RATER PERSONALITY AND JUDGMENTS
OF SEXUAL HARASSMENT

by

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ABSTRACT

The current study examined the relationship between Big Five personality characteristics and third-party judgments of sexual harassment. Two hundred forty two female undergraduates were asked to assume the role of a juror in an actual sexual harassment court case. Participants were presented with a scenario based on an actual hostile work environment sexual harassment (HWE SH) court case and asked to render a verdict based on the EEOC definition of HWE SH. Relationships between the Big Five factors and facets of extraversion, agreeableness, and neuroticism as assessed by the NEO-PI and sexual harassment verdicts were explored. Results indicate that the agreeableness facet of altruism is related to sexual harassment verdicts. Exploratory results suggest that neuroticism and the agreeableness facet of compliance are related to the degree of confidence in the verdicts. Limitations and directions for future research are discussed.

INDEX WORDS: Sexual harassment, Big five personality, Juror selection, Third-party judgments
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DEDICATION

This document, representing the most intellectual and labor intensive project I have produced to date, is dedicated to my parents, Albert and Janet. Words alone cannot express the gratitude I feel for the opportunities they have provided me throughout my life. I am eternally grateful for all that they have done for me, and attribute many of my achievements in life to their parental warmth, guidance, and support. Thank you both.
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# TABLE OF CONTENTS

| DEDICATION | iv |
| ACKNOWLEDGMENTS | v |

## CHAPTER

1. INTRODUCTION ..............................................................1
2. RATER PERSONALITY AND JUDGMENTS OF SEXUAL HARASSMENT .............................................3
3. CURRENT STUDY ................................................................21
4. METHOD ........................................................................31
5. ANALYSES AND RESULTS ................................................37
6. DISCUSSION ....................................................................39

## REFERENCES ......................................................................48

## APPENDICES ......................................................................63

A. INFORMATION PROCESSING BY JURORS IN COURT CASES .......63
B. CASE 1: KNIGHT v. DELPHIA .............................................64
C. CASE 2: MCKENZIE v. CROFT ...........................................69
D. INFORMATION RECALL ....................................................74
CHAPTER 1
INTRODUCTION

Sexual harassment (SH) is one of the most pervasive social and organizational problems faced today. While by no means a “new” organizational issue, SH has recently undergone some major shifts in the research agenda. The last decade witnessed an explosion in the number of published empirical studies (e.g., Hurt, Maver, & Hoffman, 1999; Magley, Hulin, Fitzgerald, & DeNardo, 1999; Wasti, Bergman, Glomb, & Drasgow, 2000; Wiener & Hurt, 2000), reviews (e.g., Fiske & Glick, 1995; Fitzgerald & Shullman, 1993; Gutek, 1995; O’Donohue, Downs, & Yeater, 1998), and special issues (e.g., Basic & Applied Social Psychology, 1995; Journal of Social Issues, 1995; Journal of Vocational Behavior, 1993) on SH. Additionally, the research focus has shifted away from estimating the prevalence of SH (e.g., Fitzgerald et al., 1988; Gutek, 1985) toward examining the organizational and psychological outcomes of SH (e.g., Fitzgerald, Drasgow, Hulin, Gelfand, & Magley, 1997; Gutek & Koss, 1993; Munson, Hulin, & Drasgow, 2000; Schneider, Swan, & Fitzgerald, 1997).

In addition to the dramatic increase in research within the last decade, courts and organizations have witnessed a surge in SH litigation. While only about 5,800 SH claims were filed with the Equal Employment Opportunity Commission (EEOC) during the 1980’s, well over 37,000 claims have since been filed in the 1990’s (EEOC, 2000). This increase in litigation poses a significant financial threat to liable organizations, with settlements often times ranging into the millions of dollars (Gowan & Zimmerman, 1996). As such, organizations have a heightened interest in understanding what factors
are responsible for the claims of SH, so that they can minimize the likelihood of a SH lawsuit. Moreover, because the possibility of legal action exists regardless of the quality of preventive measures (i.e., policies, training), organizations are interested in understanding ways in which they can reduce their liability in the eyes of the jurors.

Researchers have explored a variety of factors (e.g., gender, power, severity) in their efforts to understand the decision-making process in SH cases. Despite the growing body of research in this area, very little is understood, and the findings are often mixed. The current state of the research in explaining this subjective phenomenon is in part a function of poor methodology and confounding variables. The current study overcame previous methodological limitations and examined the effect of previously neglected juror characteristics, namely personality, on juror decision-making in SH cases.
CHAPTER 2
RATER PERSONALITY AND JUDGMENTS OF SEXUAL HARASSMENT

SH research has typically focused on male harasser-female target (MH-FT) situations (e.g., Hurt et al, 1999; Reilly, Carpenter, Dull, & Bartlett, 1982). While unquestionably the most common form of SH, male-to-female SH is not the only form. Although less frequent, males also report being sexually harassed. According to the EEOC (1999), males accounted for 12% of the SH claims filed in 1997. In 1994, results of the United States Merit Systems Protection Board (USMSPB) survey reveal that 21% of male federal employees report having experienced SH from other men. Additionally, although a relatively recent addition to the empirical literature (e.g., Guiffre & Williams, 1994; Holliday-Wayne, 1998; Holliday-Wayne, Riordan, & Thomas, 2001; Struckman-Johnson & Struckman-Johnson, 1993), same-gender harassment has recently captured public interest with the Supreme Court’s ruling on the landmark same-gender SH case, Oncale v. Sundowner Offshore Services (83 F. 3d 118, 1998).

Despite the occurrence of these other forms of SH, SH research continues to focus primarily on MH-FT harassment for several reasons. First, surveys indicate that this ‘traditional’ form (i.e., male-to-female) is the most common form of SH (Fitzgerald et al., 1988; USMSPB, 1988). Second, studies indicate that women are more likely to be targets of SH (e.g., Konrad & Gutke, 1986; USMSPB, 1988), and are more likely than men to think the incidence of SH is a problem (Gutke & O’Connor, 1995). Furthermore, with more and more women entering the workforce, and thus an increase in potential
victimization and litigation, organizations and SH researchers have significant interest in understanding SH.

Types of Sexual Harassment

There are three frequently described categories of SH in the literature (e.g., Fitzgerald, Gelfand, & Drasgow, 1995): unwanted sexual attention, hostile work environment (HWE), and quid pro quo. These categories vary in severity, and as such, their respective ambiguity. Of these three categories, the courts generally consider the latter two when making judgments of SH (Bennett-Alexander, 2001). According to the EEOC guidelines, conduct constitutes SH 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 (29 C.F.R Section 1604.11).

Unwanted Sexual Attention

Unwanted sexual attention includes the least severe forms of SH. Examples range from seductive behavior and staring to ‘come ons’, and are considered to be the most ambiguous form of SH. In general, gender differences in perceptions are more pronounced when the incident described for raters is ambiguous rather than clear (Gutek & O’Connor, 1995). Research indicates that men tend to define SH narrowly around only the most severe behavior, and women tend to define SH more broadly (e.g., Gutek, 1985). Gutek notes that men tend to see ambiguous scenarios more positively than their female counterparts. Individual differences, however, vary widely due to a variety of
factors (e.g., age, power, habituation to sexualized environment). Thus, for ambiguous or mildly harassing incidents, neither sex appears to exhibit any kind of consensus. In fact, Kenig & Ryan (1986) suggest that for this type of SH, within-sex variation can be as large as or larger than between-sex variation.

Hostile Work Environment

HWE, also referred to as “gender harassment,” is the most common form of SH reported in the workplace (Fitzgerald & Shullman, 1993; see also USMSPB, 1995). The prevalence of HWE can likely be attributed to its subtle nature. HWE is less ambiguous and more severe than unwanted attention, however, not as blatantly explicit and severe as quid pro quo. Examples of HWE SH range from the presence of sexually explicit materials (i.e., Playboy calendar) to repeated offensive sexual and degrading remarks or jokes to sexual touching. While the EEOC amended Title VII to include behaviors that created hostile working environments as a form of SH, the courts do not always view these behaviors as a form of SH (Gettle, 1993). Research indicates that women tend to rate HWE scenarios as more harassing than men (e.g., Baird, Bensko, Bell, & Viney, 1995).

Quid Pro Quo

Quid pro quo, literally meaning “this for that,” includes the most severe forms of SH. In general, quid pro quo SH is defined by incidents in which “sexual compliance is a prerequisite for pay, promotion, or some other employment opportunity” (Ledvinka & Scarpello, 1991, p. 74). Additional behaviors constituting quid pro quo SH include sexual coercion, sexual bribery, and sexual imposition. Quid pro quo is by far the least ambiguous and most severe form of SH. As such, the perceptual gap between genders
tends to be smaller than is the case for the less severe, more ambiguous forms of SH (e.g., Burgess & Borgida, 1997; Frazier, Cochran, & Olson, 1995; Gutek & O’Connor, 1995). This lack of reported gender differences in the research may be due to the fact that the incidents depicted were so clearly SH that few individuals would not label it as such. Thacker and Gohmann (1993) suggest that quid pro quo SH is “easily understood, and generally defined by most as SH” (p. 463). Thus, for the most severe or explicit forms of SH, actual gender differences may be blurred. Additionally, unlike HWE SH, most courts tend to agree on what behaviors constitute quid pro quo SH (Holliday-Wayne, 1998).

