

CHAPTER 4

Sexual Harassment

Violence Against Women at Work and in Schools

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Around the globe, the unwanted sexual attention of men is a common condition of employment and education for women and girls. The experience is universal—transcending all levels of socioeconomic and educational status and cutting across most national and cultural identities. The type and severity of the harm done is subject to interpretation, which is mediated by such things as gender ideology, sexual orientation, nationality, and race relations. Despite these variations, the two most common complaints are the loss of employment and the loss of educational opportunity.

Nearly 35 years ago, U.S. feminists coined the term *sexual harassment* to describe this multifaceted ubiquity among women (Farley, 1978; MacKinnon, 1979; Wehrli, 1976). Since that time, the issue of sexual harassment has been a potent focal point of the struggle for women's rights throughout the entire world. As a result, answers to such fundamental and practical questions as what behaviors constitute sexual harassment, what are the risk factors, what is the harm done,

who should be held accountable, and how to best prevent it have too often become fodder for political theater. For at the core of these queries lie the larger questions of who has the right—or more accurately, the power—to define what constitutes violence against women, what is the role of government in defining it, and to what extent should an employer or school be held accountable when its members commit it.

An exhaustive exploration of all points of contention is too great a task for this book chapter. We offer, instead, a highlighting of the trends most pertinent to those committed to ending violence against women. Before we do so, three caveats further explicate our choices:

- A significant body of scholarship and government statistics consistently substantiates a need for more attention to the sexual harassment of men and boys. The number of male survey respondents who experience sexual harassment has consistently increased, as have their complaints to the Equal Employment Opportunity Commission (see, e.g., Stockdale, 2008). Their

harassers are overwhelmingly male, but their harassment and complaint experiences are different from those of their female counterparts in a number of important ways. In other publications, we have joined the chorus calling for greater attention to the sexual harassment of men (Gruber & Morgan, 2005; Morgan & Gruber, 2008). But, in keeping with the scope of this collection, the analysis we present in this chapter is limited to the experiences of women and girls.

- Recent efforts to make sexual harassment laws more politically acceptable and palatable to the business community have led to a reinvention of sexual harassment as a form of general workplace/classroom incivility rather than a form of discriminatory violence. We remain wary of this approach and conceptualize sexual harassment as a form of sexual violence—committed primarily by men, primarily against women—and place it on a continuum that ranges from the smallest gestures of sexism that women encounter every day through the all-too-frequent murder of women and girls by men. As such, it is the most widespread form of violence against women in the world today (Merkin, 2008).
- Despite the fact that the practice of sexual harassment has been sufficiently documented across history and around the globe, the scholarly literature remains skewed toward the American experience (Willness, Steele, & Lee, 2007). As charter members of the International Consortium Against Sexual Harassment, we see this chapter as an opportunity to continue our efforts to correct that bias. Thus, in researching this chapter, we made a special effort to take a global approach to the problem and highlight implications of globalization for this pernicious form of violence against women.

With these caveats in mind, the following pages present an overview of contemporary trends in the sexual harassment literature in two parts. While the first part focuses on the sexual

harassment of working women, the second part addresses the literature regarding the sexual harassment of women and girls at all levels of education. Within each part, we will draw upon government policy, legal cases, and research findings to address these common questions: What is sexual harassment? How prevalent is it? What are the risk factors? What is the harm? In addition, we also address the challenges posed by the globalized workplace and multicultural classroom.

Sexual Harassment Against Women at Work

The United States Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. (EEOC, 2009)

In addition to the definition, the EEOC publishes compliance guidelines for employers. The guidelines support efforts to encourage the reporting of unwelcome sexual attention, hold employers responsible for preventing sexual harassment, and make retaliation against victims and their witnesses legally actionable.

Today a substantial body of case law establishes the constitutionality of the EEOC's definitions and guidelines under U.S. law. Since 1985, 14 U.S. Supreme Court rulings have further clarified the types of behaviors that constitute sexual harassment, who is liable for it, and the limits of that liability. In two cases, the Court made clear that although sexual harassment is defined as an inherently harmful condition of employment, one does not have to lose employment, wages, or

psychological well-being to qualify for compensation (*Harris v. Forklift Systems*, 1993; *Meritor Savings Bank v. Mechelle Vinson*, 1986). In 1998, the Court ruled that although sexual harassment is a form of sex discrimination, same-sex sexual harassment is actionable (*Oncale v. Sundowner Offshore Services*, 1998) and that employers are vicariously and strictly liable for harassment by supervisors (*Burlington Industries, Inc. v. Ellerth*, 1998; *Faragher v. City of Boca Raton*, 1998). In 2001, the Court further clarified the scope of employer liability by concluding that employers are liable for sexual harassment that could have been prevented, regardless of the supervisory relationship—or lack thereof—between the harassed and harasser(s) (*Pollard v. Dupont*, 2001). More recently, the U.S. Supreme Court decided that all forms of retaliation—including retaliation against those who participate in an investigation as witnesses or investigators—are legally actionable (*Crawford v. Nashville and Davidson County, TN*, 2009).

In 1992, the U.S. Congress passed legislation allowing sexual harassment cases access to jury trials and plaintiffs the right to sue for punitive awards of up to \$500,000 (see Civil Rights Act of 1991). Doing so significantly increased the financial risks to employers and therefore added more “teeth” to the existing law. In 2007, U.S. employers paid \$50 million to EEOC claimants alone. The prospect of seven- and eight-figure jury awards like those against the Los Angeles Police Department (\$3.1 million), Vons Supermarket (\$18 million), Baker and McKenzie (\$6.9 million), and Wal-Mart (\$50 million) has caused employers to take their potential liability more seriously (see Goodwin, 2003; Grimsley, 1996; Harris, 2009; Kim, 2008).

