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## **Sexual Harassment Of Women in the United States Military: Juror Decisions of Reserve Officer Training Corps (ROTC) and Civilian College Students**

Catherine Michelle Snell

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SEXUAL HARASSMENT OF WOMEN IN THE UNITED STATES MILITARY:  
JUROR DECISIONS OF RESERVE OFFICER TRAINING CORPS (ROTC)  
AND CIVILIAN COLLEGE STUDENTS

By

Catherine Michelle Snell

A Thesis  
Submitted to the Faculty of  
Mississippi State University  
in Partial Fulfillment of the Requirements  
for the Degree of Master of Science  
in Psychology  
in the Department of Psychology

Mississippi State, Mississippi

August 2007

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AND CIVILIAN COLLEGE STUDENTS

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The present research examined the influence of military status, organizational climate type, gender, and attitudes toward sexual harassment on juror decisions in a sexual harassment trial. Military participants rated themselves as having more stereotypical masculine characteristics and they rated sexual harassment allegations more seriously. The permissive climate type elicited less serious allegation ratings. Females rated all climates as more permissive, found the defendant more liable, and chose more severe punishments. Tolerant attitudes toward sexual harassment predicted juror decisions for both ROTC and civilian mock jurors. The results highlight the need for further education about sexual harassment to reduce tolerant attitudes and permissive organizational climates, and to increase fairness in harassment trials.

## DEDICATION

I would like to dedicate this research to my children, Claire and Garrett, my husband, Michael, and to my parents, Judy and James Staub. Your continual and unyielding support of me made this accomplishment possible.

## ACKNOWLEDGEMENTS

I would like to express my great appreciation for the faculty and staff of Mississippi State University Psychology Department. First and foremost, I would like to thank my accomplished thesis chair, Dr. Kristine Jacquin. Without her unwavering guidance and patience, completion of this work would have never occurred. I would also like to thank the members of my committee, Dr. Charles Spirrisson and Dr. Kevin Armstrong. Finally, I would like to thank the bright and efficient undergraduates of Dr. Jacquin's Research Lab.

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## CHAPTER I

### INTRODUCTION

Sexual harassment is a constant concern in both the civilian and military worlds. Research in both areas is abundant, however, information pertaining to the differences in perceptions and attitudes about sexual harassment between civilian and military personnel is lacking. The current research was done in order to understand if indeed there is a difference in these groups when examining a sexual harassment case and if so, how those differences affect juror decisions.

#### *Definitions of Sexual Harassment*

The decision of the Supreme Court in the *Meritor Savings Bank v. Vinson* (1986) case established two definitions of sexual harassment. The first, quid pro quo, involves sexual advances directly influencing the granting or denial of employment or of employment benefits. For example, quid pro quo harassment has occurred if a supervisor threatens to fire the victim if she/he does not accept the supervisor's sexual advances. The second definition refers to a hostile or offensive work environment. This more general definition refers to behaviors that include deliberate and repeated unwanted sexual comments, jokes, and suggestive looks; staring, touching, squeezing; using slang names such as "honey" or "baby;" talking about a person's body in a suggestive or

negative way; or displaying nude or sexual pictures or posters (Hendrix, Rueb, & Steel, 1998). The hostile work environment definition captures sexual behaviors that interfere with an individual's ability to do their job because of an offensive environment (Welsh, 1999).

According to the *Meritor* decision, as well as the Equal Employment Opportunity Commission's Guidelines on Sexual Harassment (EEOC, 1998), the key criterion for defining behavior as sexually harassing is whether a "reasonable person" would find the behavior to be offensive to the point of impairing one's work, or creating an intimidating or hostile work environment (Thacker & Gohmann, 1993). Over the past several years, the judicial system has attempted to strengthen the definition of sexual harassment (Gelfand, Fitzgerald, & Drasgow, 1995). For example, the *Meritor* decision was expanded in *Harris vs. Forklift Systems* (1993). In this case, The Supreme Court found that a plaintiff may make a sexual harassment claim without showing psychological harm. In addition to the definitions set forth in *Meritor*, the factors when analyzing whether sexual harassment occurred were expanded to include: frequency of conduct, its severity, whether the conduct is physically threatening or humiliating, and whether the conduct unreasonably interferes with employees' work performance. No single factor is required; the test of whether sexual harassment has occurred is by the totality of the circumstances (*Harris v. Forklift Systems*, 1993).

Much debate surrounds the precise definition of hostile work environment harassment. For example, employee A may find sexual joking unwelcome, but employee

B may not. No single, all encompassing definition of hostile work environment harassment has been universally accepted and ultimately it is a decision left to the individual. The importance of perspective is further increased by research finding that women define harassment more broadly than men, express more negative attitudes toward sexual behaviors at work, and are more likely than men to consider sexual advances by the opposite gender as objectionable and potentially damaging (Malovich & Stake, 1990). For example, both women and men agree that sexual harassment in the form of a threat or promise is wrong. However, men seem to be less likely to label and/or be aware of behaviors that women may find harassing, such as sexual comments or gestures (Baugh & Page, 1998). Men may interpret a particular behavior as flattery, whereas women may perceive it as something that may escalate to harassment (Rotundo, Nguyen, & Sackett, 2001). This difference in perception might also be based in one's value system or how one is socialized. In addition, prior experiences with harassment may cause a person to interpret isolated occurrences of social sexual behaviors more seriously (Rotundo et al.).

Gender differences in perceptions of sexual harassment have given rise to the implementation of a legal standard that relies on the point of view of a woman (Rotundo et al., 2001). The Ninth Circuit Court of Appeals, in *Ellison v. Brady* (1991), redefined the concept of the "reasonable person" standard as the "reasonable woman" standard (Hendrix et al., 1998). The court justified this decision by explaining that the traditional "reasonable person" standard was male biased and ignored the experiences of women

(Hendrix et al.). The “reasonable woman” standard is an attempt to use a typical woman’s interpretation of sexual behaviors as the standard by which courts can decide whether a sexual harassment claim is frivolous or trivial. This change to the reasonable woman standard signaled a departure from previous gender-neutral standards, in which males’ and females’ perceptions were treated similarly (Thacker & Gohmann, 1993). The *Ellison* court clearly emphasized that the standard for defining sexual harassment must rest upon the individual woman’s (i.e., in that case, the plaintiff’s) definition (Thacker & Gohmann). The *Ellison* court further argued that women’s definitions should be used in judging sexual harassment because women are the typical targets of the behavior (Hendrix et al.). Others have argued that the reasonable woman standard may be unfair because it does not consider men’s viewpoint when deciding if sexual harassment has occurred (Meads, 1993).

While the legal debate over the definition of sexual harassment continued, researchers treated the issue as a behavioral domain. This domain is thought to be composed of three related but conceptually distinct areas: gender harassment, unwanted sexual attention, and sexual coercion (Gelfand et al., 1995). Gender harassment refers to a broad range of verbal and nonverbal behaviors that convey insulting, hostile and degrading attitudes about women (Fitzgerald, Drasgow, & Magley, 1999). Examples include sexual epithets, slurs, taunts, and gestures; the display and distribution of obscene or pornographic materials; and threats, intimidation and hostile acts of a sexual or gender related nature (Gelfand et al.). Unwanted sexual attention includes a wide range of verbal

and nonverbal sexual behaviors that are offensive, unwanted, and unreciprocated. Examples include unsolicited sexual remarks, questions, sexual touching; repeated requests for dates; and intrusive letters and phone calls (Gelfand et al.). Unwanted sexual attention is often experienced as intimidating or coercive; however, it is different than the third category (sexual coercion) by its lack of connection to job related losses or benefits (Gelfand et al.). Behaviors in the sexual coercion category consist of efforts to make job related outcomes conditional on compliance with the sexual attention (Glomb, Munson, Julin, Bergman, & Drasgow, 1999). Sexual coercion involves the same behaviors as the legal definition of quid pro quo harassment (Fitzgerald, Drasgow, & Magley).

The Air Force has its own definition of sexual harassment, which is defined in Air Force Instruction 36-2706. According to this definition, sexual harassment involves unwanted sexual advances; requests for sexual favors; creation of an intimidating, hostile or offensive work environment; and other verbal or physical conduct of a sexual nature (AFI 36-2706, 1996).

The definition of sexual harassment that one uses depends on the arena in which one is studying the subject. In the legal field, one must consider quid pro quo and hostile work environment. In the area of psychological and sociological research, the domains of gender harassment, unwanted sexual attention and sexual coercion should also be taken into account.

### *Prevalence*

The importance of the issue of sexual harassment is made obvious by its prevalence. Reports of sexual harassment on the job are common in both public and private sectors with some estimates suggesting that as many as one in two women experience sexual harassment at some point in their lives (Antecol & Cobb-Clark, 2001). However, considerable variation exists in the proportions of women reporting sexual harassment. Depending on the sample used, 16% to 90% of working women experience sexual harassment in their lifetime (United States Merit Systems Protection Board, 1995). The U.S. National Women's Study conducted by the Crime Victims Treatment Center found that 12% of women experienced sexual harassment in their lifetime (Dansky, Brewerton, Kilpatrick, & O'Neil, 1997). One study of a private sector organization revealed that 68% of women in the Northwest and 63% of women employed in the Midwest had experienced sexual harassment in the preceding two years (Schneider, Swan, & Fitzgerald, 1997). Similarly, over a two-year period, 65.7% of female lawyers in private practice and 45.5% of female lawyers employed in a corporation or public agency were sexually harassed by their supervisors, colleagues or clients (Antecol & Cobb-Clark). Within college campuses, research has shown the rates of sexual harassment to be between 30% and 35% of female undergraduate and graduate students (Belknap, Fisher, & Cullen, 1999). The variation of prevalence rates highlights some of the problems with the measurement of sexual harassment, including differences in sampled populations, response rates, number of sexual harassment questions that are asked, and the context and



frame of questions (Welsh, 1999). However, measurement issues aside, the data clearly show that sexual harassment is a relatively common occurrence.

### *Sexual Harassment in the Military*

In 1988, the first comprehensive assessment of the frequency and impact of sexual harassment in the military was conducted. This Department of Defense (DOD) survey found that 64% of active duty women experienced at least one incident of unwanted sexual attention during the preceding twenty-four months (Fitzgerald, Magley, Drasgow, & Waldo, 1999). Since then, studies have consistently found high rates of sexual harassment in the U.S. military. Subsequent studies have reported that 70%-85% of female soldiers have experienced sexual harassment (Fitzgerald, Magley, et al. 1999; Lancaster, 1999; Rosen & Martin, 2000; Williams, Fitzgerald, & Drasgow, 1999). In the Rosen & Martin study, of the 85% of military women reporting that they had experienced sexual harassment in the previous 12 months, 79% experienced gender harassment alone (e.g., sexist jokes, crude comments), 55% experienced unwanted sexual attention alone (e.g., unwanted touching, repeated requests for dates), and 15% experienced sexual coercion, imposition or assault alone. Comparably, Fitzgerald, Magley and colleagues (1999) found that 78% of military women experienced at least one type of unwanted sexual behavior in the last year. Sixty-nine percent of these women reported some form of sexist hostility or gender harassment, 63% reported sexual hostility, 42% reported unwanted sexual attention, and approximately 13% reported sexual coercion. Fitzgerald and colleagues also found that 40% of the women experienced gender harassment. Of

these women, only 1% of the female respondents experienced unwanted sexual attention alone, whereas 26% experienced it in combination with some other form of sexual harassment. Sexual coercion almost never occurred alone (less than 1%).