Subjective vs. Objective SH

An intriguing discrepancy in the SH literature is that while individuals tend to frequently report having had experiences that fall into the category of SH given its objective definition, few actually perceive or label these same sexually harassing behaviors as SH (e.g., Fitzgerald et al, 1988; Gutek, 1985; Roscoe, Goodwin, Repp, Rose, 1987). For example, although nearly 30% of a sample of women faculty, students, administrators, and staff said they had experienced unwanted sexual propositions or unwelcome sexual attention by professors, only 5-10% of this sample labeled their experiences as SH (Fitzgerald et al, 1988; see also Magley, Hulin, Fitzgerald, & DeNardo, 1999; Schneider, Swan, & Fitzgerald, 1997). Research has sought to understand this discrepancy between reported frequencies of subjective experience and objectively defined experience of SH (e.g., Barak et al., 1992; Fitzgerald, 1991; Gutek & O’Connor, 1995; Hurt et al, 1999).
Several explanations can be drawn from the SH literature. Fitzgerald (1991) suggests that women have been socialized to accept many offensive sexual interactions as being “nonremarkable.” Similar to the issue of socialization is the notion that people who work in sexualized environments (i.e., environments in which sexual innuendos, jokes, sexist language are common) may become habituated to this highly sexualized climate, and therefore define SH quite narrowly around only the most offensive and explicit behavior (Gutek & O’Connor, 1995). Additionally, findings suggest that individual perceptions of SH are mediated by their tolerance of SH (Hurt et al, 1999) with individuals having previously experienced incidents of SH being more tolerant of it (Murrell & Dietz-Uhler, 1993) and less skilled at noticing and labeling behavior as SH (Barak et al., 1992). As such, habituated individuals are likely desensitized to SH, and more tolerant of it. Therefore, though socialized and habituated individuals experience behaviors consistent with the objective definition of SH, they are less likely to report having experienced SH.

An understanding of this discrepancy has important implications for third-party evaluators (i.e., jurors, human resource representative) making subjective judgments regarding the occurrence of SH. Researchers have examined a number of variables believed to influence this subjective judgment process. Of these, gender (e.g., Burgess & Borgida, 1997; Gutek, 1985; Jones & Remland, 1992; Kenig & Ryan, 1986; Powell, 1986; Terpstra & Baker, 1987) and the severity of the SH (e.g., Fitzgerald & Ormerod, 1991; Hurt et al, 1999; Kenig & Ryan, 1986; Reilly et al., 1982; Williams et al, 1995) have received particular attention.
Gender

Unquestionably, the most documented demographic perceptual difference variable in SH research is gender, with women perceiving more SH than men (e.g., Burgess & Borgida, 1997; Gutek, 1985; Jones & Remland, 1992; Kenig & Ryan, 1986; Powell, 1986; Terpstra & Baker, 1987). Given the gender differences in perceptions and the increase in SH-related litigation following the Meritor Savings Bank v. Vinson (106 S.Ct. 2399, 1986) decision, several argue that the courts need to rely on a “reasonable woman” standard (i.e., would a reasonable woman consider this SH) in making its rulings. In the landmark case Ellison v. Brady (54 FEP Cases 1347, 1991), the Ninth Circuit Court of Appeals held that “the perspective of a reasonable woman, rather than just a reasonable person, should be used in deciding whether or not the plaintiff has experienced sexual harassment” (Gutek & O’Connor, 1995, p. 151). In 1993, the American Psychological Association submitted an amicus brief to the U.S. Supreme Court advising them of these gender differences.

Despite the large body of psychological literature evidencing this gender effect, several studies (e.g., Baker, Terpstra, & Cutler, 1990; Bursik, 1992; Kenig & Ryan, 1986) and reviews (e.g., Frazier et al., 1995; Gutek & O’Connor, 1995) suggest that these effects are not as large and consistent as they are often described to be. Gutek and O’Connor (1995) conclude in their review that although the general finding that females define SH more broadly than males is reliable, the size of the gender effect is small, oftentimes smaller than intrasex differences. In fact, studies indicate that gender accounts for only about 7% of the variance in perceptions of SH (Jones, Remland, & Brunner, 1987). Another study by Reilly et al (1982) reports approximately .25 units on a 9-point
scale. Additionally, studies drawing their scenarios from court cases have found no significant gender differences between raters (e.g., Holliday-Wayne, 1998; Terpstra & Baker, 1986, 1987; York, 1989). Furthermore, researchers argue that observed participant gender differences may be artificially inflated as a function of a variety of factors, such as the severity or ambiguity of the sexual behavior (e.g., Baker, Terpstra, & Larntz, 1990; Fitzgerald & Ormerod, 1991; Gutek & O’Connor, 1995; Hurt et al, 1999; Reilly et al., 1982), prior sexually-related experience (e.g., Barak et al., 1992), and other personal characteristics (e.g., Frazier et al., 1995; Gutek & O’Connor, 1995).

**Severity of the Harassment Behavior**

Although gender has clearly been documented to be the most pervasive variable influencing perceptions of SH, gender is not the only determinant of perceptions. Studies consistently find that the more explicit or severe the depicted social-sexual behavior, the more likely the behavior will be perceived or labeled as SH (e.g., Baker, Terpstra, & Larntz, 1990; Fitzgerald & Ormerod, 1991; Gutek, Morasch, & Cohen, 1983; Hurt et al, 1999; Reilly et al., 1982; Williams et al, 1995). In their review, Fitzgerald & Ormerod (1993) conclude that severe or explicit social-sexual behaviors appear to influence individual perceptions of SH consistently, regardless of gender. However, when less severe scenarios are depicted, gender differences are prevalent, with females consistently perceiving more SH than males (e.g., Fitzgerald & Ormerod, 1991; Hurt et al, 1999; Kenig & Ryan, 1986; Powell, 1986; Williams et al, 1995; Workman & Johnson, 1991).

Unfortunately, a critical limitation of previous SH research has been the failure to consider and control for the severity or explicitness of the sexually harassing behavior depicted in the scenarios (Gruber, 1992). Hurt et al (1999) suggest that the failure of
some researchers to find significant gender differences in perceptions of SH (i.e., Bursik, 1992; see also Baker, Terpstra, & Cutler, 1990; Lee & Heppner, 1991) may be a function of the severity of the behaviors depicted in the scenarios. For example, Bursik (1992) presented subjects with scenarios depicting only the most explicit form of SH, quid pro quo. However, research consistently indicates that the category of SH depicted in the scenario moderates gender perceptions of SH with very few differences being reported for the most severe categories (i.e., Baird et al., 1995; Burgess & Borgida, 1997; Frazier et al., 1995; Gutek & O’Connor, 1995; Hurt et al., 1999). In other words, quid pro quo behaviors are so severe and explicit that individuals perceive SH, regardless of the gender of the rater. Additionally, the severity of the behavior is known to influence court decisions (Terpstra & Baker, 1992).

It is when the situation is ambiguous (i.e., HWE SH) that gender differences tend to emerge (Gutek & O’Connor, 1995). However, it is important to note that, in addition to HWE SH, very brief, uninformative scenarios are also viewed as ambiguous to a rater. Unfortunately, SH studies (e.g., Baker, Terpstra, & Larntz, 1990; Gutek, Morasch, & Cohen, 1983; Jones et al, 1987) frequently rely upon very brief scenarios—ranging from one to three sentences—despite the fact that this lack of detail in the scenarios does not reflect the conditions of the actual situations for which the study purports to generalize. In other words, jurors in SH cases are asked to make a judgment based on very specific and detailed information, not a one to three sentence description.

Although gender and severity are demonstrably influential on individual judgments of SH, Gutek (1995) suggests that “the area of subjectivity that is problematic is differences in rater characteristics” (461). In fact, Gutek suggests that previously
examined rater characteristics (including gender) account for less than 10% of the variance in SH. Rater characteristics previously examined include various other demographic (e.g., Barak et al, 1992; Fitzgerald, Shullman et al, 1988; Reilly et al., 1986; Terpstra & Cook, 1985), attributional (e.g., Barak et al., 1992; Castellow et al., 1990; Ellis, Barak, & Pinto, 1991; Reilly et al, 1982; Workman & Johnson, 1991), and personality characteristics (e.g., Hurt et al., 1999; Lester et al., 1986a) as correlates with individual ratings of objective and perceived SH.

Other Demographic Variables

In addition to the substantive research on gender, SH research has examined several other demographic variables, including age (e.g., Baker, Terpstra, & Cutler, 1990; Barak et al, 1992; Fitzgerald et al, 1988; Reilly et al., 1986; Stockdale et al, 1995; Terpstra & Cook, 1985), race-ethnicity (e.g., DeFour, 1996; Fain & Anderton, 1987; Gruber & Bjorn, 1982; Gutek, 1985; Holliday-Wayne, 1998; Wyatt & Riederle, 1995), and educational level (e.g., Fitzgerald et al, 1988; Reilly et al., 1986; Terpstra & Cook, 1985).

Age. Research indicates that younger women report less objective and less perceived SH than do older women (e.g., Fitzgerald et al, 1988; Reilly et al., 1986). Several explanations have been posited for this age effect, including possible cohort effects (Gutek, 1995) and habituation to a sexualized environment (Gutek & O’Connor, 1995). Barak et al (1992) suggest that younger women may possess less power to deal effectively with SH (see also Fitzgerald et al., 1988). Additionally, it is suggested that women with less past sexual experience may have had less experience with sexual coercion or unwanted sexual attention, and consequently may be less skilled at noticing
and labeling SH behavior appropriately (Barak et al). However, while numerous studies have found support for perceptual differences in age, the findings are not consistent (e.g., Stockdale et al., 1995; see also Blakely, Blakely, & Moorman, 1995). In their recent review, Fitzgerald and Shullman (1993) conclude that SH is unlikely to be closely linked to age.