The Globalization of Anti-Sexual Harassment Policy

The United States may be “ground zero” in the anti-sexual harassment movement, but the transformation of unwanted sexual attention from

simply the price women pay for employment into a socially unacceptable and illegal behavior is decidedly a global phenomenon. Although approaches vary, prohibitions against the sexual harassment of working women can be found on all continents. In legal and cultural environments most like the United States (e.g., Canada, the United Kingdom, Australia, South Africa, and Israel), the American model (as codified by the EEOC and legitimized by the U.S. Congress and the courts) has been adopted almost whole cloth and with similar results (Lee, 2001; Zalesne, 2002). But across Europe, Africa, and Asia, the American approach is culturally and legally incongruent. As such, American anti-sexual harassment policy has at times been criticized as another manifestation of the “McDonaldization” of the world—a model, therefore, to both follow and to avoid (Cahill, 2001; Zippel, 2004).

Although the European Union (EU) addressed the issue of sexual harassment as early as 1976, it was not until 2002 that membership in the European Union required the adoption of a declaration that sexual harassment violates the “equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.” This EU directive declares sexual harassment to be “contrary to the principle of equal treatment between women and men” and employers are encouraged to “take preventive measures against sexual harassment in the workplace, in accordance with national legislation and practice” (EU, 2002). In short, it obligates all members to outlaw sexual harassment and establish agencies similar to the U.S. EEOC and presents 27 nations with the daunting task of creating meaningful congruence between the EU directive and local legal systems and cultural norms (Moline, 2002). Compliance for some members required more effort than for others. In socialist-led countries, for example, co-worker sexual harassment has not been explicitly covered (Cahill, 2001). So, France was forced to broaden its limited definition of sexual harassment as an abuse of power by someone in an official capacity to include unwanted sexual attention by coworkers, subordinates, and vocational trainers

(Dobbin, 2006). Among members with strong commitments to universal rights codified by the United Nations, compliance with the 2002 directive has cast sexual harassment as a violation of the human right to dignity (Samuels, 2003). As a result, in Greece, where compliance with the EU's directive has yet to be achieved, a judge applied the United Nations dictate on workplace dignity to justify his ruling in a sexual harassment case (Zippel, 2004).

The farther east sexual harassment policies travel, the less Westernized they become. Although most governments in the Middle and Far East have joined the ranks of those who believe sexual harassment should be banned, without a history of civil or worker rights, legislatures have reformed criminal law. For example, on March 22, 2009, members of the Saudi Arabian parliament began a heated debate of a bill that, if passed, would criminalize sexual harassment and hold managers of companies and other institutions responsible for preventing it (Ghafour, 2009). Those found guilty could serve up to a year in jail and pay significant fines.

Until recently, Sharia law was deemed, at least by lawmakers, a sufficient deterrent against the sexual harassment of women in the workplace. But, increasingly, competitive participation in a globalized economy has demanded a legal environment conducive to the success of multinational organizations and, relatedly, the expectations of a cross-cultural workforce. More than 7 million expatriates are employed in Saudi Arabia alone. Transnational corporations like Time Warner, Mitsubishi, Siemens, and Exxon Mobil employ about 50% of the world's paid laborers (Steger, 2003). Consequently, Saudi Arabia joins a growing list of Muslim countries like Malaysia, Indonesia, Tunisia, and Egypt that have turned to criminal law as a way to adapt Western sexual harassment prohibitions to a religion-based legal system.

In the communist nation of the People's Republic of China, a Sichuan office manager had the unfortunate opportunity to be the first person

convicted under a law similar to the one pondered by the Saudi Arabian parliament (Branigan, 2008). *The Guardian* reported Mr. Liu served six months in jail for "holding [a female colleague] by the neck and kissing her against her will" (Branigan, 2008).

Prevalence

A substantial body of survey research consistently finds the problem of employment-related sexual harassment to be both endemic and global. A stratified random survey of all U.S. government employees found that 44% of all female government employees had experienced sexual harassment within two years of the survey (United States Merit Systems Protection Board [USMSPB], 1994). A replication of the USMSPB survey conducted with Japanese civil servants found 26% of females had experienced sexual harassment within two years of the survey (Huen, 2007), and another with Canadian workers found 50% of the female respondents and 18% of the men had experienced sexual harassment within two years (Canadian Human Rights Commission, 1983). When simply asked whether they had been exposed to sexual harassment at their current place of employment, 3.2% of Danish women, 18% of Finnish, and 20% of Spanish women said "yes" (European Foundation for the Improvement of Living and Working Conditions, 2007).

Differences in rates may be due, at least in part, to the extent to which questionnaires rely upon objective or subjective labeling. For example, in a 1982 randomized telephone survey of Los Angeles workers, 50% of the female respondents had experienced at least one of the behaviors labeled by the EEOC guidelines as sexual harassment, but only 20% of them said they considered their experiences to be sexual harassment (Gutek, 1985). Despite definitional and methodological variation, the European Commission (1999) conservatively estimates the incidence rate among European women to be 30–50%.

Risk Factors

Without doubt, gender is the most significant predictor of sexual harassment. Although the number of men who experience sexual harassment and who file complaints with government agencies is increasing, women are overwhelmingly the targets of it and men are most often the perpetrators. Among U.S. government workers, for example, 93% of the women who experienced sexual harassment were targeted by men; similarly, 94% of all sexual harassment complaints filed with Israeli organizations were made by women against men (Bior, 2008). A United Nations report published a similar (95%) rate among Danish organizations (see European Union, 2004).

Additionally, research consistently points to the degree of male dominance as a significant risk factor. Both men and women who work in domains (i.e., organizations, workgroups, industries, or occupations) overpopulated by men are at a higher risk of being sexually harassed than are those who do not (Morgan & Gruber, 2008; Willness et al., 2007). Thus, despite the fact that the U.S. Department of Defense has had a zero tolerance policy since 1991, the rates of overall victimization among U.S. military and reservists are significantly higher (61%) and the types of harassment reported more severe than among nonmilitary workers (Street, Stafford, Mahan, & Hendricks, 2008; Vijayasiri, 2008).

