidding the behavior, make workers and supervisors aware of the prohibition, establish a reporting procedure, and subject violators to progressive discipline. The persistence of workplace sexual harassment complaints and litigation, however, suggests that employer responses have been inadequate in the past and a revised approach should be taken.

Sexual harassment training and the reasonable victim standard

We have used the duty not to harm the innocent and the duty to show respect to persons as a framework from which we arrived at an identification standard for sexually hostile environments. Our thesis is that sexually hostile environments should be identified from the perspective of the reasonable victim. But consideration of the duty to show respect to persons and the duty not to harm the innocent also leads us to say that sexually hostile environments can be curtailed in the workplace through two types of training programs: consciousness-raising, aimed at promoting understanding of the different perspectives men and women hold on sexual behavior in the workplace, and assertiveness training, geared toward teaching potential victims how to respond more forcefully to harassment so that harassers clearly understand there is a perspective other than their own.

Training to promote consciousness raising

Hostile environment sexual harassment training programs must promote mutual respect of persons by changing men's and women's understanding and behaviors so that they can perceive, tolerate, and respect their divergent perceptions of the workplace environment. Research shows that men and women experience workplace sexuality quite differently. Men, in general, report a more sexualized work atmosphere than do women (Gutek *et al.*, 1990), in that conversations among men at work are more likely to contain sex-related jokes, comments, and stories of sexual conquests than are conversations among women. Increased contact between the genders, an inevitable consequence of increasing labor force participation rates for women, promotes a more sexualized work environment for women, too, (Gutek *et al.*, 1990) thus increasing the likelihood that sexual harassment will occur. When men and women do encounter sexual behavior at work, they view it very differently. One survey uncovered a stunning dichotomy between men and women: 75 percent of male respondents would be flattered by sexual advances in the workplace; 75 percent of females would be offended (Hayes, 1991).

Sex-related conduct, statements, acts, or events that may not be offensive or harmful to men are offensive and even frightening to women. Women simply have learned to see more of the sexual conduct in the workplace as threatening because they are much more often than men the victims of sexual assault and rape (Simon, 1991). Likewise, men have learned, through sex role socialization, that they should initiate social and sexual activities with women. Men may not turn off this role expectation when they come to work, and so "role spillover" undoubtedly accounts for some sexually harassing behavior (Gutek *et al.*, 1990). Because both of these sets of responses, male and female, are learned, it makes sense that training can help employees "unlearn" them.

Segal (1990) has developed a training exercise designed to sensitize employees to interpersonal differences in perception of sexual behaviors. He advocates preparing ". . . a list of 20 to 30 examples of conduct which, either alone or in conjunction with other conduct, arguably might give rise to a hostile work environment" (Segal, 1990, p. 176).

Participants individually rate the degree to which they believe the conduct gives rise to a hostile work environment. Discussion within mixed gender groups then ensues. In Segal's experience, three patterns have emerged. First, there are wide differences in what women do and do not view as harassing. Second, women are more likely than men to see any given sex-related behavior as giving rise to a hostile environment, and third, when sexual conduct is aimed at women, rather than men, both genders are more likely to see its hostile potential. Participants in this training come away with a heightened awareness of differences between male and female perceptions of workplace sexuality and are more likely to understand the consequences of their sex-related speech and behavior. We recommend this kind of approach to enable employees to see that there are other viewpoints on sexuality and to help them develop a sense of duty to show respect to others.

Assertiveness training

Workplace training programs must enable individuals to fulfill their duty not to harm the innocent and their duty to show respect to persons. They must reinforce those abilities in individual employees that allow them clearly and forcefully to show how unwelcome particular acts of sexual behavior are, while understanding that the behavior may arise not from malice, but from having a different perspective. Reinforcement of these abilities is necessary since it is questionable whether we can hold a harasser at fault for his or her actions if there is no response from the victim to indicate to the harasser that his or her actions are unwelcome and harmful. That is, the harasser must reasonably be able to know that his or her actions are creating a hostile environment in order to be able to hold the harasser responsible for his or her actions. And since it is sufficient for the harasser's knowledge that his or her actions are creating a hostile environment that the victim clearly states or shows that the actions are unwelcome and harmful, it is beneficial to reinforce the abilities of the victim to make this known.

We recommend that potential victims learn to clearly show their disfavor with particular sexual behaviors through assertiveness training programs.

These training programs must accomplish two goals. First, they must determine participants' current levels of assertiveness. The Rathus Assertiveness Schedule, for example, is a diagnostic instrument that has been successfully used for this purpose (Dawley and Wenrich, 1976).