Race-ethnicity. Research examining whether race-ethnicity influences experiences of SH has also yielded mixed findings. Several studies suggest that black women are more frequent targets of SH than white women (e.g., Fain & Anderton, 1987; Gruber & Bjorn, 1982; Mansfield et al, 1991; MacKinnon, 1979), while other studies have failed to support this relationship (e.g., Holliday-Wayne, 1998; Martin, 1984; Wyatt & Riederle, 1995). DeFour (1996) suggests that women of color are more vulnerable to SH than are white women because they are either perceived as being weak and unlikely to fight back, or as being very sexual and thus desiring sexual attention. More central to the focus of the current study, however, is whether the race-ethnicity of the participant (i.e., third-party) influences judgments of SH. The literature suggests that race-ethnicity is not related to third-party judgments of SH (Gowan & Zimmerman, 1996).

Educational level. Several researchers have found support for a relationship between educational level and perceptions of SH. Findings suggest that graduate women tend to perceive more SH than do undergraduate women (e.g., Fitzgerald et al, 1988; Reilly et al., 1986). Similarly, college-educated men and women are more likely to report experiences of unwanted sexual attention (USMSPB, 1995). Research also indicates that college-educated women are more likely to report being offended if propositioned (Gutek, 1995). Terpstra & Cook (1985) suggest that college-educated women may be
more aware of the issue of SH, and consequently be sensitized and less tolerant of its occurrence.

**Attributional Characteristics**

Attribution and interpretation are major determinants of an individual’s judgment that unwanted physical contact, sexual interaction or verbal suggestions have occurred (DuBois & Persinger, 1996). Numerous studies have examined how various characteristics of targets and harassers influence raters’ perceptions of SH. Research indicates that males are less likely to place blame for SH on the alleged harasser than are females (i.e., Gutek, 1985; Powell, 1986), and are more likely to attribute responsibility to the female target than are females (Jensen & Gutek, 1982). Females, on the other hand, are likely to attribute responsibility for SH on the harasser (Jones et al., 1987).

*Why do men and women tend to differ in where they attribute responsibility for SH?* Pryor & Day (1988) suggest that an action is less likely to be perceived as SH if the causes for the actions could be attributed to situational factors, target-person characteristics, or target-behavior, and not to enduring characteristics of the offender.

Target-specific factors shown to influence perceptions of SH include harasser status (e.g., Bursik, 1992; Hurt et al., 1999; Lester et al., 1986b; Popovich et al, 1986; Pryor, 1985; Pryor & Day, 1988; Reilly et al., 1982; USMSPB, 1995), physical attractiveness (Castellow et al, 1990; Ellis et al, 1991; Workman & Johnson, 1991), prior romantic involvement (Castellow et al, 1990; Pierce & Aguinis, 1997; Pierce, Aguinis, & Adams, 2000; Summers & Myklebust, 1992), sex-role identity (e.g., Bursik, 1992; Powell, 1986), and target response/behavior (e.g., Johnson, Benson, Teasdale, & Simmons, 1997).
Harasser Status. SH is often viewed as resulting from an exercise of power or status, most often through coercion. Individual’s who possess coercive power have the ability to reward and punish other individuals for noncompliance with their requests. Accordingly, research suggests that ratings of harassment vary as a function of the power differential between the harasser and the target (Katz et al., 1996). They found that the more egalitarian the relationship was, the less likely subjects were to perceive the behavior as being sexually harassing. Hurt et al (1999), however, did not find a significant effect for power relationship.

In general, research indicates that the status of the harasser influences undergraduate ratings of SH in both academic and nonacademic settings, however, findings are mixed (Frazier et al., 1995). Specifically, undergraduates perceive more SH when the behavior is engaged in by professors as opposed to other students (e.g., Bursik, 1992; Lester et al., 1986b; Pryor, 1985; Pryor & Day, 1988; Reilly et al., 1982). Similarly, when rating the same behaviors engaged in by supervisors and co-workers, students perceive the behaviors of the supervisors as being more harassing (Popovich et al., 1986). Interestingly, results from USMSPB (1995) report to the President and the Congress of the U.S. indicate that SH from other coworkers, rather than supervisors, is the primary source of SH in the Federal workplace. Survey results reveal that in 1994, 79% of male and 77% of female respondents report having been harassed by a coworker or other employee, while only 14% and 28%, respectively, report being harassed by a supervisor. Of course, it is important to keep in mind that there are fewer supervisors than coworkers to in fact engage in SH.
Physical Attractiveness. Workman & Johnson (1991) report some very interesting findings regarding the influence of the physical attractiveness of the target on perceptions of SH. Both males and females rated models wearing heavy makeup as more likely than less made-up models to be targets of SH. Additionally, males were more likely than females to report that the model was likely to provoke SH. In another study, Castellow, Wuensch, & Moore (1990) examined the effects of physical attractiveness of the plaintiff and defendant in a SH case. One condition paired an attractive plaintiff with an unattractive defendant, and the other condition paired an unattractive plaintiff with an attractive defendant. The attractive defendant condition received fewer guilty judgments from jurors than did the unattractive defendant, regardless of the gender of the defendant or juror. Although these results suggest that all attractive defendants may be at an advantage in SH cases, there are gender differences regarding attractiveness of the plaintiff and their perceived personal characteristics. Specifically, although males rated the attractive plaintiff as being more sincere than the unattractive plaintiffs, females rated the plaintiffs higher on sincerity and warmth than the males regardless of their attractiveness.

Prior Romantic Involvement. Pierce & Aguinis (1997) suggest that dissolved workplace romances may lead to SH between previously involved employees. In a survey of human resource professionals, 24% of respondents attributed occurrences of SH in their organization to workplace romance (Society for Human Resource Management, 1998). In addition to survey research examining the relationship between workplace romance and actual experiences of SH, vignette studies reveal that raters perceive less SH when the harasser and target have been previously involved
romantically (Summers & Myklebust, 1992). Additional research indicates that rater judgments of SH are also influenced by the romance motives of the formerly involved individuals (Pierce, Aguinis, & Adams, 2000).

**Sex-role Identity.** Numerous researchers (e.g., Burgess & Borgida, 1997; Bursik, 1992; Mazer & Percival, 1989a; Powell, 1986) have hypothesized that an individual’s sex-role identity moderates his or her perception of SH. Specifically, researchers suggest that the key to understanding differences in perceptions of SH lies not in the sex of the perceiver but rather in the individual’s perception of him or herself in relation to sex-role stereotypes. Findings to date, however, suggest that sex-role identity has only a minor effect on perceptions (Bursik, 1992; Powell, 1986). Bursik (1992) found neither masculinity nor femininity scores to be significantly related to any of the SH measures. Powell (1986) did however find a significant sex by masculinity interaction effect. Specifically, men higher in masculinity were the least likely to view sexual remarks and behavior as SH. Additionally, individuals high in femininity perceived slightly more SH. Bursik suggests that although gender role groups “may play a minor role in our interpretation process, it does not appear to be a major contributing factor to individual differences in the perception of sexual harassment” (p.409). These studies, however, fail to consider the role environment plays in individual perceptions of SH.

Burgess and Borgida (1997) found that individuals were less likely to rate sexual coercion scenarios as harassing when a woman was in a nontraditional occupation. This is consistent with Gutek’s (1985) sex-role spillover model. Sex-role spillover suggests that gender-based norms tend to be carried over into the workplace. Furthermore, this theory suggests that employees are primarily categorized in terms of their gender when
the environment in which they work has a skewed gender ratio. As a result, although already typically more vulnerable than men, women working in certain environments will be especially vulnerable to SH. For example, male-dominated work groups generally tend to be more sexualized (i.e., sexual language, innuendoes, sexually explicit pictures). Burgess and Borgida suggest that a woman working in this male-dominated work group may become the target of the prevailing sexual climate.

**Target Response/Behavior.** Another factor found to influence gender perceptions of SH is the response and/or behavior of the target. Specifically, does the target appear to welcome, or even comply with the sexually oriented advance of the harasser? Does the target respond negatively to the actions of the harasser? Researchers suggest that perceived complicity of female targets introduces a confound into the scenario, resulting in ambiguity (e.g., Reilly et al, 1982; see also Gutek & O’Connor, 1995 for review). Specifically, Reilly et al (1982) report that scenarios become ambiguous when female targets respond provocatively or suggestively. Recall, then, that as situations become more ambiguous, gender differences become more apparent (Gutek & O’Connor, 1995). As such, men tend to see ambiguous SH situations more positively than women (e.g., Gutek, 1985). Accordingly, Jones & Remland (1992) found that scenarios were perceived as less harassing when the female target did not respond negatively to the harassers’ actions (see also Jones et al., 1987). Furthermore, these scenarios were perceived as less harassing than scenarios in which male targets failed to respond negatively to female harassers.
Personality

As has been reviewed previously, attributions (i.e., personal, situational) play a major role in an individual’s judgment of the occurrence of SH (e.g., Castellow et al., 1990; DuBois & Persinger, 1996; Summers & Myklebust, 1992). Additionally, it is well documented in the literature that a strong relationship exists between perception of events and an individuals’ personality (e.g., Goldberg, 1994; Hogan, 1991; McCrae & Costa, 1990; Mischel, 1990). Hogan (1991) states that personality is characterized by consistencies in patterns of thoughts, feelings, and motives that provide a frame of reference for our perceptions in social situations. Similarly, Roesch (1999) suggests that personality indirectly influences our social judgments through affective states. Because individual differences rather than sexual, social, or racial variables are consistently reported as the major source of variance for measurements that infer psychological constructs, researchers suggest that “the person’s personality profile would be the strongest and potentially most causal component of any perception that is emotionally relevant to their sense of self and protection of the self” (Persinger, 1993; as cited by Dubois & Persinger, 1996, p. 88). Furthermore, researchers suggest that personality type “may be considered as an organizing force that influences individual perceptions of their environments and guides the formation of individual dispositions such as attitudes” (Marjoribanks, 1989; see also Dweck & Leggett, 1988). Additionally, Barak et al (1992) suggest that,

personality factors may determine differential attention to, or willingness to report the occurrence of, the fairly specific sexual harassment events… Thus, there may
be personality-based limits on the accuracy of even objective measures of the frequency of occurrence of sexual harassment behaviors (p. 34).