In addition to numerical dominance, normative dominance also plays a role. The risk of sexual harassment is higher in domains in which one's ability to conform to masculine norms is a tacit measure of work performance. Thus, women who do "men's" work—policing, firefighting, coal mining, and architectural design, for example—are more likely to be sexually harassed than those whose jobs do not depend upon the ability to "work like a man" (Gruber & Morgan, 2005).

Another salient risk factor is the extent to which the work environment is sexualized

(Parker, 2008). Such environments foster beliefs that sexual attraction between workers is natural and unavoidable. A survey of human resource professionals found that in nearly one-quarter of the sexual harassment claims they handle, the relationship began as a workplace romance (Pierce, Broberg, McClure, & Aguinis, 2004). As in the now-iconic complaint filed by Mechelle Vinson against her former boyfriend and supervisor, in a sexualized environment, harassment is too often the response when one member of the couple attempts to change the terms of a previously consensual relationship. In the service sector, managing the unwanted sexual attention of customers and clients is an occupational hazard for those expected to wear sexy uniforms or use their sexual charms to sell products (Deadrick, 2001). Similarly, those whose work requires interaction with men in an intimate setting are at a higher risk of sexual harassment than those who work in more bureaucratic or professional venues. Nurses, for example, are more often harassed "bedside" than in other, less intimate settings, and the incidence rate of sexual harassment of registered nurses by patients is close to that of military women (Hesketh et al., 2003; Kane-Urrabazo, 2007). The sexual harassment of domestic workers is similarly problematic. DeSouza and Cerqueria's (2009) survey of 360 Brazilian workers found sexual harassment among live-in domestics was significantly more frequent, and the consequences more severe, than among day workers, and the place harassment most often occurred was their own bedroom. In fact, the sexual harassment of migrant domestic workers has become so problematic that learning how to fend off sexual advances has become a standard part of their orientation training (Bencomo, 2005).

Finally, a meta-analysis of the findings from 41 studies finds evidence that an overall environmental tolerance for mistreatment, discrimination, and incivility of various kinds provides fertile ground for the normalization of sexual harassment as acceptable behavior (Willness et al., 2007). While

occasional acts of unwanted sexual attention can occur in any workplace, sexual harassment becomes endemic in settings in which putting up with abuse, or even violence, is a tacit occupational requirement. In correctional and mental health institutions, for example, workers are expected to tolerate, rather than report to their superiors, all but the most extreme forms of sexual violence (Hesketh et al., 2003). A City of Los Angeles personnel survey found, for example, that while women in the protective services had the highest rate of sexual harassment, they also filed the smallest proportion of formal complaints (Texeira, 2002).

Harm

The negative impacts of sexual harassment on the mental and physical health of women workers have been well documented. A study of military reservists found a significant correlation between having been sexually harassed and a range of medical conditions (Street et al., 2008). But more important, almost a decade after service, the reservists who had been sexually harassed while serving their country reported significantly poorer health than those who had not been harassed. When mental resiliency has been compromised, sexual harassment can precipitate depression, eating disorders, and instances of Post-Traumatic Stress Disorder (PTSD). Among female Gulf War veterans, sexual stress (i.e., stress due to sexual harassment and sexual assault while on duty) was found to be nearly four times as influential in the development of PTSD as other duty-related stressors (O'Donohue et al., 2006).

In addition, sexually harassed workers tend to report lower job and life satisfaction scores than their counterparts (Fineran & Gruber, 2008). Somewhat related is an erosion of trust. Even when the source of harassment is someone other than a supervisor, targets of sexual harassment often attribute the experience to their organization's leadership (Murray, Sivasubramaniam, &

Jacques, 2001). And sexually harassed women report not only lowered confidence in leadership, but also a distrust of men as a group (Van Roosmalen & McDaniel, 1998). Although differences in the number of adverse outcomes can be found between Danish and Finnish women and between Scandinavian and American women (Kauppinen & Gruber, 1993), a meta-analysis of the research findings from 41 studies found evidence of severe negative effects in all socioeconomic groups, at all educational levels, and across all cultures, countries, age groups, and vocations (Willness et al., 2007).

Sexual Harassment in the Globalized Workplace

The forces of globalization have played a significant part in transforming the world's opinion about the problem of sexual harassment and in facilitating an international effort to prohibit it. Although approaches may vary, the majority of governments, NGOs, and multinational companies have policies prohibiting sexual harassment as well as procedures for prevention and sanction. But to those seeking to meaningfully address the problem, globalization also presents formidable challenges. In the globalized workplace, workers are increasingly mobile, a growing number of the organizations that employ them are multinational in scope, and the cultural context in which they interact with others is increasingly complex.

In 2008, a UK court awarded Christina Rich £2 million in her lawsuit against PricewaterhouseCoopers (Alleyne, 2008). The world's largest award to a sexual harassment plaintiff was the result of claims of unwanted sexualized attention experienced in the firm's Australian office where, unlike in the UK or the U.S., awards are limited to damages only. The Australian firm operates under an American umbrella company that coordinates the work of 146,000 employees in 150 countries. In today's globalized world, where the top 200 multinational companies

account for almost half the world's economy, Rich's case is more typical than aberrant.

In 2008, Nike Incorporated, an Oregon-based company, employed 30,000 worldwide. But 100% of its products are made by Asian workers, the majority of whom are women (Steger, 2003). The sexual abuse and assault of Asian sweatshop workers is both endemic and egregious, and because sexual harassment laws in many Asian countries are either nonexistent or not enforced, Western companies like Nike that have clear prohibitions and that provide sensitivity training become magnets for the most talented and skilled Asian workers (Chhabra, 2008).

Even more vulnerable to sexual harassment than sweatshop workers are migrant workers. The transitory nature of migrant work has precluded documentation of its prevalence. But, journalist and activist reports suggest the problem is significant. In Guntur, India, in 2007, the harvest of chilis and cotton was delayed due to a shortage of labor that local agencies attributed to the district's notoriety for sexual harassment (Pradesh, 2007). According to the Taipei Foreign Workers Consulting Center, the sexual harassment of foreigners working in that city—particularly of domestic assistants—has become acute (Lui, 2003).

