

**The Influence of Organizational Culture on Sexual
Harassment Training: A Confirmatory Analysis**

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Introduction

One of the most important, and often challenging, aspects of Human Resources Management is developing and administering effective training programs intended to ensure compliance with the numerous equal employment and anti-discrimination laws. Effective training ostensibly implies that problems are less likely to arise following the training administration, and may therefore reduce an employer's potential liability. A perennial topic for compliance training that has received considerable attention in recent years is sexual harassment in the workplace.

On the surface the results seem to indicate that anti-sexual harassment training and awareness has made a significant impact. Recent data reflecting the combined number of Equal Employment Opportunity Commission (EEOC) and Fair Employment Practice Agency (FEPA) sexual harassment claims has shown an overall decrease over the past decade (i.e., 15,889 claims filed in 1997 to 11,364 claims filed for 2011). However, sub-trends within the same EEOC data indicate that the overall decrease in claims belies the actual effectiveness of training and awareness programs designed to reduce or eliminate this particular form of discrimination (Equal Employment Opportunity Commission, 2012b).

During the same period of time, the number of claims filed by men has steadily increased and account for over 16% of total claims as of 2011. Furthermore, the number of sexual harassment charges filed with the EEOC that were determined to have 'no reasonable cause' increased from 41.4% in 1997 to 53% in 2011. According to the EEOC's definition, a finding of "no reasonable cause" is a determination following the investigation of a claim where no discrimination had occurred based upon the evidence that was obtained. The EEOC would then issue a recommendation that the claim be dismissed.

These data suggest that there may still be a general confusion among recipients of sexual harassment training regarding what constitutes sexual harassment *per se*, despite the substantial investments in sexual harassment training programs over the past decade. We believe that while employees who receive sexual harassment compliance training are being made aware of the applicable laws and prohibited behaviors in general, they still did not understand at a conceptual level what sexual harassment is and how to recognize and avoid it within their respective organizations and work environments.

Additionally, we suspect that instead of focusing more on the cognitive foundations of sexual harassment compliance training within the nuances of an organization's culture, human resource management and training professionals have tended to promote a 'zero tolerance' policy based almost entirely on adherence to the core tenets of the statutes, but not the cognitive and contextual influence that promulgate individual employee behaviors.

Morrill (1995) noted that cultural context influences the normative expectations of behavior and interpersonal interaction within an organization. As such, one would reasonably expect to see differences in the degree to which content is emphasized and presented in sexual harassment training across different organizational cultures. However, given the data previously described, culture does not appear to play such a role. This is contrary to the generally accepted

notion that sexual harassment is most often the result of a permissive social climate within the organization (Dessler, 2012), and is the primary focus of this study.

Sexual Harassment Defined

United States federal law (Equal Employment Opportunity Commission, 2012a) defines sexual harassment as:

“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.”

As per the EEOC definition, sexual harassment refers to sexually-oriented behaviors and overtures that are both persistent and unwelcome. These include, but are not limited to, lewd jokes, inappropriate bodily contact, repeated offensive looks or comments, presentation or open posting of sexually explicit material or photographs, implicit or explicitly indecent propositions, and coerced sexual relations. Furthermore, both men and women can be victims of sexual harassment, and the victim does not specifically have to be the one who was harassed for damages to occur.

Discrimination based on gender requires a change in the victim's terms and conditions of employment as a consequence. In *Meritor Savings Bank v. Vincent* (1986) that sexual harassment was officially recognized as being a violation of one's civil rights under Title VII of the Civil Rights Act (CRA) of 1964 (see Walsh, 2007), although sexual harassment is not formally enumerated in the CRA itself.

Forms of Sexual Harassment

Quid Pro Quo

While sexual harassment is often conceptualized as a general type of behavior (Equal Employment Opportunity Commission, 1990) there are two specific forms of harassment that reflect different intentions and outcomes. The first form of sexual harassment recognized by law is *quid pro quo* (translated as “this for that”) and occurs when overt sexual demands or favors are placed on an individual by someone that holds authority over them. Possible negative consequences include a loss of a promotion or job in the work context, or physical and/ or financial harm in the civil context.

Hostile Environment

A second, more common form of sexual harassment is known as “hostile environment” (Equal Employment Opportunity Commission, 1990). In general, a hostile environment requires that three specific standards to be met. According to Walsh (2007), the first criterion is that the behavior by the aggressor must be unwelcome to the victim. Second, the behavior must be so

offensive and cause discomfort and anxiety that impairs the victim's ability to perform his or her job tasks. Third, the behavior must be pervasive. There is broad subjectivity in the interpretation of harassing behavior because of the context in which it occurs or *is expected to occur* often varies dramatically from one work setting to another. There are several key differences between hostile environment and quid pro quo, most notably that hostile environment harassment may not explicitly be sexually oriented, is often unintentional, and does not require the offender to be a person in a position of power or authority (Equal Employment Opportunity Commission, 1990).