Despite the intuitive reasonableness of examining rater personality in SH research, this area remains almost completely unexamined. A few studies were located that examined characteristics believed to be related to personality (i.e., Barak et al., 1992; Terpstra & Baker, 1986; Williams et al, 1995). Barak et al. (1992) concluded that women who are repressive and erotophobic with strong needs for social approval are less likely to report objectively defined experiences of SH. Terpstra and Baker (1986b) found that individuals with an internal locus of control (LOC) generally perceive less SH than do those with an external LOC (see also Williams et al, 1995). Terpstra and Baker (1986b) also examined a complex interaction of attitudes toward women and self-esteem.

More importantly, only two studies were located that examined the effects of Big Five personality characteristics of raters (i.e., Lester et al., 1986a; Hurt et al., 1999) on their judgments of SH. Furthermore, the results of these studies are conflicting. Lester et al (1986a), assessing only Eysenck’s two factors of personality, found support for the influence of extraversion. On the other hand, Hurt et al (1999) failed to find a significant effect for extraversion as assessed by the NEO-PI. However, Hurt et al used the short form of the NEO-PI that is known to be less valid and reliable than the full version (Costa & McCrae, 1992). Additionally, the full version of the NEO-PI provides valuable information on the specific facets of the personality domains that can help provide researchers with a better understanding of the relationship between SH judgments and personality domains.
Bond (1994) states that the personality characteristics tapped by the FFM are particularly relevant to individuals’ perceptions of themselves and others. Furthermore, Goldberg’s (1981) results indicate that this is especially true in dynamic, interpersonal contexts. Barrett and Pietromonaco (1997) found a similar relationship between rater personality assessed via the NEO PI-R (Costa & McCrae, 1992) and their perceptions and responses to naturally occurring, interpersonal events.

Despite extensive examination of numerous moderating variables (e.g., age, race/ethnicity, power), a substantial amount of variance remains to be explained. Recall that previously examined rater characteristics (including gender) are estimated to account for less than 10% of the variance in SH (Gutke, 1995). Taken together with the fact that rater personality has been all but ignored in the extant SH literature, yet is well-documented to influence perceptions of social events (e.g., Hogan, 1991; McCrae & Costa, 1990), rater personality has the potential to make a unique contribution to the growing body of SH research.
CHAPTER 3
CURRENT STUDY

The current study seeks to extend previous personality and SH research by examining the personality-perception relationship within the context of SH. In addition to making a unique contribution to the SH arena, it makes a unique contribution to research seeking a better understanding of how Big Five personality relates to perceptions of negative social events. The current research also has meaningful implications for the area of workplace aggression. Specifically, workplace aggression, of which SH is a form (Beugre, 1998; Fitzgerald, 1993; Larrimer-Scherbaum & Popovich, 2001), is another area lacking in Big Five research. The current study answers the recent calls of several researchers (i.e., Baron, 1996; Beugre, 1998; Larrimer-Scherbaum & Popovich, 2001) by examining a form of workplace aggression and Big Five personality dimensions. Finally, the current study answers SH researchers recent call for research with greater external validity and generalizability (Fitzgerald & Schullman, 1993; Gutek & O’Connor, 1995). Gutek & O’Connor lament that,

the existing state of research on sexual harassment has so far sacrificed external validity for attention to internal validity concerns. Even then, the research has suffered from inattention to systematic examination of variables other than gender that may account for observed differences in the way males and females evaluate sexual conduct (p. 160).
Fitzgerald and Schullman (1993) suggest that research with greater external validity and generalizability has “tremendous potential...for influencing legal frameworks” (1073). Specifically, these methodological improvements provide SH research with greater external validity, particularly as it relates to courtroom decisions, in that the current scenario more closely parallels situations typically encountered by third-party judges (i.e., jurors).

A review of the personality and SH literatures implies that Big Five personality characteristics of the rater are instrumental in the SH judgment process. The current study will explicitly test this relationship. Specifically, it is proposed that the factors of agreeableness, extraversion, and neuroticism influence third-party judgments of SH. Examination of these personality characteristics appears to hold great promise in furthering our understanding of individual differences in perceptions of SH, and specifically, the judgments of third-party evaluators (i.e., jurors).

Agreeableness

Research reveals that individuals high on the FFM agreeableness domain tend to perceive less conflict in their interactions with others (Barrett & Pietromonaco, 1997; Graziano, Jensen-Campbell, & Hair, 1996; Jensen-Campbell, Graziano, & Hair, 1996), be more highly motivated to maintain positive interpersonal relations, and respond to conflict with less negative affect (Graziano et al) than do individuals low on agreeableness. Additionally, Graziano et al suggest that agreeable individuals may possess a motive system that predisposes them to perceive others positively in their social interactions. More concretely stated, “this motive system may induce agreeable persons
to generate positive perceptions and attributions to otherwise-provocative behavior” (Graziano et al, p. 832).

Additionally, from the previous findings it appears that agreeable individuals tend to be more tolerant of conflict in their social interactions. Tolerance is positively correlated with both the altruism and compliance facets of agreeableness (McCrae & Costa, 1992). Therefore, because agreeable individuals tend to be more tolerant, and tolerant individuals tend to perceive less SH (e.g., Hurt et al, 1999; Terpstra & Cook, 1985), raters high on agreeableness are expected to judge fewer behaviors as sexually harassing than are raters low on agreeableness. Thus, the following relationships are hypothesized:

**H₁:** Individuals high on agreeableness will provide fewer judgments of sexual harassment than will individuals low on agreeableness.

**H₂:** Individuals high on the altruism facet will provide fewer judgments of sexual harassment than will individuals low on altruism.

**H₃:** Individuals high on the compliance facet will provide fewer judgments of sexual harassment than will individuals low on compliance.

*Extraversion*

Research indicates that extraverted individuals tend to report less conflict and perceive more positive interpersonal relations than do introverted individuals (Barrett & Pietromonaco, 1997). Extraverts also anticipate fewer disagreements between themselves and others than do introverts (Cooper & Scalise, 1974). A number of explanations for these differences have been suggested. For one, research indicates that introverts are more responsive to punishment than are extraverts (Graziano, Feldesman,
Additionally, he suggests that the frequency of recall of past aversive encounters may be biased upward for introverts due to greater salience and an availability heuristic. As such introverts may likely generate negative expectations of future social outcomes. Moreover, Graziano et al. (1985) suggest that, “introverts may be creating for themselves an unpleasant and unfriendly social environment through their own negative expectations (p. 978).” This is consistent with Costa and McCrae (1992) who state that introverted individuals tend to score low on the positive emotions facet of extraversion.

Barnes, Malamuth, and Check (1984) conclude that extraverts may be more likely to engage in sexual behavior and to have more positive attitudes about sex. Furthermore, Baker, Terpstra, & Cutler (1990) suggest that individuals who are very socially active (as is the nature of extraverts) “may have codes of conduct that are more accepting of sexually oriented behaviors (e.g., requesting dates)” (p. 415). Only recently, however, has the relationship between attitudes to sex and Big Five personality domains been examined (Heaven, Fitzpatrick, Craig, Kelly, & Sebar, 2000). Heaven et al.’s results reveal that the Big Five are related to attitudes to sex in a logical and predictable fashion. Extraversion was one of the most important predictors of attitudes to sex, characterized by greater comfort and liberalness in sexual situations. Given this evidence, the following relationships are hypothesized:

**H₄:** Individuals high on extraversion will provide fewer judgments of sexual harassment than will individuals low on extraversion.

**H₅:** Individuals high on the positive emotions facet will provide fewer judgments of sexual harassment than will individuals low on positive emotions.

*Neuroticism*
Personality researchers describe neurotic individuals as being characterized by irrational ideas, poor coping strategies with stress, and a general tendency to experience negative affect or emotions (Costa & McCrae, 1984, 1992; Eysenck & Eysenck, 1985). Highly neurotic individuals are particularly sensitive to social stressors (Bolger & Schilling, 1991). With respect to sexual situations, Eysenck’s (1972, 1976) work reveals that neurotic individuals possess high levels of sexual inhibition and nervousness (see also Heaven et al, 2000). Furthermore, interpersonal intimacy tends to be a negative experience for neurotic individuals (Campbell & Rushton, 1978). As such, it is hypothesized that,

**H6:** Individuals low on neuroticism will provide fewer judgments of sexual harassment than will individuals high on neuroticism.

Additionally, the neuroticism domain contains the facet of impulsiveness. Baron and Richardson (1994) describe impulsivity as the “stable tendency to react offensively to minimal provocations” (p.212). While the more severe forms of SH (i.e. quid pro quo) cannot reasonably be considered a “minimal provocation,” behaviors characteristic of HWE SH (i.e., frequently requesting dates) may be. Low scorers on impulsiveness tend to have a high tolerance for frustration (Costa & McCrae, 1992). Thus, it is hypothesized that:

**H7:** Individuals low on impulsiveness will provide fewer judgments of sexual harassment than will individuals high on impulsiveness.