Antecol & Cobb-Clark (2001) found that gender harassment such as crude and offensive behavior is the most frequently reported form of sexual harassment among female active duty personnel. One in two women (49.1%) said that they had often been told jokes about sex. In addition, almost 40% of female active duty personnel reported that in the previous year they had been whistled or stared at in a sexual way, experienced unwelcome sex discussions, or had been subjected to sexual remarks. Antecol & Cobb-Clark found that, overall, women in the U.S. military experience high rates of both unwanted sexual attention (40.7%), and sexual coercion (12.4%).

In May of 2003, The Inspector General of the Department of Defense authorized and administered an initial survey of female cadets at the U.S. Air Force Academy (DOD/IG, 2003). According to the DOD/IG survey (2003), 68.7% of the 97.6% of female cadets who completed the survey experienced sexual harassment in the form of sexual teasing, jokes, remarks, or questions (gender harassment) while at the Air Force Academy. Forty-five percent indicated experiencing sexually suggestive looks, gestures or body language; 38.9% reported receiving letters, telephone calls, emails, instant messaging, or other materials of a sexual nature; and 35% indicated experiencing sexual gestures such as leaning over, cornering, pinching or brushing against, and unwanted touching (unwanted sexual attention). Another 22.3% reported experiencing pressure for sexual favors (sexual coercion).

Sexual harassment is more likely to be experienced by female military personnel who are under the age of 35, are unmarried, are supervised by a male, have less than a college education, and have a relatively low pay grade with few years of active duty service (Antecol & Cobb-Clark, 2001). Personnel category or rank seems to be a predictor of all forms of sexual harassment. More than three quarters of military women in enlisted pay grades E1-E3 reported experiencing crude behavior and more than half reported being the target of some form of unwanted sexual attention. More than one in five (20.7%) reported that they had been subjected to some form of sexual coercion in the previous year. In contrast, 2.3% of women at the top of the pay scale, in officer pay grades 04 (Major) to 06 (Colonel), reported being the target of sexual coercion (Antecol & Cobb-Clark).

Fitzgerald, Magley, and colleagues (1999) also found that each branch of service has different rates of sexual harassment. In the categories of gender harassment and unwanted sexual attention, female Marines were most likely to report experiencing these types of harassment, followed by female Army personnel. For the category of sexual coercion, this order was reversed; female Army personnel were more likely than female Marines to report experiencing this form of harassment. Air Force and Coast Guard women were least likely to experience sexual harassment, and female Navy personnel ranked in the middle. The percentage of Marine and Army women experiencing sexual coercion was twice that of Air Force women.

Certain ethnic groups among female military personnel experience higher rates of sexual harassment than do others, sometimes dramatically so. In the Fitzgerald, Magley,

and colleagues study (1999), Native American female personnel reported the highest rates of every type of sexual harassment. In general, Hispanic female personnel reported the second highest rates, whereas Asian American women reported the lowest. White and African American female personnel were in the middle. However, African American women reported higher rates of sexual coercion than any other group with the exception of Native Americans.

The sexual harassment rates in the military academies and the active duty military suggest that this issue still needs to be addressed with research and policy. In particular, the women at greatest risk of being sexually harassed in the military are young, part of an ethnic minority group, with low military rank, and without a college degree.

#### *Consequences of Sexual Harassment*

Sexual harassment has a negative effect on psychological and job related outcomes, even after controlling for harassment victims' general level of job stress or negative disposition (Schneider et al., 1997). Sexual harassment has numerous negative job consequences, such as lowered morale, absenteeism (USMSPB, 1995), decreased job satisfaction (Gruber, 1998), decreased perception of equal opportunity, and damaged interpersonal work-relationships (Newell, Rosenfeld, & Culbertson, 1995). Sexual harassment also has been associated with long-term psychological consequences such as, depression, posttraumatic stress, sleep disturbances, and anxiety disorders (Culbertson & Rosenfeld, 1994). Health problems such as headaches and gastrointestinal disturbances are physical manifestations of the stress induced by sexual harassment (Crull, 1982;

Gutek & Koss, 1993). In the context of the military, these factors take on an added importance (Schneider et al., 1997). Negative effects on unit cohesiveness, unit readiness, and general military effectiveness are examples of central concern.

Lost productivity, job turnover, and medical claims cost organizations a high price. In 1995, the U.S. Merit Systems Protection Board (USMSPB) estimated that between 1992 and 1994 sexual harassment in federal agencies cost the government \$327 million (USMSPB, 1995). In recognition of the costs of sexual harassment, the Civil Rights Act of 1964, which was amended in 1991, provides for jury trials and up to \$300,000 in compensatory and punitive damages for victims of sexual harassment and sexual discrimination.

### *Organizational Context*

Organizational tolerance for sexual harassment is a critical precursor of harassment (Fitzgerald, Drasgow, & Magley, 1999). The 1995 Department of Defense survey of gender issues indicated that harassment occurs less frequently in groups whose members perceive that the organization's upper levels will not tolerate such behavior. Harassment is also less common in more gender balanced work groups (Fitzgerald, Gelfand, & Drasgow, 1995). Researchers theorize that men who sexually harass often are enabled by "local" norms of sexual and aggressive behaviors, as well as by supervisors and peers (Pryor, Lavite, & Stoller, 1993). In contrast, education sessions and official

complaint procedures are very effective in reducing hostile environment harassment (Gruber, 1998).

In a male dominated workplace, women are often seen as violating a man's territory, which in turn increases the visibility of, and hostility toward women workers (Welsh, 1999). In the recent DOD/IG survey (2003), 22% of male cadets at the United States Air Force Academy reported feeling that women do not belong there, 18% endorsed the belief that female officers are less effective than male officers, and approximately 42% of both male and female cadets indicated that they believe that women cannot be both feminine and professional and that natural gender differences make the complete acceptance of women in the military impossible. Engaging in sexually aggressive behavior and harassment may be an act of resistance that demonstrates opposition to women's presence in traditionally male jobs.

Organizational context also may influence perceptions and reporting of sexual harassment. In recent survey findings of the U.S. Air Force Academy, cadets reported hearing sexual jokes and comments, but were not likely to equate this behavior with sexual harassment (Luedtke & Smith, 2003). In one study of the U.S. Navy, only 12% of the enlisted women and 5% of the women officers who experienced harassment filed formal complaints (Culbertson & Rosenfeld, 1994). Women who work within masculine work cultures may not label their experiences as sexual harassment in order to be seen as competent and as team players (Collinson & Collinson, 1996). This could also be explained by the normalization of sexual harassment, causing individuals to possibly not

label their experiences as sexual harassment, even if they feel degraded by them (Williams et al., 1999).

Several other factors may explain why some women are unwilling to label certain types of unwanted sexual behavior. First, studies have found that both women and men who have traditional sex-role attitudes label fewer behaviors as sexual harassment (Welsh, 1999). Second, the harasser's position in their organization and individual differences such as sexual orientation and race may influence the labeling of harassment experiences. Research has shown that when interactions cross racial, sexual orientation or organizational power lines, the victims are more likely to label their experiences as sexual harassment (Giuffre & Williams, 1994). Third, victims of harassment are more likely to label severe, pervasive, or frequent sexual behaviors as sexual harassment (Stockdale, Vaux, & Cashin, 1995). Other factors may inhibit military personnel from reporting harassment. The DOD/IG survey (2003) identified fear of reprisal from upperclassman and command officials (77%), fear of ostracism by peers (48.3%), fear of being punished for other violations or infractions committed (28.2%), fear that nothing would be done about the incident (44.8%), and embarrassment (57.3%) as reasons for not reporting sexual harassment.<sup>1</sup> Instead of reporting the harassment, the victim often ignores the harassment, deflects the harassment by joking or going along with it, or avoids the harasser (Welsh, 1999).

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<sup>1</sup> Percentages total above 100% because the cadets were allowed to list multiple reasons for not reporting.

Research indicates that both individual and organizational factors contribute to the occurrence of sexual harassment (Pryor et al., 1993). Given the difficulty of changing personal characteristics and the evidence that organizational factors shape individual behaviors, organizational factors appear to provide the most promising targets for intervention (Williams et al., 1999). The United States military responded to incidents such as the Navy's Tailhook Convention scandal by becoming the first large organization to implement sexual harassment prevention programs (Antecol & Cobb-Clark, 2001). Not only has there been a marked growth of the role of women in the military, numerous specialties traditionally closed to women are now available. These changes have led to discussions of the impact of increased numbers of female personnel on the morale, discipline and readiness of the United States forces (Fitzgerald, Magley, et al., 1999).

#### *Jury Decision Making in Sexual Harassment Trials*

Employers may be held responsible for sexual harassment that occurs in the workplace. There are several common employer defenses to sexual harassment claims: 1) That the conduct is not severe or pervasive enough to constitute a hostile work environment; 2) that the conduct was not offensive to a reasonable person; and 3) that the conduct was consistent with the prevailing work environment. The Supreme Court stated in *Meritor Savings Bank v. Vinson* (1986) and later reaffirmed in *Harris v. Forklift Systems* (1993) and *Faragher v. Boca Raton* (1998), that not all offensive workplace conduct may be described as harassment. For sexual harassment to be actionable, the environment created must be permeated with discriminatory intimidation, ridicule and



insult that are sufficiently severe or pervasive to affect the conditions of the victim's employment. Although a single egregious act can be enough to create a hostile work environment, repeated incidents create a stronger claim depending on the number of incidents and the intensity of each incident. The Supreme Court in *Harris* also found that to be actionable under Title IV, an environment must be both objectively and subjectively hostile and abusive: one that a reasonable person would find hostile or abusive due to severity and pervasiveness and one that the victim did perceive to be hostile or abusive.

Some courts have allowed employers to defend against hostile work environment harassment claims using a prevailing work environment defense (e.g., see *Blankenship v. Parke Care Centers, Inc.*, 1995; *Rabidue v. Oselola Refining Co.*, 1986). This defense is typically used to justify the use of vulgar language in the workplace (*Brown v. General Motors Corp.*, 1991; *Halpert v. Wertheim & Co.*, 1980). Although this defense is outright rejected by the EEOC (1998), some courts (e.g., *Blankenship v. Parke Care Centers, Inc.*, 1995; *Brown v. General Motors Corp.*, 1991) also considered the personality of the plaintiff and the prevailing work environment when deciding whether actionable sexual harassment occurred.

