

## **THE NEGLECT OF CRITICAL ISSUES IN THE SEXUAL HARASSMENT DISCUSSION: IMPLICATIONS FOR ORGANIZATIONAL AND PUBLIC POLICIES**

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### **ABSTRACT**

This article examines three critical issues concerning the plight of men that have been neglected in the context of a sexual harassment discussion. These include the possibility of false sexual harassment allegations, the possibility of males being sexually harassed by female supervisors in the workplace, and the lack of strong legal protections for males who may be discharged because of sexual harassment allegations. The article argues that avoiding these issues may have serious consequences and lead to increased tensions between men and women in our society. Implications for organizational and public policy makers are discussed.

Ever since its inception in the late 1970s, the sexual harassment research has been colored by a female perspective and a feminist ideology. The overwhelming majority of scholars in the sexual harassment area are females. This is important to recognize as meta-analytic studies have found that in the gender-bias literature, the gender of the researcher and the research results are correlated. Typically, the researchers tend to portray their own gender in a more favorable light [1, 2]. I submit that the domination by one gender has led to an incomplete body of knowledge pertaining to sexual harassment, and the results produced by scholars in this area have often been misleading, much to the detriment of management knowledge of social-sexual interaction in the workplace as well as to policy making at a broader level.

Although there are numerous errors in the current literature related to measurement of relevant constructs and research methodologies employed [3], the present

critique is limited in scope due to the necessity for precision, and focuses only on errors of omission in the sexual harassment research. I maintain that these errors are rooted in notions embedded in the collective scholarly psyche, which borrows heavily but selectively from the rape and sexual aggression literatures without acknowledging this lineage and the limitations associated with it. This has resulted not only in inadequately formulated research questions but apparently an intellectual paralysis of the worst type distinguished by a marked inability to even ask certain fundamental questions as they do not fit the paradigm in which the community of sexual harassment scholars currently operates. These questions concern the plight of males in organizations who are often the unacknowledged victims in a variety of contexts related to sexual harassment. Such questions do not arise as one of the major assumptions made in sexual harassment research, is that typically women experience the negative consequences of social-sexual interactions in organizations and not men.

Since managers as well as public policy makers often rely on scholarly research as an important input into decision making, it is crucial that the assumptions behind much of the sexual harassment literature be closely scrutinized. Although the current analysis is not expected to be popular and may even be considered politically incorrect, it should not be ignored, as it is grounded in workplace reality as well as common sense. Indeed, the objective of this work is to aid in the evolution of a more comprehensive perspective on social-sexual interaction in the workplace. Specifically, the purpose of this article is to identify three areas that remain unexplored or only superficially explored because of implied but untenable assumptions about the current nature of male and female relationships, both inside and outside the workplace.

The three broad areas of omission in sexual harassment scholarship are:

1. Lack of substantive research on the incidence of baseless accusations of sexual harassment made against males.
2. Lack of substantive research on the incidence and nature of sexual harassment of males by females in powerful positions in organizations.
3. A lack of discussion of the difficult legal environment faced by men who are discharged from their jobs due to allegations of sexual harassment.

The notably conspicuous absence of discussion on these issues, as well as the related implications of the absence of such a discussion on policy making, both at the organizational and the national level, are leading to increased tensions in the workplace and society as a whole. In the existing climate, great psychological, professional, and monetary harm is now possible to working males. This includes both male managers and professionals, many of whom live in a nonclinical but nevertheless unnatural state of paranoia in light of the changing legal and societal expectations that impose on males increased responsibilities for social-sexual interpersonal relations without any parallel increase in responsibilities for female workers, professionals, and managers. There is hardly much discussion among

scholars of this phenomenon. In this article, the implications of this neglect are considered from different perspectives, and the cost to organizations as well as society is assessed. The critique is concluded by pointing out the advantages of allowing multiperspective research to emerge in the sexual harassment literature, to organizational scholars, management practitioners, and policy makers.

### **RESEARCH ON THE INCIDENCE OF BASELESS ACCUSATIONS AGAINST MEN**

Over the last decade, scores of higher-level male managers in both the private and public sectors, including one of the justices of the Supreme Court, senators and congressmen too numerous to count, as well as a president of the United States have been accused of having sexually harassed women who were at one time or another working for them. Many of the accused have steadily maintained their innocence of any sexual misconduct. Whether these individuals are indeed guilty of sexual harassment or other sexually related behaviors that may be considered offensive is not entirely relevant to the point being made here. What is relevant is that whether a sexual harassment allegation is ever proven or not, it undeniably has the effect of tarnishing the image of the accused in the eyes of others and diminishing that individual. This result is inevitable whether the individual is a private person working in industry or a well-known political figure. The consequences for such an individual and his family can be severe both in professional and personal terms [4].