**Methodological Issues**

Quite possibly the greatest limitation of previous SH research is how SH has been operationalized. Past and present research has relied upon a poorly operationalized
definition of SH, and the findings must be considered with this in mind. Arvey and Cavanaugh (1995) caution that this poorly operationalized construct makes interpreting survey results less precise. It is important that participants have a common frame of reference from which to make their decisions, particularly in situations in which participants are asked to make subjective judgments of events. While some studies do provide research participants with the objective, EEOC definition of SH (e.g., Holliday-Wayne, 1998; Hurt et al, 1999), the majority of studies do not (e.g., Baker, Terpstra, & Larntz, 1990; Barak et al, 1992; Bursik, 1992). Thus, the interpretation and incorporation of the findings of these studies must be approached with caution. Regardless, this lack of an integrating definition of SH is in part a function of the subjective nature of the judgment process (Hurt et al, 1999). As such, a given behavior may represent SH to one individual but not another.

In addition to the limitations previously discussed (i.e., failure to operationalize SH, failure to control for severity of harassment behavior), there are three other methodological limitations of previous research that must be addressed: limited focus of perceptions, sample compositions and confounds within the measures themselves (i.e., ambiguous vignettes). All of these methodological limitations have confounded SH researcher’s efforts of gaining an accurate understanding of perceptual differences in SH.

**Limited Perceptual Focus**

Third-party perceptions (i.e., juror) of SH have been largely ignored in the literature. However, third-party perceptions of SH are a primary concern to organizations. Although the target’s perspective is certainly of importance to the area of
SH research, for organizations, it is a third-party (i.e., human resource representative, juror, courtroom judge) who evaluates the validity of the SH claim.

**Sample Composition**

Traditional SH research, as with most applied research conducted within an experimental context (i.e., colleges/universities), is frequently criticized for its failure to adequately generalize to the workplace. SH research has generally relied upon undergraduates (mostly females), resulting in predominantly white, 18-22 year old samples (e.g., Gutek, 1985; USMSPB, 1981). Less frequently conducted are studies assessing the perceptions of SH among graduate students and faculty (i.e., Fitzgerald & Ormerod, 1991; Frazier et al., 1995), and working women in nonacademic settings (i.e., Dansky et al., 1992, cited in Frazier et al., 1995; Gutek, 1985; Powell, 1983; USMSPB, 1995).

Admittedly, these concerns of generalizability do have some merit. For example, studies suggest that undergraduates tend to differ from other samples in their definitions of SH (i.e., Baker, Terpstra, & Cutler, 1990; Terpstra & Baker, 1987). Also, age and employment have been shown to moderate individual perceptions of SH (Baker, Terpstra, & Cutler). If these variables do in fact moderate individual perceptions of SH, then the reliance on undergraduate samples introduces the problem of range restriction, and a more age and employment (status) diverse sample must be utilized in studies in order to provide more generalizability. However, numerous studies have failed to find significant perceptual differences between students and employees (e.g., Blakely, Blakely, & Moorman, 1995; Frazier et al., 1995; Terpstra & Baker, 1987; see Fitzgerald & Shullman, 1993 for a review). Furthermore, the frequency of SH occurrence in colleges and
universities is comparable to that found in other work settings (Benson & Thompson, 1982).

Additionally, it could be argued that given the increased awareness of males as targets of harassment in organizations, the current tradition of sampling and assessing only the perceptions and experiences of females limits the generalizability of findings. However, the current research demand appears to be shifting away from gender to other personal and situational characteristics as explanatory variables of perceptual differences. This shift is understandable given that gender differences have already received a considerable amount of attention in the SH research. Furthermore, these studies have yielded mixed findings, as has been previously discussed. As such, the current study is not interested in reexamining how participant gender influences judgments of SH. Rather, the current focus is how personality characteristics of the participant influence their judgments of SH.

Measurement Confounds

In addition to methodological problems previously discussed, there are several confounds within the measures themselves. Specifically, the method of data collection has likely influenced reported prevalence rates (Fitzgerald & Shullman, 1993) and the current mixture of findings. Most research examining individual differences in perceptions of SH has typically relied upon vignettes (e.g., Bursik, 1992; Johnson et al., 1997).

Vignettes are a commonly used and widely accepted method for conducting research in organizations (Murphy, Herr, Lockhart, & Maguire, 1986). Vignette studies typically have subjects read a written scenario (e.g., Bursik, 1992; Johnson et al., 1997).
or watch a video (e.g., Marks & Nelson, 1993) scenario depicting sexual interactions between two individuals: an initiator and a recipient (Gutek, 1995). Subjects then are asked to rate on a 5- or 7-point Likert-type scale the degree to which the interaction was offensive, harassing, or SH. Vignette studies are cheap, relatively simple, quick to administer, and have a high degree of internal validity (Check & Malamuth, 1983). Vignettes are particularly attractive to SH researchers in that they allow the researcher to easily control for several contextual variables (Gutek, 1995). There are, however, a few major drawbacks to using vignette studies.

First, vignettes possess little external validity (i.e., generalizability). Second, scenarios typically used in previous SH research have been very short and ambiguous (Gutek & O’Connor, 1995). Although ambiguity has in the past been intentional, so as to observe certain effects, this ambiguity attenuates the external validity of the measure. External validity can be increased, however, by providing raters with longer, more descriptive (less ambiguous) scenarios typical of jurors in court cases to evaluate (Gutek & O’Connor). Additionally, because jurors and other real world evaluators are asked to make a judgment regarding the occurrence of SH based on the objective, EEOC definition of SH, researchers can increase the external validity of their scenarios by providing raters with the legal definition of SH, and instructing them to make a decision based on this definition (Lengnick-Hall, 1995). Finally, Gutek and O’Connor (1995) suggest that it is likely the wording of the SH scenarios used in past research that has confounded the findings. Specifically, they suggest that observed differences in perceptions, or lack there of, may be a result of being primed or cued.
Despite the acknowledged limitations inherent in the traditional SH research design, the goal of addressing and overcoming these limitations is, as Gutek (1995) describes, “tempered by realities” (p.450). In her review of SH research design and methodology, Gutek (1995) addresses the issue of limitations in SH research stating, “In an ideal research world, topic should determine choice of method; in the case of sexual harassment, choice of method determines the topics studied” (p. 450). As described below, the current study overcomes many of the limitations often neglected by previous researchers.
CHAPTER 4

METHOD

Participants

Two hundred fifty four female undergraduates from a large southeastern university participated in the current study. Participants were solicited from the undergraduate research participant pool. Power analysis was conducted to determine the necessary sample size for the current study (Cohen, 1988). In order to conduct a power analysis, the following pieces of information need to first be established: $\alpha$, power, number of independent variables, and population effect size. The a priori alpha level for the analyses was set at .05. Power was set at a value of .90. There is one independent (subject) variable manipulated in this study. Finally, given the lack of research on personality and judgments of SH, it was not possible to rely on correlations from previous studies in estimating the effect size. Unfortunately, the information presented in the only study in which this relationship has been examined (i.e., Hurt et al, 1999) was not sufficient enough from which to determine the effect size. Cohen suggests that when information is not available from which to estimate the effect size, a conservative estimate should be used. Therefore, a conservative $r^2$ estimate of .05 was chosen. This estimate will enable a small, yet practically significant effect to be detected. Of the two hundred fifty four original subjects, 8 subjects were discarded due to the manipulation check, 3 due to missing verdicts, and 1 due to random responding on the NEO-PI-R.
Thus, the current sample size of 242 exceeds the 199 participants necessary to detect an $r^2$ of .05 with 90% probability using an alpha level of .05.

**Scenario Development**

The scenario used in the current study was adapted from Holliday-Wayne (1998) (see Appendix C). This scenario has several advantages over other scenarios previously used in SH research. First, this scenario was based upon the facts (the names and dates were changed) of the Ellison v. Brady (1991) coworker HWE SH case. For reasons discussed earlier, HWE SH was chosen in order to maximize variability in individuals’ perceptions of SH. Additionally, coworker-to-coworker harassment was chosen in order to control for the previously discussed effects due to status (i.e. supervisor-subordinate). Furthermore, coworker-to-coworker HWE SH is the most frequent form of SH handled by the courts (USMSPB, 1995).

Secondly, this scenario is much longer and more descriptive of the interactions between the harasser and target than are scenarios typically used in SH research. Fitzgerald and Shullman (1993) recommend that items be written in behavioral terms and in enough detail to ensure that all respondents interpret them similarly, cautioning that “extremely brief items, such as ‘insulting comments’ invite a variety of interpretations” (p. 9). Similarly, Gutek and O’Connor (1995) caution that “with little information, respondents may rely on their own experiences or stereotypes” (p. 157). Gowan and Zimmerman (1996) point out that this type of information (i.e., relationship between the parties, nature of behavior, frequency of occurrence, plaintiff response) is outlined in the EEOC (1990) guidelines as being important in decisions regarding the occurrence of SH. Furthermore, because jurors in SH cases are typically asked to render a decision based on
this level of information (Gutek & O’Connor, 1995)—as opposed to the very brief, non-descriptive information frequently presented to subjects in empirical studies—this more detailed scenario provides greater generalizability than is typically achieved. Given the potential for participant response bias (i.e., demand characteristic) in the current study, precautionary measures were taken in order to conceal the true purpose of the study. First, a cover story was adapted from a similar study (Holliday-Wayne, 1998; see also Hymes, Leinart, Rowe, & Rogers, 1993) examining juror decisions in SH cases. Briefly, participants were informed that the purpose of the study was to better understand how jurors integrate information from legal testimony, and whether jurors who read excerpts of case material provide the same verdict as jurors who participated in the actual trial (see Appendix A for the complete cover story).

The second precautionary measure taken was the inclusion of a “filler” (bogus) legal case, adapted from Holliday-Wayne (1998), designed to conceal the primary importance of the SH case from the participants (see Appendix B). The filler case was similar to the target case in all respects (e.g., format, legal definition, etc.) except for the subject of the legal claim (i.e., breach of contract/stolen automobile vs. SH). All participants were first presented with the filler case, followed by the SH case.