Regardless of the arguments used by corporations, juror as well as defendant characteristics account for a large part of the variability in sexual harassment verdicts. Juror decisions are based as much on litigant characteristics as they are on actual case facts. Research has examined the impact of physical attractiveness (Erian, Lin, Patel, Neal, & Geiselman, 1998; Wuensch & Moore, 2004), social desirability (Egbert, Moore, Wuensch, & Castellow, 1992), race or ethnicity (Gowan & Zimmerman, 1996; Wuensch,

Campbell, Kesler, & Moore, 2002), and whether the case involved same or cross gender harassment (Wayne, Riordan, & Thomas, 2001). Such research has shown that in regard to sexual harassment cases, a juror is more likely to find a defendant guilty if the plaintiff is: 1) physically attractive (Erian et al.; Wuensch & Moore); 2) has high social desirability (Egbert et al., 1992); 3) is of the same race or ethnicity (Wuensch et al.); or 4) is a man harassed by a woman or by another man (Wayne et al.).

The importance of juror characteristics and their effect on the verdict in sexual harassment trials should not be underestimated. For example, jurors' personal characteristics such as racial bias (Wuensch et al., 2002), gender, and previous experience with sexual harassment (Gowan & Zimmerman, 1996) have been shown to influence the verdict. Male jurors have shown racial bias in their higher certainty of the defendant's guilt if the defendant is black or if the plaintiff is white (Wuensch et al.). Female jurors are more likely to vote for the plaintiff regardless of ethnicity, as are jurors who have been the target of sexual harassment (Gowan & Zimmerman). Although researchers have examined juror decisions in sexual harassment trials, no previous research has examined the effect of active duty military status on juror decisions in a sexual harassment trial or compared the verdicts of civilian jurors to military jurors in a sexual harassment case.

### *Purpose of the Study*

One goal of the current study was to compare perceptions about sexual harassment in a military context of Reserve Officer Training Corps (ROTC) and non-military college students. In addition, this study examined the influence of gender and

organizational climate testimony on perceptions of sexual harassment in a military context. A fictional sexual harassment case was used to depict the alleged sexual harassment of a freshman female military academy cadet by a senior male cadet. Cases varied only in the type of organizational (school) climate testimony that was provided (permissive, non-permissive, or none). A juror decision task was used to elicit ratings of the severity, offensiveness, and hostility of the behavior in the case. Mock jurors also rated the defendant's liability and made other judgments about the case. A juror decision-making task was the most logical method of study due to the legal implications of sexual harassment. The juror decision-making task also facilitated the process of examining differences in perceptions between civilians and future military members.

Previous research was used to generate four working hypotheses: (1) Juror decisions about the seriousness of the sexual harassment allegation, the degree of sexual harassment, and the offensiveness and hostility of the defendant's actions, would differ based on ROTC status; (2) juror responses on the attitude questionnaires would differ based on ROTC status and gender; (3) juror decisions would differ based on ROTC status and organizational climate type; and (4) jurors' characteristics, including gender and self-reported levels of sexism, tolerance toward sexual harassment, and adherence to stereotypical sex roles would predict their juror decisions.

## CHAPTER II

### METHOD

#### *Participants*

This study employed a 2 (military status: ROTC or civilian) x 2 (gender: female or male) x 3 (organizational climate: permissive, non-permissive, none stated) design. In order to obtain acceptable power of .80, with alpha set at .05, 9 participants per condition were needed to detect a large effect and 22 participants per condition were required to detect a moderate effect (Cohen, 1988). Therefore, a minimum of 108 participants needed to be recruited. Participants included 232 non-military (civilian) students (64.7% female, 35.3% male) recruited from undergraduate psychology courses; these students received credit toward a course requirement or extra credit for their participation. Thirty-five ROTC students (74.3% male, 25.7% female) were recruited via announcements made during extant classes. ROTC participants received ten dollars for their participation.

All participants ( $N = 267$ ) were students enrolled at a large Southern university. Participants were between 17 and 24 years of age ( $M = 18.93$ ;  $SD = 1.35$ ). Almost 60% of participants (59.6%) were female and 40.4% were male. The majority of participants were Caucasian (72.2%), with 21.1% African-American, 2.6% Asian-American, 1.1% Hispanic, 0.4% Native American, 1.9% mixed ancestry, and 0.7% other. Most participants (65.5%) were in their first year of college, 15.4% had completed 1 year of

college, 10.1% had finished 2 years of college, 3.4% had completed 3 years, and 5.6% had finished 4 years or more of college.

### *Materials*

*Bem Sex Role Inventory.* The Bem Sex Role Inventory (BSRI; Bem, 1974) is designed to characterize a person as masculine, feminine, or androgynous (see Appendix A). The inventory consists of 60 personality adjectives (20 masculine, 20 feminine and 20 neutral) that are based on cultural definitions of sex-typed socially desirable attributes. Participants rate the extent to which each adjective describes them by using a Likert scale from 1 (never or almost never true of me) to 7 (always or almost always true of me). The BSRI was found to have a good internal consistency and test-retest reliability (Bem, 1974). This inventory was used to measure participants' identification with stereotypical sex roles.

*Ambivalent Sexism Inventory.* The 22-item Ambivalent Sexism Inventory (ASI; Glick & Fiske, 1996) distinguishes between sexism's hostile and benevolent components (see Appendix E). The benevolent sexism subscale (ASIBS) contains items describing the idealization of women, protective paternalism, and desire of intimate relations. The hostile sexism subscale (ASIHHS) contains items describing derogatory beliefs about women, dominative paternalism, and heterosexual hostility. The ASI has been shown to have a coefficient alpha of .83 (Glick & Fiske). Scores on this scale were used to measure

participant sexism. Higher scores in both benevolent and hostile domains indicate greater levels of sexism.

*Marlowe- Crowne Social Desirability Scale.* The Marlowe-Crowne Social Desirability Scale (SDS; Crowne & Marlowe, 1960) is a self-report questionnaire that contains 33 statements that are rated by the respondent as either true or false (see Appendix B). The SDS was found to have an internal consistency coefficient of .88 and a test-retest correlation of .89 (Crowne & Marlowe). The SDS was developed to measure whether a person is trying to present him/herself in a socially desirable manner. Participants who respond in an extremely positive manner are indicated by a high score. The SDS was used in the current study to identify respondents who could have produced inaccurate results due to high social desirability responses. However, because SDS scores did not significantly correlate with any other questionnaire score or any of the dependent variables, it was not considered in any of the analyses.

*Sexual Harassment Attitude Scale.* The Sexual Harassment Attitude Scale (SHAS; Mazer & Percival, 1989) is a 19-item self-report questionnaire that is answered on a Likert scale (from strongly agree to strongly disagree) (see Appendix C). The scale indicates the degree of the respondents' tolerance for and belief system regarding sexual harassment. On the SHAS, a lower score is indicative of less tolerance for sexual harassment and more agreement with feminist conceptualizations of sexual harassment. The SHAS has a coefficient alpha = .84, indicating good internal consistency (Mazer &

Percival). This questionnaire was used to measure participants' attitudes about sexual harassment.

*Modern Sexism Scale.* The Modern Sexism Scale (MSS; Swim, Aikin, Hall, & Hunter, 1995) is an 8-item scale that presents a broad range of conflicting attitudes about the status of women in today's society (see Appendix D). Responses to the questionnaire are made on a 5-point Likert scale. Item responses are averaged. This scale omits many of the traditional assumptions (such as unequal treatment and the questioning of women's intelligence) that were prominent in the 1950's and 1960's and focuses on some of the more subtle discriminations (generally less sympathetic responses toward women's issues) women faced in the 1990's and in today's world. The internal reliability is adequate ( $\alpha = .66$ ) for the MSS (Swim et al.). Scores on the MSS were used to measure subtle sexism of the participants. Higher scores indicate greater levels of subtle sexism.

*Case Summaries.* All participants were asked to read a summary of a civil trial for an alleged case of sexual harassment (see Appendix F). The case involved a sexual harassment scenario at a military academy, between an upperclassman male and a first year female. The three versions of the case differed in the testimony regarding organizational (school) climate type. In the first case, permissive attitudes of "local" norms of sexual and aggressive behaviors were portrayed by testimony of a fellow student. The second version portrayed the organizational climate as non tolerant of sexual

harassment. The third case included no organizational climate testimony. The cases also included a definition of sexual harassment as well as general judicial instructions.

*Juror Decision Task.* Immediately after reading the case summary, the participants were asked to rate their perceptions of the case, using 7-point Likert scales (see Appendix G). Participants were asked to rate the seriousness of the allegation of the incident depicted in the case, ranging from not serious to very serious. The participants were asked to rate the case on a scale from “not sexual harassment” to “serious sexual harassment” as well as the offensiveness and hostility of the behavior depicted in the case. The participants were asked to rate the organizational climate on a scale from “permissive” to “non-permissive.” Next, the participants were asked to complete the individual juror decisions, which consisted of rating the defendant’s degree of liability on a Likert scale and selecting the amount of damages that should be awarded to the plaintiff, if any. In addition, participants were asked to rate the extent to which the defendant violated Military Instruction 36-2706. Finally, participants chose an appropriate punishment for the defendant (including no punishment).

*Post Decision Making Questionnaire.* A post decision making questionnaire was also given to the participants in order to test for the successful manipulation of the independent variables. The post decision making questionnaire asked the participants to specify what the plaintiff was accused of, the gender and year group of the plaintiff and the defendant, and the type of organizational climate the case depicted.



### *Procedure*

All participants were asked to read an informed consent statement upon arrival to the experiment; those who consented to participate were asked to sign the consent form and return one copy (see Appendix H). Participants were asked to pretend that they are jurors in a civil trial. The participants were asked to complete a demographic questionnaire (see Appendix I) and the measures described above. The order of task presentation was counterbalanced across participants, such that half completed the attitude questionnaires first, and the other half completed the juror decision-making task first. Finally, the participants were debriefed about the purposes of the study.

## CHAPTER III

### RESULTS

#### *Data Preparation/Manipulation Check*

Two of the participants identified themselves as military but not ROTC. These participants were excluded from analyses. On the post decision making questionnaire, 1 participant incorrectly categorized the offense as rape, 8 categorized the offense as sexual assault, 8 participants confused the plaintiff with the defendant or vice versa, 1 participant incorrectly indicated that the defendant was a professor, 3 identified the defendant as a freshman cadet, 2 participants incorrectly identified the plaintiff as a senior cadet, and 5 did not answer one or more of the questions. These participants ( $n = 28$ ) were excluded from analyses leaving 237 valid sets of data.

The correct answer to the organizational climate question on the post decision-making questionnaire depended on the case that was read by each participant. Thirty-three identified the non-permissive case incorrectly. Twenty-nine participants identified the permissive case incorrectly. Forty-seven participants identified the no testimony condition incorrectly. Providing an incorrect answer to the organizational climate question was unrelated to gender,  $\chi^2(1, n = 239) = .39, p = .53$ , and ROTC status,  $\chi^2(1, n = 239) = 1.62, p = .20$ . A separate data set was created that excluded the participants who incorrectly identified organizational climate ( $n = 109$ ) and no significant difference was

found in comparison to the inclusive data set, which suggests that the participants did not understand the definition of permissive or non-permissive. Another explanation might be that the participants misunderstood the question and gave their own interpretation of the climate. Regardless of the reason, because the answer to the organizational climate question did not influence the results, the inclusive data set was used for the analyses (below).

