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A Manager's Actions? An Exercise for Exploring Sexual Harassment

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This exercise is designed to enhance students' understanding of sexual harassment issues in the workplace, as well as to extend these issues to customer interactions in retail settings. Through research and class discussion, participants explore their perceptions and assumptions about a manager's potentially harassing behaviors. Furthermore, discussions of the manager's actions provide additional opportunities to explore issues dealing with legal foundations of sexual harassment as well as gender differences in response to harassment. Multiple variations are presented making this scenario/exercise suitable to various courses and all types of participants in order to facilitate a healthy discussion about the issues associated with sexual harassment. *Organization Management Journal*, 10: 36–44, 2013. doi: 10.1080/15416518.2013.781399

Keywords sexual harassment; management; human resources; human resource management; exercise; scenario; training

PURPOSE AND CONTRIBUTION

Many companies regularly run programs on harassment. Some states even mandate sexual harassment (SH) training for supervisors. Despite the multitude of programs, incidents of harassment persist in large numbers. The Society for Human Resource Management reported that a Harris poll found that 31% of women and 7% of males claim to have been harassed but at the same time 61% said that they did not report the incidents (Sexual Harassment Law Firms, n.d.). More broadly in the United States, harassment experience estimates range from 40 to 75% of females and from 13 to 31% of males (Aggarwal & Gupta, 2000, cited in Willness, Piers Steel, & Lee, 2007). The Equal Employment Opportunity Commission (EEOC) reported 11,364 cases of sexual harassment in 2011, with 16.3% filed by males. Although the number of claims filed has declined from a high of 13,867 in 2008, such numbers highlight the continued need for effective harassment training in the workplace.

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A review of the sexual harassment literature points out that simulations and training activities, which confront the attitudes and perceptions that individuals hold toward sexual harassment, would help in reducing future incidents. A recent article by Salas, Lopez, and Piccollo (2009) asserts that simulation-based learning is superior to other training strategies in teaching both theory and practice. Cases, scenarios, and simulated settings provide such concrete experience to enhance understanding. However, highly emotional or obvious harassment incidents, such as requests for sexual favors, may elicit emotions that may hinder learning (Ebner & Efron, 2005); scenarios that use a subtle, less known setting may be a more effective tool for discussion and learning. This scenario is designed to improve students' understanding of sexual harassment issues in the workplace but also to explore these issues in a context other than that of the typical manager–employee, that is, a manager–customer interaction. In addition to being a contrast with the typical sexual harassment context, the customer context in retail represents a more subtle situation where nuances can be explored.

Teaching sexual harassment may be uncomfortable for some instructors. Universities are very serious about this issue and have zero tolerance. Those realities can make a discussion of quid pro quo harassment more difficult. The more subtle scenario presented here not only can work better but may be less uncomfortable for some instructors.

This activity emerged out of the personal experiences of the first author. The encounter reflected poor management practice. Although the company involved was contacted, it did not respond. Upon further reflection, the author realized that this experience represented a different and potentially useful tool for better preparing students and managers for dealing with harassment.

LEARNING OBJECTIVES

Using a case involving a customer in a retail setting, this training exercise raises the question of whether the actions of a manager toward a customer can constitute harassment and for

whom. The issues are not straightforward and require deeper understanding of what constitutes harassment and encourage greater discussion about the manager's actions. Therefore, through research and class discussion, participants will:

- Define sexual harassment.
- Raise awareness of sexual harassment issues in the workplace.
- Explore perceptions and assumptions about sexual harassment, including gender differences.
- Discuss appropriate responses to sexual harassment.

A short, one-page scenario, "A Manager's Actions" (also available in Appendix A as ready-to-use classroom handout), is presented to the participants, who are asked to fill out a short survey (Appendix B) either after, or before and after a group discussion (also presented in the Appendix C). The facilitator's note provides several options for using this scenario.

The Scenario: "A Manager's Actions"

Jack is currently with his 3-year-old son on an errand to pick up duplicate photos from his local pharmacy store. After waiting in line for the next available employee to ring him, he is helped by what appears to be the store manager. After getting Jack's last name and realizing that the photo lab staff was currently sorting the new arrival of pictures, the store manager moves to the photo lab section of the store to assist in finding Jack's picture order. He searches the new picture arrival pouch and immediately locates Jack's order. The store manager then instructs a high-school-aged female employee working nearby to ring Jack's order.