Determining Harassment

When any sexual harassment claim is filed with the EEOC, certain thresholds must be met for the claim to have merit. This often requires scrutiny of the context and nature of the work environment itself in order to determine both the level of severity and offensiveness of the action. Specifically, in their ruling in the case of *Meritor Savings Bank v. Vinson* (1986) the Supreme Court of the United States (SCOTUS) noted that "*the gravamen of any sexual harassment claim is that the alleged sexual advances were unwelcome.*" Furthermore, the SCOTUS decision stated that under the EEOC guidelines, "*the trier of fact must determine the existence of sexual harassment in light of the 'record as a whole' and 'the totality of circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred.'*"

It was the landmark case of *Oncale vs. Sundowner Offshore Services* (1998) where SCOTUS firmly established that the social context (i.e., culture) in which a behavior takes place and is experienced by the victim must be considered when determining if a hostile environment threshold has been reached. Otherwise, there would be little room for differentiating simple teasing versus what any reasonable person would consider to be behavior that is abusive or hostile (see Frank, 2002) within a particular organizational or work unit culture.

In the *Oncale vs. Sundowner Offshore Services* (1998) decision, SCOTUS determined not only that gender-based employment discrimination applies equally in same-sex situations, but it also affirmed that aggressive gender-oriented action or behavior that is absent of any change to a victim's terms and conditions of employment does not constitute discrimination based on sex. Specifically, the majority opinion of the Court was that:

"the real social impact of workplace behavior often depends on a constellation of surrounding circumstances, expectations, and relationships which are not fully captured by a simple recitation of the words used or the physical acts performed. Common sense, and an appropriate sensitivity to social context, will enable courts and juries to distinguish between simple teasing and roughhousing among members of the same sex, and conduct which a reasonable person in the plaintiff's position would find severely hostile or abusive."

Given these precedents, it would seem that all anti sexual harassment training would need to address both the spirit and intent of the law by acknowledging what a reasonable person might experience in a particular organization and its culture, and at the same time ensuring successful training transfer.

Training Program Effectiveness

Measuring the effectiveness of sexual harassment training efforts in the workplace is extremely difficult and primarily subjective. There are many potential and plausible explanations why sexual harassment compliance training may not be as effective as it could be, including the nature of the training itself. In most training efforts in this area the content is often narrowly focused entirely on the applicable laws, prohibited behaviors, remedial actions, and reporting procedures. As such, these programs may not address the critical ‘cognitive awareness’ necessary for complete training transfer. For example, while it is common to observe practical examples in sexual harassment training programs through the use of case studies, news and media accounts, role playing, and group discussions, it is unclear how many incorporate cognitive cues such as mnemonic devices or acronyms.

The use of mnemonic devices, which typically consist of first-letter acronyms, have long been recognized as effective learning aids used to enhance short and long-term memory recall of content. A recent study by Saber and Johnson (2008) compared student ability to recall specific marketing content. In two separate studies, the authors observed significant increases in content recall when first-letter acronyms were incorporated into both traditional and active learning settings.

The omission of mnemonic devices or other cognitive cues in sexual harassment compliance training clearly has the potential to undermine the effectiveness of training transfer since knowing what sexual harassment is versus how to avoid it may not be the same process. This omission is what the authors believe to be the fundamental flaw in the vast majority of sexual harassment training. Based on our own experience and observation, we have found that the majority of sexual harassment training programs focus on the specific types of sexual harassment behaviors and not on how those behaviors are influenced or interpreted.

Sexual harassment training typically follows a more objective approach where trainees are simply informed of the specific laws, policies, and procedures pertaining to sexual harassment. In many instances employees are not trained how to interpret their own and others’ behavior in a given situation. This often involves being able to subjectively recognize and interpret others’ reactions and non-verbal behavior in order to assess whether or not those others, or a ‘reasonable person’, would find a particular behavior ‘unwelcome’.

This approach not only serves to undermine the effectiveness of training transfer, but may also fall short of meeting the compliance standards set forth by the courts for determining culpability in a sexual harassment claim. It would also seem that the general guidance employees and supervisors receive in terms of prevention is to simply follow policies that often morph into a zero-tolerance mandate. Such inflexibility not only conflicts with the contextual and cultural standards considered by the courts, but may also add to an individual’s confusion and anxiety over what is or is not an acceptable behavior in a specific work context (Fiedler and Blanco, 2006).