Before testing the hypotheses about military status, the ROTC and civilian groups were compared on demographic variables. These groups did not differ significantly with respect to ethnic/racial representation. However, the ROTC participants were, on average, significantly older ( $M = 20.48$ ,  $SD = 1.79$ ) than civilian participants ( $M = 18.66$ ,  $SD = 1.08$ ),  $t(238) = 5.71$ ,  $p < .0001$ . As a result, age was used as a covariate in subsequent analyses with ROTC status. As indicated in the participants section, the ROTC group had a larger proportion of males compared to the civilian group; however, because gender was included as an independent variable in the analyses with ROTC status, it did not need to be used as a covariate.

### *ROTC Status Analyses*

*Hypothesis 1.* To test the hypothesis that juror decisions regarding the seriousness of the allegation of sexual harassment, degree of sexual harassment that occurred, offensiveness of the defendant's behavior, and hostility of the defendant's actions, would differ based on ROTC status, a multivariate analysis of covariance (MANCOVA) was conducted with ROTC status and gender as the IVs and responses to questions 1-4 on the

juror decision making task as the DVs. Age was used as the covariate. A significant multivariate main effect was found for ROTC status,  $F(4, 231) = 3.79, p = .005, \eta^2 = .06$ . The multivariate effect for gender was not significant,  $F(4, 231) < 1$ , and there was no multivariate interaction,  $F(4, 231) < 1$ . Only significant between subjects effects will be reported here. A significant main effect was found for ROTC status on ratings of the seriousness of the sexual harassment allegation,  $F(1, 234) = 5.92, p = .02, \eta^2 = .03$ . As shown in Table 1, the ROTC group rated the allegations against the defendant as significantly more serious. No other significant main effects or interactions were found.

Table 1

*Means and Standard Deviations of Juror Decision Making Questionnaire Items*

Dependent Variable	ROTC Jurors	Civilian Jurors
Seriousness	5.48 (1.42)	4.75 (1.42)
Degree of Sexual Harassment	4.30 (1.40)	4.38 (1.40)
Offensiveness of Behavior	4.42 (1.35)	4.56 (1.39)
Hostility of Actions	3.52 (1.67)	3.50 (1.70)

*Hypothesis 2.* To test the hypothesis that juror responses on the attitude questionnaires would differ based on ROTC status, a MANCOVA was conducted with ROTC status and gender as the IVs and responses on the attitude questionnaires as the

DVs, while using age as the covariate. A significant multivariate main effect was found for gender,  $F(7, 225) = 7.01, p < .0001, \eta^2 = .18$ . No multivariate effect was found for ROTC status,  $F(7, 225) = 1.54, p = .16$ . A significant multivariate interaction was found between ROTC and gender,  $F(7, 225) = 2.23, p = .03, \eta^2 = .07$ . Only the significant between subjects effects are reported below.

Significant main effects were found for gender on scores on the Ambivalent Sexism Inventory Hostile Sexism Scale (ASIHS),  $F(1, 231) = 17.12, p < .0001, \eta^2 = .069$ , Ambivalent Sexism Inventory Benevolent Sexism Scale (ASIBS),  $F(1, 231) = 7.00, p = .009, \eta^2 = .03$ , Sexual Harassment Attitude Scale (SHAS),  $F(1, 231) = 34.27, p < .0001, \eta^2 = .13$ , and the Modern Sexism Scale (MSS),  $F(1, 231) = 7.89, p = .005, \eta^2 = .03$ . Female participants showed lower levels of hostile sexism ( $M = 2.26, SD = 0.68$ ) and benevolent sexism ( $M = 3.05, SD = 0.77$ ) than males (ASIHS:  $M = 2.90, SD = 0.61$ ; ASIBS:  $M = 3.17, SD = 0.63$ ). Females also showed lower overall levels of sexism (MSS:  $M = 3.52, SD = 0.83$ ) than males ( $M = 3.96, SD = 0.78$ ). Compared to males ( $M = 51.73, SD = 10.05$ ), females were also less tolerant toward sexual harassment ( $M = 39.50, SD = 11.77$ ).

Significant interactions were found between ROTC and gender on scores on the Bem Sex Role Inventory – Feminine scale (BSRI-F),  $F(1, 231) = 4.65, p = .03, \eta^2 = .02$ , and ASIBS,  $F(1, 231) = 5.63, p = .018, \eta^2 = .02$ . As shown in Table 2, male and female ROTC participants self-reported similar levels of feminine characteristics, whereas civilian females reported significantly higher levels of femininity than civilian males. Among civilian participants, males and females showed similar levels of benevolent

sexism, but within the ROTC group, males showed significantly higher levels of benevolent sexism than females (see Table 2).

Table 2

*Means and Standard Deviations of Attitude Scales*

	ROTC Jurors			Civilian Jurors		
	Female	Male	Total	Female	Male	Total
BSRI-F	4.81(0.68)	4.87(0.72)	4.85(0.70)	5.23(0.67)	4.70(0.65)	5.05 (0.71)
BSRI-M	5.36(0.66)	5.42(0.74)	5.40 (0.70)	4.84(0.69)	5.35(0.65)	5.02 (0.72)
SHAS	36.67(10.22)	49.32(11.37)	45.65 (12.34)	39.69(11.87)	52.48(9.58)	44.12 (12.67)
ASIBS	2.43(0.82)	3.23(0.55)	3.00 (0.73)	3.09(0.75)	3.15(0.66)	3.11 (0.72)
ASIHS	2.37(0.75)	2.81(0.57)	2.68 (0.65)	2.25(0.68)	2.93(0.62)	2.48(0.73)
MSS	3.38(0.78)	3.78(0.93)	3.66 (0.90)	3.53(0.84)	4.02(0.73)	3.70 (0.83)

*ROTC Status and Organizational Climate Analyses*

To test the hypothesis that ROTC status and school climate would impact responses on the juror decision making task, a MANCOVA was conducted with ROTC status and climate type as the IVs, responses on the juror decision making questionnaire as the DVs, and age as the covariate. Fisher’s LSD post hoc comparisons were used to examine differences between more than two groups. No multivariate main effect was found for climate type,  $F(18, 374) = 1.35, p = .15, \eta^2 = .06$ . The multivariate effect for

ROTC status approached significance,  $F(9, 186) = 1.85, p = .062, \eta^2 = .08$ . A multivariate interaction was not found,  $F(18, 374) = 1.18, p = .28, \eta^2 = .05$ .

Only the significant between-subjects effects are discussed here. There was a significant main effect for ROTC status on seriousness,  $F(1, 194) = 5.21, p = .02, \eta^2 = .03$ . Specifically, ROTC participants rated the allegation as significantly more serious ( $M = 5.50, SD = 1.44$ ), compared to civilian participants ( $M = 4.70, SD = 1.40$ ). There was also a significant main effect for climate type on ratings of seriousness,  $F(2, 194) = 4.90, p = .008, \eta^2 = .05$ . In a non-permissive climate, the allegation was rated as much more serious ( $M = 4.95, SD = 1.34$ ) compared to the allegation made in a permissive climate ( $M = 4.66, SD = 1.38$ ); neither of these climate types differed significantly from the no testimony case ( $M = 4.82, SD = 1.63$ ). In addition, there was a significant interaction between ROTC status and climate type on seriousness ratings,  $F(2, 194) = 3.67, p = .03, \eta^2 = .04$ . ROTC participants in the non-permissive ( $M = 6.60, SD = .70$ ) and no testimony conditions ( $M = 5.40, SD = 1.44$ ) rated the allegation of sexual harassment as significantly more serious compared to ROTC participants in the permissive condition ( $M = 4.88, SD = 1.41$ ) and all civilian participants. Civilian participants in the non-permissive ( $M = 4.73, SD = 1.25$ ) and no testimony ( $M = 4.76, SD = 1.65$ ) conditions rated the allegation as significantly more serious than civilian participants in the permissive condition ( $M = 4.57, SD = 1.37$ ).

Not surprisingly, there was a significant main effect for climate type on ratings of the organizational climate of the military academy depicted in the case,  $F(2, 194) = 3.34, p = .038, \eta^2 = .03$ . Participants in the no testimony condition ( $M = 4.25, SD = 1.58$ ) rated

the organizational climate as more permissive of sexual harassment than the permissive condition ( $M = 3.92, SD = 1.62$ ) and the non-permissive condition ( $M = 3.36, SD = 1.78$ ). The permissive condition was rated as a more permissive organizational climate than the non-permissive condition.

A significant interaction was found between ROTC status and climate type for liability ratings,  $F(2, 194) = 3.17, p = .04, \eta^2 = .03$ . ROTC participants gave the highest liability ratings in the non-permissive ( $M = 4.60, SD = 1.65$ ) and no testimony conditions ( $M = 5.20, SD = 1.48$ ), and the lowest liability ratings in the permissive condition ( $M = 3.59, SD = 1.94$ ). In contrast, civilian participants gave the highest liability rating in the permissive condition ( $M = 4.61, SD = 1.50$ ), and the lowest liability ratings in the non-permissive ( $M = 4.29, SD = 1.59$ ) and no testimony conditions ( $M = 4.24, SD = 1.62$ ).

Adding gender as an IV to the above analysis reduced power considerably; therefore, to examine the combined influence of gender and organizational climate on juror decisions, a second MANOVA was conducted with only civilian participants. Climate type and gender were the independent variables and answers to the juror decision-making questionnaire were the dependent variables. Because the ROTC group was not included, using age as a covariate was not necessary. A significant multivariate main effect was found for gender,  $F(9, 155) = 2.30, p = .019, \eta^2 = .12$ , but not for organizational climate,  $F(18, 312) = 1.37, p = .14, \eta^2 = .07$ . The multivariate interaction was not significant,  $F(18, 312) = .86, p = .63, \eta^2 = .05$ .

Only the significant between-subjects effects will be reported. As reported in the previous MANCOVA, climate type produced a significant main effect on ratings of the



organizational climate; the finding is essentially the same as the result reported above.

Gender produced a significant main effect on organizational climate ratings,  $F(1, 163) = 7.92, p = .006, \eta^2 = .05$ , and punishment ratings,  $F(1, 163) = 11.78, p = .001, \eta^2 = .07$ .

Civilian females rated the climate of the military academy as significantly more permissive of sexual harassment ( $M = 4.07, SD = 1.70$ ) compared to civilian males ( $M = 3.31, SD = 1.66$ ). Civilian females recommended more severe punishments ( $M = 3.68, SD = 1.26$ ) than males ( $M = 2.89, SD = 1.42$ ). No significant interactions were found between gender and climate type.

#### *Predictive Value of Attitude Questionnaires*

To test the hypothesis that jurors' self-reported levels of sexism, tolerance toward sexual harassment, and adherence to stereotypical sex roles would predict their juror decisions, a series of regression analyses were conducted. To select the appropriate predictors, correlations were examined between the attitude questionnaire scores and the responses to the juror decision-making questionnaire. BSRI-M and ASIBS did not significantly correlate with any juror decisions; therefore, these were not included in the regression analyses. As a result, four attitudes questionnaire scores (BSRI-F, ASIHS, MSS, and SHAS) were used as predictors in subsequent analyses. A backward removal method was used to determine the best predictor(s) of each dependent variable (responses to the juror decision-making questionnaire). Each analysis was conducted separately for the ROTC and civilian participants.

