Community college human resource officers' perceptions of false sexual harassment accusation processing

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COMMUNITY COLLEGE HUMAN RESOURCE OFFICERS' PERCEPTIONS OF FALSE SEXUAL HARASSMENT ACCUSATION PROCESSING

by

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Master of Education
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1981

Master of Arts
Loyola College of Baltimore
1991

A dissertation submitted in partial fulfillment of the requirements for the

Doctor of Philosophy Degree in Higher Education Administration
Department of Education Leadership
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Graduate College
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May 2004
UMI Number: 3143382

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Entitled

Community College Human Resource Officers' Perceptions of False Sexual Harassment Accusation Processing

is approved in partial fulfillment of the requirements for the degree of

Doctor of Philosophy In Educational Leadership

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ABSTRACT

Community College Human Resource Officers’ Perceptions of False Sexual Harassment Accusation Processing

by

Carlton R. Insley III

Dr. Dale Andersen, Examination Committee Chair
Professor of Higher Education Leadership
University of Nevada, Las Vegas

Sexual harassment in America’s academic institutions, including two-year colleges, continues to be an important issue for administrators to address. While people may believe that the potential for false accusations exists, as is true for any inappropriate behavior, little has been written, or presumably, studied about false sexual harassment accusation. A theoretical framework taken from Rotter’s Expectancy-Reinforcement Theory (a Social Learning theory) was proposed as a basis to explain the possibility that contemporary conventional behavior may be guiding college administrators who process sexual harassment claims, and those who are participants. It states, in part, that individuals behave in a manner that is goal oriented, and in the context of the expectancy of the goals to be achieved.

The Cannon Center for Survey Research at the University of Nevada Las Vegas facilitated instrument construction, data reception, and data processing. A 15-question survey was constructed, approved, and sent to 870 American
community college Human Resource Officers. Additionally, there was a final open response item that collected comments that were analyzed qualitatively. Data were collected and analyzed using, primarily, descriptive and correlational methods.

The study's response rate may have been limited by the request to respond to a sensitive topic based on a need to recollect policy and procedure. Yet, the study was still considered to have the potential to provide exploratory information addressing the reality of false sexual harassment accusation identification and processing among community college human resource officers.

Generally, the study seemed to suggest that there were, within the two-year college respondents, no rigidly followed conventions regarding the identification and processing of false sexual harassment accusations (FSHA). Specifically, the data show that although an overwhelming majority of the HRO's who responded have participated in sexual harassment complaint processing, only 32% reported policies that specify FSHA penalties available to them, and only 7% reported that their institution had taken action against one who has made a false sexual harassment accusation.

Further, the results of the study support the need for changes in two-year college administrative policy and procedure to better insure equitable and fair sexual harassment claim processing for all involved parties. It also suggests that a heightened awareness regarding the potential and extent of false sexual harassment accusations may be appropriate.
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ACKNOWLEDGEMENTS

The completion of doctoral work cannot be accomplished without the significant contribution of many people. I must first thank my mother, Margaret Hess, for her insistence on paying for the costs associated with this degree. Additionally, I must thank Dr. Christine Chairsell for encouraging me to start the work, and especially, for her encouragement for me to continue in my early efforts.

I have benefited greatly by the learned help of others. Dr. Sidney Schneider played an important role in helping me consider a research approach, and in providing continuous collegial support. As this topic has a considerable legal component, I have relied on Joshua Insley, J.D., to help me with my law library work, and to understand some of the more complicated aspects of American jurisprudence as they relate to the present study. Additionally, I must express my appreciation to my friend Dr. Frank DiPuma for patiently assisting me in data interpretation.

Regarding data, I could not have completed this project without the considerable assistance I received from the Cannon Center for Survey Research at UNLV. Guidance from Dr. Thomas Lamatsch and Taylor Mosely was critically important. I am especially grateful to Pam Gallion for her insights, guidance, and good humor through nine different “final” drafts of everything sent to her.
In a general sense, I would like to acknowledge the student-friendly nature of the College of Education at UNLV. The administration and faculty of this Department have had a great impact on my successful completion of this work, and I appreciate their efforts toward a very positive academic environment. Specifically, I thank my Committee members, Drs. Meacham, Kops, and Perkins, for their patience and efforts toward my successful dealing with this research topic. Their worked very hard to get me focused on a workable path, and I appreciate their assistance.

And finally, my most important acknowledgement. Invariably, people who finish doctoral work are asked about the journey they took from beginning to completion. Dale Andersen has defined that experience for me. Aside from his unconditional and extraordinarily unselfish guidance on this dissertation, Dale Andersen, for the past five years, has been my role model and mentor. His gentle and learned demeanor gifted me with the freedom to explore and develop, all the time knowing that I was safe to do so. In addition to his seasoned comfort as an administrator, Dale's teaching mastery, the result of a lifetime of being there for the student, made his classroom a warm and genuine place to learn. I believe that individuals truly worthy of the title “Role Model” are very rare, but he goes well beyond any such title. My journey with Dr. Andersen has made me a better teacher, administrator, and person, and to him, I acknowledge my respect and gratitude.
CHAPTER 1

INTRODUCTION

Introduction

Fortunately for most, education has always been a safe place for human development and personal improvement. This may well be attributable to the work done by generations of school administrators that maintain the rules, regulations, and conventions that sustain the academic culture while balancing the culture’s “conflicting needs and values” (Goonen & Blechman, 1994, p.6). Under the pervasive influence and protection of the law, academia “reveals the fundamental characteristics of its (the nation’s) social system, including the cultural values, the political philosophy, the roles of individuals, and the major goals as determined by the decision makers” (Johns & Morphet, 1975, p.1). The maintenance of this, however, requires diligence. It must be continually protected from any political correct agenda that short cuts or short-circuits rational, critical considerations. One phenomenon on which attention has been focused in recent years is that of workplace sexual harassment. One observer has captured the intensity of the conflict in this area, as follows:
"Sex discrimination is war—civil war—and harassment appears to be the
weapon of choice. In the sex discrimination war, one segment of the
American population attempts to force its views and beliefs upon another
segment, views no longer appropriate to this culture at this time.
Hopefully, American business, the professions, academia and government
will realize the real costs and carnage of this war and help to end it"
(McCann, 1992, p. 89).

Background

Workplace sexual harassment has been defined as part of the American
employment culture for many years (Fitzgerald, et al, 1990). The literature is
replete with journal articles and textbooks that examine virtually every aspect of
sexual harassment (Abbasi, 1996: Chan, 1994). This may include harassment of
men against women, men against men, women against men, and women against
sexual harassment issues, one can find considerable work on sexual harassment
against especially vulnerable populations, such as students, patients, and
mentor-subordinates (Achampong, 1999: Connally, 1989: EEOC, 1999: Gallop,
1997: Laband, 1998). Additionally, since much of the sexual harassment turmoil
has found its way into the United States legal system for resolution, literally
volumes of work may be found on legal aspects, and the legal sequelae, of

In the spirit of academic honesty and candor, the reader should understand that the author of this report was personally involved in a false sexual harassment allegation several years ago. This experience provided considerable motivation for the present study.

Conceptual Framework

If one begins with the stipulation that at least the possibility exists that the academic and administrative culture of community colleges currently handling accusations of sexual harassment does so with an inadequate awareness of the existence and considerable ramifications to those that are victims of false claims, it becomes important to examine this possibility both conceptually and factually. It is logical that administrators could have developed attitudes that have led them to think and behave in this manner because they have internalized a conventional wisdom based on stereotypes and a priori expectations and interpretations of behaviors in the workplace.

It is fully understandable conceptually, that such a "blind spot" could exist. J. B. Rotter has evolved a conceptual framework that would explain it. As a Social Learning Theorist, Rotter posits an Expectancy-Reinforcement Theory, subsequently expanded by Bandura and others (Rotter, 1982), to suggest that the individual's personality is the interaction of the individual and his or her meaningful environment (Patterson, 1986). Persons, therefore, interacts with,
not the objective world, but rather the world as they perceive it. Behavior is goal oriented, in the context of expectancy that these goals will be achieved (Patterson, 1986). In other words, “this meaningful world must be differentiated from the real or objective world (Rotter, 1954, p.85).” This theoretical framework could explain, therefore, academic culture conventions in the recognition and processing of false sexual harassment accusations.

Hypothetically, how might this psychological school of thought influence the process of sexual harassment complaints? Since a human’s behavior is determined by his goals (Rotter, 1964), the hearing officer or arbitrator in a case is intent on resolving it within the conventional process of sexual harassment actions.

Purpose of the Study

Despite the abundant body of sexual harassment writings, there remain areas that appear to have been neglected. Specifically, there is a paucity of consequential reports on the impact of false sexual harassment accusations. Most writings make a priori assumptions that reflect the “conventional wisdom”, i.e.; men do it to women (although, the 1999 statistics of sexual harassment claims by males now represents 12.1% of the total—EEOC, 2000). These writings usually discuss definitions of quid pro quo and hostile environment, subsequent litigations, and processes to empower women against male harassers. These characterizations are often presented without statistical analysis or other research results to substantiate the underlying assumptions,
opinions, and/or feelings. The literature may be characterized as generally lacking in hard research evidence regarding intra-employee sexual harassment issues both in general employment environments and those in colleges and universities.

Although acknowledged as a serious and credible problem, certain aspects of sexual harassment interventions appear to have been neglected, overlooked, or underdeveloped. One of these apparent neglected areas of investigation is the identification and analysis of the process of dealing with false sexual harassment accusations. Thus, the present research study sought to investigate such situations arising between employees in college and university work settings. The purpose of the present study was to address this void in an exploratory fashion.

Statement of the Problem

This study was specifically designed to formalize consideration of the issue of false sexual discrimination in American community colleges (within this paper, the terms “community college” and “two-year college” are used interchangeably). The burdens of providing due process in a higher education system are varied and considerable. Through the many steps that are typically involved, and thus the attention required of the higher education administrator, there must be a relentless focus on an awareness of legal implication of actions taken (Aaron, 1993; Achampong, 1999; Cloud, 1996; Cohen, 1996; Dziech, 1998; Lott, 1996; Paludi, 1991). This study considered the phenomena of false sexual harassment
allegations and sought to determine if they are recognized and dealt with in the formal procedures guiding investigations of allegations of sexual harassment. It was also the intent of this study to determine what the actual experiences of investigating officers have been in identifying and dealing with false accusations of sexual harassment in instances where they occurred.

A premise was made that because of typical job specifications, Human Resource Officers (HRO's) is the group most likely to have been involved in sexual harassment claim processing. Therefore, the HRO's were selected as the vital participants who provided key data for the study. Since very little had been previously reported, the present study is essentially exploratory and descriptive in nature, rather than being comprehensive. It focuses on a limited number of selected aspects of the phenomena.

Finally, issues between the sexes seem to have grown to immense proportions, often evoking visceral and polarized positions. This study strives to take special precautions to insure neutrality by restricting itself to objective results and in the acquisition and handling of necessary and appropriate data.

Research Questions

The following research questions framed the study and guided the use of the data collected from the demographics, survey responses, and respondent comments on the survey instrument in drawing conclusions. Respondents were a sample of two-year college Human Resource Officers, or their designees,
having responsibility for investigating sexual harassment cases on their campuses:

1. Do the existing policies and procedures for guiding the investigation of sexual harassment charges on two-year college campuses cite or mention steps and/or remedies for false sexual harassment allegations?

2. Are investigating officers (Human Resource Directors or their designees) required by the written policies or procedures to gather information on the validity of the allegations of sexual harassment?

3. Do the college’s policy or procedures specify the penalties for false sexual harassment charges?

4. In practice, what proportion of the investigating officers of two-year colleges have investigated, or definitely identified, cases of false sexual harassment allegations?

5. Are similar sexual harassment investigation procedures and treatments applied to both the accused and the accuser in the workplace at your institution?

Research Design

Subjects for this exploratory, descriptive study were drawn from a national list of the approximately 870 American public and private community college Human Resource Officers (HRO’s), obtained from the American Association of Community Colleges (AACC). A survey questionnaire was constructed
specifically for this study. It was composed of 15 items focusing on the issues of sexual harassment accusation processing. An approval process for that new instrument was carried out using a panel of expert judges. The adapted instrument was designed to elicit the opinions of community college HRO's as to whether contemporary policies on the handling of sexual harassment situations enable false sexual harassment accusations. Other items related to the definition of sexual harassment, gender neutrality, emotional impact of sexual harassment, prosecution of sexual harassment perpetrators, prosecution of false accusation perpetrators, and documentation were also developed and considered. A cover letter describing the basics of the study, the intent of the investigator, and appealing for participation was also authored and made a part of the packet comprising the mail survey.

The UNLV Cannon Center for Survey Research facilitated construction of the instrument, and controlled data acquisition and data processing. This ensured that objectivity in these steps in the research process was maintained. Appropriate statistical treatments of the data, once collected, were applied using Statistical Package for the Social Sciences (SPSS) applications. This program was chosen for its sophistication and ability to handle advanced statistical tasking, including graphics (Rea, 1997). The final survey solicited demographic data, as well as opinions, beliefs and vignettes. These yielded data for a more qualitative-like, descriptive, component of the study. Descriptive statistics (frequencies and crosstabulations), and the Pearson Chi-Square Test
predominated in reporting the quantitative results since the preponderance of
data was nominal and/or interval in nature.

Delimitations and Limitations of the Study

This study is delimited to community college Human Resource Officers (HRO’s). Responses were not solicited from faculty, classified employees, or students who may have significant, yet different opinions and/or perceptions relative to the topics studied. Therefore, results apply to this population only and any generalizations made to others must be done cautiously.

This survey was sent only to American community colleges. High schools, four-year colleges, and universities were excluded. Responses from these other academic institutions may well be different. Additionally, the mailing list was obtained from the American Association of Community Colleges (AACC). It is possible that not all of the national community colleges were included on this list. Again, any attempt to generalize to institutions not on that list must be done cautiously.