Jack is patiently waiting for the manager and his two employees to get organized (about one minute) when he suddenly witnesses the manager say "Wow!" in a fairly loud voice as he appears to be staring down the aisle behind Jack. The female employee raises her head up after hearing the comment as well. Jack turns around and notices that the manager's "Wow" was directed at a young female customer walking down the aisle toward the registers. The late-20s woman is wearing tight black pants and a matching v-neck black top. Jack wondered what the fuss was about as the woman was a bit "trashy" for his tastes. As both the female customer and Jack get rung by different pharmacy employees, the manager proceeds to the front of the store and decides to sing loudly "It is a great day in Avon today!" Furthermore, he waits in the front of the store by the exit. As the female customer passes, he wishes her a great day, yet fails to offer such good wishes to any other customers leaving the store, including Jack. The female customer then drives off in a BMW SUV without noticeable reaction.

Facilitator's Notes

No formal preparation by participants is required before participating in this classroom exercise. However, it is useful if students read some materials related to the topic of sexual harassment prior to class (including any relevant text chapters and/or online information). The facilitator may opt to ask that students to the complete optional research in step 3, which includes researching sexual harassment laws. This step allows for comparisons of attitudes before and after the discussion

and hence provides some evaluation of the effectiveness of the activity.

Materials in the appendix for the facilitator are:

- Appendix A: A Manager's Actions? Scenario.
- Appendix B: Discussion questions.
- Appendix C: Pre- and post-survey.

Step 1: The Learning Scenario

Distribute "A Manager's Actions" (Appendix A) to participants in the class prior to any exercise activities or discussions but do not allow students to discuss yet. Give them five minutes to read it. (Also see electronic delivery option following.)

Step 2: The Survey

Administer the survey prior to any discussions. The purpose is to get participants to respond to some statements about the appropriateness of the actions in the story before exploring the topic of harassment in the class. (5 minutes.) If you plan to have students do some research on the topic before class discussion (step 3), you might consider distributing the learning case during the previous class, as well as including administering the survey (Appendix C) to establish a baseline for the participants' knowledge of SH.

Step 3: Preparation (and Optional Research)

Participants are then instructed to prepare for the next class by reading the chapter that deals with diversity and harassment issues, and conducting Internet research on the Equal Employment Opportunity Commission's (EEOC) website by visiting http://www.eeoc.gov/laws/types/sexual_harassment.cfm Other recommended resources are listed in the following section. Encourage participants to find the legal definition of sexual harassment and examples of sexual harassment policies at well-known companies. Their readings may contain recommendations for appropriate responses to harassment complaints. The EEOC also provides a long list of policies that provide some guidance but are quite legalistic in nature (<http://www.eeoc.gov/policy/docs/harassment.html>). The facilitator might require that participants answer the five proposed discussions questions and turn in written results of their Web research. Another advantage of requiring typed responses is that it documents preparation for class. (1 hour.)

Supplemental SH Related Resources

Book/readings:

- Petrocelli, W., & Repa, B. K. (1999). *Sexual Harassment on the Job: What It Is & How to Stop It*. Berkeley, CA: Nolo.

- Bingham, S. G., & Scherer, L. L. (2001). The unexpected effects of a sexual harassment education program. *Journal of Applied Behavioral Science*, 37(2): 125–153.
- Brooks, L., & Perot, A.R. (1991). Reporting sexual harassment: Exploring a predictive model. *Psychology of Women*, 15, 31–47.
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- Uggen, C., & Blackstone, A. (2004). Sexual harassment as a gendered expression of power. *American Sociological Review*, 69(1), 64–93.
- Carson, A. S., Bates, M., & McGill, S. (2008). *Codes of conduct in the private sector: A Review of the academic literature from 1987 to 2007*. EthicsCentre, Toronto, Canada. http://www.ethicscentre.ca/EN/resources/ethicscentre_codes_april08.pdf

Websites:

- EEOC Website: http://www.eeoc.gov/laws/types/sexual_harassment.cfm
- Office of Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/sexharassresources.html>
- Sexual Harassment Support: <http://sexual-harassment.supportgroups.com/>
- Handout: <http://www.womenemployed.org/docs/Sexual%20Harassment.pdf>

Video/news links:

- YouTube scenario of sexual harassment: http://www.youtube.com/watch?v=vm_YewSqOy8&feature=related
- Bank employee is fired for clothing that is too sexy: <http://jobs.aol.com/articles/2010/06/03/debrahlee-lorenzana-too-sexy>

A briefer option is to distribute the case in class and after they have read it, go to the group discussion (step 4).

Step 4: Group Discussion

Participants are split into small groups of four or five to talk about the five discussion questions for no more than 15 minutes. (15 minutes.)

You may want to consider organizing the groups by gender, as we found that members of women-only groups have a tendency to be more open about their feelings in discussing the case with other women. They are more likely to condemn the behavior of the manager and comment on how such behavior is condoned or accepted by society. Men may not be as critical; some may believe that the way the woman dressed elicited the manager's response, in essence blaming the woman. Men may become more sexist in same-gender groups.

While students are discussing, the facilitator should take the time to visit with each team and take notes of some of the comments and/or reactions of participants to the story and the discussion questions. Note any gender differences or stereotypical comments. For example, men often smirk and giggle more about the situation, while women are often more serious.

Administer the survey from step 2 again, after participants have finished intragroup discussions but before debriefing. (5 minutes.)

Step 5: Class Debriefing

The facilitator may choose to guide class discussion by emphasizing any issues that have risen from group discussions or individual student reactions to the case.

1. Do you think that the actions or behaviors of the managers are appropriate? Why?

Participants often have different reactions to the incident. Women are often sexually depicted in our society. Female participants might not necessarily feel comfortable talking about the subject; however, you might opt to encourage the class to engage in the subject. We have noticed that many women react to comments made by men when discussing the case (some are clearly offended, or others roll eyes when male students make inaccurate statements, etc.). We caution you not to single out or force women to disclose but rather to point to the different points of view you observed and allow women the opportunity to express and explain their feelings/thoughts/experiences. Some women might have experienced sexual harassment situations that they might not want to report or relive. Regardless, it is important to emphasize to participants that women should not be treated as sex objects, as this manager did.

A work or retail environment should demonstrate respectful behavior toward all. The manager's behavior was inappropriate, especially for someone leading others; discussions of legalities are given in the following. Consequently, the actions or behaviors of the manager were not appropriate. As an agent of that corporation, the manager has a responsibility to promote the values of the organization for which he or she works and to model them appropriately for employees.

You might wish to ask undergraduates with extensive work experience or MBAs whether they had any training related to appropriate workplace conduct. Similarly, some

undergraduates, especially those who may have been trained as residence-hall advisors, may have received information on the topic. Weaving their training experiences into the discussion can help reinforce and broaden the learning.

Although the manager's actions were not respectful to the customer or employees, the greatest concern is that his actions have the potential to foster a hostile environment for the employees who observed the event. Employees may perceive that his actions created a hostile work environment where performance is not the basis for employment decisions. We are not aware of any other inappropriate behaviors by the manager, such as describing sexual exploits or preferences. Nonetheless, his actions toward the customer could be viewed by a jury as sufficient to create a hostile workplace for the employees present. Even though the customer did not react or object, the manager's comments were unprofessional. Most participants agree with this assessment.

Some adult females have argued that a woman should be able to dress somewhat provocatively without receiving this type of attention, especially in a nonwork setting such as this. Other participants have argued that salespeople often intentionally use flirtation to sell products and services. The responses to survey questions 2 and 3 deal with flirtation and being offended by sexual jokes. Men tended to view these behaviors as more acceptable. As the accompanying article notes, women and men do exhibit small differences in the perception of SH. Graduate student respondents did not differ on these questions, indicating that their prior training might have had an impact on their thinking.

As stated earlier, women should be able to dress in tight, revealing clothing without drawing unwanted attention in a pharmacy. However, do men giggle at such comments while female students typically don't? Do some object to women being judged solely on attire in an informal setting? Would these comments have occurred in another culture or country? Both laws and cultural values vary greatly.