For ROTC participants, neither the full model,  $F(4, 32) < 1, p = .79, \text{adj. } R^2 = -.01$ , nor the best model,  $F(1, 35) < 1, p = .39, \text{adj. } R^2 = -.01$ , were significant for the dependent variable seriousness. In contrast, for civilians, both the full model,  $F(4, 216) = 3.61, p = .007, \text{adj. } R^2 = .05$ , and the best model,  $F(1, 219) = 13.70, p < .0001, \text{adj. } R^2 = .06$ , were significant for the DV seriousness. For civilians, the best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted lower ratings of seriousness among civilian participants,  $\beta = -.24$ .

The next DV that was examined were jurors' perceptions of the degree of sexual harassment that occurred in the case. For ROTC participants, the full model,  $F(4, 32) = 1.73, p = .17, \text{adj. } R^2 = .08$ , was not significant. However, the best model for ROTC participants,  $F(1, 35) = 4.37, p = .04, \text{adj. } R^2 = .09$ , was significant for this dependent variable. The best model contained only the BSRI-F score. Higher levels of stereotypically feminine characteristics predicted lower ratings of harassment among ROTC participants,  $\beta = -.33$ . For civilians, both the full model,  $F(4, 216) = 6.62, p < .0001, \text{adj. } R^2 = .09$ , and the best model,  $F(1, 219) = 20.87, p < .0001, \text{adj. } R^2 = .08$ , were significant for the DV of perceived sexual harassment. The best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted lower ratings of degree of sexual harassment among civilian participants,  $\beta = -.30$ .

Offensiveness of the defendant's actions was the next DV examined. For ROTC participants, neither the full model,  $F(4, 32) = 1.24, p = .31, \text{adj. } R^2 = .03$ , nor the best

model,  $F(1, 35) = 2.49, p = .12, \text{adj. } R^2 = .04$ , were significant. For civilians, both the full model,  $F(4, 216) = 4.24, p = .003, \text{adj. } R^2 = .06$ , and the best model,  $F(1, 219) = 15.41, p < .0001, R^2 = .06$ , were significant for the DV of offensiveness of the defendant's actions. For civilians, the best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted lower ratings of offensiveness among civilian participants,  $\beta = -.26$ .

Jurors' perceptions of the hostility of the defendant's behaviors were examined next. For ROTC participants, neither the full model,  $F(4, 32) = 1.43, p = .25, \text{adj. } R^2 = .05$ , nor the best model,  $F(1, 35) = 3.46, p = .07, \text{adj. } R^2 = .06$ , were significant. In contrast, for civilians, both the full model,  $F(4, 216) = 3.38, p = .01, \text{adj. } R^2 = .04$ , and the best model,  $F(1, 219) = 11.53, p = .001, \text{adj. } R^2 = .05$ , were significant for the DV perceived hostility. For civilians, the best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted lower ratings of hostility among civilian participants,  $\beta = -.22$ .

Next, jurors' liability ratings were examined. For ROTC participants, neither the full model,  $F(4, 31) = .24, p = .91, \text{adj. } R^2 = -.10$ , nor the best model,  $F(1, 34) = .68, p = .42, \text{adj. } R^2 = -.001$ , were significant. In contrast, for civilians, both the full model,  $F(4, 197) = 5.05, p = .001, \text{adj. } R^2 = .08$ , and the best model,  $F(1, 200) = 16.93, p < .0001, \text{adj. } R^2 = .07$ , were significant for the DV liability. For civilians, the best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with

feminist conceptualizations of sexual harassment predicted lower ratings of liability among civilian participants,  $\beta = -.28$ .

Jurors' assignment of damages was the next dependent variable. For ROTC participants, neither the full model,  $F(4, 31) = .58, p = .68, \text{adj. } R^2 = -.05$ , nor the best model,  $F(1, 34) = .87, p = .36, \text{adj. } R^2 = -.004$ , were significant. In contrast, for civilians, both the full model,  $F(4, 197) = 2.81, p = .03, \text{adj. } R^2 = .04$ , and the best model,  $F(2, 199) = 4.68, p = .01, \text{adj. } R^2 = .04$ , were significant for the DV damages. For civilians, the best model included scores on the SHAS and the BSRI-F. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted lower damages awarded among civilian participants,  $\beta = -.15$ , whereas higher levels of stereotypically feminine characteristics predicted higher damages awarded,  $\beta = .12$ .

The next analyses examined jurors' ratings of the extent to which the defendant violated Military Instruction 36-2706. For ROTC participants, the full model,  $F(4, 31) = 1.48, p = .23, \text{adj. } R^2 = .05$ , was not significant for the DV of disciplinary violation. However, the best model was significant,  $F(1, 34) = 5.77, p = .02, \text{adj. } R^2 = .12$ . For civilians, both the full model,  $F(4, 178) = 4.87, p = .001, \text{adj. } R^2 = .08$ , and the best model,  $F(1, 181) = 15.76, p < .0001, \text{adj. } R^2 = .08$ , were significant for the DV disciplinary violation. For ROTC and civilians, the best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted lower ratings of disciplinary violation among ROTC,  $\beta = -.38$ , and civilian participants,  $\beta = -.28$ .

Finally, jurors' chosen punishment for the defendant was considered. For ROTC participants, the full model,  $F(4, 31) = 1.77, p = .16, \text{adj } R^2 = .08$ , was not significant for the dependent variable of punishment. However, the best model for ROTC participants,  $F(1, 34) = 7.25, p = .01, \text{adj } R^2 = .15$ , was significant for this dependent variable. For civilians, both the full model,  $F(4, 195) = 8.04, p < .0001, \text{adj } R^2 = .12$ , and the best model,  $F(2, 197) = 15.24, p < .0001, \text{adj } R^2 = .13$ , were significant for the DV of punishment. For ROTC, the best model contained only the SHAS. Higher levels of tolerance for sexual harassment and less agreement with feminist conceptualizations of sexual harassment predicted less severe punishment given by ROTC participants,  $\beta = -.42$ , and civilian participants  $\beta = -.31$ . For civilians, the best model also contained the MSS. Higher levels of subtle sexism were predictive of lower ratings of punishment among civilian participants,  $\beta = -.12$ .

## CHAPTER IV

### DISCUSSION

The present study used a juror decision-making task to investigate perceptions and attitudes about sexual harassment among ROTC and non-military college students. This study examined the effect of organizational climate testimony on juror decisions in a mock sexual harassment trial, and compared the decisions of civilian and ROTC mock jurors. In addition, the relationships between juror gender, juror attitudes, and juror decisions were also examined. The results indicated that ROTC status, organizational climate, and gender related to juror decisions in a sexual harassment case. In addition, certain attitudes, such as tolerance toward sexual harassment, predicted ROTC and civilian juror decisions.

#### *Tests of the Hypotheses*

The current research had four hypotheses: (1) Juror decisions regarding the seriousness of the allegation of sexual harassment, degree of sexual harassment that occurred, offensiveness of the defendant's behavior, and hostility of the defendant's actions, would differ based on ROTC status; (2) Juror responses on the attitude questionnaires would differ based on ROTC status and gender; (3) Juror responses on juror decision making questionnaires would differ based on ROTC status and climate type; and (4) jurors' characteristics, including gender and self-reported levels of sexism,

tolerance toward sexual harassment, and adherence to stereotypical sex roles would predict their juror decisions.

*Hypothesis #1.* As expected, ROTC jurors rated the allegation of sexual harassment as being more serious than the civilian group. However, contrary to the hypothesis, there were no differences between civilian and ROTC participants in judgments of the degree of the sexual harassment, or the offensiveness and the hostility of the defendant's behavior.

Due to the increasing numbers of female military personnel in recent years, issues related to sexual harassment have become important to the military (Fitzgerald, Magley, et al., 1999). In addition, military scandals related to sexual harassment (e.g., the Navy's Tailhook convention scandal) and the Department of Defense survey (DOD/IG, 2003) showing the prevalence of sexual harassment in the military have also contributed to the increasing awareness of sexual harassment in the military. The United States military demonstrated its awareness of this topic by becoming the first large national organization to implement sexual harassment prevention programs (Antecol & Cobb-Clark, 2001). As part of this focus on education, it is likely that sexual harassment awareness and prevention has become a topic for discussion in all aspects of military education, including ROTC programs. The result of such education programs may be captured by our results; specifically, ROTC participants may have learned (from their military training) to take allegations of sexual harassment quite seriously, thus leading to higher seriousness ratings compared to non-ROTC participants. Although the ROTC

participations take such allegations more seriously, the results also show that they are no more likely than non-ROTC mock jurors to view certain behaviors as examples of sexual harassment, or to perceive those behaviors as being hostile or offensive.

*Hypothesis #2.* As expected, males and females differed significantly in their levels of self-reported sexism and tolerance for sexual harassment. Females showed lower levels of hostile, benevolent, and subtle sexism, compared to males. In addition, females showed less tolerance toward sexual harassment compared to males. These results support the findings of previous research (e.g., Gowan & Zimmerman, 1996).

Contrary to expectations, ROTC and civilian participants did not differ with respect to self-reported sexism, tolerance toward sexual harassment, or adherence to stereotypical sex roles. In part, the findings suggest that, although the military may have impressed upon the ROTC students the seriousness of sexual harassment, these students do not seem less tolerant of harassment than other college students. On the other hand, these results suggest that, contrary to what the DOD survey results (DOD/IG, 2003) suggest about the prevalence of sexual harassment in the military, future military leaders (the ROTC students) are no more sexist or tolerant toward sexual harassment than others. Furthermore, male ROTC students are no more sexist or tolerant toward sexual harassment than male civilian students.

*Hypothesis #3.* This hypothesis was supported. As described above, participants' views about the seriousness of the sexual harassment allegation varied according to ROTC status. In addition, testimony about the military academy's organizational climate



impacted mock jurors' decisions, as did the combination of climate type and ROTC status.

For civilian and ROTC respondents, the climate depicted in the case affected ratings of the seriousness of the alleged sexual harassment. As expected, participants exposed to a case in which the climate was described as permissive rated the allegation of sexual harassment as much less serious than participants who read the non-permissive climate testimony; this result was found for both ROTC and civilian participants, although ROTC participants giving higher seriousness ratings for each climate type. This finding supports the theory that a permissive work environment enables norms of sexual and aggressive behavior (Pryor et al., 1993). In turn, this normalization can cause individuals to not label their experiences, or those of others, as sexual harassment (Williams et al., 1999). In our study, participants who read the permissive case seem to have viewed sexually harassing behaviors as more normal and therefore, less serious. The importance of organizational (or school) climate is made obvious by this finding. Allegations of sexual harassment made in a permissive environment are deemed less serious. This is an important finding, in that even if the sexual harassment is not deemed as such or not reported, the negative psychological, physical and job performance effects remain (Fitzgerald, Magley, et al., 1999).