The study also had several limitations. As most researchers are aware, many requests are made for survey responses. Securing an acceptable response rate is dependent on, at least: 1) a willingness of the respondent to participate because of time availability, 2) a comfort with the subject area, and 3) satisfaction that confidentiality and anonymity will be honored.

It is suspected that this type of task is not a high priority within the average college administrator’s workday. To attain closure on the study, it was necessary
to impose a closing date and thus, require a timely submission of the survey by the respondent. It is possible the response rate may have been higher if the closing date had been later. Additionally, it was deemed important that HRO's, or their designees, who had had no experience with a false sexual harassment accusation state so, and return the survey. This may not have been fully understood by the respondents, nor made clear in the instructions to them.

The subject area of this study is, admittedly, emotionally troubling for many respondents. Additionally, it may be that many of the attitudes, values, and beliefs involved are polarized in one direction or another. Therefore, some of the respondents may quickly surmise the nature of the study, and respond in a manner that overstates their personal agenda or beliefs, or applies their bias holistically. These acts may adversely affect the data. Minimization of bias and thus accuracy of the results of this study was dependent on a truthful, complete and accurate response.

Sexual harassment policies and procedures are not standardized. Records may be unofficial, non-detailed, or inaccessible. Thus, inaccurate or incomplete recall may cause an error in the reporting of the data, which could affect the results of the study.

Definition of Terms

affirmative action—A policy or a program that seeks to redress past discrimination through active measures to ensure equal opportunity, as in education and employment (The American Heritage Dictionary, 2000).

bias—A preference or an inclination, especially one that inhibits impartial judgment. An unfair act or policy stemming from prejudice. To influence in a
particular, typically unfair direction; prejudice (The American Heritage Dictionary, 2000).

claimant—A party that makes a claim (The American Heritage Dictionary, 2000).

defendant—A person sued in a civil proceeding or accused in a criminal proceeding (Black's, 1996, p.175).

expectancy—the probability held by the individual that a particular reinforcement will occur as a function of a specific behavior on his part in a specific situation or situations (Rotter, 1954, p. 107)

discrimination—the effect of a stature or established practice that confers privileges on a certain class or that denies privileges to another class because of race, age, sex, nationality, religion, or handicap (Black's, 1996, p.195).


fraud—A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her injury (Black's, 1996, p. 267).


higher education—Education beyond the secondary level, especially education at the college or university level (The American Heritage Dictionary, 2000).

hostile environment—The workplace is permeated with discriminatory behavior that is sufficiently severe or pervasive to create a discriminatorily abusive working environment (Harris, 1993).

plaintiff—The party who brings a civil suit in a court of law (Black's, 1996, p. 482).

quid pro quo—The exchange of one valuable thing for another of more or less equal value; tit for tat (Black's, 1996, p. 519).

reinforcement value—the degree of preference for any one of several reinforcements to occur when the possibilities of occurrence are equal (Patterson, 1986, p.174).

remedy—The enforcement of a right or the redress of an injury, especially monetary damages, that a party asks of a court (Black's, 1996, p. 537).

sanction—A recognized authority's official approval or confirmation of an action (Black's, 1996, p. 561).
sexual assault—Sexual intercourse with another person without that person's consent; several state statutes have abolished the crime of rape and replaced it with the offense of sexual assault Black's, 1996, p. 45).

sexual harassment—A type of employment discrimination consisting in verbal or physical abuse of a sexual nature (Black's, 1996, p. 576).

Summary

Sexual harassment in America's academic institutions, including two-year colleges, continues to be an important issue for administrators to address. While people may believe that the potential for false accusations exists as is true for any inappropriate behavior, little has been written, or apparently, studied concerning false sexual harassment accusations. An ambitious study was undertaken to address the investigation. It focused on the collection of relevant data from community college human resource officers. It is this survey that constitutes the core of this report.

A conceptual framework based on Rotter's Expectancy-Reinforcement Theory (a Social Learning theory) was proposed as a basis to explain how the contemporary college culture and conventional wisdom may be guiding the actions of college administrators who process sexual harassment claims. It states, in part, that individuals behave in a manner that is goal oriented, and in the context of the expectancy of the goals achieved.

A national mail survey of some 870 two-year and community college Human Resource Officers was conducted using a questionnaire specifically constructed and approved for this study. The UNLV Cannon Center for Survey Research provided expertise in a variety of ways and ensured objectivity in the collection
and treatment of the data. The data collected are analyzed in an exploratory and
descriptive manner. Results are reported and discussed appropriately.
CHAPTER 2

REVIEW OF LITERATURE

Definitions of Sexual Harassment

Sexual harassment is a topic that has social, psychological, employment, and legal definitions. Virtually unheard of before the 1970's, sexual harassment may well be the dominant workplace issue of the 1980's and 1990's (Crow, 1995). These inappropriate behaviors have been defined by a series of litigations, some reaching the United States Supreme Court, which has served to structure and empower a sexual harassment culture (Burlington Industries v. Ellerth, 1998; Faragher v. City of Boca Raton, 1998; Harris v. Forklift Systems, 1993; Meritor v. Vinson, 1986; and Silva v. University of N.H., 1994). At the very least, this culture has established itself within most employments, schools, and virtually any definable business interaction.

Basically, sexual harassment is a type of discrimination (sexual) that violates Title VII of the Civil Rights Act of 1964 (Hendrickson, 1999). Many definitions of sexual harassment exist, and as discussed later, there is continuing disagreement among learned people about what is, or is not, inappropriate sexual behavior within the context of established guidelines. Hendrickson
provides as good a working description as any, suggesting that sexual harassment is:

"...unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual manner targeted toward one gender, and not the other (Hendrickson, 1999, p.135 ).

The legal evolution and the cultural development of sexual harassment define it in two ways. The first perception is "quid pro quo". In this circumstance, some advantage, favor, or compensation is yielded in return for a sexual favor. Consistent with Hendrickson’s definition, this interaction is unwelcomed by, presumably, the person of whom the sexual favor is being requested. The second circumstance, generally considered as sexual harassment, is the creation of a hostile environment. This could be achieved by the placement of objectionable erotica in proximity to offended individuals, persistent negative gender-related comments, sexually suggestive conversations, or other inappropriate behaviors that make the workplace, for example, physically or psychologically challenging for the targeted individual.

While the "quid pro quo" aspect of sexual harassment is rather clear, the "hostile environment" aspect is considerably less clear, especially when one considers what First Amendment rights are potentially compromised. Severe and pervasive speech that is disruptive to one’s life is understandable, but what of political cartoons and drawing? At least one judge has ruled that previously protected political satire directed against a candidate was prohibited because it constituted sexual harassment (Dershowitz, 1994).
Significant Sexual Harassment Legislation and Codification

The following enacted laws and governmental proclamations, provide foundation to subsequent sexual harassment litigation:

The Civil Rights Act of 1964

The Civil Rights Act of 1964 is a hallmark law that stands as the foundation for employment gender discrimination law. While this law addresses a variety of areas, such as voting rights, public accommodation accessibility, and education accessibility, it is Title VII of this act that addresses equal employment opportunity (Civil Rights Act of 1964). Title VII prohibits “employment discrimination on the basis of race, color, religion, national origin, and sex (Bureau of National Affairs, 2001). Although this Act does not mention sexual harassment specifically, the courts have used it as reference for employment sexual harassment considerations (Bureau of National Affairs, 2001).

Title IX, Education Amendments of 1972

This law addresses educational entities that receive Federal funding. Specifically, it states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance… (Title IX, 1972).” Application of this act might place an institution’s Federal funding at risk, should it be found that that institution fostered, i.e. gender discrimination. Title IX is cited often in the recent litigation, Gonzaga University et al. v. John Doe (2002). The essence of this matter was in sexual harassment policy and procedure applications, but ultimately, the issue
was pursued in the context of Federal monies being received by a potentially discriminating private institution (Gonzaga University v. John Doe, 2002).

**EEOC’s Policy Guidance on Current Issues of Sexual Harassment (1990)**

The EEOC periodically publishes clarifications on current sexual harassment litigations and the perspectives that are current from these litigations. With the clarifications first published in 1980, this current publication includes insights into current sexual harassment proceeding that have the benefit of more recent litigation, such as Meritor Savings Bank v. Vinson and Bundy v. Jackson (EEOC, 1990). This work provides guidance in understanding what constitutes sexual harassment, processes for evaluating evidence, and determining if a circumstance is “hostile” (EEOC, 1990).

**Civil Rights Act of 1991**

The Civil Rights Act of 1991 was written to “amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions... (Civil Rights Act of 1991).” Unlike the Civil Rights Act of 1964, this Act does mention the word "harassment". The Civil Rights Act of 1991, specifically, provides for jury trials and increased financial settlements under Title VII of the Civil Rights Act of 1964 (Bureau of National Affairs, 2001).
EEOC’s “Enforcement Guidance of Vicarious Employer Liability for Unlawful Harassment by Supervisors” (1999)

In a manner similar to the Policy Guidelines cited above (EEOC, 1990), the EEOC found it necessary to provide guidance that clarified the responsibilities employers had with regard to employees who sexually harass (EEOC, 1999, Enforcement...). The purpose of these clarifications was to provide “guidance regarding employer liability for harassment by supervisors based on sex, race, color, religion, national origin, age, disability, or protected activity” (EEOC, 1999, Enforcement...).

With the benefit of two recent Supreme Court decisions (Burlington Industries v. Ellerth and Faragher v. City of Boca Raton) that made clear that employers had some responsibility for the behaviors of their employees with regard to sexual harassment, the EEOC published guidelines clarifying potential employment applications (EEOC, 1999, Enforcement...). This document addressed the definition of a supervisor, the nature of the supervisor’s role in the chain of command, and the harassment by a supervisor that does, and does not, result in a tangible employment action (EEOC, 1999, Enforcement...). It further details potential employer activities, policies, and behaviors that might provide a measure of exposure protection.

Significant Sexual Harassment Case Law

To a great extent, relying on the above-mentioned legislations and codifications, American case law has produced a considerable body of decisions
that defines sexual harassment. Some of the more consequential decisions, in the context of the issue addressed, are cited below:

Re: Loss of Tangible Job Benefit (1981)

As suggested, the understanding of sexual harassment issues did not seem to gain strength until the 1980's. Sandra Bundy was a Vocational Rehabilitation Specialist with the District of Columbia’s Department of Corrections (Bundy v. Jackson, 1981). Ms. Bundy claimed that she was sexually pursued, over her persistent rejections, by two of her supervisors, Arthur Burton and James Gainey. She took this complaint to the supervisor of these two men, who invalidated her complaint, and then suggested that she have a sexual relationship with him. She rejected this. Another employee corroborated Ms. Bundy’s assertions of sexual harassment as an ongoing problem at her employment (Bundy v. Jackson, 1981).

The initial action was heard by the United States District Court for the District of Columbia. When the decision lacked back pay as part of the relief, Ms. Bundy appealed to the United States Court of Appeals, District of Columbia Circuit. The question asked was: Should the plaintiff be granted relief due a loss in tangible job benefit, resulting from the sexual harassment (Bundy v. Jackson, 1981). While the Court held that she was sexually harassed, it did not agree that she suffered loss of job benefit (Dziech, 1998). This means that no loss of job, or pay, or status occurred.
Re: Definition of Hostile Environment (1986)

This set the stage for the 1986 Meritor v. Vinson case that further defined issues associated with a “hostile environment” (Meritor v. Vinson, 1986). In this action, Mechelle Vinson met bank officer Sidney Taylor, who soon gave Ms. Vinson a job at his bank (Meritor). During the next three years, Ms Vinson claimed that Mr. Taylor sexually harassed her through the demands for sexual favors at the risk of her job, public fondling, and forcible rape. He claimed this was a consensual relationship. The District Court held for Mr. Taylor, essentially stating that this was a consensual relationship. Additionally, Meritor Savings Bank, Mr. Taylor’s employer, was found not to be liable for any of Mr. Taylor’s actions. When appealed, the Court of Appeals for the District of Columbia Circuit ruled that it was necessary to remand back to the District Court, holding that a hostile environment had been created. The Court of Appeals also held that the Meritor Savings Bank was liable for the actions of Mr. Taylor. Meritor Savings Bank appealed to the United States Supreme Court.

The major question in this case is: Is gender discrimination (as subsequently defined as “hostile environment” sexual harassment), as defined by Title VII of the Civil Rights Act of 1964, actionable. The Supreme Court held that it was. There was no dissent (Meritor v. Vinson, 1986).

Often cited as a hallmark decision, Meritor essentially defined several aspects of hostile environment. They are:
A hostile environment claim is actionable under Title VII
Title VII language not limited to economic or tangible discrimination
(were they severe and pervasive)
-Critical issue is were sexual advances unwelcome
-Voluntariness may be considered relevant, and
-Liability of employer is not absolute, but in this case, existence of
grievance procedure and policy against discrimination did not
insulate employer (Meritor v. Vinson, 1986).

Re: "Reasonable Woman" Standard (1991)
In 1991, the U.S. 9th Circuit Court of Appeals decided the case of Kerry Ellison, an Internal Revenue Agency agent. It was found that fellow agent Sterling Gray severely and persistently sexually harassed Ms. Ellison. This was done through ongoing dating request conversations over Ms. Ellison's rejections, and objectionable written messages. Despite numerous complaints to superiors about Mr. Gray's behaviors, administrative processes against him to stop his behaviors, and a transfer, he persisted in pursuit of Ms. Ellison. She finally filed suit in a federal district court (Northern District of California), which found that she had not proved sexual harassment. Ms. Ellison then appealed to the United States 9th Circuit Court of Appeals (Ellison v. Brady, 1991)

The question presented to the Court was: Was the presented circumstance serious and pervasive enough to warrant a finding of "hostile environment" sexual harassment. The Court held that is was. Critical in the decision was
Circuit Judge Beezer’s comments "...when she alleges conduct which a 
reasonable woman (underline mine) would consider sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment..." (Ellison v. Brady, 1991). Although in the decision footnote, the Judge clarified that for a male harassed the standard would be for the reasonable man, the “reasonable woman” standard seems to be that excerpt of the opinion often cited. District Judge Stephens offered dissent, suggesting that the summary judgment procedure may not have allowed for a full hearing from witnesses. Judge Stephens also suggested that the term “reasonable woman” was “ambiguous and therefore inadequate (Ellison v. Brady, 1991).”