The second goal that must be achieved by training programs is to impart techniques individuals can use to be more assertive when needed. One valuable technique is role playing. Role playing allows individuals to practice being assertive. Role playing may include rehearsing what to say to a harasser. For example, it is valuable to rehearse using "I" statements (e.g., "I am uncomfortable with how you are acting") rather than "you" statements (e.g., "You are making me uncomfortable"). "I" statements are more valuable than "you" statements since they arouse less defensiveness from the listener, evoke feelings of power within the speaker, and encourage discussion of differences of opinion (Drury, 1984).

Teaching a technique called DESC (Bower and Bower, 1976) is also worthwhile in assertiveness training courses. DESC is an acronym for describe the situation, express how you feel, specify what can be done (by both parties) to change the situation, and state rewarding consequences from the change. A DESC script can be used to formulate a letter to a harasser or as the basis of a verbal response to harassment to get a harasser to recognize and change offensive behaviors.

The training we have advocated above is designed to bring about changes in perceptions, attitudes, and behaviors on the part of both potential sexual harassers and their victims. We harbor no illusions regarding the difficulty of producing such changes. In fact, in other contexts, institutionalizing major attitude and behavioral change takes, on the average, eight years (Murray, 1976). Because this is true, the training will have to be offered regularly and be reinforced by strong management support that includes much of the traditional approach to dealing with sexual harassment: clearly written policies, good reporting procedures, and discipline for offenders who resist change even after participation in training.

Conclusion

Although there is no legal consensus on reasonable

victim standards, we have shown that employers should adopt this reasonable victim perspective in order to identify sexually hostile work environments. Widespread adoption of the reasonable victim perspective has the potential to curb sexually hostile environments in the workplace as employees seek to fulfill two important moral duties: the duty to show mutual respect and the duty not to harm the innocent.

The most efficacious manner for bringing about this change is to widely sensitize employees to individual perceptual differences on sex-related behaviors through consciousness raising sessions and to increase the assertiveness of potential victims in order to further emphasize that there are two perspectives on sexual harassment in action, not one. Training programs geared to achieve these results must be seriously undertaken and reinforced by repetition and strong management support.

References

- Bower, S. A. and Bower, G. H.: 1976, *Asserting Yourself A Practical Guide for Positive Change* (Addison-Wesley, Reading, MA).
- Dawley, H. H. and Wenrich, W. W.: 1976, *Achieving Assertive Behavior* (Brooks/Cole, Monterey, CA).
- Drury, S. S.: 1984, *Assertive Supervision: Building Involved Teamwork* (Research Press, Champaign, IL).
- Epping, A. R.: 1992 (January 16), 'Everything You've Always Wanted to Know About Sexual Harassment but Were Afraid to Ask', *Speech to The Association of Government Accountants Omaha Metro Area Chapter*.
- Guidelines on Discrimination on the Basis of Sex*: 1980, (Equal Employment Opportunity Commission, Washington, DC).
- Gutek, B. A., Cohen, A. G. and Konrad, A. M.: 1990, 'Predicting Social-Sexual Behavior at Work: A Contact Hypothesis', *Academy of Management Journal* **33**, pp. 560-577.
- Hauck, V. E. and Pearce, T. G.: 1987, 'Vinson: Sexual Harassment and Employer Response', *Labor Law Journal* **38**, pp. 770-775.
- Hayes, A. S.: 1991 (May 28), 'Courts Concede the Sexes Think in Unlike Ways', *Wall Street Journal* **217**, pp. B1 and B5.
- Hukill, C.: 1991 (May), 'Significant decisions in labor cases', *Monthly Labor Review* **114**, pp. 32-40.
- Koen, Jr., C. M.: 1990 (August), 'Sexual Harassment Claims Stem From a Hostile Work Environment', *Personnel Journal* **69**, pp. 88-99.

- Larsen, D. A.: 1991, Personal communication.
- Morlacci, M.: 1987, 'Sexual Harassment Law and the Impact of Vinson', *Employee Relations Law Journal* **13**, pp. 501–519.
- Murphy, B. S., Barlow, W. E. and Hatch, D. D.: 1991 (May), "Reasonable Woman" is New Standard for Sexual Harassment', *Personnel Journal* **67**, pp. 34–36.
- Murray, E. A.: 1976, (July) 'The Social Response Process in Commercial Banks: An Empirical Investigation', *Academy of Management Review* **1**, pp. 5–15.
- Rawls, J.: 1971, *A Theory of Justice* (Harvard University Press, Cambridge, MA).
- Nowlin, W. A.: 1988 (December), 'Sexual Harassment in the Workplace', *The Arbitration Journal* **43**, pp. 32–40.
- Segal, J. A.: 1990 (June), 'Safe Sex: A Workplace Oxymoron?', *HRMagazine* **35**, pp. 175–176, 178, 180.
- Simon, H. A.: 1991, 'Ellison v. Brady: A "Reasonable Woman" Standard for Sexual Harassment', *Employee Relations Law Journal* **17**, pp. 71–80.

Creighton University,
College of Business Administration,
Omaha, NE 68178,
U.S.A.