The sexual harassment prevention programs and non-permissive climate of the U.S. military may have contributed to the interaction we found between ROTC status and climate type on liability ratings. Among ROTC mock jurors, the lowest liability ratings were given to the defendant in the permissive condition, whereas civilian jurors gave this

defendant the highest liability ratings. In other words, when the military academy was depicted as permissive of sexual harassment, civilians blamed the defendant the most and ROTC mock jurors blamed the defendant the least. In this result, ROTC mock jurors may have shown their understanding of the impact of organizational climate on an individual's behavior (Pryor et al., 1993), and their willingness to absolve a defendant of some personal responsibility for harassment when the environment is tolerant of such behavior.

Interestingly, respondents rated the case with no organizational climate testimony as more permissive of sexual harassment than the case with permissive testimony. One explanation for this finding is that participants who heard no testimony about school climate formed a worst-case scenario about the permissiveness of sexual harassment in the school climate; in other words, they may have interpreted the case much like jurors in the permissive case condition.

Civilian females, compared to civilian males, consistently rated all climate types as more permissive of sexual harassment. Females also chose more severe punishments than did males. These findings are consistent with previous research showing that females in general are more likely to find in favor of the plaintiff in a sexual harassment case (Gowan & Zimmerman, 1996).

*Hypothesis #4.* For civilians, greater tolerance for sexual harassment (as measured by the SHAS) was predictive of lower ratings of the seriousness of the sexual harassment allegation, the degree of sexual harassment, and the offensiveness and hostility of the defendant's actions. In addition, non-ROTC mock jurors with greater tolerance for sexual

harassment also found the defendant to be less liable. Both ROTC and civilian mock jurors with greater tolerance for sexual harassment found the defendant less in violation of Military Instruction 36-2706 (defining sexual harassment). These participants also assigned less severe punishment to the defendant. A logical explanation for these findings is that people with more tolerant attitudes toward sexual harassment are less likely to recognize sexual harassment as such.

Among non-ROTC mock jurors, higher levels of sexism (as measured by the MSS) predicted less severe punishments being assigned to the defendant. In this case, of a male defendant versus a female accuser, the more sexist a civilian juror was, the less punishment they were likely to assign to the defendant. In other words, a sexist person was more likely to side with the male in this case.

For ROTC participants, higher levels of stereotypical feminine traits (as measured by the BSRI-F) predicted lower ratings of the degree of sexual harassment and the damages awarded to the plaintiff. This finding suggest that ROTC members with a feminine outlook tended to rate the degree of sexual harassment in the case as less severe and awarded lower damages to the plaintiff. Although finding that higher levels of stereotypical feminine traits predicted lower ratings of the degree of sexual harassment may seem counterintuitive, other research has also found that women with traditional sex-role attitudes label fewer behaviors as sexual harassment (Welsh, 1999); our results suggest that this tendency may extend to males as well. Additionally, women who work in predominately masculine work environments (such as some military settings) may not label their experiences as sexual harassment in order to be seen as competent and as team

players with sexual harassment tending to be normalized in such settings (Collinson & Collinson, 1996; Williams et al., 1999). Although the past research refers to women, the current findings suggest that anyone in a military with stereotypically feminine traits may respond the same way.

### *Limitations of Current Study*

Recruiting ROTC participants proved to be difficult due to there being fewer ROTC students than civilian college students, and the time availability of ROTC students was more limited compared to non-ROTC students. In addition, relatively few ROTC students are female. Therefore, sample size of the female ROTC participants is a limitation of this study as well as the overall ROTC sample size. The current research has an unequal number of participants in each condition, which may limit the power of the current study to detect some differences between groups. Another limitation of the current study is the use of college students from a single university as the participants. The sample was relatively homogeneous in age and educational level, relative to a typical jury.

An additional limitation is that participants functioned as individual jurors instead of a jury. Group dynamics may influence the results of this study in a way that may not be predictable from the responses of individual mock jurors. In other words, the group dynamics of a jury may persuade individuals to respond contrary to their beliefs.

### *Directions for Future Research*

Future research should include a more equal sample size in relation to ROTC status and gender. In addition, including ethnicity as an independent variable may yield interesting results. The most generalizable research would be one in which active duty personnel, representing all branches of service, varying by time in service and rank, would be compared with civilians of similar status. Additionally, a future study that involved a live mock trial would also have greater generalizability.

### *Conclusions*

Regardless of the limitations, this study is the first of its kind to show the impact of ROTC status, organizational climate testimony, juror gender, and juror attitudes on decisions in a sexual harassment trial. The current findings suggest the need for more education about sexual harassment in all settings, and the need for work and school environments that are non-permissive of sexual harassment. Specific education as to sexual harassment would insure that no differences in individual definitions of sexual harassment could lead to misunderstandings. An effective non-permissive work environment would leave no room for variations or alternate interpretations of sexual harassment policies, and would increase perceptions of the seriousness of harassment allegations.

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APPENDIX A  
INFORMED CONSENTS

Catherine M. Snell and Dr. Kristine Jacquin  
**Jury Decision Making in Military-Related Litigation**  
**Department of Psychology, Mississippi State University**

The purpose of this research project is to examine various factors that influence jury decision making in a sexual harassment trial. You will be asked to do the following: (1) indicate your attitudes and beliefs about various topics by completing several questionnaires, and (2) serve as a mock juror in a fictional sexual harassment trial. You will be asked to read information about a sexual harassment trial held in civil court and military disciplinary board. You will act as a juror and board members and make decisions about liability, damages and penalty. I expect the duration of your participation to be 45 to 60 minutes.

It is possible that reading the information about the sexual harassment case and/or answering some of the questions for this study will cause discomfort. You should take this into consideration when deciding whether or not to participate. These risks are believed to be minimal and no greater than those involved in reading a newspaper or watching a news program or TV show related to crime.

You will receive one credit in the psychology research program.

All of your responses in this study will be completely confidential. Your name and other identifying information will not be associated in any way with your responses.

If you have any questions about this research project, please feel free to ask your experimenter or contact Dr. Jacquin at 662-325-1022. For additional information regarding human participation in research, please feel free to contact the MSU Regulatory Compliance Office at 662-325-0994.

Please understand that your **participation is voluntary**, your **refusal to participate will involve no penalty or loss** of benefits to which you are otherwise entitled, and you **may discontinue your participation** at any time without penalty or loss of benefits. You should also feel free to disregard any questions you feel uncomfortable answering.

Informed Consent **MUST** be documented by the use of a written consent form approved by the IRB, and signed by you or your legally authorized representative. A waiver of this requirement can **only** be granted by the Mississippi State University Institutional Review Board for the Protection of Human Subjects in Research, in accordance with 45 CFR 46. Also, you **WILL** be offered a copy of this form for your records.

Please print your name here: \_\_\_\_\_

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Experimenter's Signature

\_\_\_\_\_  
Date

Catherine M. Snell and Dr. Kristine Jacquin  
**Jury Decision Making in a Military-Related Litigation**  
**Department of Psychology, Mississippi State University**

The purpose of this research project is to examine various factors that influence jury decision making in a sexual harassment trial. You will be asked to do the following: (1) indicate your attitudes and beliefs about various topics by completing several questionnaires, and (2) serve as a mock juror in a fictional sexual harassment trial. You will be asked to read information about a sexual harassment trial held in civil court and military disciplinary board. You will act as a juror and board members and make decisions about liability, damages and penalty. I expect the duration of your participation to be 45 to 60 minutes.

It is possible that reading the information about the sexual harassment case and/or answering some of the questions for this study will cause discomfort. You should take this into consideration when deciding whether or not to participate. These risks are believed to be minimal and no greater than those involved in reading a newspaper or watching a news program or TV show related to crime.

You will receive \$10.00 for participating in this experiment.

All of your responses in this study will be completely confidential. Your name and other identifying information will not be associated in any way with your responses.

If you have any questions about this research project, please feel free to ask your experimenter or contact Dr. Jacquin at 662-325-1022. For additional information regarding human participation in research, please feel free to contact the MSU Regulatory Compliance Office at 662-325-0994.

Please understand that your **participation is voluntary**, your **refusal to participate will involve no penalty or loss** of benefits to which you are otherwise entitled, and you **may discontinue your participation** at any time without penalty or loss of benefits. You should also feel free to disregard any questions you feel uncomfortable answering.

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Please print your name here: \_\_\_\_\_

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Experimenter's Signature

\_\_\_\_\_  
Date

APPENDIX B  
BEM SEX ROLE INVENTORY (BSRI)

## Bem Sex Role Inventory

Rate yourself on the following personality characteristics using the scale below:

- 1 – never or almost never true of me
- 2 – mostly untrue of me
- 3 – somewhat untrue of me
- 4 – neither true nor untrue of me
- 5 – somewhat true of me
- 6 – mostly true of me
- 7 – always or almost always true of me

- |   |  |
|---|--|
| <input type="checkbox"/> 1. Self-reliant                      | <input type="checkbox"/> 32. Compassionate                 |
| <input type="checkbox"/> 2. Yielding                          | <input type="checkbox"/> 33. Sincere                       |
| <input type="checkbox"/> 3. Helpful                           | <input type="checkbox"/> 34. Self-sufficient               |
| <input type="checkbox"/> 4. Defends own beliefs               | <input type="checkbox"/> 35. Eager to soothe hurt feelings |
| <input type="checkbox"/> 5. Cheerful                          | <input type="checkbox"/> 36. Conceited                     |
| <input type="checkbox"/> 6. Moody                             | <input type="checkbox"/> 37. Dominant                      |
| <input type="checkbox"/> 7. Independent                       | <input type="checkbox"/> 38. Soft spoken                   |
| <input type="checkbox"/> 8. Shy                               | <input type="checkbox"/> 39. Likable                       |
| <input type="checkbox"/> 9. Conscientious, careful            | <input type="checkbox"/> 40. Masculine                     |
| <input type="checkbox"/> 10. Athletic                         | <input type="checkbox"/> 41. Warm                          |
| <input type="checkbox"/> 11. Affectionate                     | <input type="checkbox"/> 42. Solemn, serious               |
| <input type="checkbox"/> 12. Theatrical                       | <input type="checkbox"/> 43. Willing to take a stand       |
| <input type="checkbox"/> 13. Assertive                        | <input type="checkbox"/> 44. Tender                        |
| <input type="checkbox"/> 14. Flatterable (easy to flatter)    | <input type="checkbox"/> 45. Friendly                      |
| <input type="checkbox"/> 15. Happy                            | <input type="checkbox"/> 46. Aggressive                    |
| <input type="checkbox"/> 16. Strong personality               | <input type="checkbox"/> 47. Gullible, naïve               |
| <input type="checkbox"/> 17. Loyal                            | <input type="checkbox"/> 48. Inefficient                   |
| <input type="checkbox"/> 18. Unpredictable                    | <input type="checkbox"/> 49. Acts as a leader              |
| <input type="checkbox"/> 19. Forceful                         | <input type="checkbox"/> 50. Child-like                    |
| <input type="checkbox"/> 20. Feminine                         | <input type="checkbox"/> 51. Adaptable                     |
| <input type="checkbox"/> 21. Reliable                         | <input type="checkbox"/> 52. Individualistic, distinctive  |
| <input type="checkbox"/> 22. Analytical                       | <input type="checkbox"/> 53. Does not use harsh language   |
| <input type="checkbox"/> 23. Sympathetic                      | <input type="checkbox"/> 54. Unsystematic, unorganized     |
| <input type="checkbox"/> 24. Jealous                          | <input type="checkbox"/> 55. Competitive                   |
| <input type="checkbox"/> 25. Has leadership abilities         | <input type="checkbox"/> 56. Loves children                |
| <input type="checkbox"/> 26. Sensitive to the needs of others | <input type="checkbox"/> 57. Tactful, diplomatic           |
| <input type="checkbox"/> 27. Truthful                         | <input type="checkbox"/> 58. Ambitious                     |
| <input type="checkbox"/> 28. Willing to take risks            | <input type="checkbox"/> 59. Gentle                        |
| <input type="checkbox"/> 29. Understanding                    | <input type="checkbox"/> 60. Conventional, conservative    |
| <input type="checkbox"/> 30. Secretive                        |  |
| <input type="checkbox"/> 31. Makes decisions easily           |  |