Although the “reasonable woman” standard was clarified by Supreme Court Justice O’Connor (Harris, 1993), it appears that the Equal Employment Opportunity Commission, which commands considerable influence in specific workplace requirements concerning sexual harassment filing and processing, and others, still holds to the “reasonable woman” standard (Dziech, 1998).

Re: Threshold of Sexual Harassment Required for Claim Justification, Clarification of “Reasonable Woman” Standard (1993)

Another case often cited is the 1993 Harris v. Forklift Systems (Harris v. Forklift Systems, 1993). Teresa Harris was an employee at Forklift Systems for approximately two years. During that time, she claimed to have been exposed to sexually objectionable behavior by her supervisor, Mr. Hardy, which was seen as gender associated insults and sexual innuendos. The behaviors continued, over Ms. Harris’s protests. Agreeing with a lower court, the United States District Court for the Middle District of Tennessee, did not find Mr. Hardy’s behaviors to
reach the severity threshold for hostile environment sexual harassment. The issue was taken to the United States Supreme Court.

In this action, the Supreme Court sought to resolve differences in Circuit Court decisions that considered the threshold of sexually offensive behavior necessary to justify a claim of sexual harassment. The conclusion of Justice O'Connor, writing for the unanimous court was, "To be actionable as abusive work environment harassment, conduct need not seriously affect an employee's psychological well-being or lead the plaintiff to suffer injury" (*Harris v. Forklift Systems*, 1993). With this decision, the Supreme Court lowered the magnitude of the infraction necessary for legal intervention. In essence, psychological effect from sexual harassment was not seen to be an issue presented in the Civil Rights Act of 1964. Additionally, Justice O'Connor discussed the perspective of the act, as suggested in the Ellison "reasonable woman" usage. Justice O'Connor clarified this by using the term "reasonable person". There was no dissent, and the case was remanded back to the Court of Appeals.


Another aspect of sexual harassment litigation is that of addressing the liability of the employer for the behaviors of its employees. This is described when Kimberly Ellerth found fault with her employer, Burlington Industries, for the behavior of one of its employees, Ted Slowik (*Burlington Industries v. Ellerth*, 1998). Mr. Slowik's behavior was reported as offensive and persistent despite continual rejections from Ms. Ellerth. Ms. Ellerth did not tell any of her
supervisors of her issues with Mr. Slowik, but proceeded with a lawsuit against Burlington Industries.

The United State District Court for the Northern District of Illinois granted Burlington summary judgment, believing that while Ms. Ellerth was sexually harassed, she had not used any of the company's mechanism's for resolving the sexual harassment issue. Additionally, the court believed she had suffered no tangible loss of job benefit, and Burlington was, therefore, not liable. The Court of Appeals reversed the appeal, citing a belief that "quid pro quo" sexual harassment had occurred, and that Burlington was vicariously liable for the actions of its supervisor. Burlington appealed to the United States Supreme Court.

The question to be resolved was: "...whether an employer has vicarious liability when a supervisor creates a hostile work environment by making explicit threats to alter a subordinate's terms or conditions of employment, based on sex, but does not fulfill the threat" (Burlington Industries v. Ellerth, 1998). Justice Kennedy, writing for the majority, affirmed the decision of the Court of Appeals. Justice Thomas and Scalia dissented, suggesting that, "An employer should be liable if, and only if, the plaintiff proves that the employer was negligent in permitting the supervisor's conduct to occur" (Burlington Industries v. Ellerth, 1998).

Another significant Supreme Court decision, decided at the same time as Burlington, that also considered the employer's liability in a sexual harassment action is Faragher v. City of Boca Raton (Faragher v. City of Boca Raton, 1998).
Beth Ann Faragher was a lifeguard for the Marine Safety Section of the Parks and Recreation Department of the City of Boca Raton, Florida, between 1985 and 1990 (Faragher v. City of Boca Raton, 1998). During that time, Ms. Faragher claims, with corroboration, to have been sexually harassed by two of her supervisors, Bill Terry and David Silverman. The nature of the harassment was both “quid-pro-quo”, and “hostile environment”. In 1992, Ms. Faragher brought action against these two former supervisors, and the City of Boca Raton, claiming that she suffered employment gender discrimination, as defined in Title VII of the Civil Rights Act of 1964, and that the City of Boca Raton was vicariously liable for the actions of her harassing supervisors (Faragher v. City of Boca Raton, 1998).

Initially heard by the District Court, it was found that Ms. Faragher had indeed suffered sexual harassment by her supervisors, and that her employer, the City of Boca Raton, was vicariously liable for their actions. Specifically, regarding the City of Boca Raton, the Court found that the City had “knowledge, or constructive knowledge” of the harassment; and that the supervisors were acting as agent of the City, and that at least one supervisor knew of the harassment and did not report it to other officials (Faragher v. City of Boca Raton, 1998). The City of Boca Raton appealed to the Eleventh Circuit Court, and there, the District Court’s decision was reversed. The Eleventh Circuit, in a 7 to 5 decision, held that the supervisors were not acting within the scope of their employment, and “that they were not aided in their actions by the agency relationship (Faragher v. City of Boca Raton, 1998).

It appears the question considered by the Supreme Court in Faragher was, Are there “circumstances under which an employer may be held liable under Title VII of the Civil Rights Act of 1964...for the acts of a supervisory employee...” (Faragher v. City of Boca Raton, 1998, p. 1)? To that question, the Supreme Court found, that yes, the employer is vicariously liable. Additionally, and importantly, however, the Court found that the employer might be “subject to an affirmative defense looking to the reasonableness of the employer’s conduct as well as that of the plaintiff victim (Faragher v. City of Boca Raton, 1998, p.1).

Two elements of this potential affirmative defense in an action where there has been no tangible loss of job benefit are noted. First, the Court suggested that an employer might demonstrate that reasonable care had been taken to prevent and correct inappropriate behavior. Second, the Court suggested that the employer might show that the employee did not take advantage of opportunities offered to protect that employee from inappropriate behaviors (Faragher v. City of Boca Raton, 1998). While the Court suggested that an employer might take these two positions, it further suggested that in this case, the City of Boca Raton’s actions would probably preclude their successfully using either aspect of this affirmative defense.

Justices Thomas and Scalia dissented, citing reasons similar to Burlington (see above), suggesting that the employer may not be held vicariously liable in the absence of adverse employee consequences (Faragher v. City of Boca

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Raton, 1998). Additionally, the dissent suggests that there may have been an avenue of complaint to the City that was not utilized by Ms. Faragher.

False Sexual Harassment Allegations and Sequelae

These significant citations from recent case law allow the higher education administrator to better understand some aspects of sexual harassment claim processing. The cases suggest, however, the complicated nature of American jurisprudence, and may further suggest the need to be very cognizant of potential ramifications of a sexual harassment claim. The college administrator may wish to understand that lower level claims of impropriety, like sexual harassment claims, often are not held to the same level of confidence as more criminal acts. Criminal casework requires a standard of “beyond a reasonable doubt”. People sometimes wrongly assume that this standard is held for lesser infractions (Schauer, Zeckhauser, 1996, p. 27). Schauer states:

“When the value of freedom from incarceration is absent, and other values are present, probabilities of “guilt” less that “beyond a reasonable doubt,” perhaps only a mere possibility, are often socially, statistically, and morally legitimate bases for moral decisions”.

With this lower standard, the college official must be careful to attain data to a standard of certainty, before embarking on a process that is costly to many people on many levels. At the very least, the university should make certain that accused faculty or staff members receive well documented, and constitutionally correct due process (Connally, 1989). Institutions may be legally exposed if they participate in wrongful allegations of sexual harassment for invasion of privacy,
intentional infliction of emotional distress, defamation, negligent misrepresentation by words, civil conspiracy, abuse of process, or malicious prosecution (Aaron, 1993).

In any event, the college administrator is now burdened with an additional level of contemplation. Inappropriate response to a false claim of sexual harassment may place the administrator at risk from administrative and legal action of the falsely accused. If this translates into a wrongful-discharge action, the costs may be considerable (Aaron, 1993).

In 1992 Ohio middle school principal Richard Douglas was awarded over $200,000 for being wrongfully discharged over false accusations of sexual abuse. The Ohio Court of Appeals agreed with him that these charges were brought in retaliation for disciplinary actions he had taken against several female students (Douglas v. Cincinnati Board of Education, 1992).

Leroy Young was a full-time tenured professor at Plymouth State College. Sexual harassment claims started a long and tortuous administrative process that left Mr. Young dismissed from the college. This dismissal was made public through a press release. Young, along with his wife Tatum, took action against the college president, the college, and other responsible entities, claiming an absence of procedural due process, breach of contract, defamation, and invasion of privacy. The court granted summary judgment on the due process, breach of contract, and the covenant of good faith and fair dealing issues (Young and Young v. Plymouth State College, 1999).
Corporate responsibility for actions taken against purported sexual harassers is demonstrated in a recent Wisconsin litigation (*Mackenzie v. Miller Brewing*, 2001). Jerold Mackenzie was a manager for the Miller Brewing Company and was accused by a female co-worker of sexual harassment. Mr. Mackenzie, had evidently, on several instances, created discussions with this female, that involved sexual innuendo. One of these conversations was a recounting of a *Seinfeld* television episode. He was terminated from his employment, and sued Miller Brewing for wrongful termination. Mackenzie was awarded over 24 million dollars by the Circuit Court for Milwaukee County. The Court of Appeals reversed the lower court’s decision. The Supreme Court of Wisconsin affirmed the Court of Appeals. While Mr. Mackenzie’s position was ultimately not supported due to the Court’s finding that it was not a matter for tort law, this litigation suggests the potential risk an employer has in taking actions against one accused of sexual harassment, if those actions are found to have been inappropriate.

Another recent litigation involves a potentially false allegation of gender discrimination and sexual harassment (*Jimenez v. Madison Area Technical College*, 2003). Elvira Jimenez was employed at the Madison Area Technical College for approximately five years when she started to complain to superiors about racially and sexually derogatory comments and “E”-mails from certain college administrators. The United States District Court for the Western District of Wisconsin found that Ms. Jimenez had forged those documents she presented to support her position. The case was dismissed with prejudice, and sanctions
were imposed on her counsel. The United States Court of Appeals for the Seventh Circuit affirmed the lower courts decision.

Aaron's above listed responses to a false accusation were written for the K-12 level of education and even these are not always easy to apply. Defamation, for instance, is difficult to prove in the school setting because of the plaintiffs need to show an “abuse of privilege”, which protects the school district, and overcome “intracorporate immunity” (provided the communication is between individuals, and not outside the scope of the investigation) (Henagen, 1998). More consequential litigation will only come with a heightened awareness of school system policies that actively apply administrative and civil punishment to persons making malicious accusations (Henagen, 1998). Truth, however, for both sides is the absolute protector in these actions (Cloud, 1996).

Another roadblock to protection of those victimized by false accusations is that school employees, especially faculty or administrators, are considered public figures (Cloud, 1996). For these positions, a higher burden exists to prove malice, a burden that is not always easy to prove within a K-12 school system (Henagen, 1998). This distinction is not well defined. Between 1974 and 1987, 15 appellate decisions were split with six holding teachers to be public officials, and nine not (Cloud, 1996).

There appears to be no federal statute that specifically protects a victim of false sexual harassment accusations. While school districts may be held vicariously responsible for inappropriate actions (Nationals School Attorneys, Molnar v. Booth, 2000), there is no provision in Title IX for such liability extension.
Regarding the victims of false accusations of sexual harassment, Title VII litigations have yet to see a cause for action, and Title IX protects only the targets of discrimination (Henagen, 1998). The False Accusations Against Educators Act (status currently unknown) was proposed to Congress to help define protection of the school employee. This shifting burden "Act" is hoped to protect the vulnerable academic's reputation and employment by offering actions against malicious and/or frivolous sexual harassment accusations. It would also entitle the victim to a jury trial, with the possibility of punitive and compensatory damages (Henagen, 1998).

In 1999, the 70th Oregon Legislative Assembly considered Senate Bill 893, which made making a false accusation of sexual abuse a crime, punishable by five years in prison, $100,000 fine, or both (Oregon, 1999). Although this bill did not pass, it would have specifically listed false allegations of sexual harassment as a "C" felony. The legislation proposed that in addition to sentence, the court might have the guilty party pay the victims' defense expenses, undergo psychological evaluation, and make a private and public apology to the victim and media (Oregon, 1999).

It is clear that in order to protect the rights of innocents, academic institutions should have clear-cut penalties for individuals who make malicious an/or stigmatizing accusations of sexual harassment (Henagen, 1998). This is a departure from conventional wisdom, which dictates that all complaints are considered valid until proven otherwise (Abbasi, 1996). Hassenpflug goes further and suggests that academic entities need not see malice to implement
provisions of penalty for makers of false accusations. To make this process more open and fair, she suggests that the accused be told who has made the accusations, the nature of the evidence, and should be able to question the accuser to determine if ulterior motives or a hidden agenda exist. She details these remedial interventions for false accusations: "official reprimand, probation, demotion, unpaid leave, dismissal, docketed pay, fine, and/or reimbursement of expenses incurred by the district and the accused" (Hassenpflug, 1996, p. 7).

She further explains that the institution protects not only its employees, but also itself, by making clear that makers of false accusations of sexual harassment will face actions similar to those faced by the guilty harasser. She concludes: "A district caught up in momentary hysteria over such emotional issues as sexual harassment, child abuse or racism cannot be allowed to ruin the careers of innocent employees" (Hassenpflug, 1996, p. 6).