Given the rather serious repercussions that are possible for working male managers and professionals when an accusation of sexual harassment is made, it is surprising to discover that (although this issue has been given some play in the media), scholars in the area of sexual harassment have refused to acknowledge this as an attractive, desirable, or a worthy topic to study. I am not familiar with a single serious scholarly study that has been conducted to find out something about the nature of false accusations of sexual harassment made against males by females. Typically, the studies in the sexual harassment literature focus on females as the victims of males in social-sexual encounters in organizations. However, with the dramatic shift in power relationships taking place today in our society, both due to added legal protections for females as well as changing societal values, which are very clearly reflected in today's organizations, the assumption of male dominance is neither proper nor tenable. If such a view is not objectively challenged and is thus allowed to be maintained, it may foreshadow the emergence of the emasculated male manager.

The frustration on part of higher-level male managers is understandable, as there is no adequate defense to being accused of sexual harassment. John Mangieri, a college president who was forced to resign after being charged with sexual misconduct, wrote:

In our country, a person is supposed to be innocent until proven guilty. Yet with charges of sexual misconduct, it seems as though the minute that allegations are made, it is the accused who must prove his innocence. What's more, disciplinary measures are taken against the accused *before* guilt or innocence is established . . . We would do well to keep in mind that sometimes those who make the allegations can be mistaken or lying for whatever purpose [4, p. B2].

Much of the current literature in sexual harassment, although it is never explicitly acknowledged, has historical roots in an ideological argument proposed by some feminists that all men are potentially rapists [5]. From this mode of reasoning, it follows logically that at the very least all men are potentially sexual harassers. An homage to this notion is implicit in the underlying theme found in most of the popular and academic literature on sexual harassment; i.e., males harass, and therefore males will tend to engage in sexually harassing behavior against females under the right conditions.

Though innocuous on the face of it, this logic implies that sexual harassment is, to a large extent, biologically rooted. A scholarly attempt was made to supplant this perspective by a broader sociological argument, that sexual harassment is an exercise of power by one individual over another [6], and hence by definition is gender-neutral. Although this view is widely applauded at an intellectual level, in reality, the biological perspective dominates both management and public policy making. Even the sociological argument, using power as the key variable to explain harassing behavior, has been perverted by the rather simple suggestion that since men have more power in organizations they are likely to sexually harass females. From this perspective, it is highly improbable that men could be victims of groundless allegations of sexual harassment by females. Therefore, the "power" a female holds, to falsely accuse a man of sexually harassing her, is not acknowledged or talked about openly and is never incorporated in research attempts to understand the nature of sexual behaviors at the workplace.

And thus with deft arguments that cloud reality, and almost a magical sleight of hand, the burden of consequences arising out of social-sexual interactions between males and females is put squarely on the shoulders of males. The impact of this has been to blind scholars in the sexual harassment area to what has been obvious to the general public for a long time and what became evident in the Thomas-Hill controversy in 1992; i.e., that social-sexual interaction is often ambiguous, of course rooted in human biology, but also in political and organizational power, and it may be viewed and interpreted in multiple different ways.

So, why then is there no research on the incidence and percentage of outright false accusations of sexual harassment charges made by women against men? Why have the sexual harassment pundits decided that this is not an important topic to investigate? Certainly results from research streams on the incidence and percentage of false sexual harassment accusations may be useful for

organizational policy makers as well as policy makers at broader levels. Further, why should serious research on the workplace consequences for men (in terms of careers, promotions, raises, etc.), against whom allegations of sexual harassment are made, be neglected. This is particularly salient since many times charges of sexual harassment cannot be substantiated. Indeed, it is worth noting that in 1993, the EEOC resolved 10,000 cases of sexual harassment and found 3,300 to be without merit [7]. It is clear that avoidance of these topics has dangerous and serious implications for organizational scholars, managers, and policy makers (particularly those who are males!).

### **SEXUAL HARASSMENT OF MALES BY FEMALES IN POSITIONS OF POWER**

The second major point I wish to make is that the current sexual harassment literature is virtually silent on the possibility that females holding powerful positions in organizations may attempt to coerce male subordinates or other males in inferior positions to elicit sexual favors from them. Many important works on the nature of sexual harassment at work pay selective attention to empirical findings supporting a particular (politically correct) point of view. For example, Estrich, while mentioning the results of a large study conducted by the United States Merit System Protection Board (MSPB) in 1980, showing that 42 percent of the women reported being sexually harassed, pointedly ignored results from the same study noting that 15 percent of the men also reported being sexually harassed [8]. This conscious omission is striking but is not atypical in the sexual harassment literature and is indicative of the political nature of this debate. Even in the closely related sexual aggression literature, space given to research focusing on men as victims of sexually coercive women has been minimal, and it is only in the last decade that the focus seems to be changing to view the more balanced picture of social-sexual interaction between men and women. (See, for example [9, 10].)