Students then share their definition of sexual harassment and offer their reactions to the case. The EEOC defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature." The unwelcome nature is an important component. Furthermore, actions that prevent an employee from performing can constitute a hostile work environment (Rotondo, Nguyen, & Sackett, 2001). If students are grouped into gender-based groups, their responses allow addressing any gender differences in reactions to the scenario.

Instructors may also wish to broaden the discussion to a consideration of respectful behavior, ethics and professionalism in the workplace.

A few recommendations:

- Internet research sources: Ask participants to share what they discovered in their Web research. How was sexual harassment defined? More material could be

covered from the text readings to discuss diversity issues and the treatment of others.

- How many changed their views on the case after doing research? Why?
- Ask participants to talk about the various discussion/points that emerged from the groups. Note any differences between male and female groups.
- The instructor may take a few minutes to reflect upon the pre-exercise survey results (male subjects often do not consider the situation as offensive as female subjects do).

2. Do you think that his actions or behaviors are illegal? Why?

A review of Title VII of the Civil Rights Act of 1964 and subsequent court cases found that such acts are illegal only after the victim has informed the harasser, supervisor, or authority figure (e.g., HRM [human resource management] manager or ombudsman) that the conduct is unwelcome. The victim should use any employer complaint mechanism or grievance system available. From the customer's perspective, sending a letter to the company's headquarters is the first step, but participants should be reminded that Jack is not the person that was harassed, simply the one who witnessed such behavior.

Increasingly, the courts are viewing sexual harassment as discrimination or disparate treatment, rather than as a sexually motivated act (Tomkiewicz, 2004). Actions that have a negative impact on employees based on gender are more likely to be viewed as harassment.

3. What is sexual harassment? Is this situation considered sexual harassment?

The EEOC website clearly states, "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment" (EEOC, n.d.). We could find no court cases that involved actions toward a customer as constituting harassment. The EEOC does state that customers or clients can harass employees and contribute to a hostile work environment even though they are not employees of that organization.

An interesting question to ask is, "Who could have been harassed?" Undergraduates may tend to think of harassment in terms of the female customer. The more likely victims of harassment are the two employees (one male and one female) who observed the incident. The manager's comments had the potential to create a sexually charged and potentially hostile environment for those employees. Such a workplace could be considered offensive by the customer who was the object of the sexual reference as well. Sexual harassment, as it is

currently proscribed by state and federal statutes, only governs the workplace, and therefore any interaction between the manager and the customer (although inappropriate) does not constitute sexual harassment. This does not mean that subsequent legal action by a customer cannot be taken via lawsuits.

The interpretation of the law has also stressed a *pattern* of behavior. As this was only one incident and the customer did not object, it is unlikely that this behavior met the legal definition of harassment. Sudden onset is a severe form of harassment that need not recur (Woodford & Woodford, 2005), but this episode is not severe enough to meet that definition.

4. What action should management take toward the manager?

(Direct participants to “Please put yourself in the shoes of the district manager who supervises the store manager. How should he/she deal with this matter?”)

Organizations have a responsibility to their employees and customers. They cannot allow a single documented incident to go by without reaffirming their values. Prompt action is required. Having a policy on sexual harassment is insufficient defense in court. Companies need to offer training for employees (Johnson, 2004). The manager’s action should be documented; he should be counseled, and encouraged to attend diversity and/or sensitivity training. Follow-up should then be done to see whether similar behaviors have recurred. By someone documenting the incident, the manager is then made aware that his behavior was inappropriate and that further incidents might be grounds for dismissal. Diversity training might be useful in exposing the manager to issues that are important such as creating a sensitive work place environment, including being a role model. Remember that all you need is one bad apple to spoil the entire basket. If an employee, especially a manager, demonstrates a lack of respect, such behavior might be considered appropriate by employees in the future.

Are there consequences for the district manager in reporting this incident? Politics are also involved in responding. The district manager may be evaluated on the number of complaints or problems that occur in her or his district. Taking the appropriate action with the store manager could reflect negatively on the district manager’s next evaluation. Doing the right thing is not always easy.