Remedies for False Accusations

If the rate of false accusations of sexual harassment (Henagen, 1998) and associated issues were established, it is reasonable to believe that a significant judicial history would exist for persons guilty of such inappropriateness. This does not appear in the professional literature, however. Should an individual believe that he (presumably) has been victimized by a false accusation of sexual harassment, he might choose to identify one of the following areas of injury (Aaron, 1993, p.158-162):
1. Invasion of Privacy

“The Restatement (Second) of Torts, Section 652E (1977), defines invasion of privacy resulting from publicity placing a person in a false light, as follows:

One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if

(a) the false light in which the other was placed would be highly offensive to the reasonable person, and

(b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed”

2. Defamation

In Salazar v. Bjork, the court stated, “the law should protect only those who act reasonably and with a reasonable belief of the truth of their remarks” (Salazar, 1973). The Restatement (Second) of Torts, Section 559:

“A communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating with him”.

Aaron clarifies that administrative and judicial proceedings may be immune from this definition.

3. Abuse of process
Again, the Restatement (Second) of Torts, Section 682 (1977) defines abuse of process as:

“One who uses a legal process, whether criminal or civil, against another primarily to accomplish a purpose for which it is not designated, is subject to liability to the other for harm caused by the abuse of process.”

Aaron suggests that this circumstance, often considered in retaliation or to alter a promotional consideration, may vary between states.

4. Negligent misrepresentation

This may exist when a person makes misrepresentations or fails to disclose appropriate information about an allegation of sexual harassment.

5. Civil conspiracy

The Restatement (Second) of Torts, Section 674 (1977) suggests one brings about wrongful civil proceedings if:

(a) he acts without probable cause, and primarily for a purpose other than that of securing the proper adjudication of the claim in which the proceedings are based

6. Malicious prosecution

Again, quoting the Restatement (Second) of Torts, Section 674 (1977), one may be vulnerable if:
(a) he acts without probably cause, and primarily for a purpose other than that of securing the proper adjudication of the claim in which the proceedings are based.

This double test of "probable-cause" and "improper-pur-\(\text{p}^{\text{e}}\)pose" may limit many false sexual harassment claims (Aaron, 1993). Additionally, victims of a false accusation of sexual harassment may proceed claiming violation of free speech rights, intentional infliction of emotional distress, and possibly, wrongful termination (Henagen, 1998).

Related Cognate Topics

Bias in Conflict Resolution

As suggested by Van Huystee (1999, p. 15) "In business and in life, conflict is a certainty!" Outside of the family, the employment site is the principal arena for relationship problems (Phillips, 2001). With today's increased productivity demands and a more highly sophisticated understanding of interpersonal dynamics by employees, the American workplace has become a very litigious environment (Phillips, 2001). This necessitates the existence of a competent and trusted individual, or process, to help resolve employee conflict (Arnold, 1993). Aware of today's charged employment environment, this arbitrator may be instrumental in softening the actions of employees who more quickly invoke accusations of violations of their workplace rights (Phillips, 2001). Conflict between employees reduces productivity of the workforce and reduces the profitability of the entity (Phillips, 2001). Escalation of a conflict reduces the ability
to resolve it a lower level (Phillips, 2001). Avoidance of or reduction of conflict is desirable, and may subtly influence sexual harassment processing conventions.

Supervisor counseling, peer counseling, and human resource disciplinary interventions are often available as conflict resolution methods. Mediation, for instance, is an effective way to have concerns addressed in a safe, off-site manner (Phillips, 2001). These meet some of the concerns of individuals, and the organization, because “early, low-level resolutions that satisfy underlying interests and concerns are far better than lawsuits over the failure to resolve those concerns” (Phillips, 2001, p. 208). However, the wish to stop a conflict at a lower level should not interfere with the legitimate needs and/or rights of a participant to have the issue further investigated or processed. Conversely, the employer must be attentive to see that the conflict is not escalated to meet other needs or objectives. As suggested by Phillips (2001, p. 208), “On the employer side, employee relations professionals (personnel or human resource staff) may virtually be required to label complaints according to legal theory (disability discrimination or sexual harassment, for example) to comply with accounting mandates from company and government”. Intervention will be most effective if the mutual benefits of the employees and a sense of equality are part of the conflict resolution process (Phillips, 2001).

What are some of the qualities, especially in the context of bias (potentially, an issue in sexual harassment processing), that make a manager more effective in conflict resolution? It is known that interpersonal conflicts evoke, within the
intervener, personal value issues (Bisno, 1988). The conflict resolver must, through a soul-searching process, make certain that no biases, hidden agendas, or prejudices affect the intervention (Arnold, 1993). The conflict resolver cannot be offended by what may come out of the process, and must be prepared to keep personal beliefs out of the process (Arnold, 1993). The administrator must be informed and comfortable with the subtleties associated with a specific issue. Since this discussion is in the context of sexual harassment, it is important for the administrator to know, for instance, that sexual harassment is often used as a term for other inappropriate, or marginally appropriate, behavior (Phillips, 2001). With this understanding, he may be better able to redefine a general complaint into a less offensive, and more appropriate complaint. This may, however, take some additional skill. In the current context, it will serve the administrator well to remember that men and women probably react differently to conflict situations (Rahim, 1990). It is, therefore, important for administrators involved in conflict management to pay attention to gender stereotypes. Rahim (1990) suggests that mediators may punish conflict participants who are acting in a manner different than their role expectation. When an administrator makes assumptions about gender roles and expectations, he is bringing gender bias into the resolution process and may lose the neutral perspective (Rahim, 1990). The affected parties may be looking at the higher education administrator who is, for example, resolving a sexual harassment claim from entirely different perspectives. One may be satisfied while the other may perceive the administrator as unfairly manipulating the processes away from their expected results (Arnold, 1993).
Worrisome is the suggestion by one author that indeed, the conflict resolver may influence the outcome of a dispute in favor of personal beliefs. He states, "Our position on this complex issue is that under certain circumstances the reactive use of undesirable means...is justified" (Bisno, 1988, p. 25). Critical to a fair resolution is the presence of a sensitive, informed, and neutral higher education administrator.

Perhaps the first step in addressing bias in conflict resolution is to become aware of one's own biases. Priscilla Prutzman and Judith Johnson wrote an article addressing bias awareness as an essential aspect of conflict resolution (Prutzman & Johnson, 1997). Within this, they develop the premise that "bias awareness and conflict resolution cannot be separated" (Prutzman & Johnson, 1997, p. 26). Well-developed, the work is instructive on the role of conflict resolution in education, and promotes a strategy for heightened bias awareness. The authors then listed 14 common biases. All of the biases listed were against either women, people of color, or homosexuals (Prutzman & Johnson, 1997, p. 5-6). Did the authors unknowingly show their own bias in this presentation?

Considering the possibility of a bias against males in sexual harassment conflict resolution would seem to be an important requirement for a fair intervention as well.

The administrator who is tasked to resolve sexual harassment issues is, obviously, empowered by higher authority. With this, this person must carefully weigh the organizations needs against the needs of the individuals involved in the dispute (Kihnley, 2000). Power, as defined by Mayer in Zuckerman (2001, p.
is the “ability to get one’s needs met and to further one’s goals.” This, he further suggests, may be the action of one part of the culture against another part of the culture. It is critical, therefore, that the intervening negotiator enters a sexual harassment dispute armed with some insight into the perceptions and behaviors of both of the differing parties (Arnold, 2000). The contending parties anticipate a more effective and fair process if insight and perceptual sensitivity traits are seen in the conflict resolver (Arnold, 2000). Without these traits, the conflict resolver is likely to be seen to lack credibility, and would be received less favorably by the parties (Arnold, 2000). This seems critical is the current context.

The work of Jennie Kihnley is on point, and is most closely associated with the present study. This qualitative study reviewed the sexual harassment processing policies in the California university system. One of the many insights was the recognition of the university’s goal conflict (Kihnley, 2000). This was compounded by much of the sexual harassment complaint processing being done by Title IX officers and the Women’s Resource Center’s personnel. In one report, a Title IX officer stated her preference for the informal method of conflict resolution. She claimed that it was much faster than the formal process, but “does not lessen the sanction against the individual” (Kihnley, 2000, p. 83). Also, by keeping the process informal, the university lessened the possibility of a civil suit being brought against it by the respondent (Kihnley, 2000). In both instances, the system seems to have been established in a “cost-benefit” scenario, rather than seeking a truth-seeking scenario.
This philosophy of intervention is alluded to in Lampe’s discussion of ethical aspects of mediation. Referencing “stakeholder theory (...an organization goes beyond the traditional narrow focus on the firm stockholders and short-term profits, and consider the impact of its activities on all affected parties)” (Lampe, 2001, p. 166). He suggests that a positive, non-adversarial approach to conflict resolution is preferred. Further he suggests that this process is improved by applying a “feminist ethical theory (ethics of caring)”. He then contrasts this to the masculine approach, which is characterized as individual, oppositional, detached, self-centered, and adversarial (Lampe, 2001). This is the difference he draws, based on his perception of gender approaches, to conflict resolution.

The recognition of bias in sexual harassment proceedings is an important aspect of a fair intervention. The administrator’s understanding of gender differences in negotiating, as may be the case in dispute settlement, assists in an appropriate intervention (Walters, 1999, p. 654). Considering sexual harassment of faculty members by students, Matchen suggests that contrary to conventional wisdom, the incidence of inappropriate sexual behavior in academia by females may well approach the incidence of that by males (Matchen, 2000). The administrator of higher education must bring into processes of conflict resolution disciplinary actions and mediation, and an unbiased viewpoint that allows all facts to be considered in a non-prejudicial manner.

Gender Issues in Conflict Resolution

It is reported that 34% of the woman working in higher education have been victimized by sexual harassment, and that 7.7% of men in higher education have
been sexually harassed (Fitzgerald, Shullman, Bailey, Richards, Swechker, Gold, Ormerod, & Weitzman, 1990). Whether the college administrator is a line officer or staff member, he or she has a primary responsibility to limit all matters of risk for the institution. This risk management includes, but is not limited to: injury to, and protection of students, injury to, and protection of the physical plant and system, and, injury to, and protection of employees at all levels. Protecting the system in this risk management role, especially in these litigious times, may be the most difficult task a college administrator has. Study has shown that woman administrators in academia are more likely to claim sexual harassment victimization than are faculty members (Fitzgerald, 1990). Special efforts must be made to control variables, minimize exposure, and budget for consequences. It may be wise to remember that no matter how complete an investigation and subsequent remedy, a “victim of sexual harassment may still seek redress in court” (Oh, 1992, p. 241).

Employer Responsibilities

This suggests another area of interest, that of employer responsibility. The Supreme Court has suggested in both Meritor Savings Bank v. Vinson (Meritor, 1986) and Harris v. Forklift Systems (Harris, 1993) that the employer has considerable responsibility in preventing sexual harassment and, if it is believed that harassment has occurred, takes the appropriate actions to stop further incidents. As previously presented, this is further supported in the Faragher decision in which a Boca Raton lifeguard sought to reverse the 11th Circuit Court. Beth Ann Faragher evidently suffered years of sexual harassment at the whim of
two male co-workers. Her action against the City of Boca Raton was unsuccessful, as the 11th Circuit held that the offending males “were not acting within the scope of their employment when they engaged” in the behaviors (Faragher v. Boca Raton, 1998). The Supreme Court reversed this, and found that ample evidence was available to hold the City of Boca Raton liable.

The 1998 Supreme Court decision in Burlington Industries v. Kimberly Ellerth further supports the notion that the Court looks seriously at the employers’ responsibility in areas of sexual harassment processing (Burlington Industries v. Ellerth, 1998). The EEOC has written many pages of clarification under “Enforcement Guidance of Vicarious Employer Liability for Unlawful Harassment by Supervisors” (EEOC, 1999). This document, taking instruction from both Burlington and Faragher, outlines the employer’s responsibilities for the actions of supervisors. Much effort is spent defining “tangible employment action” for which no affirmative defense is available, essentially exposing the employer even if the employer had no knowledge of the harassing behaviors (EEOC, 1999 p. 6).

Is it reasonable to believe that the same tests for employer accountability in preventing or resolving issues of sexual harassment may be used to affix employer accountability in preventing or resolving issues of false allegations? That is to say, if an organization (corporation) is complicit in fostering an environment that encourages casual or unfounded claims of sexual harassment, is it legally exposed? What is its liability if its sexual harassment procedures are responsive to political correctness or don’t adhere to due process? Although several of the cases cited above seem to suggest that the courts are growing
more sensitive and responsive to abuse of sexual harassment policy empowerment, very little has been litigated. Additionally, very little is seen within the sexual harassment culture and industry about the employer's responsibility in areas of false accusations.

Costs Involved in Sexual Harassment

It seems important for a college administrator to identify the different components of sexual harassment cost and liability, so that effective action may be taken to minimize occurrence, and to effectively process infractions. Yet, it is virtually impossible to assess the real organizational costs associated with the many aspects of sexual harassment issues (Terpstra, 1986). One of the few published considerations of costing organizational impact of sexual harassment was done by Robert Faley and his collaborators (Faley, Knapp, Kurtis, & Dubois, 1999). Faley, et al, suggests that related organizational costs include:

1. Productivity related costs
   - Cost of reduced productivity
   - Cost of the harasser and harasssee's time during processing
   - Cost incurred during employee's absence during processing, including administrative coverage costs

2. Administrative costs
   - Separation cost, i.e., relocation and separation pay
   - Replacement cost, i.e., recruiting and training expense
Transfer cost, i.e., movement to another department or geographic location

3. Other costs
   - Complaint processing cost
   - Litigation cost
   - Medical and professional counseling cost
   - Organizational mistrust, and negative publicity cost (Faley, 1999).