Undocumented workers are perhaps the most vulnerable of all because they are excluded from local justice mechanisms. As a result, undocumented Latinas reported to the EEOC that they were forced to exchange sex for employment in the hotel industry and for protection from deportation (Velloso, 1997). In countries without government agencies to hold employers accountable, foreign workers turn to their embassies and consulates for assistance. Human Rights Watch claims embassies in the Middle East are flooded with workers complaining of sexual abuse, assault, and forced labor (Turner, 2007). Interviews with 100 domestic workers seeking assistance found that 13 of them had been repeatedly raped by their employers, and the others had routinely been fondled, had received demands for sex, and were offered money to perform sexual favors.

Sexual Harassment of Women and Girls in Schools

The transformation of sexual harassment from a personal problem to a social one and from a socially accepted practice to an illegal one began in the workplace. But since the early 1970s, awareness has grown that sexual harassment is equally problematic in educational settings. In 1982, the definition of sexual harassment codified by the EEOC was adopted, almost entirely, by the U.S. Office of Civil Rights to conceptualize sexual harassment as a form of educational discrimination and therefore a violation of the U.S. Civil Rights Act of 1964. As was the case with workplace harassment, initially policy development and research studies were often piecemeal. Although scholarly writing on sexual harassment of college women began in the early 1980s, the victimization of high school girls did not become a focus until the early 1990s.

Sexual Harassment on College Campuses

The first insights into the problem of sexual harassment on campuses came from interviews with women students who provided narratives of their experiences with male staff, particularly faculty. Hall and Sandler (1982) chronicled the routine nature of sexist comments, sexual overtures, and general disregard of women's concerns. This "chilly climate" impacted the lives of thousands of women students across the country. About the same time, Dzeich and Werner (1984) focused on the predatory behavior of male professors who groped, fondled, and sexually bribed their students, often without sanctioning of any sort from peers or administrators. Both works provided a national wake-up call about a pervasive problem that had received scant attention. As was true with studies of workplace harassment, the discovery of sexual harassment on college campuses began with case studies of women who provided sordid details about their experiences and later

resulted in surveys and interviews of large numbers of women. In this regard, Michele Paludi's book, *Ivory Power: The Sexual Harassment of Women on Campus* (1991), was a landmark publication that presented a comprehensive overview of theory, research problems, and substantive findings on sexual harassment. The chapters covered legal issues, profiles of victims and perpetrators, descriptions of women's coping responses, and training and prevention strategies.

A contributor to Paludi's book, Louise Fitzgerald, conducted one of the first large-scale surveys of women students and staff. She and her colleagues found high levels of harassment—over 50%—on two campuses (Fitzgerald et al., 1988). This publication introduced their measure of harassment, the Sexual Experiences Questionnaire (SEQ). For two decades, Fitzgerald and her colleagues have continued to develop the SEQ and to expand the populations on which it is used. The SEQ focuses on three forms of sexual harassment: gender harassment, unwanted sexual attention, and sexual coercion. *Gender harassment* refers to behaviors that convey sexist and degrading attitudes toward women. Crude sexual remarks, stereotypic comments about women's competence or abilities, or obscene gestures are examples. *Unwanted sexual attention* includes offensive touching, stroking, or fondling; asking personal questions of a sexual nature; or repeated requests for dates or sex. *Sexual coercion* includes sexual bribery (offering a reward or threatening punishment as a means of obtaining sexual favors) and sexual assault. Along with the SEQ, survey items developed by the American Association of University Women Educational Foundation (AAUW) present most of the information we have about sexual harassment on college campuses and in U.S. secondary schools (AAUW, 1993, 2001, 2005).

More recent SEQ-based studies reveal that sexual harassment is a widespread problem for women on college campuses. Cortina, Swan, Fitzgerald, and Waldo (1998) found that half the women on a large campus—49% of undergraduates and 53% of graduate students—had been harassed by a college professor. They also found

an alarmingly high percentage of sexual assault (11%) among women in their sample. A more recent survey found that 56% of women students had experienced harassment from faculty, staff, or peers over a 12-month period (Huerta, Cortina, Pang, Torges, & Magley, 2006). Gender harassment impacted nearly all the women (92%), unwanted sexual attention was experienced by more than half (53%), and 5% were victims of sexual coercion. A large national sample of college students sponsored by the AAUW found that 62% of women students had experienced harassment during their college careers, especially during their first year (Hill & Silva, 2005). More than half (57%) were the targets of sexual jokes or comments, and more than one in four (28%) had experienced physical contact of a sexual nature. Approximately 5% were victims of sexual bribery. These results parallel those of Gross, Winslett, Roberts, and Gohm (2006), who found that 28% of women students had experienced unwanted sexual contact of a physical nature.

Similar to the research on workplace harassment, studies of women on college campuses showed that some women are more likely to be victims of harassment than others. Sexual orientation is a significant predictive factor in this regard. Lesbian and bisexual women report rates of harassment that are significantly higher than their heterosexual peers. Cortina et al. (1998) revealed that 81% of such women had been sexually harassed; Hill and Silva (2005) found 73%. Race and ethnicity are also predictive factors, but the research results are conflicting. In an SEQ-based study, African American and Hispanic women had somewhat higher harassment rates than white women (62% and 60%, respectively, versus 56%), though these differences were not significant. The AAUW survey, however, found significantly higher rates among whites (64%) than among either African Americans or Hispanics (54%). However, there were no differences in physical contact sexual harassment between the groups. Finally, field of study is a predictor of sexual harassment. Specifically, women in male-dominated fields are more likely to experience discrimination and