APPENDIX C

AMBIVALENT SEXISM INVENTORY (ASI)



## Relationships Between Men and Women

Below is a series of statements concerning men and women and their relationships in a contemporary society. Please indicate the degree to which you agree or disagree with each statement using the following scale:

0 = strongly disagree  
1 = somewhat disagree  
2 = slightly disagree

3 = agree slightly  
4 = agree somewhat  
5 = agree strongly

- \_\_\_\_\_ 1. No matter how accomplished he is, a man is not truly complete as a person until he has the love of a woman.
- \_\_\_\_\_ 2. Many women are actually seeking special favors, such as hiring policies that favor them over men, under the guise of asking for "equality."
- \_\_\_\_\_ 3. In a disaster, women ought not necessarily to be rescued before men.
- \_\_\_\_\_ 4. Most women interpret innocent remarks or acts as being sexist.
- \_\_\_\_\_ 5. Women are too easily offended.
- \_\_\_\_\_ 6. People are often truly happy in life without being romantically involved with a member of the other sex.
- \_\_\_\_\_ 7. Feminists are not seeking for women to have more power than men.
- \_\_\_\_\_ 8. Many women have a quality of purity that few men possess.
- \_\_\_\_\_ 9. Women should be cherished and protected by men.
- \_\_\_\_\_ 10. Most women fail to appreciate fully all that men do for them.
- \_\_\_\_\_ 11. Women seek to gain power by getting control over men.
- \_\_\_\_\_ 12. Every man ought to have a woman whom he adores.
- \_\_\_\_\_ 13. Men are complete without women.
- \_\_\_\_\_ 14. Women exaggerate problems they have at work.
- \_\_\_\_\_ 15. Once a woman gets a man to commit to her, she usually tries to put him on a tight leash.
- \_\_\_\_\_ 16. When women lose to men in a fair competition, they typically complain about being discriminated against.
- \_\_\_\_\_ 17. A good woman should be set on a pedestal by her man.
- \_\_\_\_\_ 18. There are actually very few women who get a kick out of teasing men by seeming sexually available and then refusing male advances.
- \_\_\_\_\_ 19. Women, compared to men, tend to have a superior moral sensibility.
- \_\_\_\_\_ 20. Men should be willing to sacrifice their own well being in order to provide financially for the women in their lives.
- \_\_\_\_\_ 21. Feminists are making entirely reasonable demands of men.
- \_\_\_\_\_ 22. Women, as compared to men, tend to have a more refined sense of culture and good taste

APPENDIX D

MARLOWE-CROWNE SOCIAL DESIRABILITY SCALE (SDS)

SDS

Listed below are a number of statements concerning personal attitudes and traits. Read each item and decide whether the statement is true or false as it pertains to you. Circle T for true or F for False.

- T F 1. Before I vote, I thoroughly investigate the qualifications of all of the candidates.
- T F 2. I never hesitate to go out of my way to help someone in trouble.
- T F 3. It is sometimes hard for me to go on with my work if I am not encouraged.
- T F 4. I have never intensely disliked anyone.
- T F 5. On occasion, I have had doubts about my ability to succeed in life.
- T F 6. I sometimes feel resentful when I don't get my way.
- T F 7. I am always careful about my manner of dress.
- T F 8. My table manners at home are as good as when I eat out in a restaurant.
- T F 9. If I could get into a movie without paying and be sure I was not seen, I would probably do it.
- T F 10. On a few occasions, I have given up doing something because I thought too little of my ability.
- T F 11. I like to gossip at times.
- T F 12. There have been times when I felt like rebelling against people in authority even though I knew they were right.
- T F 13. No matter who I'm talking to, I'm always a good listener.
- T F 14. I can remember "playing sick" to get out of something.
- T F 15. There have been occasions when I took advantage of someone.
- T F 16. I'm always willing to admit it when I make a mistake.
- T F 17. I always try to practice what I preach.
- T F 18. I don't find it particularly difficult to get along with loudmouthed, obnoxious people.
- T F 19. I sometimes try to get even rather than forgive and forget.
- T F 20. When I don't know something, I don't mind admitting it.
- T F 21. I am always courteous, even to people who are disagreeable.
- T F 22. At times I have really insisted on having things done my own way.
- T F 23. There have been occasions when I felt like smashing things.
- T F 24. I would never think of letting someone else be punished for my wrongdoings.
- T F 25. I never resent being asked to return a favor.
- T F 26. I have never been irked when people express ideas very different from my own.
- T F 27. I never make a long trip without checking the safety of my car.
- T F 28. There have been times when I was quite jealous of the good fortune of others.
- T F 29. I have almost never felt the urge to tell someone off.
- T F 30. I am sometimes irritated by people who ask favors of me.
- T F 31. I have never felt that I was punished without cause.
- T F 32. I sometimes think when people have a misfortune; they only got what they deserved.
- T F 33. I have never deliberately said something that hurt someone's feelings.

APPENDIX E

SEXUAL HARASSMENT ATTITUDE SCALE (SHAS)

### SHAS Opinion Scale

The following statements inquire about your opinions. There are no right or wrong answers, only opinions. Read each item carefully before responding, Answer as honestly as you can. Please indicate the degree to which you agree or disagree with each statement using the following scale:

0 = strongly disagree

1 = somewhat disagree

2 = slightly disagree

3 = agree slightly

4 = agree somewhat

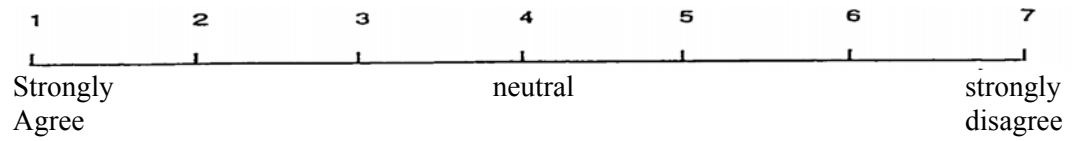
5 = agree strongly

- \_\_\_\_\_ 1. An attractive woman has to expect sexual advances and should learn how to handle them.
- \_\_\_\_\_ 2. Most men are sexual teased by many of the women with whom they interact on the job or at school.
- \_\_\_\_\_ 3. Most women who are sexually insulted by a man provoke his behavior by the way they talk, act or dress.
- \_\_\_\_\_ 4. A man must learn to understand that a woman's "no" to his sexual advances really means "no."
- \_\_\_\_\_ 5. It is only natural for a woman to use her sexuality as a way of getting ahead in school or at work.
- \_\_\_\_\_ 6. An attractive man has to expect sexual advances and should learn how to handle them.
- \_\_\_\_\_ 7. I believe that sexual intimidation is a serious social problem.
- \_\_\_\_\_ 8. It is only natural for a man to make sexual advances to a woman he finds attractive.
- \_\_\_\_\_ 9. Innocent flirtations make the work or school day interesting.
- \_\_\_\_\_ 10. Encouraging a professor's or a supervisor's sexual interest is frequently used by women to get better grades or to improve their work situations.
- \_\_\_\_\_ 11. One of the problems with sexual harassment is that some women can't take a joke.
- \_\_\_\_\_ 12. The notion that what a professor does in class may be sexual harassment is taking the idea of sexual harassment too far.
- \_\_\_\_\_ 13. Many charges of sexual harassment are frivolous and vindictive.
- \_\_\_\_\_ 14. A lot of what people call sexual harassment is just normal flirtation between men and women.
- \_\_\_\_\_ 15. Sexual assault and sexual harassment are two completely different things.
- \_\_\_\_\_ 16. Sexual harassment refers to those incidents of unwanted sexual attention that aren't too serious.
- \_\_\_\_\_ 17. Sexual harassment has little to do with power.
- \_\_\_\_\_ 18. Sexism and sexual harassment are two completely different things.
- \_\_\_\_\_ 19. All this concern about sexual harassment makes it harder for men and women to have normal relationships.

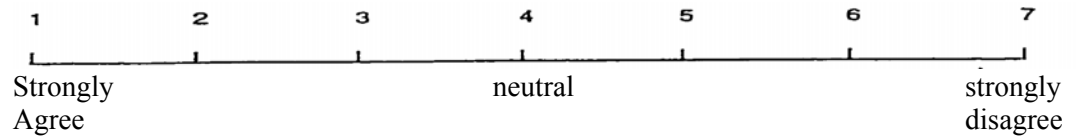
APPENDIX F  
MODERN SEXISM SCALE (MSS)



7. On average, people in our society treat husbands and wives equally.



8. It is easy to understand why women's groups are still concerned about societal limitations on women's opportunities.





APPENDIX G  
CASE SUMMARIES

## Case Summary

### Instructions to the Jury from the Judge

You are serving in a dual role as a juror in a civil trial (this is different from a criminal trial) and a member of a military academy disciplinary board involving a complaint of sexual harassment. The defendant is the person accused of the sexual harassment. The plaintiff is the person who has brought this claim of sexual harassment to the court and disciplinary board for a determination of liability and if relevant, damages. Your job will be to decide the extent to which, if at all, the defendant has sexually harassed the plaintiff. Before you hear the case, some definitions should be made clear. In this case, the defendant is accused of sexual harassment and creation of a hostile work (school) environment.

Sexual harassment is a form of discrimination in the United States that violates Title VII of the Civil Rights Act of 1964. Sexual harassment occurs when one person makes continued, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, to another person, against his or her wishes. According to the U.S. Equal Employment Opportunity Commission, sexual harassment occurs when “submission to or rejection of this conduct . . . creates an intimidating, hostile, or offensive work environment.” Furthermore, a hostile work (or school) environment arises when a person’s unwelcome and inappropriate sexually-based behavior creates an intimidating, hostile, or offensive atmosphere. Sexual harassment can occur in a variety of arenas including school settings. When deciding whether sexual harassment has occurred, you must decide whether a reasonable person would find the sexual conduct so pervasive and severe that it altered the work or school atmosphere.