Perhaps because it is only relatively recently that large numbers of women have gained access to high-level positions in organizations have researchers so far neglected the issue of exercise of power by women in the context of sexual harassment. Several court cases suggest, however, that this does happen. In fact more than 200 men actually file sexual harassment charges with the EEOC annually, and according to lawyers who defend companies against sexual harassment cases, this problem is expected to get progressively worse in the future as the number of women in management continues to increase [11]. Complaints to the EEOC may vastly understate the problems men face, as sexual aggression or general sexual harassment of men by women is not taken seriously by authorities due to the societal myth that women cannot sexually exploit men (see [9, 10, 12]). Because of the lack of empirical research investigating sexual harassment of men in the workplace, how pervasive the problem really is cannot be gauged at this point.

Interestingly, a review of the sexual aggression literature reveals several studies which have reported that men have been the victims of unwanted sexual activity initiated by females. Sarrel and Masters, for example, in their case studies of nineteen men found eleven men had been forced to participate in sexual activity by women (the rest of the men had been forced to engage in sex by groups of women and men) [9]. Sarrel and Masters noted that researchers involved in the now famous Kinsey studies [13] did not ask men whether they had ever been sexually assaulted by women. Certainly, much of the literature of the last four decades, as far as sexual aggression is concerned, focuses on men as assailants and not as possible victims. Because of this, little information exists about males being subjected to unwelcome sexual attention by sexually coercive women [10]. The bias found in the sexual aggression literature is even more prominent in the sexual harassment literature, where no research agenda exists to investigate sexual harassment of males by females holding superior positions.

There are theoretical as well as empirical reasons to suggest males are likely to be victims of sexual harassment just like females, although perhaps on a smaller scale. Struckman-Johnson, for example, found both men and women have been coerced into sexual intercourse in dating situations [10, p. 239]. Struckman-Johnson, based on her study, suggested: "Both men and women engage in a continuum of sexually exploitative behaviors ranging from verbal pressure to use of physical restraint and force" [10, p. 240]. Muehlenhard and Cook, using college students in their sample, reported that while more women than men had experienced unwanted kissing, more men than women had experienced unwanted sexual intercourse [14]. There are clear-cut implications for sexual harassment research from this literature.

Social psychologists have suggested that social-sexual behavior is quite common in the workplace, and is prompted by the natural attraction both men and women feel for each other [15]. Only when such behavior is not mutually agreeable and pleasant will it lead to perceptions of sexual harassment on the part of one of the involved parties. "When an individual describes an incident as sexual harassment, a decision-making process has occurred—the individual has decided, for instance, that the boss's joke was not just office banter but an offensive comment constituting sexual harassment" [3, p. 830].

What is often lost in the literature is that an interesting double standard for evaluating social-sexual interactions exists depending on whether the victim of alleged sexual harassment is a male or a female. Sexual harassment research has been guided by a questionable underlying assumption that sexual aggression against males by females is either inconceivable or trivial and not of much consequence [12]. "Consider the case of Henry Hasse Jr., a thirty-five-year-old man from Rochester Hills, Michigan, who testified earlier that female coworkers had fondled his buttocks and wrote him sex notes in 1989. A jury agreed Mr. Hasse had been harassed and awarded him just \$100" [11, p. B3]. The result of this prevailing societal bias is that sexual harassment research tends to focus on

women as the victims while ignoring the prospect that such a predicament may exist for many men as well.

This is unfortunate, as unwelcome sexual attention has been linked with depression, anxiety, stress, loss of job motivation, and a negative perception of the work environment by the recipient [16-20]. The fact that male victims of sexual harassment can suffer and be traumatized emotionally by the experience was recognized by a Los Angeles County superior court jury in 1993 (see *Gutierrez Sabino v. Cal-Spas* [21]). The jury awarded one million dollars to the male employee, Sabino Gutierrez, who claimed he had been sexually harassed daily by the female chief financial officer of the company. Maria Martinez, the alleged harasser, was also ordered to pay \$10,000 in damages.