harassment than women in fields with balanced gender ratios. Perhaps the most well-known “wake-up call” in this regard began with a series of complaints in the early 1990s by Professor Nancy Gibson, a biologist at M.I.T., about a lack of laboratory space and research support (see Miller & Wilson, 1999, for a comprehensive summary). After she read M.I.T.’s sexual harassment policy statement that said “sexual harassment was to be in a place where the atmosphere is so threatening that you couldn’t do your work,” she thought, “This is my entire life.” She filed suit against the university and caught the attention of other women faculty at M.I.T. who had suffered for years in silence—and then the attention of women scientists across the country, who began studies of discrimination and harassment on their own campuses. Like Gibson, Carla Corroto (2005) presented an insider’s perspective on the mistreatment and abuse of women in the male-dominated discipline of architecture. She provided details about the complex meanings of male power and privilege by describing the far reaches of normative dominance during a three-year stint as a faculty member in a school of architecture. In addition to the frequent sexualized comments that women students received from male faculty and peers about their dress and physical attributes, the landscape of graduate school—in particular, architectural studios—was claimed as male space. For example, a number of male students listened to sex-talk call-in shows and hung pornographic images of women on studio walls. The complaints of women students to faculty and administrators about the discriminatory and harassing behavior of their peers fell on deaf ears.

Perhaps the clearest examples of the impact of “double dominance” in education are from surveys of military academies. In 2003, the exposure of sexual harassment and assault at the Air Force Academy—where, among other findings, 12% of senior women cadets testified that they had been victims of rape or attempted rape during their academic careers—led to a federally sponsored investigation of all three military academies. Compared to studies of university students,

studies of women in military academies revealed they experienced higher levels of sexual harassment (59–62%) and sexual assault (4–6%) *during a 12-month period* (Cook, Jones, Lipari, & Lancaster, 2005). In contrast, Hill and Silva’s (2005) national survey of college women found that 62% had been sexually harassed over the course of their *entire academic career*. Perhaps a silver lining to these dismal statistics is that both male and female cadets perceived that problems with harassment and assault had improved during the course of their training.

In academic settings, the frequency of harassment is significantly associated with adverse psychological outcomes. Schneider, Swan, and Fitzgerald (1997) tabulated how often respondents had been harassed, regardless of the type of harassment, and found that higher frequencies, as measured by the SEQ, significantly predicted life satisfaction, mental health, and PTSD symptoms. But targets of low-frequency harassment experienced adverse outcomes too, though not to the degree that victims of more frequent harassment did. Women who were “doubly victimized” by sexual harassment *and* sexual assault had significantly poorer evaluations of women’s treatment on campus, felt less accepted and respected by faculty and peers, and indicated a lower likelihood of returning to school to continue their studies (Cortina et al., 1998). The short-term effects of harassment include psychological distress, low academic satisfaction, and physical illness; the cumulative impact reveals disengagement from the academic environment and poorer academic performance. These results were especially striking when the perpetrator was a faculty member or administrator. A strong relationship between harassment severity and PTSD was found among college students as well (McDermut, Haaga, & Kirk, 2000). Rather than using a simple frequency measure, McDermut and colleagues divided the SEQ categories into “severe” and “mild” forms and found that victims of the former had higher scores on all three PTSD subscales (re-experiencing the harassment, avoidance and numbing, and hypervigilance). A majority of women in a recent

national survey reacted with embarrassment and/or anger to their sexual harassment experiences (Hill & Silva, 2005). A smaller percentage (5–8%) of the respondents had serious concerns about whether or not they could be successful in their chosen field, complete their undergraduate coursework, or attend post-graduate education (pp. 28–29).

Are women on U.S. campuses harassed more frequently (or differently) than their peers on other campuses around the globe? The answer to such a straightforward question is complicated because of differing research techniques and surveys that have been used to collect data, varying focal time periods (e.g., harassed in the last 12 months versus ever harassed while a student), and crucially, different cultural understanding about “sexual harassment.” A review of SEQ-based studies from countries outside the United States reveals the complexity (DeSouza & Solberg, 2003).

According to international indicators of gender equality, such as the United Nations’ GEM (Gender Empowerment Measure), Scandinavian countries have some of the highest levels of gender parity in the world. But does this translate into less sexual harassment on college and high school campuses? Two comparative studies—one of college students and a second of high school students (see Witkowska & Menckel, 2005)—provide evidence in this regard. Undergraduates at a major Finnish university were compared to American students who completed similar SEQ-based surveys (Gruber, Husu, & Kauppinen, 2007). In contrast to American students, Finns experienced significantly less sexual harassment from instructors. Also, both Finnish male and female undergraduates were more sensitized to the problem of sexual harassment and, more generally, gender discrimination. That is, a larger proportion of Finns of both sexes labeled a wider range of sexually based behaviors as constituting “sexual harassment.” For more than half a century, the Finnish government has aggressively pursued policies and initiatives aimed at addressing gender inequality. Consequently, for decades

Finns have had much greater exposure to the problems of gender imbalance in a variety of contexts—marriage and parenting, job discrimination, wage/salary inequity, and access to higher education (Gruber et al., 2007).

Sexual Harassment in Secondary Schools

Sexual harassment in secondary schools differs from that found on college campuses in at least two ways. First, secondary schools seem to have significantly higher rates of victimization (see AAUW, 1993, 2001), and in contrast to college campuses and workplaces, there are no significant gender differences in victimization (AAUW, 1993, 2001; Gruber & Fineran, 2008). In all three types of settings, however, males are perpetrators to a much larger extent than females.