Third, in accordance with recent recommendations (e.g., Lengnick-Hall, 1995), participants were provided with the legal (EEOC) definition of SH, and were asked to render a judgment on the occurrence of SH in the current case based on this objective definition. Lengnick-Hall argues that legal outcomes such as jury verdicts are better predicted when this objective definition of SH is used. One explanation for this is that raters share a common frame of reference when asked to rely on the legal definition when
making their judgment. Furthermore, actual jurors are asked to rely on this legal definition when making their verdicts—thus, greater generalizability is achieved when examining SH judgments empirically.

Measures

Verdict. Similar to actual court cases, the mock jurors were asked to make a dichotomous judgment (for the Plaintiff or for the Defendant) based on whether the defendant’s behavior unreasonably interfered with work performance or was sufficiently severe and pervasive to create a hostile or offensive working environment. If the response to the above is yes, the mock juror is told to find (vote) for the plaintiff. If the response to the above is no, the mock juror is told to find for the defendant.

Personality. Participants were given the NEO-PI-R (Costa & McCrae, 1992). The NEO-PI-R is a paper-pencil measure of the Big Five personality domains. The measure consists of 240 self-report items assessed on a 5-point scale.

Questionnaire. This questionnaire (Appendix D) consisting of a series of content-related questions about both scenarios served as a manipulation check. Although the only manipulations of interest were those related to the SH case, similar content-related questions were asked of the filler case as well in order to conceal the true purpose of the study from the participants. Specifically, participants were asked to recall the gender of the harasser and the target from the SH case. This item was included as a manipulation check to ensure that the gender relationship between harasser-target was salient, and therefore did not enter as a confound in the current study. Recall that judgments of SH vary depending on the genders of the harasser and targets. Additionally, participants were asked to indicate whether the plaintiff was the supervisor, coworker, or subordinate
of the defendant. This item served as a manipulation check to ensure that the status relationship between the parties was salient. Recall that the status of the involved parties in a SH case is known to influence judgments of SH.

Procedure

Participants were informed that the purpose of the study was to better understand how jurors integrate information from legal testimony, and whether jurors who read excerpts of case material provide the same verdict as jurors who read the full legal transcript. Participants were then given a packet of materials containing the following: cover story, NEO-PI-R, filler scenario, SH scenario including the EEOC definition of SH, and short content-related questionnaire. The filler scenario contained questions similar in format to the SH scenario. The NEO-PI-R and scenarios were counterbalanced so that half of the participants were first presented with the NEO-PI-R and the other half the scenarios. The filler scenario was always presented before the SH scenario (i.e., appeared first). Participants were asked to follow along with the investigator as the “overview” (cover story) was read aloud. Written informed consent was obtained from participants. Participants were reassured of the confidentiality of their responding. Participants were asked to read each court scenario, and then based on the judicial instructions, asked to render a verdict either for the plaintiff or defendant. The terms “plaintiff” and “defendant” were defined for the participants. After rendering verdicts for the two cases, participants were instructed to complete the questionnaire without looking back at the case materials. Upon completion of the three components (NEO-PI, court cases, questionnaire), participants were asked to return all materials to the investigator.
Participants were asked not to discuss the experiment with anyone, debriefed, and dismissed. Participants received research credit for their participation.
CHAPTER 5

ANALYSES AND RESULTS

Logistic regression analysis. All hypotheses were examined using logistic regression. Verdict was dummy coded (plaintiff, 0; defendant, 1). Analyses were conducted using SPSS 10.1.

Missing data. Costa and McCrae’s (1992) recommendations for handling missing data and identifying random responding on the NEO-PI-R were followed. Missing responses were replaced with the neutral response option. Random responding was evaluated by visually inspecting the answer sheet for specific response patterns (i.e., endorsement of “strongly agree” to more than 6 consecutive items). Participant data was discarded if it met any of the following conditions: (1) no verdict specified or was unclearly specified, (2) failed either of the manipulation checks, (3) random responding.

Manipulation check

Results from the manipulation check revealed that both the gender and status relationships between the harasser and target were salient. Specifically, 246 out of 254 subjects (approximately 97%) correctly recalled this information, suggesting both the gender relationship and status relationship between the involved parties were controlled for and did not enter in as a confound.

Regression Analyses

Based on the logistic regression results, no support was found for any of the hypothesized relationships. Regression results for the model in which all the predictors were entered are presented in Table 1.
Using the backward elimination likelihood ratio method, the full model simplified to just altruism; however, the direction of the relationship was contrary to the hypothesized direction (β= -.07, p=.05). Results suggest that low scores on altruism are related to fewer judgments of SH. Comparable results were found using linear regression. In exploratory analyses, the degree of confidence in the verdicts and level of perceived offensiveness depicted in the SH scenario were examined with respect to Big Five personality characteristics using linear regression. Degree of confidence was assessed on a 10-point scale (1—not at all confident to 10—extremely confident). Regression results indicated that both neuroticism (β= -.02, p=.001) and compliance (β= -.065, p=.001) were significant predictors of the raters’ level of confidence in their verdicts. Specifically, these results indicate that raters scoring high on the facet of compliance and factor of neuroticism were less confident in their verdict. No other significant effects were found.
CHAPTER 7
DISCUSSION

The purpose of the current study was to expand our understanding of individual differences in third-party judgments of SH. Despite the examination of a wide variety of individual difference variables (e.g., gender, age, education, race) over the last 25 years, little variance in rater judgments of SH remains explained. The current study examined the influence of raters’ personality characteristics on their judgments of SH, an individual difference factor that has been almost completely unexamined in previous research.

The current study failed to find support for the hypothesized relationships between personality and third-party judgments of SH. The agreeableness facet of altruism was significantly related to juror verdicts, however, not in the hypothesized direction. The results suggest that individuals low on altruism are less likely to perceive SH. Although altruistic individuals tend to be more tolerant, suggesting they would perceive less SH, women in general tend to be less tolerant of SH. As such, it may be that women tend to side with the target, and they are more likely to do so when they are high in altruism. Given the exclusively female sample, the possible moderating effect of gender on the relationship between altruism and verdict could not be examined.

Although numerous studies demonstrate a relationship between Big Five personality characteristics and perceptions of social situations, this relationship does not appear to generalize to the context of SH (i.e., Hurt et al, 1999; Lester, 1986a). There are several possible explanations for the lack of support for this relationship. First, perhaps the current sample of female undergraduates was not appropriate to detect such a
relationship. This, however, is quite unlikely. For one, 38% of the jurors found for the defendant suggesting there was some variance in the SH verdicts. Additionally, the literature does not indicate any conclusive evidence for age effects.

Second, perhaps experimenter effects influenced the current results. All sessions were run by the same male experimenter. It is possible that given the strong gender cues associated with SH, the mere presence of a male experimenter influenced the females responses to the SH case.

Third, given the length of the NEO-PI-R (240 items) in addition to having the participants read two 4-page scenarios, it is possible that the quality of the responses was compromised due to fatigue (i.e., random or haphazard responding). Although steps were taken to identify such biases in responding, it is possible that random or haphazard responding did occur but were not detected using Costa and McCrae’s (1992) techniques. Results may have been different had the participants been given the short, 60-item version of the NEO-PI-R. However, the personality of the rater cannot be assessed at the facet level using this truncated version. Furthermore, the intercorrelations of the facets and factors obtained in the current study were similar to those reported in the NEO-PI-R test manual (Costa & McCrae, 1992; see Table 2 for correlation matrix). Additionally, the means and standard deviations for the current sample were comparable to the college-aged normative data (Costa & McCrae, 1992; see Table 3).

**Judicial Instructions**

It is possible that the mock jurors (raters) failed to adequately comprehend the judicial instructions, and therefore may not have rendered a verdict in the proper manner.
Numerous studies conducted by psycholinguists indicate that, in general, jurors are very poor at comprehending and appropriately applying legal instructions (e.g., Buchanan, Pryor, Taylor, & Strawn, 1978; Charrow & Charrow, 1979; Elwork, Hansen, & Salas, 1986). Practical steps were taken to improve comprehension. Specifically, following the recommendation of Elwork et al (1986), jurors were provided with written judicial instructions. Having written instructions, however, only yields a moderate increase in comprehension (Elwork et al). Regardless, the fact that there was a high positive

**Table 2. Intercorrelations of personality characteristics**

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</tr>
</tbody>
</table>

N=242
correlation between verdicts for the plaintiff and the offensiveness of the behavior\(^1\) (r=.668, p=.000) suggests that the mock jurors did in fact understand the judicial instructions.

| Table 3. Personality and verdict means and standard deviations |
|---------------------------------|-----------------|
| Mean   | Standard Deviation |
| Verdict | .38 | .485 |
| Neuroticism | 94.88 | 22.51 |
| Extraversion | 128.96 | 20.61 |
| Agreeableness | 121.58 | 19.27 |
| Altruism | 25.14 | 3.78 |
| Compliance | 17.26 | 5.44 |
| Impulsivity | 19.05 | 4.66 |
| Positive Emotions | 24.36 | 4.36 |

Verdict—Plaintiff = 0 Defendant = 1

N=242

Research also suggests that personality characteristics influence the kind of evidence jurors consider relevant and important (Chapman, Sheehy, & Livingston, 1994) and their compliance with the legal instructions (Shaffer & Wheatman, 2000). For example, Hastie, Penrod, and Pennington (1983) found that open-mindedness was positively related to discussion of legal terms, fact-issue relationships, legal issues, and

\(^1\) High values on this scale reflect highly offensive behavior.
key facts. Additionally, Shaffer & Wheatman suggest that personality characteristics such as dogmatism influence the degree to which a juror will comply with the judicial instructions.