Unfortunately, because of the lack of empirical studies that focus on women as potential harassers, it is unclear whether females in positions of power in organizations will exercise such power in social-sexual interaction in the same way many men do. The Los Angeles County superior court documents in the case of *Gutierrez Sabino v. Cal-Spas* indicate it is certainly possible for a female superior to, very aggressively, sexually harass her male subordinate. According to court records in this case, the male employee stated that Martinez, the female chief financial manager, started harassing him shortly after he started working in 1986. This harassment culminated in their having sex together in 1988. Gutierrez stated that he submitted to her sexual request because he was afraid of losing his job. The harassment continued on a daily basis at work. According to Gutierrez, his female supervisor would call him into the office and kiss him on the lips, fondle his genitals, and demand sex. When Gutierrez finally tried to end the sexual harassment, Martinez retaliated and stripped him of all his managerial duties. The ten women and two men comprising the jury found Gutierrez's story to be credible and awarded him damages [21]. This case is typical of many other sexual harassment cases, the only difference being that the harasser was a female superior. There is no indication from the case that the female superior exercised power in social-sexual interaction any differently than what may be expected of a male harasser.

The possibility that many male victims of sexual harassment suffer silently, although counterintuitive, should be seriously considered. Because of the societal expectations regarding males as to the role they are expected to play in initiating sexual and romantic relationships [15], it is quite conceivable that males who are victims of sexual aggression by female supervisors are too embarrassed to talk about it. Females, on the other hand, are encouraged to talk about their negative experiences in the workplace, and most organizations have training programs as well as explicit policies meant to sensitize females to their rights in case they are sexually harassed. From a research perspective, the different signals sent by organizations to male and female workers would tend to vastly understate the extent to which males would report suffering from sexual harassment relative to females in the workplace. A complete scholarly neglect of this issue may be

hiding the reality that in organizations today men may be victims of both a hostile environment and quid pro quo sexual harassment by aggressive female managers.

### **THE LEGAL DIFFICULTIES FACED BY MEN ACCUSED OF SEXUAL HARASSMENT**

The third major point to be raised pertains to enormous legal hurdles faced by males who are discharged from their jobs because of alleged sexual harassment at the workplace if they attempt court remedies. Interestingly, there have been numerous studies that have documented the emotional stress and trauma, as well as negative job-related consequences suffered by women who have been victims of sexual harassment [18-20]. As far as I know, the scholars in the sexual harassment area, an overwhelming majority of whom are women, have shown no interest in finding out and discussing the nature of psychological, professional, and legal difficulties faced by men who are accused of sexual harassment. I do not mention this casually but only because it has been noted in the gender-bias literature that the gender of the researcher itself may be correlated to the final results [1-2]. Since the number of female researchers in the area of sexual harassment vastly outnumbers the men, it should be expected that an inherent bias would be present in the scholarly research, even absent the domination by a feminist ideology.

There seems to exist an implicit cavalier and a callous attitude on part of the community of sexual harassment scholars toward those charged with sexual harassment. As a feminist colleague once suggested to me in a matter-of-fact fashion, "Who cares about the problems of men. Compared to what women have had to deal with for centuries, the problems of men are so puny and trivial that it is not worth harping about." No doubt women have been unfairly treated in the past in a wide variety of contexts including employment situations. However, it is also true that the society we live in is moving toward the ideal of gender equality. Therefore, it makes sense to look at problems and challenges faced by both men and women in the workplace. Focusing exclusively on the issues faced by women and ignoring the problems of men only creates a potential for increasing friction among the sexes.

Although it is not mentioned much in the sexual harassment literature, the truth is that the current legal and political environment is not hospitable to men who have been accused of sexual harassment. Whether such charges may have any basis in fact is usually less important than the fact that they have been made. The allegations alone can have a crippling effect on a manager's career and at times can ruin it for all practical purposes. Mangieri wrote, ". . . I wonder if the legal rights of the accused in such cases aren't frequently being trampled. I have heard from several people who were forced to resign or were fired when comparable allegations were made against them" [4, p. B2]. While the individual merits of



each sexual harassment case are best left to internal grievance committees, the EEOC, and the courts, it is important to remember that these institutions must work within the framework provided by congress. The fact is that the Civil Rights Act of 1991, by greatly expanding the monetary remedies available to the sexual harassment plaintiffs in terms of compensatory and punitive damages (see [22]), has indirectly provided strong incentives for sexual harassment charges to be filed. A study by the Center for Women in Government at State University of New York shows the total number of sexual harassment cases went up substantially between 1991 and 1993 and the monetary benefits awarded in sexual harassment cases pursued by the EEOC *doubled* from 1992 to 1993 [23]. The Civil Rights Act of 1991 has done nothing, however, to discourage frivolous sexual harassment charges from being filed, the purpose of which may well be rooted in an organizational or political power struggle as well as something as fundamental as human greed, since such charges are often settled for attractive sums without ever having gone to court [23].