As one may expect, the psychological impact of being involved in an administrative or legal workplace struggle may be considerable. This is especially true if the issue is as sensitive as sexual harassment. At its very best, these issues will provide considerable distraction from duties. At its worst, it may cause one to be sad, depressed, or non-productive. Victims of sexual harassment often suffer headaches, problems with sleeping and gastric problems (Barling, Dekker, Loughlin, Kelloway, Fullagar, & Johnson, 1996,). In this research, “sexual harassment again emerged as a predictor of mood, which also predicted psychosomatic symptoms and, in this case, also predicted self-esteem” (Barling, et al, 1996, p. 22). In today’s academic culture of doing more with less, a non-productive employee may not only impact on his own responsibilities, but may also start a ripple effect that affects others. The college administrator, who normally spends much energy in maintaining a positive espirit-de-corps, may be well advised to contemplate the negative fiscal impact of unattended issues of sexual harassment.
Academic endeavor is maximized by a positive relationship between students and faculty. When sexual harassment behaviors and processes find their way into a group of educators, the student is at potential risk. One involved in administrative hearings, or litigation, may be required to leave the school until the presenting issue has been resolved. This interruption would necessitate another instructor trying to assimilate into the curriculum, re-establishing some working rapport with students, or attempting to re-establish continuity within a standardized examination regimen.

Educators, especially educators within the college ranks, typically consider themselves professionals. Career moves from one institution to another may interrupt career standing. "Economic consequences include loss of job and attendant financial benefits, promotion, important work assignments, ostracism, and stigma" (Kim, 1999, p. 20). Additionally, some retirement accounts may not follow an educator from one institution to another. In a worst case scenario, a sexual harassment issue that is allowed to grow beyond control may well end a professional's career, bringing about considerable loss of personal revenue, and probably necessitating a costly re-education in another career. Work by Goodman is cited showing that many women in early sexual harassment litigations were fired (Fitzgerald, 1990).

For the institution, these changes in one's career also have costs. Recruitment, hiring and training can become very expensive, especially if multiple sexual harassment issues exist (Faley, 1999).
The Equal Employment Opportunity Commission (which first published guidelines on sexual harassment in November, 1980—Miramontes, n.d.) plays a major role in working against workplace sexual harassment. Its charge to employers is that they “take all steps necessary to prevent sexual harassment from happening” (Kim, 1999, p. 20). Perhaps the wisest expense to make in a coordinated effort to minimize sexual harassment risk is the aggressive and enthusiastic application of a program to heighten the sexual harassment awareness of all employees (Achampong, 1999). “Training requires a relatively minimal investment of dollars and staff time, particularly when its cost is compared to the enormous potential cost of incidents of sexual harassment including reduced staff productivity, compensatory costs, staff turnover and litigation” (Kim, 1999, p. 21). Costs for such a program have been estimated to be as low as $10-$25 per participant (McQueen, 1982). The return on investment for such energy is considerable, and may well be accepted as the best defense to corporate, institutional, or individual exposure. “The most economical solution to the liability problem is prevention” (Gilsdorf, 1990, p. 74).

Another interesting and costly aspect of sexual harassment risk management is the new practice of purchasing employment-practice liability insurance designed to insulate Directors and Officers from exposure (Achampong, 1999).

Should the differing parties in a sexual harassment issue not be able to achieve resolution, the dispute may require adjudication. Expensive at all levels, for all parties, litigation expense may include everything form the initial attorney
consultation, to tens of millions of dollars of judgment. The school administrator is probably well served to be motivated to minimize these processes.

One of the considerable expenses in sexual harassment processes is the cost of legal fees. An average 1982 cost for judicial processing alone may be as high as $60,000 (McQueen, 1982). Adjusted to today's money, this process may prove to be disproportionately expensive to a small or middle-sized school district. The added cost to the recently settled five hundred and twenty million dollar class action suit (gender-bias) against the United States government for legal fees was 30 million dollars (The Washington Post, 2000). The plaintiffs' legal fees to the Washington attorney's of Webster, Fredrickson & Brachshaw exceeded $12 million (Seper, 2000). Another settlement involving two New York brokerage firms required payment of $200,000 to reimburse legal fees (McShane, 2000).

Judgments are often awarded if the court finds that harm has been done to the individual. The EEOC reports that 90% of sexual harassment claims are settled out of court (McQueen, 1982). Compensation may be made for lost wages, benefits, or damages for emotional distress (McShane, 2000). In a gender bias trial currently in litigation, a woman is seeking "$241,000 for back pay, lost future income and psychological counseling she has received. She is also asking for $300,000 in compensatory and punitive damages, which is the limit on such awards under federal discrimination law" (Gathright, 2000, p.1). This suit proceeded, even though, as described by Stanford University counsel Michael Lucey, "five fellow male researchers, some 30-year veterans of the lab,
were also laid off when funding dried up...(Gathright, 2000, p. 2).” William Mitchell College of Law settled a sexual harassment suit for $300,000 on behalf of four of its employees (Garvey, 1986). Additionally, judgments against an individual may have to be paid by the individual, not the institution for whom he is employed. McQueen (1982), report on the case Kyriazi v. Western Electric (1978), where the company was explicitly forbidden from paying the judgments against five employees convicted of sexual harassment.

In 1991, Congress amended Title VII to address fiscal remedy to sexual harassment injury. Compensatory damages for future loss, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life were now being appreciated (Chan, 1994). Additionally, further amendment allows a plaintiff to seek punitive damages for “malice” or “reckless indifference” (Chan, 1994). These amounts are capped at:

- $50,000 for employers with 15 to 100 employees
- $100,000 for employers with 101 to 200 employees
- $200,000 for employers with 201 to 500 employees
- $300,000 for over 500 employees (Achampong, 1999, p. 125).

It is estimated that the average cost of sexual harassment liability in 1994 was $600,000 (Achampong, 1999).

Much of a school’s success comes from integrating its needs with the energy of the community. Parent support, donor support, and alumni support may all be compromised if a sexual harassment issue is allowed to undermine the credibility of the institution, or undermine the credibility of its leadership. Additionally,
sexual harassment misunderstanding between donors and college fundraisers can undermine years of organizational work and millions of gift dollars (McMillen, 1991). While this cost may be indirect, it may ultimately be very consequential.

The suit against Stanford University for sex discrimination could have far-reaching affects for that world famous research institution. A finding for the plaintiff could “jeopardize the annual $500 million that Stanford receives in government contracts and grants” (Gathright, 2000, p. 2).

McQueen (1982) discusses a case where a person was accused of sexual harassment on the front page of the local newspaper. Several weeks later, when the charges were found to be false, the small clarifying story was buried within the classified section. The true cost to this individual, and to this individual’s institution, can never be recovered.

In seeking remedies to avoid sexual harassment cases, the pendulum may swing in another direction. In an attempt to minimize sexual harassment incidents, Schultz reports that institutions may prevent joint male and female business travel, or restrict a male supervisor from evaluating a female subordinate without an attorney present (Schultz, 1996). While she suspects that these, and similar rules, may inhibit female employment (Schultz, 1996), she does not discuss the issues that may have caused these restrictions.

Sexual harassment is often considered a part of gender bias. In March, 2000, a 23 year old class-action lawsuit was settled between 48 women and the United States government. The women were awarded over 520 million dollars (about $461,000 each) to settle claims of gender bias against them by the United States
Information Agency. Some of the women were given government retirement accounts, as part of the settlement (Seper, 2000). This was due to the actions by the Voice of America in hiring only men, some without experience, over women with considerable experience (Price, 2000). Ironically, this case could have been settled in 1984 for 20 million dollars (Washington Post, 2000). The Washington Post estimates that this is 25 times the largest settlement ever before paid by the federal government.

This review has considered the potential and real financial impact of a variety of aspects regarding sexual harassment processes in education. These have included to the direct and indirect costs of legitimate administrative and legal activities. Since no literature was found, one can only speculate there may also be costs associated with wrongful, false, or false accusations of sexual harassment as well. It seems likely these cases, if they occur, can carry fiscal and human costs also. Again, as there is little direct information on the cost of sexual harassment in education, one must look to other work and make some assumptions about its application to academia.

Two of the earliest studies to consider this are the oft-cited United States Merit Systems Protection Board’s 1981 and 1987 surveys. The extrapolated organizational (United States government) financial impact calculated from these 23,000 federal employee surveys was $188.7 million, and $267.3 million, respectively (Faley, 1999). In a 1992 study, Faley estimated the cost of sexual harassment to the United States military was almost $43 million per year (Faley, 1999). He further reports work by Fulghum (1993) that suggests that the money
spent on sexual harassment issues would pay for 37 Black Hawk helicopters or 414 Army Tactical Missile Systems (Faley, 1999).

Work by Sandroff regarding organizational impact in the private sector was published in 1988. Studying 160 Fortune-500 companies (average size-23,750 employees), organizational impact was calculated to be $6,700,000 per year (Faley, 1999). This amount, appropriately inflated to today's dollars, may be a conservative indicator of organizational impact for a large school system.

Summary

This chapter presented a wide-ranging review of related literature on relevant topics, including: the definition of sexual harassment, significant litigation and legal occurrences, remedies for false accusation of sexual harassment, and associated costs of sexual harassment in the workplace.

Among other key information, this review revealed an absence of federal statures that specifically protects a victim of FSHA, and very few instances of action against accusers making FSHA. The review also failed to reveal citations documenting FSHA claims in community colleges. This further demonstrates the need for the present study.
CHAPTER 3

METHODOLOGY

Introduction

Sexual harassment, or allegations of sexual harassment, has created a considerable body of administrative and legal work over the past two decades. Gaining considerable standing from Title VII of the Civil Rights Bill of 1964 prohibiting sexual discrimination, energy toward identifying and stopping workplace sexual harassment has attained almost industry proportions. Persistent legislative and judicial acts have rightly caused virtually every American workplace to have a high profile, well-enforced sexual harassment policy. A review of the professional literature, including that on significant legislation and case law, has revealed progress toward halting sexual harassment in the workplace. Based on a similar review of literature undertaken to determine if precautions had been taken to identify and address instances of false allegations of sexual harassment, it became clear that this issue had not been investigated. Since very little about this potential issue could be located in the professional literature, it was selected as a valid area for study. A succinct design for the study was developed. As a result, the specific purpose of this study was to examine American community college policies and procedures...
relative to false sexual harassment accusation identification and processing as reported by HRO's. Data on the incidence of false sexual harassment allegations were also accessed and analyzed.

Research Questions

Answers to the following research questions were sought through the analysis of data acquired from demographics, survey responses, and respondent comments collected specifically for this study. Respondents were HRO's of two-year colleges:

1. Do the existing policies and procedures guiding the investigation of sexual harassment charges on two-year college campuses cite or mention steps and/or remedies for false sexual harassment allegations?

2. Are investigating officers (Human Resource Directors or designees) required by the written policies or procedures to gather information on the validity of the allegations of sexual harassment?

3. Do the college's policy or procedures specify the penalties for false sexual harassment charges?

4. In practice, what proportion of the investigating officers of two-year colleges have investigated, or definitely identified, cases of false sexual harassment allegations?
5. Are similar sexual harassment investigation treatments applied to both the accused and the accuser in the workplace at your institution?

Participants

A mailing list (labels) was purchased from the American Association of Community Colleges, DuPont Circle, Washington, DC ($250). This list was comprised of all 904 two-year institutions in America, not just AACC members. Listed were all American community colleges by campus. Colleges with more than one campus had more than one label, and potentially could have contributed to a duplication error. Since the intention was to contact only the HRO for that institution, 5 redundancies and numerous non-college schools were removed, making the final mailing to 870 schools. Thus, 870 HRO’s comprise the participants of the study.

Every attempt was made to conduct this study in an honest, objective and ethical manner. As this investigation utilized “Human Subjects”, application was made to the Social and Behavioral Sciences Committee of the UNLV Institutional Review Board (IRB, Office of Sponsored Programs, Flora Dungan Humanities Building, Room 204). Approval from this board was secured before the pilot study was mailed (please see Appendix C).

In harmony with standard ethical guidelines, participation in this survey was voluntary, and respondents could, of course, terminate participation at any time. Participant characteristics are defined in Chapter IV (Results) of this report.
Instrumentation

The survey instrument was comprised of two parts. The first part was a 15-item section. The second part, a solicitation for comments, was printed on the back page of the structured first part of the survey.

The 15-item section (including demographic inquiries) was constructed to directly inquire into the key areas of interest of the study:

1. Existence of false sexual harassment accusations
2. Gender neutrality in complaint processing
3. Prosecution of false allegation perpetrators
4. Documentation

The survey instrument was comprised of 15 items. The body of the questionnaire was comprised of 12 items, and the demographic portion had 3 items. All responses, except those of invited comments, were made in "bubble" format that were scanned and electronically processed upon their return. Aside from demographic acquisition, the survey collected data that addressed two research aspects, one quantitative and one qualitative. The survey inquiries piloted appeared as follows (see Appendix B for actual survey):

1. Have you ever participated in a sexual harassment allegation complaint investigation?
2. My institution’s written policies discuss the possibility of a false accusation of sexual harassment.
3. My institution’s written policies and procedures provide direction if a false allegation of sexual harassment occurs.
4. My institution’s written policies and procedures specify the penalties for false sexual harassment charges.

5. I have received adequate training to process sexual harassment allegations.

6. My training included information regarding recourse available to individuals falsely accused of sexual harassment.

7. It is common practice upon the filing of a sexual harassment complaint for the parties involved to be separated in the workplace.

8. In a “he said, she said” circumstance, a record is made in the accuser’s permanent file or side file, that he/she made an accusation of sexual harassment.

9. A person who makes a sexual harassment complaint should be told of all legal and administrative actions that are available against an alleged sexual harasser.

10. A person who is accused of sexual harassment should be told of all legal and administrative actions that are available against a person making a false accusation of sexual harassment.

11. Have false accusations of sexual harassment occurred at your institution?
12. Has your institution ever initiated administrative or legal action against a person for making a false accusation of sexual harassment?