One of your duties as a member of the jury is to decide the extent to which, if at all, the defendant sexually harassed the plaintiff. This decision involves a determination of *liability*, or how responsible the defendant was for sexual harassment. If the defendant has a very high liability, then this means that you believe that the defendant is definitely responsible for (i.e., has definitely committed) sexual harassment of the plaintiff. If the defendant has a very low liability, then this means that you believe that the defendant is not responsible for (i.e., did not commit) sexual harassment of the plaintiff. There are degrees of liability in between very high and very low. You must also decide whether the plaintiff should be awarded damages (financial compensation), to be paid by the defendant, to compensate for psychological and/or physical harm experienced by the plaintiff due to the actions of the defendant (i.e., the alleged sexual harassment). When deciding whether or to what extent damages should be awarded, you must decide whether and to what extent the plaintiff suffered harm (psychological, physical, etc.).

The military has its own definition of sexual harassment. Sexual harassment in all military settings (including military academies) is prohibited by Military Instruction 36-2706. According to this definition, sexual harassment involves unwanted sexual

advances; requests for sexual favors; creation of an intimidating, hostile or offensive work environment; and other verbal or physical conduct of a sexual nature. As a member of the military disciplinary board, please decide to what degree the defendant violated Military Instruction 36-2706 and choose the military academy penalty that you believe is appropriate (if any).

Next, please read the case summary carefully, and then complete the juror decision-making task. You may refer back to this information at any time while you are completing your decisions.

## Case Summary

### Undisputed Facts about the Case

- The plaintiff and defendant are both assigned to the same squadron at a military academy.
- The defendant (John Williams) is a senior.
- The plaintiff (Lynn Marsh) is a freshman.
- The plaintiff is a subordinate officer falling directly in the chain of command under the defendant. In other words, the defendant is the superior officer of the plaintiff. The defendant is the plaintiff's cadet section commander.
- Neither the plaintiff nor defendant has witnesses to support their stories.

### Plaintiff's Testimony (All Versions)

- Cadet Williams frequently stands unnecessarily close to me. At times, he was close enough that I could feel his breath on my face and neck.
- On three occasions, Cadet Williams placed his hands around my waist in order to "measure it." During such "measurements" he made comments such as, "Very, very, nice."
- For more than 6 months, Cadet Williams has sent numerous emails to me that included sexual jokes and sexually explicit cartoons.
- During uniform inspections, Cadet Williams regularly repositions insignia on my breast pockets.
- Cadet Williams performs inspections in my room with greater frequency than other freshmen in his chain of command.
- My room inspections are also more thorough and lengthy than average, when compared to the other freshmen under Cadet William's chain of command.
- During several room inspections, Cadet Williams has made suggestive and lewd comments. During one inspection, as I stood at attention waiting for completion of the room inspection, Cadet Williams told me, "You are so sexy." On a separate inspection, he said, "You belong to me."
- Cadet Williams often stares at my breasts.
- I have suffered extreme anxiety over all of this. Every time I am around him, I get panicky. I can't sleep at night. I get headaches and stomach aches constantly. I want to be a success at this academy but with this happening, I just don't know how much more I can take. My performance is being affected and how I do at this school determines what kind of job I get when I graduate. I need to be in the top of my class to go into the career field I want. I am so depressed. If all of this keeps happening, I am afraid my chances at success in the military will be shot.

### Defendant's Testimony (All Versions)

- I am Cadet Marsh's Section Commander, and as a result obligated by the duties of my office to inspect the rooms and appearance of all freshman cadets in my section.
- I did not single out Cadet Marsh for additional inspections. The frequency and length of room inspections is directly related to the performance of the individual being inspected.
- Cadet Marsh's military ranking and performance is in the bottom half of her class, and what she has perceived, as unwarranted harassment was in fact a normal training tactic to help struggling cadets meet and exceed standards.
- Email is the most common form of passing messages amongst cadets. I did not send any inappropriate material via email. All email contact was of a routine and professional nature.
- There are five other females in my chain of command. None of them have made any complaints about me.
- I have never made any offensive statements to Cadet Marsh.

### Organizational Climate Testimony (Permissive version) from another cadet section commander in the squadron:

- First, let me say: there should be no differences for males versus females. We should take all the same tests, meet the same frustrations, and meet the same physical standard. You can either do the job or not. There really isn't any room and shouldn't be for lower standards simply because you are a certain gender. That's really, what this place should be. That said, there are really two types of girls at this place - the ones who get along and the ones who separate themselves from the rest of us and use their status as a female to get ahead.
- The girls who get along are like one of the guys and are treated as such. Guys can be themselves around these girls because the females get it. We can be ourselves and uncensored, like we would be if they weren't around. These gals enjoy a good joke as well as the next person -- and they don't pitch a fit if they hear an occasional comment of a sexual nature -- they just let it alone because they are trying to fit in and be team players.
- Then there is the other side of the coin -- the girls who get along when it suits them. They don't have to meet the same weight and fitness standards and accept special allowances because they are female. They may curse like a sailor when gaining favor in one setting but later get upset when someone around them curse or tells an off-color joke. The rest of us end up resenting them as a result.
- Sexual harassment stuff is mentioned occasionally but most people get pissed off if they have to hear about it. I mean we have better stuff to do than to listen to that stuff and we all know it. Anytime I hear about it is when some girl is trying to get back at a guy. I know that sounds rough but it's what I have seen.

Organizational Climate Testimony (Non-Permissive version) by another cadet section commander in the squadron

- First, let me say: there is no difference between a male cadet and a female cadet. We all take tests, have frustrations, and meet rigorous physical standards. Either a cadet does the job or a cadet doesn't do it. There isn't any room for a cadet who cannot measure up to minimum standards. That's a big part of what this place is – excellence. That said: there are really three types of people at this place – officers, enlisted personnel, and cadets. They all get ahead by being professionals.
- Rank has no gender. Male and female cadets get along together because they treat each other in a professional manner. They respect each other as professionals. Although rank does not have a gender, we realize that people do and we expect gender-specific boundaries to be observed. Everyone should be themselves, but this can be done by treating each other in a professional manner while respecting gender boundaries.
- It is true that male and female cadets don't have the same weight or fitness standards. However, that does not make a female cadet any less than a male cadet. Male cadets and female cadets have different weight and fitness standards because males and females are biologically different. It wouldn't make sense to expect a person who weighs 100 pounds to be able to do the same thing physically as a person who weighs 180 pounds. Male or female, you are first and foremost a cadet at this institution. It is the quality of an individual that makes a cadet stand out and gets a cadet to a leadership role.
- Cadets accepted here are expected to possess and practice the highest professional standards. Sexual harassment education is routine so any instance is usually recognized and taken seriously. We all know the definition of sexual harassment and it is not tolerated. If it does arise, we have the proper channels to report it, and it is dealt with accordingly. This place is by the rules and nonprofessional behavior and violations of regulations are met with disdain and immediate action.

APPENDIX H  
JUROR DECISION TASK





6. As a juror in the civil trial, how would you rate the defendant's degree of liability in this case?

1	2	3	4	5	6	7
Not Liable			moderately liable			very liable

7. As a juror in the civil trial, what amount of damages would you award the plaintiff? Please mark your answer.

_____	\$0	_____	\$25,000
_____	\$50,000	_____	\$100,000
_____	\$150,000	_____	\$200,000

8. As a member of the military disciplinary board, how would you rate the degree to which the defendant violated Military Instruction 36-2706?

1	2	3	4	5	6	7
no violation			moderate violation			severe violation

9. What penalty (punishment), based on the defendant's status as a military academy student and cadet, would you give the defendant, if any? Please mark your answer.

_____	No penalty
_____	Give tours (blocks of one hour marching in uniform with gear)
_____	Postpone graduation for one year
_____	Give letter of reprimand (Records of reprimands can be filed in permanent military records and later used to justify more serious measures, such as nonjudicial punishment actions, administrative demotions, and administrative separations)
_____	Give article 15 (imposing punishment under the provisions of United States Military law, or referring the case to a court martial)
_____	Expel from school and military (would require paying back tuition)

APPENDIX I  
POST DECISION MAKING QUESTIONNAIRE

## Post Decision Making Questionnaire

The following questions serve as a test of your memory of the fictional trial in which you just acted as a juror. Even if you are unsure of the correct answer, please take a guess. Circle only ONE answer choice per question.

1. The defendant was accused of:
  - A) Sexual assault
  - B) Rape
  - C) Sexual harassment
  - D) Indecent exposure
  
2. The defendant was:
  - A) Female
  - B) Male
  
3. The plaintiff (victim) was:
  - A) Female
  - B) Male
  
4. The defendant was:
  - A) A senior cadet
  - B) A freshman cadet
  - C) A professor
  - C) A recruiter
  
5. The plaintiff (victim) was:
  - A) A senior cadet
  - B) A freshman cadet
  - C) A professor
  - C) A recruiter
  
6. The organizational climate testimony:
  - A) Reflected a non-permissive or non-tolerant attitude towards the alleged behavior of the defendant
  - B) Reflected a permissive or tolerant attitude towards the alleged behavior of the defendant
  - C) Was absent from the case.

APPENDIX J  
DEMOGRAPHIC QUESTIONNAIRE



APPENDIX K  
DEBRIEFING STATEMENT

## **DEBRIEFING**

**Catherine M. Snell and Dr. Kristine Jacquin  
Jury Decision Making in Military Related Litigation  
Department of Psychology, Mississippi State University**

The purpose of this research project is to examine various factors that influence jury decision making in sexual harassment cases. In particular, we are interested in the influence of the following variables: gender, military status, organizational context, juror attitudes and perceptions.

Thank you for your participation in this study. Your participation, and the participation of others, will help us to better understand how people understand sexual harassment and perceive the climate in which it occurs.

If you have any question, please feel free to ask the researcher at this time, or later you can call Dr. Jacquin at 662-325-1022.

APPENDIX L  
INSTITUTIONAL REVIEW BOARD (IRB) APPROVAL LETTER





May 5, 2006

Catherine Snell  
5696 Ft. Wright Oval  
Fairchild Air Force Base, WA 99011

RE: IRB Study #06-101: Sexual Harassment of Women in the United States Military: A Juror decision making study among reserve officer training corps (ROTC) and civilian college students.

Dear Ms. Snell:

The above referenced project was reviewed and approved via expedited review for a period of 5/4/2006 through 4/15/2007 in accordance with 45 CFR 46.110 #7. Please note the expiration date for approval of this project is 4/15/2007. If additional time is needed to complete the project, you will need to submit a Continuing Review Request form 30 days prior to the date of expiration. Any modifications made to this project must be submitted for approval prior to implementation. Forms for both Continuing Review and Modifications are located on our website at <http://www.msstate.edu/dept/compliance>.

Any failure to adhere to the approved protocol could result in suspension or termination of your project. Please note that the IRB reserves the right, at anytime, to observe you and any associated researchers as they conduct the project and audit research records associated with this project.

Please refer to your docket number (#06-101) when contacting our office regarding this project.

We wish you the very best of luck in your research and look forward to working with you again. If you have questions or concerns, please contact me at [jmiller@research.msstate.edu](mailto:jmiller@research.msstate.edu) or by phone at 662-325-5220.

Sincerely,

Jonathan E. Miller  
IRB Administrator

cc: Kristine Jacquin

**Office for Regulatory Compliance**

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