5. What steps can management take to prevent such incidents?

Managers can work at developing some clear guidelines in their employee manual that would outline exactly what actions or behaviors are acceptable. All employees, managers in particular, should receive proper training and know that management does not tolerate such behaviors. More importantly, organizations need to develop clear procedures for reporting inappropriate behaviors or actions by employees, including offering a toll-free hot line managed by either an external party or the human resource department at corporate headquarters. More

details on what to include in training can be found in Johnson’s article.

Step 6: Concluding Comments

In the scenario, there is no indication that either customer or employees responded adversely to the manager’s actions. Thus in the most technical, legal sense, harassment may not have occurred yet. Nonetheless, the actions of the manager are inappropriate and could contribute to creating a hostile environment over time. Assuming that this kind of behavior by the manager has been reported as unwanted by any co-workers or employees, and he was told to cease making such sexual remarks at work, continuing this type of behavior creates a hostile work environment for other store employees and is therefore illegal. His actions suggest that he views women in a sexual manner and this gender discrimination may carry over to employees as well. However, these attitudes per se do not constitute harassment but could lead to it later.

It is thus important to emphasize with participants that organizations should not just train individuals but need to put in place systems to report and deal with such matters. More importantly one must know what to do to protect him- and herself (employee, manager, and organization) as everyone is responsible for helping to change the culture in the workplace. Respect is important. Organizations need not forbid social interaction among co-workers or employees since a great deal of business is conducted over dinner or a drink. It is important to remain professional, but more importantly never force one self on anyone regardless of the gender. We must also acknowledge that romance gets initiated at work. Proximity breeds attraction, after all we spend a little less than half of our awake time with our co-workers, we are bound to develop emotions.

SCENARIO OPTIONS/VARIATIONS

1. Electronic/virtual preparation option:

- The instructor may e-mail the case or direct to participants to a course management sites (blackboard or WebCT) to read the story and complete the survey. Using online or electronic response devices/tools can make data collection easier for the facilitator. Data collection should be anonymous.
- Participants do the research and respond to the five questions prior to class.
- Debriefing and follow-up remain the same.
- Follow-up results can also be emailed/shared later without using class time.

2. No pre-survey or research option.

The exercise can be shortened for classes where participants already have some knowledge of sexual harassment issues (i.e., those with managerial experience). This option was

used in an upper level undergraduate and graduate human resource management (HRM) class.

- Distribute the case and survey.
- Ask participants to read and complete the survey
- Break participants into same-gender groups.
- Discuss their responses to the five questions.
- Debrief.

For graduate participants with experience, many have been in a sexual harassment training program at one time. They bring a fair amount of knowledge and have enough work experience so that they have seen or heard stories about sexual harassment. Use these experiences.

3. Pre- and post-survey with no research.

This option worked well with graduate participants (OB class).

- Distribute the case and survey.
- Ask participants to read and complete the survey.
- Break participants into same gender groups.
- Discuss their responses to the five questions.
- Complete postdiscussion survey and collect.
- Debrief.
- Follow-up: present statistics at next class.

Follow-Up (Optional)

The facilitator may choose to discuss the results of any noticeable changes/differences between pre- and postdiscussion survey results. This offers a great opportunity for a teaching moment.

As shown in the companion article where pre-post data were reviewed, significant differences between undergraduate men and women were observed in our data gathering, both in the survey results and in class discussions about the topic.

Other Supporting Materials to Use for Class Discussion

A clip from a movie, such as *Disclosure* with Michael Douglas and Demi Moore, can be used to emphasize various points made in the debriefing. The movie *Disclosure* emphasizes that sexual harassment is not simply men harassing women but also drives home the issue of power and control in such incidents.

We have used the clip from the *Today Show* in response to a story of alleged sexual harassment from a producer of *The O'Reilly Factor* show by the Fox Network anchor Bill O'Reilly. Although the matter has been settled out of court (rumor of big payment made to the woman who filed suit against the anchor and the network [Kurtz, 2004]), it is important to note that systems must be in place to report and deal with such matters. More importantly one must know what to do to protect oneself (whether employee or manager), and everyone is responsible in

helping change the culture in the workplace. We need to respect everyone.