13. What best describes your institution?

14. What is your racial background?

15. Please record your gender.

As this was a new instrument, no validation had been done on it previously. Therefore, an expert panel was polled to review the instrument and to determine if it indeed was appropriate for usage in the current context. Effort was made to balance construction of the committee with regard to race, gender, age, and academic discipline. The committee was drawn from academic professionals in education and school law. Each participant possessed a doctorate. The panel approved the questionnaire for the purposes of the study.

Design of the Study

The study was intended to be exploratory and descriptive in design. A fairly standard mail survey technique was employed. Basic information relevant to the research questions was sought by way of a specially developed and approved questionnaire. This questionnaire was mailed to the HR of the institution shown on the national two-year colleges on the American Association of Community College list. Also enclosed in the packets that were mailed was an introduction and request letter, instructions for completion, the survey instrument,
and a self-addressed, stamped return envelope. The participants were requested to return the surveys directly to the Cannon Center for Survey Research (CCSR) at the University of Nevada Las Vegas, 4505 Maryland Parkway, Las Vegas NV 89154 for processing. The CCSR assisted in analyzing the data applying largely descriptive statistical techniques. The investigator made appropriate interpretations.

Data Collection

As noted, survey packets were sent to 870 HRO's. It consisted of an introductory letter and request for completion the multi-part questionnaire, and a self-addressed, stamped return envelope. A copy of the letter appears in Appendix A.

The Cannon Center for Survey Research at the University of Nevada Las Vegas, as a compensated agent of this study’s author, had full responsibility for all survey handling. Packets were mailed with an identifying number affixed. Neither the institution's name or the respondent's name appeared anywhere on the survey instrument. Each questionnaire was numbered for purposes of facilitating a second mailing that was sent 30 days after the initial mailing. Data from responses were tallied upon receipt. The author did not have direct access to the individual returned surveys or resulting data until after handling, tabulation of results, and initial analysis had occurred.

As the target point for the survey was the two-year college HRO's, it was believed that a better return could be expected if the survey was mailed during
an academic semester, rather than between semesters. It would avoid the summer, for example, when many HRO's might not be in the office on a regular basis. Therefore, mailing occurred in May, before the end of the semester. The initial mailing was done via bulk mailing by the Cannon Center for Survey Research at the UNLV. Thirty days after the first mailing, a second mailing was sent to all non-respondents of the first mailing. The final survey response rate of 40% was deemed acceptable after the second mailing.

Procedures for Analysis of the Data

The Cannon Center for Survey Research (CCSR) received all returned surveys. The surveys were constructed in a manner so that, with the policies and procedures of the CCSR in effect, anonymity of respondents was assured. The responses were secured and kept confidential, except to the assigned data handlers of CCSR, throughout data acquisition and analysis. After the work was completed, the surveys were secured, contained, and placed in controlled storage where they will remain for a period of three years, hence. They will be destroyed after three years.

As described earlier, the survey gave each respondent the opportunity to make comments. This qualitative-like, non-standardized, component added fullness to the understandings gained from the study and supplemented its quantitative aspects. As the volume of responses in both these parts was adequate, the report includes an appraisal of these qualitative data in Chapters IV and V. These comments have also been transcribed and are listed in a report.
appendix for the reader's appreciation and interpretation (please see Appendix D).

The data were treated using descriptive statistics, (frequencies and crosstabulations) and Pearson Chi-Square Test assessments employing the Statistical Package for the Social Sciences (SPSS) software.

Significance of the Study

Identifying and appropriately dealing with sexual harassment issues remain an important and serious part of the academic administrator's job description. While it is vital that those who abuse be identified and penalized or punished, it is also important that those who bring false accusations of such abuse be identified and disciplined. Fair treatment and protection must work in both directions.

As exploratory research, this study promised to address the issue of whether persons handling sexual harassment claims in American community colleges were operating under defined policies and procedures, and if these policies and procedures addressed false sexual harassment accusations. If found to be fair and adequate, credence is added to the conventional procedures now being widely employed in community colleges across the nation. If not, this would signal a violation of fair treatment and protection of rights in the processing of such allegations. The ultimate goal is to improve the content and application of sexual harassment policies and procedures.
Limitations of the Study

As stated in Chapter I, the study also had several limitations. The appropriate survey respondent is the community college Human Resource Officer. An error potential exists: Dependence on truthful, complete and accurate responses to this sensitive area may alter the data. As most researchers are aware, many requests are made for survey responses. Securing an acceptable response rate is dependent on: 1) a willingness of the respondent to participate because of time availability, 2) a comfort with the subject area, and 3) satisfaction that confidentiality and anonymity will be honored.

It is suspected that this type of task is not a high priority within the average college administrator’s workday. Attaining an acceptable response rate is also dependent on timely submission of the survey by the respondent by the closing date.

The study’s subject area is, perhaps, emotionally tinged for many of the respondents. Additionally, it may be that many of the attitudes, values, and beliefs involved are polarized in one direction or another. Therefore, some of the respondents may quickly surmise the nature of the study, and respond in a manner that overstates their personal agenda or beliefs, or applies their bias holistically. These acts may adversely affect the data. Minimization of bias is dependent on a truthful, complete and accurate response.

As stated earlier, sexual harassment policies and procedures are not standardized. Records may be unofficial, non-detailed, or inaccessible. Thus,
inaccurate or incomplete recall may cause an error in the reporting of the data, which could affect the results of the study.

Summary

A review of the literature revealed that very little attention had been directed at determining whether college policies and procedures addressed the possibility of false sexual harassment accusations, and if so, in what ways.

To study this phenomenon, an instrument was created to survey the nation’s community colleges. The Cannon Center for Survey Research (CCSR) at the University of Nevada Las Vegas facilitated instrument construction, data reception, and data processing. Part One of the instrument was comprised of 15 items and was constructed, approved, revised, and sent to the HRO's of 870 American community colleges. Additionally, Part Two of the instrument solicited comments of an unstructured variety. Quantitative data were collected and analyzed using, primarily, descriptive and correlational methods. Comments were coded, classified as to intent and were also analyzed for implications.

Although several limitations exist, this study had the potential to provide exploratory information addressing the current status of false sexual harassment accusations and their dispositions as reported by community college HRO's. The study offers insight into whether there is a need for changes in administrative policy and procedure to better insure equitable protection to both accuser and accused.
CHAPTER 4

RESULTS

Introduction

This study was designed to investigate the phenomena of false sexual harassment allegations (FSHA) at two-year colleges in America. It was intended to determine if the possible occurrence of such allegations is recognized and, if so, is addressed in the formal policies and procedures guiding investigations of allegations of sexual harassment.

This chapter presents the results of implementation of the procedures described in Chapter 3 of this report. A mail survey instrument consisting of 15 survey items, and the request for open-ended commentary, was approved and distributed to the Human Resource Officers (HRO's) of private and public academic, two-year colleges nationwide. The questions on the survey instrument were directly related to the research questions of the study. The listing of HRO's was secured from the American Association of Community Colleges. The 348 usable returns represented a 40% return rate and constituted the data for analysis on which the results were based.

The Cannon Center for Survey Research (CCSR) at the University of Nevada Las Vegas provided assistance in the construction and distribution of the survey.
instrument, in the collection of data, and in the analysis of the data, once collected.

As this was a descriptive and exploratory study, the primary analyses employed were descriptive statistics, crosstabulations, and the Pearson Chi-Square Test. The Statistical Package for Social Sciences (SPSS) software was the major application used for statistical analysis of the data acquired from the survey. Since the opportunity was provided for open-ended comments and 27 of the respondents took advantage of the possibility, these statements were also analyzed. The verbatim comments were transcribed (see Appendix D) as well as being tabulated by type and summarized in this chapter.

Research Questions

The following research questions were constructed, and guided the survey construction and the data processing:

1. Do the existing policies and procedures guiding the investigation of sexual harassment charges on two-year college campuses cite or mention steps and/or remedies for false sexual harassment allegations?

2. Are investigating officers (Human Resource Directors or designees) required by the written policies or procedures to gather information on the validity of the allegations of sexual harassment?

3. Do the college’s policy or procedures specify the penalties for false sexual harassment charges?
4. In practice, what proportion of the investigating officers of two-year colleges have investigated, or definitely identified, cases of false sexual harassment allegations?

5. Are similar sexual harassment investigation procedures and treatments applied to both the accused and the accuser in the workplace at your institution?

Findings

The findings are displayed in the same order as the Research Questions listed above. Only the most vital and relevant results are presented in this chapter and are offered in a simplified reform for clarity and for the convenience of the reader. A much more detailed account of the results in both narrative and tabular form has been placed on a CD-ROM and is enclosed. Also, an array of serendipitous results, which were gleaned largely from the application of crosstabulations of important factors that were analyzed in this study, is included in this chapter. These analyses employed the application of the appropriated programs of the Statistical Package for the Social Sciences (SPSS). Again, only the essential aspects of these results are given and the full outcomes of the treatment are available on the enclosed CD-ROM.

Characteristics of the Participants

Four survey items asked individuals to respond to, essentially, demographic-type inquiries.
Survey Item # 1--Have you ever participated in a sexual harassment allegation complaint investigation?

Table 1  Number of HRO's That Have Participated in Sexual Harassment Investigations

Q1: Have you ever participated in sexual harassment allegation complaint investigation?

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>No</td>
<td>42</td>
<td>12.1</td>
<td>12.1</td>
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<tr>
<td></td>
<td>Yes</td>
<td>304</td>
<td>87.4</td>
<td>87.9</td>
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<tr>
<td></td>
<td>Total</td>
<td>346</td>
<td>99.4</td>
<td>100.0</td>
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<td>2</td>
<td>.6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Of those who indicated responses, 304 (87.9%) reported that they have previously participated in a sexual harassment complaint investigation. Forty-two (12.1%) respondents reported that they had never participated in this type of investigation. Both groups were included in subsequent considerations.
Survey Item # 13--What best describes your institution?

Table 2  Type of College Institution

<table>
<thead>
<tr>
<th>Q13: What best describes your institution?</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Public community/junior college</td>
<td>330</td>
<td>94.8</td>
<td>95.7</td>
<td>95.7</td>
</tr>
<tr>
<td>Private community/junior college</td>
<td>15</td>
<td>4.3</td>
<td>4.3</td>
<td>100.0</td>
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<tr>
<td>Total</td>
<td>345</td>
<td>99.1</td>
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<tr>
<td>Missing System</td>
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<td>.9</td>
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<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Of the 345 responses to this question, 330 (95.7%) described their's as a public institution. Fifteen (4.3%) described their college as a private institution.
Survey Item #14—What is your racial background?

Table 3: Racial Background of Respondents

Q14: What is your racial background?

<table>
<thead>
<tr>
<th>Race</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian/White</td>
<td>262</td>
<td>75.3</td>
<td>75.9</td>
<td>75.9</td>
</tr>
<tr>
<td>African</td>
<td>48</td>
<td>13.8</td>
<td>13.9</td>
<td>89.9</td>
</tr>
<tr>
<td>African/Black</td>
<td>48</td>
<td>13.8</td>
<td>13.9</td>
<td>89.9</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>8</td>
<td>2.3</td>
<td>2.3</td>
<td>92.2</td>
</tr>
<tr>
<td>Native</td>
<td>7</td>
<td>2.0</td>
<td>2.0</td>
<td>94.2</td>
</tr>
<tr>
<td>American/Alaska Native</td>
<td>7</td>
<td>2.0</td>
<td>2.0</td>
<td>94.2</td>
</tr>
<tr>
<td>Hispanic</td>
<td>14</td>
<td>4.0</td>
<td>4.1</td>
<td>98.3</td>
</tr>
<tr>
<td>Multiracial</td>
<td>6</td>
<td>1.7</td>
<td>1.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>345</td>
<td>99.1</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>3</td>
<td>.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Of the respondents who answered this question, 262 (75.9%) reported to be "white", while 83 (24.1%) reported to be "non-white" (aggregated).
Survey Item # 15—Please record your gender.

Table 4  
Gender of Participants

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Male</td>
<td>129</td>
<td>37.1</td>
<td>38.2</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>209</td>
<td>60.1</td>
<td>61.8</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>338</td>
<td>97.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>10</td>
<td>2.9</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>348</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Two hundred and nine (61.8%) of the 337 respondents who answered this question reported to be "female", while 129 (38.2%) reported to be male.

Results in the Context of the Research Questions

The essential and most relevant aspects of these results are presented below in both tabular and narrative form. For clarity and convenience, adjustments have been made in the information presented in this section. First, the data descriptions reflect only the responses that were decisive and do not include cases where the respondent left the item blank. Second, the categories of responses have been collapsed with "Agree" and "Strongly Agree" combined into a category labeled "Agree" and "Disagree" and "Strongly Disagree" combined into a category labeled "Disagree". For a display of the complete and detailed analysis of each item on the survey questionnaire, see Appendix D.

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Research Question # 1: Do the existing policies and procedures guiding the investigation of sexual harassment charges on two-year college campuses cite or mention steps and/or remedies for false sexual harassment allegations?

This Question is addressed by the responses to Items 2 and 3 of the survey questionnaire.

Survey Item # 2: My institution's written policies and procedures discuss the possibility of a false allegation of sexual harassment.

Of the 340 respondents who decisively marked this item on the questionnaire, 159 (46.8%) answered "Agree" and 181 (53.3%) answered "Disagree". Thus, a slim majority of HRO's reported that there was no mention in the written policies or procedures at their institution of the possibility of a false sexual harassment accusation occurring. These results are presented in Table 5 below.

Table 5 Number and Percentage of HRO's Reporting Written Institutional Policies That Recognize the Possibility of FSHA

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Disagree</td>
<td>181</td>
<td>52.0</td>
<td>53.2</td>
<td>53.2</td>
</tr>
<tr>
<td>Agree</td>
<td>159</td>
<td>45.7</td>
<td>46.8</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>340</td>
<td>97.7</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>8</td>
<td>2.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Survey Item # 3: My institution's written policies and procedures provide direction if a false allegation of sexual harassment occurs.