Sexual harassment in secondary schools is primarily peer to peer, although the AAUW (2001) estimated that one in four girls has been harassed by school personnel (teacher, coach, school bus driver, etc.). The most comprehensive reports on sexual harassment were conducted by the AAUW in 1993, with a follow-up in 2001. Their recent report, *Hostile Hallways* (2001), found that 81% of students in U.S. schools reported sexual harassment from their peers during their school years (83% of girls and 79% of boys). These and other studies of secondary schools find that peer sexual harassment is widespread, with incidence rates between 50% and 88% (AAUW, 1993; Fineran & Bennett, 1999; Permanent Commission on the Status of Women [PCSW], 1995; Roscoe, Strouse, & Goodwin, 1994; Stratton & Backes, 1997; Trigg & Wittenstrom, 1996). These studies provided descriptive analyses of harassment—type of behavior, when and where it occurred, or student responses to it—but did not explore the effects of context, as many studies of workplace harassment have done. A few recent studies have addressed this problem. The Organizational Tolerance of Sexual Harassment Scale, which has

been used widely in workplace studies, was adapted for a survey of high school students. The results found that school environments that are perceived as tolerant of sexual harassment of girls not only have higher rates of harassment, especially severe harassment, but are associated with poorer health and school outcomes (self-esteem, body image, sense of safety at school) for girls (Ormerod, Collinsworth, & Perry, 2008). The findings from a study of sexual minorities in high school parallel those from women workers. Chesir-Teran and Hughes (2009) explored the impact of programs and policies that were developed to create more tolerant and safer school environments for lesbian, gay, bisexual, and transgender students. Similar to Gruber's (1998) study of working women, their study showed proactive programs were more effective in creating tolerance and reducing victimization than was the mere promulgation of policy statements (e.g., postings of statements in public settings).

The AAUW (1993, 2001) reports indicated that more than 50% of male and female students experienced sexual comments, jokes, gestures, or looks. More than 30% of boys and girls experienced being touched, grabbed, pinched, or brushed up against in a sexual manner by schoolmates. In a study by Fineran and Bennett (1999), unwanted sexual attention, including pressure for dates and sex, was reported by approximately 43% of girls and 30% of boys, while in the PCSW (1995) studies, 25% of girls and 5% of boys reported unwanted sexual attention. Though gender differences in victimization are small, differences in *perpetration* are large and significant: Boys perpetrate sexual harassment more frequently than girls (AAUW, 1993, 2001; DeSouza & Ribeiro, 2005; Fineran & Bennett, 1999; PCSW, 1995; Stratton & Backes, 1997; Trigg & Wittenstrom, 1996). Compared to workplaces or college campuses, secondary schools seem to present unique sexual harassment challenges for young women. The amount of sexualized physical contact is significant—being grabbed or brushed up against, being forced to kiss a boy, or having their clothes pulled, for example. Also, one in five girls report being the targets of sexual rumors. With the

widespread use of text messaging and the Internet, it is likely that this figure will only increase. In a recent survey, more than three-quarters of secondary school girls who had been victims of sexual rumors labeled the experience as "very upsetting" (Gruber & Fineran, 2008).

Research of military women has consistently identified homophobia as a significant factor affecting both the severity and frequency of sexual harassment (see Embers-Herbert, 2005). Emerging research of girls suggests the problem is not limited to the military. Lesbian and bisexual girls experience much higher levels of sexual harassment than do heterosexual girls. The Massachusetts Youth Risk Behavior Survey found that gay, lesbian, and bisexual students were more likely than their peers to have been threatened with or injured by a weapon at school or to have experienced dating violence and nonconsensual sex (Massachusetts Department of Education, 2007). These results parallel those of Fineran (2002) and Williams, Connolly, Pepler, and Craig (2005), who found that sexual minority students were physically assaulted and sexually harassed more frequently than were heterosexual students. A recent report by the Gay, Lesbian, and Straight Education Network (2005) on Michigan schools revealed that two-thirds of students in their sample were sexually harassed because they were, or appeared to be, gay or lesbian. More than 80% of these students reported hearing derogatory homophobic comments.

Compared to the research on sexual orientation, which finds substantial differences in rates of sexual harassment victimization between sexual minorities and heterosexuals, studies of racial differences reveal few real differences. American research on sexual harassment (AAUW, 2001; Fineran & Gruber, 2004) as well as on bullying reports insignificant differences between racial groups (Nansel, Overpeck, Pilla, Ruan, Scheidt, and Simons-Morton, 2001; Peskin, Tortolero, & Markham, 2006). However, an Israeli survey that found that Arab boys were at significantly greater risk of sexualized intimidation than any other group may provide insight into some of the

reasons for the conflicting results for race and ethnicity (Zeira, Aster, & Benbenishty, 2002). They explained the difference between the two groups as resulting largely from a significant socioeconomic gap. Arab students attended poorer schools that were located in low-income, unstable communities with higher levels of crime and violence. The socioeconomic factor may be the missing piece in understanding race differences in school sexual harassment in the United States because public schools are highly race segregated.

There is some evidence that a national climate that promotes gender equality may affect sexual harassment in high school. By adapting the survey items from the AAUW's *Hostile Hallways* study (2001) to a national survey of Swedish students, Witkowska and Menckel (2005) found substantial differences between the experiences of Swedish and American girls on *all* the comparable survey items. Most notably, Swedish girls experienced significantly fewer instances of both verbal (e.g., sexual jokes or comments, sexual rumors, sexual name-calling) and physical contact (grabbing or groping, pulling clothes down) harassment from their peers than their American counterparts. They also experienced substantially less harassment from their teachers. Also, in contrast to American students, who typically perceived sexual harassment as horseplay, Swedish adolescents were more likely to label specific incidents of harassment as problematic. Sweden, similar to Finland, has perennially had one of the highest GEM scores in the world. These results may be due to decades-long government mandates and programs that have focused on gender inequality in all facets of Swedish life (see Eliasson & Lundy, 1999).