Laker and Powell (2011) underscored the need to differentiate between hard versus soft-skill training (i.e., technical skill versus intrapersonal and interpersonal skill) in order to improve training transfer. The authors noted several key observations culled from the training research literature which indicated that hard-skill training represents that majority of training in the U.S. despite the recognized need for soft-skill training for post entry-level employees. Hard-skill training transfers more readily to the workplace than soft-skill training. Thus, it may be that the majority of sexual harassment training is not training per se, but is instead simply communicating static information to the attendees.

Organizational Culture and Training Content

The role organizational culture plays in determining the type and effectiveness of sexual harassment training is critical. Organizations that are more tolerant of behavior that can be construed as being a form of sexual harassment are more likely to offer compliance type of training rather than awareness type training. This is an important point because more complaints are being filed but not substantiated and the cause could very well be that employees are not certain what is and what is not sexual harassment. Organizations that offer primarily compliance training on sexual harassment do an adequate job of spelling out the potential issues and related punishment that goes along with sexual harassment charges but fail to adequately explain to employees which acts would actually be considered to be sexual harassment. Regarding organizational culture, there are organizations that are central to the development and compliance oversight of sexual harassment policies and legislation. These organizations would be public entities created and maintained at the local, state, and federal levels of government. As such, they would be expected to have a more in-depth knowledge and understanding of the nature and intent of sexual harassment prevention, be under a greater level of scrutiny, and would be more likely to allocate the resources needed to conduct effective prevention training. On the other hand, compliance training can be expected to be less focused and comprehensive for organizations whose cultures and work environments are not as directly associated or influenced by the laws and where autonomy and openness are central to the culture such as that of educational institutions.

Where compliance is more internally centralized and self-regulating, such as in private business, and where training costs are a larger budgetary concern, sexual harassment training would be expected to be delivered in as condensed and efficient manner as possible. Therefore the frequency in which both legal and effectiveness criteria for effective sexual harassment prevention training would be expected to vary across different types of organizations.

Hypothesis 1a: The frequency of social context related content of sexual harassment training programs will be significantly different among dissimilar organizational cultures.

Hypothesis 1b: The frequency of reasonable person standard related content of sexual harassment training programs will be significantly different among dissimilar organizational cultures.

Hypothesis 2a: The frequency of cognitive cues incorporated into sexual harassment training programs will be significantly different among dissimilar organizational cultures.

Hypothesis 2b: The frequency of knowledge assessment devices incorporated into sexual harassment training programs will be significantly different among dissimilar organizational cultures.

Hypothesis 2c: The frequency of contextual scenarios incorporated into sexual harassment training programs will be significantly different among dissimilar organizational cultures.

Method

In order to obtain a valid assessment of current sexual harassment training programs, we analyzed a random sample of training programs that were available through various internet browser searches. Our criteria for inclusion in this analysis were that the training material had to be specifically focused on and intended for sexual harassment training, that the training was focused on supervisors and/ or employees, and that the material was presented in a PowerPoint format.

Content was assessed as to whether the presentation 1) specifically provided cognitive cues, 2) addressed the contextual and cultural relevance of sexual harassment, 3) mentioned and defined the ‘reasonable person standard’ concept, 4) included some form of knowledge-based assessment or quiz, and 5) included sexual harassment-based scenarios.

Sample

Using the terms “*sexual*” + “*harassment*” + “*training*” + “*ppt*” as our keyword search parameters, we retrieved and reviewed 73 initial presentations in order to determine whether they met our inclusion criteria (i.e., they were developed for specific training purposes). The presentations were then grouped into one of four general organizational categories. In total, 67 training PowerPoint presentations were included for this study and were obtained from state and government agencies ($N = 21$), K-12 educational institutions ($N = 17$), higher education institutions ($N = 16$), and private organizations ($N = 13$).

Qualitative Content Analysis Criteria

Our overarching assertion was that sexual harassment training programs in general tended to focus predominantly on hard-skills (i.e., knowledge of applicable laws, organizational policies, and procedures for reporting harassment) and more often than not omitted important soft-skills (i.e., emotional awareness of others, empathic reasoning, and situational awareness). As such, we focused our analysis on whether aspects of the training presentations related to the interpersonal and contextual requirements recognized by the courts as being key factors in determining the validity of a sexual harassment claim.

Regulatory Variables

Contextual and Cultural References: As stated in legal precedents such as *Meritor Savings Bank v. Vinson* (1986) and *Oncale vs. Sundowner Offshore Services* (1998), the context of the work environment is a salient factor in determining whether the ‘*unwelcome*’ threshold for a behavior in question has been met in a particular claim. As such, we examined the presentations in this study to determine if any specific reference or discussion of what determines a behavior to be unwelcome was included.