A more plausible confound of the judicial instructions is that these instructions may have reduced the participants reliance on extralegal factors (Rector et al, 1993). In other words, having individuals base their judgment of SH on these fairly rigid instructions may have left little room for interpretation, and thus diminished the potential influence of personality. As such, although individuals may not have perceived the behavior depicted in the scenario as SH, they tended to judge it as SH based on the objective standard. Previous studies support this discrepancy (e.g., Fitzgerald et al., 1988; Gutek, 1985; Magley, Hulin, Fitzgerald, & DeNardo, 1999).

Scenario

A more plausible explanation for the lack of significant personality effects may be the scenario used. Specifically, the scenario may not have been as ambiguous as was believed, and this lack of ambiguity prevented personality effects from emerging. For example, pilot data for this scenario reveal that both males and females tend to find for the plaintiff (see Holliday-Wayne, 1998).\(^2\) Recall that observed gender differences tend to be smaller when the SH depicted in the scenario is more severe, and thus is perceived to be less ambiguous (e.g., Gutek & O’Connor, 1995). As such, similar to the argument

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\(^2\) Although the current study did not include males in the sample, and thus the small gender differences cannot be verified for the current sample, the current sample was drawn from the same source (i.e., psychology undergraduates from the same university research participant pool).
that gender effects are blurred in unambiguous SH scenarios, so too may have been any personality effects. Furthermore, although the scenario depicts the more ambiguous form of SH, that of HWE, this particular HWE scenario is much more overt than others (e.g., X often invited Y for drinks and lunch dates, but Y refused).

Other Personality Characteristics

It is possible that other personality characteristics would have been more appropriate for predicting verdict preference than those tapped by the Big Five. Previous research does lend support for the personality traits/dispositions of authoritarianism, dogmatism, and locus of control as predictors of verdict choice. However, the effect sizes for these relationships are relatively small and unreliable, tending to vary from case to case (e.g., Boyll, 1991; Devine, Clayton, Dunford, Seying, & Pryce, 2001; Moran & Comfort, 1982; 1986). Furthermore, reviews in both the legal and psychological literature tend to conclude that individual differences among jurors (i.e., personality traits, attitudes, demographic attributes) generally are not very meaningful predictors of verdict preferences, accounting for only a small proportion of the variance (e.g., Ellsworth, 1993; Penrod & Cutler, 1987).

Need for Aggregation

The failure to support the proposed relationship for personality, however, was most likely a function of the jury verdict context and the need for aggregation of behaviors. The current study examined personality as a predictor of an isolated behavior (i.e., verdict) in a specific context (i.e., jury), yet personality is a global construct. Personality traits are poor predictors of specific behaviors in a specific context. Psychologists generally agree that there is an upper limit for the correlation between
personality traits and unaggregated behaviors of .30 (Kenrick & Funder, 1988). Although quite useful at predicting a person's average behavior across time and situations, personality traits are poor predictors of a specific behavior in a specific context (Epstein, 1983). Consequently, a verdict for an individual case may not be a sensitive indicator of the influences of personality (Chapman et al, 1994).

**Summary and Conclusions**

In closing, there are three important things to keep in mind regarding the current research. First, the choice of personality characteristics analyzed is not viewed as a convincing limitation of the current study. Rather, the need for aggregation of individual judgments necessary to detect an effect for personality, and the challenges/limitations of doing so in the current context of predicting an individual’s verdict for a specific type of case is viewed as a primary limitation. In other words, although it is quite reasonable to assume that over a sufficiently large sample of cases, any one individual's voting behavior could be predicted with some certainty from general dispositions (Penrod & Linz, 1986), in the practical context of predicting a juror’s verdict to a specific case at a specific time, personality characteristics of any sort likely have limited predictive utility. Previous studies failure to support a relationship between juror personality and verdict preference may be due to the choice of criterion. Future research interested in understanding predictors of juror verdicts should address the need for aggregation of judgments (i.e., multiple judgments as opposed to one verdict).

Second, several of the limitations addressed come at a cost of one of the studies greatest strengths—external validity. Specifically, by presenting mock jurors with a scenario based on an actual SH case, and having them rely on explicit judicial
instructions in reaching a verdict, generalizations to actual SH cases were maximized. Unexpectedly though, the materials used (i.e., judicial instructions) may have prevented personality effects from emerging. It is unclear whether these materials served to obscure the true relationship or that personality does not influence judgments of SH. An interesting question for future research then is whether personality effects emerge when the legal definition of SH and/or judicial instructions are not provided.

Finally, although this study failed to support the relationship between (mock) juror personality and SH verdicts, it is just as important to understand what types of situations decrease personality biases as it is to understand what types of situations elicit them. Results from the two studies (Hurt et al., 1999 and the current) examining this relationship in the current context suggest there is no significant effect. This does not necessarily mean that there is no relationship between personality and perceptions of SH, rather the context may limit observed differences, as was previously discussed. For example, the fact that personality did not have an effect on jury verdicts of SH may have been an artifact of the jury context. Research examining the relationship between any personality characteristic and perceptions of SH in a context other than the current is virtually nonexistent, with Lester et al (1986a) being the only known exception. Furthermore, the relationship between personality characteristics and social perception and behavior has been well documented. Researchers should further examine rater personality as an explanatory variable of perceptual differences in future SH research.

Other individual difference variables worthy of consideration for future research include sex-role identity and prior experience with SH. Previous research suggests these variables may be meaningful in explaining individual differences in perceptions of SH.
For example, Powell (1986) found a significant effect for sex-role identity, with individuals high in femininity perceiving slightly more SH than individuals low in femininity. Additionally, research suggests a relationship between prior experiences with SH and juror judgments in SH cases (Gowan & Zimmerman, 1996).

Regardless, personality characteristics appear to hold more promise in other areas of the jury process, namely during deliberation. The current results suggest the possibility that personality characteristics can be influential during the deliberation process. Exploratory analyses from the current study revealed significant relationships between rater personality and the degree of confidence in their SH verdict. Specifically, the results indicated that raters scoring high on the facet of compliance and factor of neuroticism were less confident in their verdict. Jury consultants would benefit from research examining the relationship between personality and the degree of confidence in their verdict. Such research would provide jury consultants with information suggesting which jurors would be more or less confident in their verdict than others, and thus how likely they would be persuaded during deliberation.
REFERENCES


Ellison v. Brady, 924 F. 2d 872, 881-882 (9th Cir. 1991).


APPENDIX A

INFORMATION PROCESSING BY JURORS IN COURT CASES

Overview: The purpose of this study is to better understand how jurors integrate information and make decisions in court cases. Trials are often very lengthy where many witnesses testify and many documents are entered into evidence. In this study, we are interested in whether people who read a summarized version of the case will reach the same conclusion as jurors who sat through days or weeks of testimony. If so, it may be that jurors form impressions very early in the trial process. This information could demonstrate to attorneys the benefits of introducing the most important facts early in the case.

During the study, you will be provided with summaries of two actual court cases that have been tried in the U.S. within the past 24 months. Then, you will be given the judicial instructions that the trial judge provided the jury. Last, you will be asked to make rulings in the case as the jurors did in the actual trial. Our goal is to determine whether your rulings when given the summarized case are the same or different than those made in the actual trial.
APPENDIX B

Case 1: Knight v. Delphia

(Case 337 N.W. 2d 742; 2000)

Instructions: Assume you are serving as a juror in the court case given below. Please carefully read the following case and then render a verdict in the case. You are to provide your honest opinion. There are no right or wrong answers. To help you read the case, remember that the plaintiff is the person bringing the lawsuit and the defendant is the person against whom the charge is made.

Case background

On Wednesday, May 28, 1996, the plaintiff, Jonathan W. Knight delivered his 1995 Corvette automobile to the premises of the defendant, D&H Chevrolet, to have some warranty repair work done. Mr. Knight talked to the defendant, Mr. Delphia (owner of D&H Chevrolet), who had Mr. Knight fill out a service order and told him that the repairs should be completed by Friday, May 30. Mr. Knight left his automobile and keys with Mr. Delphia.

On Friday, May 30, Mr. Delphia telephoned Mr. Knight and told him that it was necessary to order parts and that the repair work would be delayed. He also told Mr. Knight that the car was drivable and that he could pick it up while the parts were on order. The plaintiff did not pick up his car and it was moved into a fenced lot beside the
defendant's garage. The fence was topped with barbed wire and had two gates, each of which was chained and padlocked when the garage was closed.

On Saturday, May 31, Mr. Delphia observed the plaintiffs’ car in the fenced lot. He searched the car to make sure that the keys were not in it and that the doors were locked. He knew that the Corvette was a "high risk" automobile susceptible to theft and vandalism, and testified at trial that he intended to move the car into the garage for safe keeping over the weekend but became busy and forgot to move the car.

The plaintiffs’ car was apparently stolen from the defendant's lot on Sunday morning, June 1, 1996. A witness observed a young man enter the car and drive away. On Monday morning, June 2, the defendant's employees discovered that a chain to one of the gates had been cut. A visual inventory failed to disclose that Mr. Knight's car was missing. On Wednesday, June 4, the service adviser was ready to repair the car but was unable to find it. He assumed Mr. Knight had picked up the car and telephoned him to ask him to return it. He learned Mr. Knight had not picked up the car. A thorough search of the premises failed to locate either the car or the keys, and neither the vehicle nor the keys have ever been found. The police were contacted, and on Saturday, June 7, 1996, Mr. Delphia notified Mr. Knight that his car had been stolen and could not be found.