Of the 345 who selected a decisive answer, 138 (40 %) answered "Agree" while 207 (60 %) answered "Disagree". Thus a strong majority of HRO's
indicated that they had no written guidelines or defined administrative steps or remedies available to them for proceeding when faced with instances where false accusations of sexual harassment had occurred. Table 6 below displays these results in tabular form.

Table 6 Number and Percentage of HRO’s Reporting Whether There are Written Directions For Handling FSHA

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Disagree</td>
<td>207</td>
<td>59.5</td>
<td>60.0</td>
<td>60.0</td>
</tr>
<tr>
<td>Agree</td>
<td>138</td>
<td>39.7</td>
<td>40.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>345</td>
<td>99.1</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>3</td>
<td>.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It is clear from the results of the survey that in most instances the possibility of a false allegation of sexual harassment is not even recognized in the written, institutional policies and/or procedures of the majority of two-year institutions in this country. Further than that, there does not appear to be written guidelines for handling such situations in an even larger majority of these institutions.

Research Question # 2: Are investigating officers (HRO’s or their designees) required by the written policies or procedures to gather information on the validity of the allegations of sexual harassment?

This Question is addressed, directly or indirectly, by the responses to Items 4, 5, and 6 on the survey instrument. Again, for clarity and convenience, only
decisive responses were used in the analysis reported in this section and these were collapsed into simple "Agree" and "Disagree" categories. Also, as before, complete and detailed analyses of the response to each Survey Item for the interested reader is presented in Appendix D.

Survey Item # 4: My institution's written policies and procedures specify the penalties for false sexual harassment charges.

This addresses Research Question # 2 since the assumption is made that to arrive at a conclusion that false sexual harassment charges did in fact occur, a foregoing, fact-finding investigation must have taken place and a determination of the validity of the allegation of sexual harassment made. Of those selecting decisive responses, 110 (32.3 %) answered "Agree" while 231 (66.4 %) answered "Disagree". It is clear that a strong majority of respondents did not believe its institutions have written policies and procedures that specify penalties for false charges of sexual harassment. When taken with the results reported above for Survey Items # 2 and # 3, a pattern begins to emerge. It is one of a decreasing positive response rate as more detailed required actions unfold, (46.8% have policies that discuss the possibility of FSHA, while only 40% provide direction if FSHA occurs, and yet fewer, 32.3 % specify penalties for FSHA). This may suggest a lack of recognition that FSHA is something that is likely to occur, a lack of awareness of ways it could be dealt with, or a preference for addressing each case on an individual basis without being tied to a specific policy or procedure.
Survey Item # 5: I have received adequate training to process sexual harassment allegations.

Three hundred three (87.5%) answered "Agree" while only 43 (12.4%) answered "Disagree". Obviously the vast majority of HRO's believe they have received adequate training in regard to handling sexual harassment allegations. Assuming that determining the validity of sexual harassment charges is a necessary part of the process, HRO's feel confident they are equipped to carry out this responsibility. Table 7 shows these results in tabular form.

Table 7 Number and Percentage of HRO's Who Believe Their Training Was Adequate for FSHA Processing

<table>
<thead>
<tr>
<th>Item</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Disagree</td>
<td>43</td>
<td>12.4</td>
<td>12.4</td>
<td>12.4</td>
</tr>
<tr>
<td>Agree</td>
<td>303</td>
<td>87.1</td>
<td>87.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>346</td>
<td>99.4</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing System</td>
<td>2</td>
<td>.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Survey Item # 6: My training included information regarding recourse available to individuals falsely accused of sexual harassment.

Of the others, 152 (44.7 %) answered "Agree" and 188 (55.2 %) replied "Disagree". This is interesting since nearly 88 % had earlier answered Item # 5 by saying they "had received adequate training to process sexual harassment charges", yet only 45 % here indicated that their training included information regarding recourse available to individual falsely accused of sexual harassment.
One feasible explanation is that false accusations are not considered important enough or do not occur often enough to be vital to adequate training for this purpose. Results relative to this Survey Item are displayed in Table 8 below.

Table 8  Number and Percentage of HRO's Reporting Their Training Included Recourse Information for Those Falsely Accused

Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Disagree</td>
<td>188</td>
<td>54.0</td>
<td>55.3</td>
<td>55.3</td>
</tr>
<tr>
<td>Agree</td>
<td>152</td>
<td>43.7</td>
<td>44.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>340</td>
<td>97.7</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>8</td>
<td>2.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Research Question # 3: Do the college’s policy and procedures specify the penalties for false sexual harassment charges?

Survey Item # 4 addresses this directly, with 32.3% of those responding “Agree”, agreeing that their institutions' policies and procedures specify penalties for a false sexual harassment charge.
Survey Item # 4—My institution’s written policies and procedures specify the penalties for false sexual harassment charges.

Table 9 Institutions’ Incidence of False Sexual Accusations

Q4: My institution’s written policies and procedures specify the penalties for false sexual harassment charges.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Disagree</td>
<td>231</td>
<td>66.4</td>
<td>67.7</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>110</td>
<td>31.6</td>
<td>32.3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>341</td>
<td>98.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>7</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>348</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Of the 341 respondents who answered this question, 231 (67.7%) responded “Disagree”. One hundred and ten (32.3%) of those who answered responded, “Agree”.

Research Question # 4: In practice, what proportion of the investigating officers of two-year colleges have investigated, or definitely identified, cases of false sexual harassment allegations?

Survey Items # 's 11 and 12 address this Research Question directly. First, the HRO’s are asked if false sexual harassment accusations occur at their institution. They then are asked if action has been taken against one who has made a false accusation. Both of these response sets indicate an acknowledgement of the existence of false sexual harassment accusations.
Survey Item # 11–Have false accusations of sexual harassment occurred at your institution?

Survey Item # 11 addresses Research Question # 4 directly. It was reported by 35.6% of the respondents that false sexual harassment allegations have been identified at their institution. Thus, the answer to Research Question # 4 is that approximately one-third of HRO’s have found cases of false sexual harassment allegations. It can be presumed that these cases were based on investigative evidence. It is feasible that investigations have taken place at other institutions, but did not result in identifying cases of false allegations, and thus, it can not be concluded from the data if the proportion of institutions investigating such allegations is higher than the one-third, or not. See table 10 below for a graphic presentation of these results.

Table 10 Institutions’ Incidence of False Sexual Accusations

<table>
<thead>
<tr>
<th>Q11: Have false accusations of sexual harassment occurred at your institution?</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>No</td>
<td>215</td>
<td>61.8</td>
<td>64.4</td>
</tr>
<tr>
<td>Yes</td>
<td>119</td>
<td>34.2</td>
<td>35.6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>334</td>
<td>96.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>14</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Survey Item # 12—Has your institution ever initiated administrative or legal action against a person for making a false accusation of sexual harassment?

Three hundred and seventeen (93.0%) of the respondents who answered this question indicated that their institution had never initiated action against one who made a false accusation of sexual harassment. Twenty-four (7.0%) responded that their institution had initiated action. See Table 11 below for a graphic display of these results.

Table 11  Institutions' History of Action Against FSHA Maker
Q12: Has your institution ever initiated administrative or legal action against a person for making a false accusation of sexual harassment?

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid No</td>
<td>317</td>
<td>91.1</td>
<td>93.0</td>
<td>93.0</td>
</tr>
<tr>
<td>Yes</td>
<td>24</td>
<td>6.9</td>
<td>7.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>341</td>
<td>98.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>7</td>
<td>2.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Considered in the context of survey item # 11, where 35.6% of the respondents indicated that false sexual harassment allegations had occurred at their institutions, the seven per cent indicating that action had been taken shows that in 28% of the institutions, false accusation occurred and were not prosecuted.
Research Question # 5: Are similar operational procedures and treatments applied to both the accused and the accuser in the workplace at your institution?

Four Survey Items compare the manner in which policies and procedures address the accused and the accuser in two-year college sexual harassment processing, as reported by the HRO's of those institutions. The Items reference common practices of separating conflicted parties in the workplace, making notations in employee files, and informing both parties of all legal and administrative actions available to them.

Survey Item # 7—It is common practice upon the filing of a sexual harassment complaint for the parties involved to be separated in the workplace

With regard to separating parties, 117 (34.3%) disagreed that this practice was common, while 224 (65.7%) agreed that this was a standard operating procedure. See Table 12 below for a tabular display of these results.

Table 12  Number and Percentage of HRO’s Reporting That Conflicted Parties Are Separated in the Workplace

<table>
<thead>
<tr>
<th>Q7: It is common practice upon the filing of sexual harassment complaint for the parties involved to be separated in the workplace.</th>
<th>Frequency</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Disagree</td>
<td>117</td>
<td>33.6</td>
<td>34.3 34.3</td>
</tr>
<tr>
<td>Agree</td>
<td>224</td>
<td>64.4</td>
<td>65.7 100.0</td>
</tr>
<tr>
<td>Total</td>
<td>341</td>
<td>98.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing System</td>
<td>7</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
Approximately 34% of the respondents reported that it is not common practice. This may suggest that they are not aware of the practice followed by most institutions that separate conflicted parties, or perhaps more plausibly, that this widely prescribed action is not as widely practiced as the sexual harassment intervention literature advocates.

Survey Item # 8—In a “he said, she said” circumstance, a record is made in the accuser’s permanent file or side file, that he/she made an accusation of sexual harassment.

Of those HRO’s who responded, 153 (44.5%) disagreed with the statement, while 191 (55.5%) agreed that such a record is made at their institution. When considered in the context of Survey item # 7, this may indicate a propensity for informal, off-the-record solutions. This would indicate that the parties are usually separated, but no attempt to document the accusation in a permanent file of the accuser is made. See Table 13 for a graphic display of these results.

Table 13 Number and Percentage of HRO’s Reporting That Record is Made of Accusation in Accuser’s File

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid Disagree</td>
<td>153</td>
<td>44.0</td>
<td>44.5</td>
<td>44.5</td>
</tr>
<tr>
<td>Agree</td>
<td>191</td>
<td>54.9</td>
<td>55.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>344</td>
<td>98.9</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Missing System  | 4         | 1.1     |               |                    |

Total           | 348       | 100.0   |               |                    |
It must be noted, however, that this item does not inquire about the practice of making an entry into a file regarding the accused, which is considered common practice in sexual harassment complaint processing.

Survey Item # 9—A person who makes a sexual harassment complaint should be told of all legal and administrative actions that are available against an alleged sexual harasser.

Sixty-four (18.7%) of the individuals disagreed with this statement, while 278 (81.3%) of the HRO’s who responded agreed with it. See Table 14 below for a tabular presentation of these results.

Table 14 HRO's Informing Sexual Harassment Accuser of Administrative and Legal Action Availability

<table>
<thead>
<tr>
<th>Q9: A person who makes a sexual harassment complaint should be told of all legal and administrative actions that are available against an alleged sexual harasser.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Valid Disagree</td>
</tr>
<tr>
<td>Agree</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Missing System</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
Survey Item # 10—A person who is accused of sexual harassment should be told of all legal and administrative actions that are available against a person making a false accusation of sexual harassment.

Seventy-eight (22.8%) HRO's answered “Disagree” to this statement. “Agree” responses were received from 264 (77.2%) of the HRO's. See Table 15 below for a tabular display of these results.

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disagree</td>
<td>78</td>
<td>22.4</td>
<td>22.8</td>
</tr>
<tr>
<td>Agree</td>
<td>264</td>
<td>75.9</td>
<td>77.2</td>
</tr>
<tr>
<td>Total</td>
<td>342</td>
<td>98.3</td>
<td>100.0</td>
</tr>
<tr>
<td>System</td>
<td>6</td>
<td>1.7</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>348</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

This response (77.2% “Agree”), considered in the context of Survey item # 6, which suggests that only 44.7% of the HRO’s believed their policies included information regarding recourse available to individuals falsely accused of sexual harassment, seems to suggest that the HRO’s believe in a practice that is not covered in their training.

Additionally, the 77.2% positive response to telling the accused of all administrative actions available is 4.1% less than the 81.3% who believe in telling the person making the accusation of all available legal and administrative actions.
available. This difference may suggest a perceptual inequality in the nature of the two circumstances. Additionally, it may be reflective of inequalities in institutional governing policies and procedures as discussed in survey items #2, # 3, # 4, and research question # 1, # 2, and # 3. One must be careful, however, not to over interpret this 4.1% difference.

Findings Serendipitously Obtained From Crosstabulation Data

In an effort to look more intently at the initial, descriptive results of the survey study, it was decided to analyze interactions of the variables. One available method of doing this that promised to offer additional information that would likely extend the value of the study and provide more ground for insights into addressing the phenomena was the application of crosstabulation techniques.

The crosstabulation method reflects inferences obtained from the placement of two categorical data sets within a grid. For the present study, Survey Items were considered in terms of each other. As these variables interact, a relationship between them may be produced. This magnitude of this relationship can be assessed for significance by way of the Pearson Chi-Square Test.

Selected variables were examined in relation to one another through these crosstabulation methods that were applied using the appropriate SPSS program. The relationships were analyzed by way of Pearson Chi-Square Tests with the significance level set in each case at $P < .05$. These crosstabulations were performed and Pearson Chi-Square Tests applied between all combinations of the 15 items of the survey questionnaire. Of the multitude of tests carried out, only seventeen of the Pearson Chi-Square Tests were found to be statistically
significant. Fifteen are fully reported in this section, with two additional Tests addressed. In addition to the data on crosstabulations and the Pearson Chi-Square tables, a bar graph displays the relationship of each such pair of variables for the convenience of the reader. In each case, narrative comments are offered to clarify the practical significance of the relationship.