Reasonable Person Standard: In order to objectively consider an alleged sexual harassment claim, the courts have relied on what is generally referred to as the ‘*reasonable person standard*’ which represents what would be the perceptual standard of a reasonable fictitious person who would most likely be associated with a specific context (Walsh, 2007). For example, comparing the behavioral expectations of workers in a doctor’s office versus an auto repair shop would require consideration of the social context of the work environment. Specifically, the content of jokes, personal references, or behavior in an industrial work context may be viewed as a salient characteristic of that work environment, whereas similar behavior may not be characteristic of a medical office environment.

Training Effectiveness Variables

Cognitive Cues: Due to individual differences in perception, attitude, and experience, the nature of soft skills in a formal training program tends to be highly subjective. Therefore, we were interested in whether a presentation included some form of learning and retention mechanism, such as a mnemonic device. Our criteria decision was based simply on whether or not a cognitive cue was provided as a learning enhancement tool. We did not differentiate between the forms of cues.

Knowledge Assessments: In order to determine the degree to which learners acquire and retain new knowledge, many training programs rely on either a pre & post or simply a post instruction assessment scheme. These assessments typically focus on core concept definitions, contextual decision making, and technical application

Soft Skills Assessment: Because construct-based phenomena such as sexual harassment occur at an interpersonal level within a variety of contexts, it is important that learners be able to demonstrate their comprehension and mastery of the core topics in an appropriately reflective manner. As such, it is common for learners to demonstrate their new comprehension and application skills using scenario-based assessments that mirror the characteristics of the situations that they would most likely find themselves. Scenario-based assessments also enable learners to gauge their responses in order to determine the appropriate level of action (Hsieh & Knight, 2008).

Results

See *Table 1* for ‘Observed Frequencies of Training Program Content by Group’. Hypotheses 1a and 1b asserted that the frequency of regulatory content included in sexual

harassment training would be significantly different among various organizational types. However, no differences in frequencies were observed for either the *reasonable person* $\chi^2 (3, N = 67) = 1.121, p = 0.772$ or *context* $\chi^2 (3, N = 67) = 1.1419, p = 0.701$ criteria. Thus, the hypotheses were not supported.

Similarly, Hypotheses 2a, 2b, and 2c asserted that the frequency of training effectiveness criteria included in sexual harassment training would be significantly different among various organizational types. While the frequencies of *cognitive cue* $\chi^2 (3, N = 67) = 4.516, p = 0.211$ and *assessment* $\chi^2 (3, N = 67) = .181, p = 0.981$ failed to demonstrate any divergence among the groups, there was a significant difference for the State and Federal agency group regarding the *scenario* $\chi^2 (3, N = 67) = 9.090, p = 0.028$ criteria. Thus, hypotheses 2a and 2b were not supported, but support for hypothesis 2c was observed.

Discussion

Overall, results from our sample were somewhat unexpected in that the observed content frequencies of the training programs across organizational types with fundamentally different cultures was counter intuitive to what would be expected. For example, state and federal government agencies are often tasked with the administration and enforcement of anti-discrimination policies such as sexual harassment, and these organizations would reasonably be expected to place a greater emphasis on the regulatory criteria of sexual harassment training programs than the other industry groups sampled. Our results did not support this assumption. Similarly, it could reasonably have been assumed that education-based organizations would have included more effectiveness criteria in sexual harassment training programs compared to other industry groups. Surprisingly, this was also not the case based on our sample.

Our findings indicate that overall sexual harassment training program content is predominantly generic and follows essentially the same script regardless of organizational culture. In addition, our data supports our primary assumption that despite the decades-long focus on sexual harassment prevention in the workplace, scant emphasis is actually given to *ensuring* effective sexual harassment prevention training in a variety of organizational culture samples. Specifically, it appears that across both public and private organizations, the structure of sexual harassment training is predominantly information-only and is merely zero-tolerance enforcement and compliance policies.

We suggest that further research be done in this area in order to enhance the quality of sexual harassment training in workplaces in all types of organizations. This is an important topic for all levels of employees to understand. Organizations need to become more cognizant of the role the overall culture plays in building a work environment where the antecedents, context, and consequences of sexual harassment are fully understood if it is to be effectively reduced and eliminated from the workplace.

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Table 1: Observed Frequencies of Training Program Content by Group

Organization	Context	Reasonable Person	Cognitive Cues	Knowledge	Scenario
a. (<i>N</i> =21)	7	6	2	6	8
b. (<i>N</i> =17)	4	4	0	4	4
c. (<i>N</i> =16)	4	5	0	4	1
d. (<i>N</i> =13)	2	2	0	3	1
Total (<i>N</i> = 67)	<i>N</i> = 17	<i>N</i> = 17	<i>N</i> = 2	<i>N</i> = 17	<i>N</i> = 14

a = State and federal government agency group

b = K-12 educational institution group

c = Higher education institution group

d = Private business group