The research on sexual harassment in secondary schools is clear on two points: Harassment causes significant harm to students' physical and mental health as well as school attachment and satisfaction and academic achievement, and the harm is greater for girls, who find harassment to be more threatening and upsetting. Compared to other students, victims of harassment report a considerable number of adverse outcomes,

including loss of appetite, loss of interest in non-school activities, nightmares or disturbed sleep, feelings of isolation from friends and family, and feeling afraid (AAUW, 1993, 2001; Chiodo, Wolfe, Crooks, Hughes, & Jaffe, 2009; PCSW, 1995; Stratton & Backes, 1997). Two recent studies by Gruber and Fineran (2007, 2008) provide specific details on the health impacts of harassment. In the first, middle school and high school girls were compared on six outcomes (self-esteem, mental and physical health, trauma symptoms, life satisfaction, and substance abuse). They found significant relationships between sexual harassment victimization and adverse outcomes on all six outcomes for both grade levels. Girls in high school experienced more sexual harassment, but middle school girls reported more *harm* from harassment. The authors argued that middle school girls are more vulnerable to the impact of sexual harassment because they are dealing with a number of issues during a critical developmental stage (e.g., dating, body image, social relationships) that challenge their emotional reserves. The second study compared the same health outcomes for boys and girls (disregarding grade level). It found that girls not only experienced a greater number of adverse health outcomes because of sexual harassment, but that the impact on each was greater. The results parallel those of a study of adolescents in the Netherlands (Timmerman, 2004). Students were asked how often they had experienced one or more of 19 types of "unwanted sexual behaviors" adapted from the AAUW surveys. In both the U.S. and Netherlands studies, girls had more psychosomatic complaints (e.g., headaches, sleep problems) and poorer self-esteem than boys as a result of sexual harassment. Perhaps most troubling of all is the fact that harassment is not an isolated event in a particular grade, but is instead a predictable, ongoing series of incidents. Chiodo and her colleagues (2009) found that victimization in ninth grade predicted harassment victimization and dating violence, as well as substance abuse and delinquency, by the eleventh grade. The long-term effects of peer victimization begin

early in life. Kochenderfer and Ladd (1996) found that harassment affected both loneliness and school avoidance among *kindergartners*.

Sexual minority students experience greater harm as a result of harassment, along with higher victimization rates. An annual school survey, the Massachusetts Youth Risk Behavior Survey, found that when compared to their heterosexual peers, gays, lesbians, and bisexuals had higher suicide rates and were more likely to skip school because they felt unsafe (Massachusetts Department of Education, 2007). Supporting this very negative picture, Gruber and Fineran (2007, 2008) found in a study of eighth graders that gay, lesbian, and bisexual victims of harassment had poorer mental health, more trauma (PTSD) symptoms, and felt more fearful than their heterosexual peers.

The New Focus on Bullying (and the Decline of Sexual Harassment)

In the wake of highly publicized school shootings during the past decade, many educators and public officials have embraced zero tolerance policies to stem school violence (Stein, 2003). The focus of these prevention programs has been bullying. The surge of interest in bullying can be seen easily in a perusal of the online literature, where the volume of studies, papers, and prevention programs that address bullying far exceeds those on sexual harassment. Moreover, sexual harassment is currently viewed by some researchers as a subset or variation of bullying, rather than as a distinct phenomenon. The drift from sexual harassment to bullying is unfortunate because it “decenters harassment . . . and [places] it into a more psychological, pathologizing realm” (Brown, Chesney-Lind, & Stein, 2007, p. 1257). As a result, sexual harassment as a theoretical and legal construct is more directly and clearly related to hegemonic masculinity and subsequently taps more potently into structural and culturally sanctioned roles and meanings

(masculine-feminine, male-female, heterosexual-homosexual) that are core components of social stratification. In contrast, research and theory on bullying tends to focus on the personal or psychological characteristics of bullies, situational factors that prompt bullying, or the reciprocity of bullying behaviors (a significant number of adolescents are characterized as “bully/victim”). One of the strengths of sexual harassment theory is that it prioritizes the fact that gender- and sexually based experiences are primarily unidirectional and power based. Specifically, some people (females and sexual minorities) experience more harm (physical, psychological, and emotional) than others because of the onerous weight of gender and sexual categorizations. The term “sexual bullying” has surfaced recently and has muddled the definition of both sexual harassment and bullying. Some researchers view school sexual harassment as an adolescent form of bullying (McMaster, Connolly, Pepler, & Craig, 2002; Pellegrini, 2001). This increasing appeal of bullying prevention over sexual harassment is problematic for three reasons (Brown et al., 2007). First, anti-bullying efforts are not reinforced by the law as sexual harassment is, thereby shifting the responsibility of bullying from school administrators to victims. Also, anti-bullying programs are broad and arbitrary, making it difficult to systematically police unacceptable behaviors. Finally, anti-bullying efforts sometimes mislabel serious, illegal behavior in a way that deflates both the gravity of the behavior and the effect on its victims. A bullying paradigm loses sight of the fact that most bullies are male, that girls experience more harm than boys from sexual harassment, and that homophobic comments are used routinely (mostly by boys) to humiliate and control others—primarily other boys (AAUW, 2001; Kimmel & Mahler, 2003; McGuffey & Rich, 1999). Two studies by Jessie Klein (2006a, 2006b) have highlighted the role of gender and sexual stratification in school shootings—a fact that escaped public scrutiny because of a focus on “bullying”: Most of the school shooters targeted

girls primarily, and the shooters, who fell well outside the range of acceptable masculine body types, had weathered attacks on their masculinity, including homophobic taunts, for months and, in some cases, years. In contrast, the bullying paradigm creates "a tyranny of sameness" (Brown et al., 2007, p. 1263) in which gender, race, social class, and ethnicity differences are blurred, if not ignored entirely.

Conclusion

The research reported in this chapter makes it clear that sexual harassment is one of the most endemic forms of violence against women and girls today. Despite widespread prohibition around the world, unwanted sexual attention is an unavoidable condition of work and education for a significant number of women and girls. The types of behaviors that constitute it and the type and severity of harm that result from it vary by region, occupation, and discipline. How seriously complaints are taken and the amount of protection and remediation offered vary by nationality and organization. Globalization has been a dual-edged sword in the campaign to protect women. Transnationalism has facilitated a global dissemination of American sexual harassment policy and research. Adoption of U.S. policy has standardized expectations and practices for multinational corporations and international educational programs. Recent replications of American survey methodology and the application of measurements like the SEQ among non-U.S. populations have begun to yield a rich harvest of cross-comparative research. And while these advances promise to improve the lives of many women workers and students, the most vulnerable among us—sweatshop workers, migrant workers, undocumented workers, military cadets, foreign exchange students, and young girls—continue to endure the most pernicious forms of sexual harassment.