I consider it most unfortunate that while encouraging sexual harassment charges to be filed has become national policy, no unique remedies have been provided for victims of false allegations in order to strike a fair balance in these situations. The existing defamation laws are not sufficient to protect males who have lost their jobs, had their careers ruined, reputations tarnished along with their self-esteem, and have had to go through much emotional anguish and despair (along with their families). Practically speaking, it is rather difficult for a man to win against an organization after he has been dismissed on the grounds of sexual harassment or sexual misconduct. There is mounting evidence that, in such cases, organizations tend to dig in their heels and feel justified in using enormous financial resources to win a wrongful termination suit [11].

Unlike sexual harassment cases, which are brought under the federal law that affords the plaintiff powerful protection, wrongful discharge suits are brought under state common law. Many such suits are, however, summarily dismissed by courts under the traditional employment-at-will doctrine, which holds that an employer can discharge a worker for a good reason, bad reason, or no reason at all [24]. If the employee is protected by a collective bargaining agreement, s/he has a better chance to have her/his case heard and be reinstated. Arbitrators have ordered reinstatement of workers discharged for harassing coworkers in a number of cases because either the conduct in question was not considered serious enough for a dismissal or the employer's investigation of the sexual harassment complaint had not followed proper procedures and allowed due process for the accused [25]. Unfortunately, collective bargaining agreements protect only a small fraction of the workforce, and of course they do not normally protect managers, who tend to be extremely vulnerable to sexual harassment charges.

Typically, a male manager claiming to have been wrongfully discharged, in order to have the case considered, has to be able to argue that the employment relation was based on either an actual or an implied contract and therefore, a just

cause was required for the termination [24]. Even if the (male) manager discharged can overcome this hurdle, his case may be doomed if the court decides that just cause for dismissal should be held to a subjective standard. A subjective standard requires only that a jury determine whether the employer acted in good faith in terminating the manager who had been accused of sexual harassment. If the discharged employee is lucky enough to get a judge who requires that just cause for dismissal should be held to an objective standard, which allows the jury to decide whether the sexual harassment conduct alleged actually took place, his chances of winning increase substantially (see the discussion in [25]). Unfortunately, there is no uniform consensus on whether the subjective or objective standard should be applied for determining just cause [26].

Another accepted way to overcome the employment-at-will doctrine is for the terminated manager to argue that the termination violated public policy [24]. For example, if an employee has been fired because the employee refused the boss's order to forge documents for the purposes of tax evasion, such a termination would be in violation of public policy. In sexual harassment cases, however, it is usually the employer who can successfully claim the moral high ground and argue that the termination was consistent with the public policy against sexual harassment. Indeed, courts have on occasion even overturned arbitrator decisions to reinstate employees who had been accused of sexual harassment on the ground that such a reinstatement was inconsistent with established public policy (cases cited in [25]).

Although there are not too many examples of this nature, it is not difficult to imagine cases where the public policy exception to the employment-at-will doctrine would work in favor of a manager who has been fired for sexual harassment and then charges the organization with wrongful termination law suit. However, such a manager would have to provide evidence he was illegally discharged for reasons having to do with factors not relevant to work (such as his age, race, or national origin) and the stated reason for discharge, sexual harassment, was actually pretextual. The court would have to weigh the strength of evidence on both sides and finally decide whether the stated reason for the discharge, sexual harassment, was the actual reason for the discharge. Again, whether a subjective standard or an objective standard is used to determine why the employer actually discharged the employee for sexual harassment is critical to the final outcome of the case. In *Elrod v. Sears, Roebuck & Co.* [27], the Eleventh Circuit used the subjective standard in reversing the district court and stated "Federal courts 'do not sit' as a super-personnel department . . . our inquiry is limited to whether the employer gave an honest explanation of its behavior" [27, at 1470]. The Eleventh Circuit clearly felt that Sears needed only to show that it made a good faith decision based on the belief that the sexual harassment allegations against Elrod (the employer who was discharged) were true.

It is evident that when an organization terminates a male employee or a higher-level manager based on allegations of sexual harassment or misconduct, the risk

of losing a wrongful discharge suit is minimal. The current legal environment is simply not favorable for males who feel they have been treated unfairly and who attempt to win their jobs back. Scholars have pointed out that organizations typically overestimate the potential for legal liability in such cases and react with costly measures to neutralize such perceived risk [28]. In the current legal environment, it is a sound policy for an organization to be much more sensitive to the rights of the alleged victim of sexual harassment than to the rights of the alleged harasser. Indeed, as noted above, an organization can terminate an employee who has been charged with sexual harassment practically without much fear of adverse legal consequences.