**Plaintiffs position (Mr. Knight)** Mr. Knight alleges that he delivered the Corvette to the defendant, that the defendant had impliedly promised to return the car after completing the repair work, and that the defendant had breached his implied promise by failing to timely redeliver the car.
Defendant's position (Mr. Delphia) Mr. Delphia, owner of D&H Chevrolet, contends that the loss of the plaintiff’s automobile was proximately caused by the independent acts of an unknown thief and that he was not negligent, and therefore, not responsible.

Judicial instructions: Based on the above information, you must now assume that you have been selected to serve as a juror hearing this case and make a decision regarding this case. In order to do so, you must first carefully read the following judicial instructions:

This type of relationship is what is known as bailment. Bailment is when personal property is temporarily surrendered by the owner (bailor, Mr. Knight) to another person (bailee, Mr. Delphia). In order to make a decision in this case, you must consider the following legal principles that define the burden of proof in this case:

In bailment relationships, once Mr. Knight (bailor) proves that there was delivery of the property to Mr. Delphia (bailee) in good condition and that Mr. Delphia failed to redeliver upon timely demand, the burden is fixed upon Mr. Delphia to prove by a preponderance of the evidence that he exercised due care to prevent the loss, damage, or destruction of the property. “Preponderance of the evidence” means that there is greater weight of evidence that he met his duty of care. If after evaluating the facts of this case, you find that Mr. Knight did not meet his burden of proof, you should find for the defendant (Mr. Delphia). Or, if Mr. Knight met his burden of proof, but Mr. Delphia proved by a preponderance of the evidence that he exercised due care to prevent the loss of the automobile, then you should find for the defendant (Mr. Delphia). However, if you find that Mr. Knight met his burden of proof, but that Mr. Delphia did not prove by a preponderance of the evidence that he exercised due care to prevent loss of the car, then
you should find for the plaintiff (Mr. Knight) in this case. If you find for the plaintiff, damages will be assessed to the bailee (Mr. Delphia) based on retail replacement value, not the wholesale cost.
1. Based on the judicial instructions given, whom would you vote for in this case? Please circle your choice.

**It is very important that you rely on the judicial instructions in reaching this decision**

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Defendant</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Mr. Knight)</td>
<td>(Mr. Delphia, Owner D&amp;H Chevrolet)</td>
</tr>
</tbody>
</table>

2. On a scale of 1-10, rate the degree of confidence you have in your verdict:

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>not at all</td>
<td>extremely confident</td>
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<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>confident</td>
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</table>

3. Indicate the degree to which you found the defendant's (Mr. Delphia's) position justifiable:

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>not at all</td>
<td>slightly justifiable</td>
<td>somewhat justifiable</td>
<td>moderately justifiable</td>
<td>very justifiable</td>
<td>completely justifiable</td>
</tr>
<tr>
<td>justifiable</td>
<td>justifiable</td>
<td>justifiable</td>
<td>justifiable</td>
<td>justifiable</td>
<td>justifiable</td>
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</tbody>
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APPENDIX C

Case 2: McKenzie v. Croft

(491 S.W.2d 289 CA; 2000)

Instructions: Again assume you are serving as a juror in the court case given below. Please carefully read the following case and then render a verdict in the case. You are to provide your honest opinion. There are no right or wrong answers. To help you read the case, remember that the plaintiff is the person bringing the lawsuit and the defendant is the person against whom the charge is made.

Case Background

The plaintiff, Susan McKenzie, and the defendant, Donald Croft, were co-workers at TSH, a nationwide company, working in the San Mateo, California Location. Their desks were approximately 20 feet away from each other. Ms. McKenzie and Mr. Croft had worked as coworkers for two years before any of the incidents described occurred, but had never become friends. One afternoon, when they were alone in the office, the defendant asked the plaintiff to lunch and the plaintiff accepted. The defendant, Mr. Croft, then began to hang around the plaintiff’s desk and ask unnecessary questions and would compliment the plaintiff’s appearance. The defendant often invited the plaintiff for drinks and lunch dates, but the plaintiff refused. Mr. Croft would also wink at the Ms. McKenzie and offer to give her massages. In October, four months after the first lunch,
the defendant gave the plaintiff a note at work, revealing feelings for the plaintiff. The note read: “I cried over you last night and I’m totally drained today. I have never been in such constant turmoil. I don’t understand why things didn’t work out between us. I still care about you.” After reading the note, the plaintiff, Ms. McKenzie, left the room, informed their supervisor, Miller, about the note but stated that the plaintiff wanted to handle the situation alone.

The following week, the plaintiff left town for training. While away, the defendant sent another letter. Following the second letter, the plaintiff reported the incidents to Miller and requested that the defendant be transferred to another location because the plaintiff felt extremely uncomfortable working with the defendant. Miller counseled and told the defendant not to contact the plaintiff in any way. The defendant was transferred to the San Francisco office for a period of six months. Three weeks after being transferred, the defendant filed union grievances requesting to be returned to the San Mateo office. TSH and the union agreed to the defendant’s return, provided that the defendant spent four more months in San Francisco and promised not to contact the plaintiff again. In the interim, the defendant wrote the plaintiff a third letter seeking joint counseling with the plaintiff and hoping that they could maintain some sort of friendship. Their supervisor, Miller, wrote the plaintiff of the decision for the defendant to return to San Mateo. After receiving Miller’s letter, the plaintiff was frantic. Shortly thereafter, the plaintiff filed a complaint in federal district court alleging sexual harassment.

**Plaintiff background:** The plaintiff has worked at TSH for 4 years and has received above average to excellent performance evaluations each of the four years. Friends
describe the plaintiff as conscientious and hard working. The plaintiff’s attorney states that the details given above accurately summarize the plaintiff’s position on the case.

**Defendant background:** The defendant has worked at TSH for 6 years. The company’s personnel files indicate that the defendant is a qualified employee and has performed very well at a number of jobs. Co-workers describe the defendant as highly motivated and outgoing. The defendant has no previous grievances in the personnel file. The defendant’s attorney claims that the defendant is not guilty of sexual harassment and points out that the defendant has never been accused of sexual harassment or any other harassment prior to this incident.

**TSH’s Sexual Harassment Policy**

**I. POLICY STATEMENT**

TSH is committed to creating and maintaining a workplace in which all persons that participate in its programs and activities can work together in an atmosphere free of sexual harassment. However, this policy is not intended to discourage normal, courteous, and noncoercive interactions among our employees.

**II. SCOPE**

The scope of this policy applies to all employees and applicants for employment in all positions including management and staff positions as well as recipients of TSH programs or services.

**III. CONFIDENTIALITY**

In accordance with existing policies, every effort shall be made to protect the privacy of all individuals throughout all phases of the complaint resolution process. Anonymity and
complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is made known; however, files pertaining to complaints will be maintained in confidence to the fullest extent of the law.

**Judicial Instructions:** Based on the above information, you must now assume that you have been selected to serve as a juror hearing this case and make a decision regarding this case. In order to do so, you must first carefully read the following judicial instructions:

The legal definition of sexual harassment is that "*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*".

In this case, you must decide whether the defendant's behavior *unreasonably* interfered with work performance or was *sufficiently severe and pervasive* to create a *hostile or offensive working environment*. In making this decision, you, the juror, should adopt the neutral, objective "reasonable person standard". This means that you are to evaluate the facts of this case and determine whether a *reasonable person* would have found those conditions sufficiently severe and pervasive to have altered the working environment to meet the definition of sexual harassment above. If the answer is *yes*, then
you should find for the plaintiff, Ms. McKenzie. If the answer is **no**, you should find for the defendant, Mr. Croft in this case.
1. Based on the judicial instructions given, whom would you vote for in this case? Please circle your choice.

**It is very important that you rely on the judicial instructions in reaching this decision**

Plaintiff  
(Ms. McKenzie)  

Defendant  
(Mr. Croft)

2. On a scale of 1-10, rate the degree of confidence you have in your verdict:

1 2 3 4 5 6 7 8 9 10
not at all extremely
confident confident

3. Indicate the degree to which you found the defendant's (Mr. Croft's) actions offensive:

offensive:
1 2 3 4 5 6
not at all slightly somewhat moderately very extremely
offensive offensive offensive offensive offensive offensive
APPENDIX D

INFORMATION RECALL

Instructions: Please answer the following questions to indicate the amount and type of information that you recall about each case you read. Recall as much information as possible and try to answer all the questions. It is very important that you do NOT look back at the cases for the answers.

A. Answer the following questions about the Knight v. Delphia bailment case.
1. What type of car was involved in the case? _____________________
2. Indicate the age of the plaintiff (Knight) in the bailment case. _____ years.
3. Indicate the age of the defendant (Delphia) in the bailment case. _____ years.
4. Indicate the gender of the plaintiff (Knight). Male      Female        I don't know
5. Indicate the gender of the defendant (Delphia). Male      Female    I don't know

B. Answer the following questions about the plaintiff (McKenzie) in the McKenzie v. Croft sexual harassment case.
1. Indicate the age of the plaintiff (McKenzie) in the sexual harassment case. _____ years
2. Indicate the gender of the plaintiff (McKenzie). Male     Female    I don't know
3. Indicate the race of the plaintiff (McKenzie). Black     White    I don't know
4. McKenzie (the plaintiff) was the ______ ? ______ of Croft (the defendant).
   (a) supervisor   (b) coworker   (c) subordinate

C. Answer the following questions about the defendant (Croft) in the McKenzie v. Croft sexual harassment case.
1. Indicate the age of the defendant (Croft) in the sexual harassment case. _____ years
2. Indicate the gender of the defendant (Croft). Male     Female    I don't know
3. Indicate the race of the defendant (Croft). Black     White    I don't know
4. Croft (the defendant) was the ______ of McKenzie (the plaintiff).

(a) supervisor          (b) coworker          (c) subordinate