As the world struggles to survive the most significant economic recession since the Great Depression, the global hemorrhaging of employment and educational opportunities will only

increase the number of women and girls vulnerable to sexual harassment. To balance their meager budgets, governments, employers, universities, and schools have already begun to reduce or cut completely vital resources for prevention and protection. So, while lawmakers were exceptionally prolific in their efforts to prohibit sexual harassment during an era of unprecedented economic expansion, the question remains whether their efforts will be sufficient in this time of extreme economic contraction.

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James E. Gruber, Ph.D., Professor of Sociology at the University of Michigan-Dearborn, has published research on sexual harassment for more than 25 years. He was among the first researchers to conduct studies of workplace sexual harassment in the early 1980s and cross-national studies in the early 1990s. His work on the experiences of women in male-dominated occupations resulted in a recent book, *In The Company of Men: Male Dominance and Sexual Harassment* (Northeastern University Press, 2005), coedited with Dr. Phoebe Morgan. Since 2002, Dr. Gruber and Dr. Susan Fineran have presented conference papers and published journal articles on bullying and sexual harassment among adolescents. Two recent publications with Dr. Fineran studied the effects of bullying and sexual harassment at school: "The Impact of Bullying and Sexual Harassment on Health Outcomes of Middle and High School Girls," published in *Violence Against Women* (2007), and "Comparing the Impact of Bullying and Sexual Harassment Victimization on the Mental and Physical Health of Adolescents" (*Sex Roles*, 2008). He has also coauthored an article in *Child Abuse & Neglect* (September, 2009) that examines the effects of workplace sexual harassment on adolescent girls.

Personal Reflection

Nan Stein



In 1979, while I was a graduate student in education at Harvard University, I started to work for the Massachusetts Department of Education as an educational specialist in the Bureau of Student Services. This was a time of student activism, with a wave of new laws at the state and federal levels that extended the rights of students—Title IX of the Federal Education Amendments (1972) and Chapter 622 of the Massachusetts General Laws (1971). Our unit had our own dedicated lawyer, separate from the office of the general counsel, to ensure and publicize student rights and to guarantee their participation in educational matters as mandated by law.

Besides our activist adult staff, we also employed six high school students in our Boston office who served in our "student service center." In this capacity, they answered calls and questions from other Massachusetts students who called a toll-free number. Their questions ranged from how to find scholarships

for college to matters about student rights in schools, especially their rights to protest and speak out against their school administrators. These six students were trained by our staff, particularly by the lawyer and by their (male) supervisor.

Though I was not the supervisor of these students who worked in the student service center, it got to me, fourth hand, that there was one boy among the student workers (four were girls) who was behaving in a way that was sexually offensive to the girls and whose behavior was making it hard for them to concentrate on their work. It sounded to me like "sexual harassment in the workplace," but this boy had no authority over the girls—he could not hire or fire them, give them a raise or demote them, or give them a poor evaluation or a glowing one. Sexual harassment had already begun to emerge as an issue for women in the workplace; surveys had been conducted, but in 1979, the EEOC had yet to issue its guidelines. But my political/feminist activism included knowing some leaders in the workplace sexual harassment movement, and I was aware of their efforts to both push the law and make a loud fuss through activism and protests. I was inspired by their efforts and started on a quest to extend the realm of sexual harassment protections to young people in schools.

At the Department of Education, we formed a committee and called ourselves "the sexual harassment task force," and we started to write a manual that we titled "Who's Hurt and Who's Liable: Sexual Harassment in Massachusetts Schools." We deliberately put the word "liability" in the title, even though we knew that we were inventing the application of liability, but we knew it would capture the attention of school administrators. The first edition, which I still have in my possession, came out in 1979, and subsequent editions were published by the Department of Education in 1982, 1983, and 1986. Each edition had a legal update from our office of the general counsel (thereby imprinting the official seal of approval of the Department of Education), but generally, the point of the manual was to serve as a guide for personnel in school districts to teach them about this "new" problem of peer-to-peer sexual harassment and engage them in prevention activities.

Our task force included personnel from outside agencies as well as local schools and high school students. Members developed a variety of activities for use in schools, testing and improving them through in-service presentations to school personnel around the state and at national conferences and at workshops for students around the state.

In addition, in 1981, we conducted a survey of 200 Massachusetts students from rural, urban, and suburban schools, which demonstrated that we had hit upon a ubiquitous problem that all the students knew about and were experiencing or witnessing. We also conducted qualitative interviews with 60 female students who were enrolled in nontraditional shop courses at vocational high schools, to understand their experience as a minority in those courses (e.g., girls who were taking auto mechanics or electricity). These students taught us about the daily assaults that they suffered from boys and classmates, the strategies that they invented to warn and protect each other, and the indifference of their instructors. When these students dropped out of the nontraditional courses, we had a set of questions for their guidance counselors to ask them in order to learn whether sexual harassment was behind their withdrawal from these courses. Without a doubt, these girls were being denied their rights as guaranteed under Title IX—their right to an equal educational opportunity.

Girls who were enrolled in comprehensive schools also insisted that I come to their schools to learn about how sexual harassment manifested in a school environment that had equal enrollment of boys and girls. All throughout my now-30-year journey into learning about and researching sexual harassment among students, I have tried to listen to students and to let them lead me to the problems as they experienced them. I have always been inspired by young people who have made public their experiences of sexual harassment, whether as targets, witnesses, or bystanders. Some of these students I have known personally, others only by the name of their lawsuits, and thousands more merely as respondents to my surveys. I am indebted to them all, justice makers and seekers.

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