### **IMPLICATIONS FOR ORGANIZATIONAL AND PUBLIC POLICY MAKERS**

The inherent weakness in the sexual harassment literature, in that certain very relevant research issues have been systematically avoided, has important implications for both organizations and policy makers and potentially may be costly to society as a whole. Policy makers should look at the results from sexual-harassment research with some skepticism, as it is dominated by a feminist ideology, tainted by implicit biases against males, and functions from a rather narrow paradigm. The gatekeepers in this field rarely let contrary perspectives enter the "body of knowledge," which apparently must be kept pure. This must be explicitly recognized by policy makers when using the research in this area, as there is the potential danger of justifying decisions based on research results that lack both validity and coherence. For example, the Supreme Court in a historic 1989 decision in the *Price Waterhouse v. Hopkins* case extensively cited research in the gender-bias area to buttress its arguments and support the final decision [29]. It is clear that since such decisions can have enormous impact on organizations as well as society as a whole, there is a critical need to closely scrutinize the research results used.

Even more dangerous than attempting to pass research results biased by political ideology as valid is the rather dismissive attitude toward certain research questions altogether, concerning the plight of males, which sexual harassment scholars simply have refused to ask. However, not addressing these issues puts policy makers at the organizational and broader levels in a quandary, as they must make important decisions that affect individuals and society as a whole without the benefit of multiple perspectives in this important but politically charged area.

Indeed, there are obvious and critical questions crying out for attention in the research domain of sexual harassment. For example, what is the nature and extent of sexual harassment charges that have no factual basis? What causes certain women to make allegations of sexual harassment when in fact they have not been the victims of such behavior? Under what conditions are such false allegations

most likely to be made? What is the nature of psychological trauma, stress, and job-related consequences for men who are accused of sexually harassing behavior? Further, what is the nature of sexual harassment suffered by males at the hand of females? What is the extent of such harassment? Are the psychological trauma, stress, and job-related consequences suffered by men who are sexually harassed similar to those that have been documented for women who have been victims of such harassment? Is such harassment accurately reported in light of the current social and political climate? These questions deserve serious scholarly attention. Answering these questions will give sexual harassment research more credibility and the research results can be utilized for both public and organizational policy making. Currently, for the purposes of public policy making, our leaders need to become aware of the context in which much of sexual harassment research of the last fifteen years has taken place, recognize the inherent biases, and incorporate this knowledge in any future legislative or judicial interventions into social-sexual interactions in the workplace.

Managers must become aware that both men and women enjoy the same legal protection to work in an environment not tainted with sexual hostility. An organization, as Cal-Spas found out, can be liable for the sexually harassing acts of its agents regardless of whether they are male or female [30]. That sexual harassment can go both ways is not a theoretical possibility but a reality. This has to be recognized in company handbooks, which ideally should use gender-neutral language in the discussion of sexual harassment policies.

Women are increasingly joining the ranks of professionals and managers. In the coming decade, there will be a rapid ascension of women to managerial positions, in which they will enjoy both status as well as power over men. Management, therefore, should be prepared for an increase in complaints of sexual harassment against female managers [11]. From a managerial perspective, it is critical that sexual harassment policies be applied evenly to everyone regardless of sex. This may involve training managers to be gender-neutral in their dealing with sexual harassment cases. Showing bias against either male or female complainants can only result in increased tensions in the workplace.

Further, organizations need to recognize in their policy formulations that they have a strong ethical obligation to protect the rights of males accused of sexual harassment. Although based on empirical evidence, it is evident that there is very little risk to organizations of losing a wrongful termination suit, in case a male manager accused of sexual harassment is fired. This should really be only a small comfort to top management. Good human resource policies have to be based on both procedural and distributive justice. If this trend toward increasing sexual harassment accusations continues, and there is every indication that it will, it behooves organizations to sensitize the male employees to their rights. It is rare in the sexual harassment context, whether the discussion centers on training, raising awareness, or policy handbooks, that the rights of the accused are emphasized in the same way and to the same extent as the rights of the accuser. Although this

makes sense from a legal perspective—as the accuser is protected by a strong federal law and the accused usually is not—it is antithetical to a good human resource policy and is likely to result in increasing tension and hostility between men and women at the workplace.