PARTICIPANT'S GUIDE

Step 1. Prepare for class by reading the assigned chapters on sexual harassment.

Step 2. Read carefully "A Manager's Actions" (Appendix A) distributed by the facilitator.

Step 3. Complete the survey (Appendix B).

Step 4. Conduct research on sexual harassment (optional).

Step 5. Answer the following questions (without discussing with other members of the class).

1. Do you think that the actions or behaviors of the managers are appropriate? Why?
2. Do you think that his actions or behaviors are illegal? Why?
3. What is sexual harassment? Is this situation considered sexual harassment?
4. What action should management take toward the manager?
5. What steps can management take to prevent such incidents?

Step 6. Share answers and discuss points of views/findings.

Step 7. Explain your responses to the questions and engage in a general discussion on sexual harassment.

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APPENDIX A

“A Manager’s Actions”

Jack is currently with his 3-year-old son on an errand to pick up duplicate photos from his local pharmacy store. After waiting in line for the next available employee to ring him, he is helped by what appears to be the store manager. After getting Jack’s last name and realizing that the photo lab staff was currently sorting the new arrival of pictures, the store manager moves to the photo lab section of the store to assist in finding Jack’s picture order. He searches the new picture arrival pouch and immediately locates Jack’s order. The store manager then instructs a high-school-aged female employee working nearby to ring Jack’s order.

Jack is patiently waiting for the manager and his two employees to get organized (about one minute) when he suddenly

witnesses the manager say “Wow!” in a fairly loud voice as he appears to be staring down the aisle behind Jack. The female employee raises her head up after hearing the comment as well. Jack turns around and notices that the manager’s “Wow” was directed at a young female customer walking down the aisle toward the registers. The late-20s woman is wearing tight black pants and a matching v-neck black top. Jack wondered what the fuss was about as the woman was a bit “trashy” for his tastes. As both the female customer and Jack get rung by different pharmacy employees, the manager proceeds to the front of the store and decides to sing loudly “It is a great day in Avon today!” Furthermore, he waits in the front of the store by the exit. As the female customer passes, he wishes her a great day yet fails to offer such good wishes to any other customers leaving the store, including Jack. The female customer then drives off in a BMW SUV without noticeable reaction.

APPENDIX B

Pre and Post Survey

Unique Identification Code

The first two letters of your mother's first name: ____ | ____ (e.g., Jessica: → "J | E")

The first two letters of your father's first name: ____ | ____ (e.g., Robert: → "R | O")

The day of your birth: ____ | ____ (e.g., "05" for fifth of ...)

The month of your birth: ____ | ____ (e.g., "03" for March)

Please rate your agreement or disagreement with the following statements	<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly agree</i>
The actions or behaviors of the manager are appropriate in this context.	1	2	3	4	5
Flirting with customers is different than the same type of attention directed at employees.	1	2	3	4	5
Most people are offended by sexual comments or jokes in the workplace.	1	2	3	4	5
Most sexual harassment is consciously or unconsciously encouraged by the "target."	1	2	3	4	5
The actions or behaviors of the manager are illegal.	1	2	3	4	5
Sexual attention at work is never appropriate.	1	2	3	4	5
Management should take some remedial actions toward the manager.	1	2	3	4	5
This situation constitutes sexual harassment.	1	2	3	4	5

Have you had any form of sexual harassment training?	Yes	No
Have you witnessed behaviors or actions that you define as sexual harassment?	Yes	No
If so, please describe without revealing any names, places, or specifics the circumstances of the incident.		

Demographic Information (Circle)

What is your gender?	Male	Female
What is your age group?	18–25	26–35
	36–45	45–above

APPENDIX C

Prepare responses to the following questions for the next class.

1. Do you think that the actions or behaviors of the managers are appropriate? Why?
2. Do you think that his actions or behaviors are illegal? Explain your answer.
3. What is sexual harassment? Is this situation considered sexual harassment?
4. What action should management take toward the manager? (Please put yourself in the shoes of the district manager who supervises the store manager. How should he/she deal with this matter?)
5. What steps can management take to prevent such incidents in the future?

ABOUT THE AUTHORS

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