### CONCLUDING NOTE

One of the silent assumptions that underlies most research on sexual harassment is that men are more sexually aggressive than women both outside and inside the workplace, and therefore only male superiors exercise power over women subordinates to create a hostile work environment and elicit sexual favors in organizations. However, though there is evidence for it, it is never considered seriously that women (as their power increases in the organization) are likely to engage in similar sexually harassing behaviors. Another thesis implicit in sexual harassment scholarship is that false allegations of sexual harassment made by women against men are only a remote possibility and therefore not worthy of serious study. Interestingly, while the scholarly community in the field conceptualizes sexual harassment of women by men as an exercise of power, allegations of sexual harassment against men by women are never thought of as an exercise of organizational and political power. This is highly unusual, because such allegations have the potential for extremely negative organizational consequences for the accused, such as the loss of a job.

Many of the hidden assumptions in the sexual harassment literature are questionable. There may be some biological basis for a higher level of general and sexual aggression found among men than among women [31-32]. Reality, however, is quite complex, as just the opposite findings have been reported by other researchers with regard to male and female aggression [33-34]. The current thinking is that the differences in aggression between males and females may be smaller than previously thought, and may be much more dependent on situational factors. (See the meta-analysis by Eagly and Steffen [35], Hyde [36, 37], also see Molm and Hedley [38] for a discussion on this point.) Certainly, making an accusation of sexual harassment against a male constitutes an exercise of power that does not necessarily have roots in human biology. There is evidence from the social psychological as well as the legal literature that sexual aggression and harassment as well as allegations of such behavior can go both ways. As our society grows more sophisticated, and the definition of power expands to include many other variables, relying on human biology alone for public policy and organizational policy will make less and less sense.

If sexual aggression and sexual harassment, as well as allegations of such behavior, are more independent of biological differences between men and women than previously believed, we should readily accept that both males and females can be victims of sexual harassment, as well as victims of false charges of harassment by the opposite sex. In attempting to avoid this conclusion, the current

literature, dominated by a feminist ideology, focuses primarily on men as the harassers and women as the victims of sexual misconduct at the workplace. However, this leads to the rather illogical conclusion that the role the organizational power of the harasser plays in the context of social-sexual interaction is important only if the harasser is a male superior. Further, it implies that allegations of sexual harassment have nothing to do with exercise of organizational power. This is a gross and fundamental conceptual error. Nevertheless, this view dominates and is reflected in current law, organizational policy making, and policy making at broader levels. Addressing these issues is relevant, from a social psychological as well as a policy-making perspective. So far we have had a lopsided view of the nature of sexual harassment in the workplace from the community of sexual harassment scholars. This has led to policies detrimental to the rights of men and that tend to create more tension in the workplace.

This article challenges traditional research orthodoxy relating to sexual harassment and raises troubling issues that, if left unaddressed, will surely bring under close scrutiny the validity of a large portion of the sexual harassment research. The call for a gender-neutral sexual harassment research framework has implications for understanding the real nature and the true role of power in the organization as an antecedent to social-sexual interaction. Exercise of such power may be manifested in sexually harassing behavior or in allegations of sexual harassment. It is important to understand under what conditions social-sexual interaction may lead to a perception of sexual harassment for both men and women. Similarly, it is critical to investigate the nature of allegations of sexual harassment for both women and men. Such allegations have serious consequences, and therefore, the lack of scholarly interest in investigating this matter and the resulting implications need to be carefully examined. Having a more complete understanding of the male and female social-sexual interactions in the context of organizational power will be immensely helpful for practicing managers and policy makers in formulating decisions and policies to regulate sexual conduct in the workplace.

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### ENDNOTES

1. A. H. Eagly and B. T. Johnson, Gender and Leadership Style: A Meta-Analysis, *Psychological Bulletin*, 108:2, pp. 233-256, 1990.
2. W. Wood, Meta-Analytic Review of Sex Differences in Group Performance, *Psychological Bulletin*, 102, pp. 53-71, 1987.

3. K. M. York, Defining Sexual Harassment in Workplaces: A Policy-Capturing Approach, *Academy of Management Journal*, 32, pp. 830-850, 1989.
4. J. Mangieri, *The Chronicle of Higher Education*, July 13, 1994, B2.
5. S. Brownmiller, *Against Our Will: Men, Women, and Rape*, Simon & Schuster, New York, 1975.
6. B. A. Gutek and B. Morasch, Sex-Ratios, Sex-Role Spillover, and Sexual Harassment of Women at Work, *Journal of Social Issues*, 38, pp. 55-74, 1982.
7. K. Murray, A Backlash on Harassment Cases, *New York Times*, Sunday, September 18, 1994.
8. S. Estrich, Sex at Work, *Stanford Law Review*, 43, pp. 813-861, 1991.
9. P. M. Sarrell and W. H. Masters, Sexual Molestation of Men by Women, *Archives of Sexual Behavior*, 11, pp. 117-113, 1982.
10. C. Struckman-Johnson, Forced Sex on Dates: It Happens to Men Too, *The Journal of Sex Research*, 24, pp. 234-241, 1988.
11. *Wall Street Journal*, October 18, 1991, B3.
12. A. Rosenfeld, When Women Rape Men, *Omni Magazine*, September 28, 1982, p. 94.
13. A. C. Kinsey, W. B. Pomeroy, and C. E. Martin, *Sexual Behavior in the Human Male*, Saunders, Philadelphia, 1948.
14. C. L. Muehlenhard and S. W. Cook, Men's Self Reports of Unwanted Sexual Activity, *The Journal of Sex Research*, 24, pp. 58-72, 1988.
15. B. A. Gutek, A. G. Cohen, and A. M. Konrad, Predicting Social-Sexual Behavior at Work: A Contact Hypotheses, *Academy of Management Journal*, 33, pp. 560-677, 1990.
16. L. Farley, *The Women in Management: Career and Family Issues*, ILR Press, Ithaca, 1983.
17. I. W. Jensen and B. A. Gutek, Attributions and Assignment of Responsibility in Sexual Harassment, *Journal of Social Issues*, 38, pp. 121-136, 1982.
18. C. MacKinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination*, Yale University Press, New Haven, Connecticut, 1979.
19. D. E. Terpstra and D. D. Baker, A Hierarchy of Sexual Harassment, *The Journal of Psychology*, 121, pp. 599-605, 1986.
20. D. D. Baker, D. E. Terpstra, and K. Larntz, The Influence of Individual Characteristics and Severity of Harassing Behavior on Reactions to Sexual Harassment, *Sex Roles*, 22, pp. 305-324, 1990.
21. *Gutierrez Sabino v. Cal-Spas et al.* Los Angeles County Superior Court, Civil Case Number: BC 055641, 1993.
22. L. K. Larson, Special Pamphlet: The Civil Rights Act of 1991, *Employment Discrimination*, 1992.
23. Center for Women in Government, Webb Report, August 1994.
24. K. L. Sovereign, *Personnel Law*, Prentice Hall, New Jersey, 1994.
25. P. A. Konopka, Combatting Sexual Harassment in the Workplace without Risking a Wrongful Discharge Lawsuit: An Employer's Dilemma? *Kansas Law Review*, 42, pp. 437-461, 1994.
26. W. J. Delmendo, Determining Just Cause: An Equitable Solution of the Work Place, *Washington Law Review*, 66 (see pp. 831-832), 1991.
27. *Elrod v. Sears, Roebuck & Co.* 939 F.2d 1466, 11th Cir (1991).

28. J. N. Dertouzos and L. A. Karoly, *Labor-Market Responses to Employment Liability*, 1992.
29. *Price Waterhouse v. Hopkins*, 109 S.Ct. 1775 (1989).
30. *Webb Report*, February 1994.
31. R. A. Collins, Conflict Theory of Sexual Stratification, *Social Problems*, pp. 1-20, 1971.
32. E. E. Maccoby and C. N. Jacklin, *The Psychology of Sex Differences*, Stanford University Press, Stanford, California, 1975.
33. A. Frodi, J. Maccauley, and P. R. Thome, Are Women Always Less Aggressive than Men? A Review of Experimental Literature, *Psychological Bulletin*, 84, pp. 634-660, 1977.
34. S. M. J. Towson and M. P. Zanna, Toward a Situational Analysis of Gender Differences in Aggression, *Sex Roles*, 8, pp. 903-914, 1982.
35. A. H. Eagly and V. J. Steffen, Gender and Aggressive Behavior: A Meta-Analytic Review of the Social Psychological Literature, *Psychological Bulletin*, 100, pp. 309-330, 1986.
36. J. S. Hyde, How Large are Gender Differences in Aggression? A Developmental Meta-Analysis, *Developmental Psychology*, 20, pp. 722-736, 1984.
37. J. S. Hyde, Gender Differences in Aggression, in *The Psychology of Gender. Advances through Meta-Analysis*, J. S. Hyde and M. C. Linn (eds.), Johns Hopkins University Medical Press, Baltimore, Maryland, 1986.
38. L. D. Molm and M. Hedley, Gender, Power and Social Exchange, in *Gender, Interaction, and Inequality*, C. L. Ridgeway (ed.), Springer-Verlag, New York, pp. 1-28, 1992.

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