For clarity of understanding and the convenience of the reader, it seemed logical and appropriate to present these crosstabulation results in the context of the purpose of the present study, namely the exploration of the issue of false accusations of sexual harassment (FSHA) and the dynamics surrounding these. Therefore, these findings will be presented under headings that were judged to be most directly relevant to the issue and its dynamics. The results will highlight those factors that were found to be significantly related to the key factor highlighted in each section. The sections, therefore, are as follows:

Section 1--Occurrences of FSHA
Section 2--Administrative or Legal Actions Regarding FSHA
Section 3--Disclosure of Available Actions Against FSHA
Section 4--Institutional Policies and Procedures Related to FSHA
Section 5--Training Content on Investigations of and Recourse Against FSHA
Section 6--Participation in Investigations of Sexual Harassment Cases

Throughout these sections, the results of the Pearson Chi-Square Test are presented in tabular form, and are followed by Figures showing the data in bar graph form.
Section 1  Occurrences of FSHA

Survey Item # 11 was developed to directly address the issue of incidence of occurrences of actual FSHA. Therefore, crosstabulations that reached statistical significance involving Survey Item # 11, and another of the variables investigated, are presented below. Survey Items #2, # 3, and # 4 are similar in that they represent a logical sequence of administrative interventions: that is, they cite the existence of false harassment allegation policies and procedures, if those policies provide direction, and finally, the penalties if a false allegation occurs.

Table 16  Number of HRO’s Reporting That FSHA Have Occurred At Their Institution’s By Written Institutional Policies That Recognize the Possibility of FSHA

| Q11: Have false accusations of sexual harassment occurred at your institution? *  
Q2: My institution’s written policies discuss the possibility of a false accusation of sexual harassment. |

<table>
<thead>
<tr>
<th>Chi-Square Tests</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Value</strong></td>
</tr>
<tr>
<td>Pearson Chi-Square</td>
</tr>
<tr>
<td>Continuity Correction</td>
</tr>
<tr>
<td>Likelihood Ratio</td>
</tr>
<tr>
<td>Fisher’s Exact Test</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
</tr>
<tr>
<td>N of Valid Cases</td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table  
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 54.41.
Figure 1  Number of HRO's Reporting That FSHA Have Occurred At Their Institution's By Written Institutional Policies That Recognize the Possibility of FSHA

Institution’s Written Policies Discuss the Possibility of a FASH

![Bar Chart]

- FASH has not occurred
- FASH has occurred

Disagree Agree

55% 50%
45% 50%

85

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Table 17  Number of HRO's Reporting That FSHA Have Occurred At Their Institution's By Number and Percentage of HRO's Reporting Whether There are Written Directions For Handling FSHA

Q11: Have false accusations of sexual harassment occurred at your institution? *
Q3: My institution's written policies and procedures provide direction if a false allegation of sexual harassment occurs.

<table>
<thead>
<tr>
<th>Chi-Square Tests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Value</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Pearson Chi-Square</td>
</tr>
<tr>
<td>Continuity Correction a</td>
</tr>
<tr>
<td>Likelihood Ratio</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
</tr>
<tr>
<td>N of Valid Cases</td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 47.48.

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Figure 2  Number of HRO's Reporting That FSHA Have Occurred At Their Institution's By Number and Percentage of HRO's Reporting Whether There are Written Directions For Handling FSHA

Institution's Written Policies Provide Direction if FASH Occurs

<table>
<thead>
<tr>
<th></th>
<th>Disagree</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>FASH has not occurred</td>
<td>61%</td>
<td>39%</td>
</tr>
<tr>
<td>FASH has occurred</td>
<td>58%</td>
<td>42%</td>
</tr>
</tbody>
</table>
Table 18  
Institutions' Incidence of False Sexual Accusations By Penalties Specified in Procedures

Q11: Have false accusations of sexual harassment occurred at your institution?

* Q4: My institution’s written policies and procedures specify the penalties for false sexual harassment charges.

<table>
<thead>
<tr>
<th>Test Type</th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>1.048(^b)</td>
<td>1</td>
<td>.306</td>
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<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>.812</td>
<td>1</td>
<td>.367</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>1.059</td>
<td>1</td>
<td>.304</td>
<td>.328</td>
<td>.184</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>1.045</td>
<td>1</td>
<td>.307</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N of Valid Cases: 331

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 38.18.
There seems to be agreement among respondents who believe that false sexual harassment accusations have occurred at their institutions that false sexual harassment policies at that institution have been written, that they provide direction, and specify penalties for the false accusation. This may suggest that by having more defined and directed FSHA policies, one is more likely to be aware of the existence of false accusations.
Table 19  Number of HRO’s Reporting That FSHA Have Occurred At Their Institution’s By Institutions’ Histories of Taking Legal Action for FSHA

Q11: Have false accusations of sexual harassment occurred at your institution? *
Q12: Has your institution ever initiated administrative or legal action against a person for making a false accusation of sexual harassment?

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>33.040</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>30.500</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>33.606</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisher’s Exact Test</td>
<td>33.606</td>
<td>1</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>32.940</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>329</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 8.25.
There seems to be broad agreement that two-year colleges do not have a substantial history of taking action against for false sexual harassment allegations. Noteworthy, perhaps, is the strong percentage of respondents who report that false sexual harassment allegations have occurred at their institutions and no administrative or legal action has been taken against the perpetrator.

Similarly, considered in the context of Item # 11 frequency data, which asked if false accusations had ever occurred at their institutions (35.6% positive), one is aware that a number of identified false allegations occurred without administrative or legal action taken against the person who made the false allegation. One must be careful not to over-interpret the relationship between these two data-sets, but a more direst question from these two might be: In what
percentage of the identified false sexual harassment allegation circumstances was administrative or legal action taken against the perpetrator? Clearly, however, known cases of false sexual harassment allegation are not addressed.

Crosstabulations were performed for all other items in the context of if the institution had ever initiated legal action for a false sexual harassment accusation. For none of these other items was there statistical significance at the $P < .05$ level.

Section 2 Administrative or Legal Actions Regarding FSHA

Survey Item # 12 was developed to address the legal and administrative actions an institution has taken as a result of a FSHA. When considered with legal actions, Survey Items #'s 2, 6, and 11 showed statistically significant relationships. It should be noted that the relationship and its implications between administrative or legal action and the occurrence of FSHA was covered in the Section 1, and will, therefore, not be repeated here.

Survey Item # 12 asks the respondent if their institution has ever initiated administrative or legal action against a person for making a false accusation of sexual harassment. Several other items were considered in the context of the institution's positive action history. In the first instance, interaction was queried in the presence of written false accusation policies.
Table 20  Institutions’ Histories of Taking Legal Action for FSHA By Written
Institutional Policies That Recognize the Possibility of FSHA

Crosstabulation: Q12: Has your institution ever initiated administrative or legal
action against a person for making a false accusation of sexual harassment? *
Q2: My institution’s written policies discuss the possibility of a false accusation of
sexual harassment.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>6.450^b</td>
<td>1</td>
<td>.011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>5.416</td>
<td>1</td>
<td>.020</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>6.546</td>
<td>1</td>
<td>.011</td>
<td>.018</td>
<td>.010</td>
</tr>
<tr>
<td>Fisher’s Exact Test Linear-by-Linear Association</td>
<td>6.431</td>
<td>1</td>
<td>.011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>333</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 11.03.
This crosstabulation seems to suggest that institutions that have a higher awareness of false sexual harassment accusation, as demonstrated by these policies and procedures, also have an increased willingness to take administrative and/or legal action against the perpetrators on the false allegations.

Next, whether an institution had ever taken action for a false sexual harassment accusation was considered in terms of the respondents' beliefs about the training inclusion of recourse information to the person falsely accused.
Table 21 Institutions’ Histories of Taking Legal Action for FSHA By Recourse Available in Training

Q12: Has your institution ever initiated administrative or legal action against a person for making a false accusation of sexual harassment? * Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment.

<table>
<thead>
<tr>
<th>Chi-Square Tests</th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>7.371</td>
<td>1</td>
<td>.007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>6.258</td>
<td>1</td>
<td>.012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>7.426</td>
<td>1</td>
<td>.006</td>
<td></td>
<td>.009</td>
</tr>
<tr>
<td>Fisher’s Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.006</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>7.349</td>
<td>1</td>
<td>.007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>334</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 10.63.
It appears from these data that HRO's who reported that their training included information on recourse available to those falsely accused were more likely to be employed at an institution that had a history of taking legal action against one who has made a false accusation. This may be suggestive that when training includes instruction on taking action against false accusation makers, more action is actually taken against people making false accusations.

Section 3  Disclosure of Available Actions Against FSHA

The willingness of the HRO's to inform both the accused and the accuser of available actions to take against the other was considered. A significant crosstabulation was found when investigative experience (Survey Item # 1) and the informing of the accused, and the accuser, of actions that may be taken if they feel they have been falsely accused, was run.
Table 22  HRO's Sexual Harassment Complaint Investigation Participation By Belief That Maker of Complaint Be Told of All Available Actions Against Alleged Harasser

Crosstabulation: Q1: Have you ever participated in sexual harassment allegation complaint investigation? * Q9: A person who makes a sexual harassment complaint should be told of all legal and administrative actions that are available against an alleged sexual harasser.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>4.279</td>
<td>1</td>
<td>.039</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>3.451</td>
<td>1</td>
<td>.063</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>5.189</td>
<td>1</td>
<td>.023</td>
<td>.036</td>
<td>.024</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>4.266</td>
<td>1</td>
<td>.039</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>340</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 7.91.
The statistically significant difference found here seems to indicate that respondents who have participated in sexual harassment investigations are less willing to inform the complainant about possible actions than is the person who does not process complaints.

Similarly, participants were given the opportunity to address their willingness to inform the person who is accused of sexual harassment of all legal and administrative actions available against a person if the belief is held that a false sexual harassment allegation has been lodged.
Table 23  
HRO's Sexual Harassment Complaint Investigation Participation By  
Belief That Accused Be Told of All Available Actions Against  
Complaint Maker

Q1: Have you ever participated in sexual harassment allegation complaint  
investigation? * Q10: A person who is accused of sexual harassment should be  
told of all legal and administrative actions that are available against a person  
making a false accusation of sexual harassment.

<table>
<thead>
<tr>
<th>Chi-Square Tests</th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>4.880</td>
<td>1</td>
<td>.027</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>4.052</td>
<td>1</td>
<td>.044</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>5.758</td>
<td>1</td>
<td>.016</td>
<td>.030</td>
<td>.017</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>4.866</td>
<td>1</td>
<td>.027</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>340</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table  
b. 0 cells (.0%) have expected count less than 5. The minimum expected  
count is 9.64.

A statistically significant crosstabulation outcome was obtained when obtained  
when the two Survey Items were examined together. Similar results were  
obtained when Survey Item # 2 was examined together with Survey Item # 6 and  
with Survey Item # 12. All other relationships were found to be not significant.
These responses are similar to those obtained by previous crosstabulation, such as when Survey Item # 1 and Survey Item # 9 were tested together. It appears there is a consistent perspective on the part of HRO's toward notifying parties in the conflict about subsequent actions and is invariably in favor of the accuser.

Section 4  Institutional Policies and Procedures Related to FSHA

Another category identified was the characteristics of the institutions' policies and procedures as they relate to false sexual harassment accusations. All of these data referencing this have been cited and displayed in other Sections, and are, therefore, only discussed in this Section.
As discussed in Section 1, Survey Items #’s 2, 3, and 4 discuss address the citation of FSHA policies and procedures, the direction to the HRO should FSHA be identified, and the specified penalties for such inappropriate behaviors, respectively. When considered in the context of Survey Item # 11, which asked if FSHA have occurred at the responding HRO’s institution, significant relationships were found with Survey Items #’s 2, 3, and 4. This suggests HRO’s who reported that their institutions had defined FSHA policies and procedures were more likely to report that FSHA actually occurred at these institutions.

Survey Items #’s 2, 3, and 4, were also considered in the context of training that included recourse available to those falsely accused of sexual harassment (Survey Item # 6). As detailed in Section 5, the HRO’s reported that at institutions where training was inclusive of FSHA recourse, the policies and procedures were also inclusive of FSHA recourse. Again, this suggests that training may be influential in the placement of FSHA recourse in policies and procedures.

Survey Item # 4 asked the participant if their institutions policies and procedures specified penalties for false sexual harassment charges. A significant crosstabulation relationship was found when pairing this item with Survey Items # 2, 3, 6, and 10. Such positive relationships were to be expected, since each of these items acknowledged the presence, or possibility, of false sexual harassment accusations.

Finally, as detailed in Section 2, a statistically significant relationship was found between the reporting that the institutions’ policies and procedures cite or
mention the possibility of FSHA (Survey Item # 2), and the reporting that the
institution had taken administrative or legal action against one who made a false
sexual harassment accusation (Survey Item # 12). This further suggests the
apparent relationship between policies and procedures that include FSHA
potential and eventual action against one who makes a false accusation (see
Section 2).

Section 5 Training Content on Investigations of and Recourse Against FSHA

Several of the Survey Items were considered to determine if relationships
existed between the perceived adequacy of the HRO’s sexual harassment
training and content of training (Survey Item #’s 5 and # 6, respectively), and
actions that might be eventually taken by one who is false accused of sexual
harassment (Survey Item #’s 3, 4, 5, 10, and 15).

The respondents’ beliefs in the adequacy of their training was considered in
their willingness to suggest that the accused in a sexual harassment complaint
should be told of legal and administrative actions available against the person
making a false accusation.
Table 24 Adequacy of Training Perspective By Belief That Accused Be Told of All Available Actions Against Complaint Maker

Q5: I have received adequate training to process sexual harassment allegations.  
* Q10: A person who is accused of sexual harassment should be told of all legal and administrative actions that are available against a person making a false accusation of sexual harassment.

<table>
<thead>
<tr>
<th>Chi-Square Tests</th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>4.839</td>
<td>1</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>4.014</td>
<td>1</td>
<td>.045</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>5.708</td>
<td>1</td>
<td>.017</td>
<td>.030</td>
<td>.017</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>4.825</td>
<td>1</td>
<td>.028</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>341</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 9.61.
The considerable majority of respondents that believes persons accused of sexual harassment should be told of actions available against someone making a false sexual harassment accusation suggests HRO inclination toward this practice in claim handling. However, when considered in the context of those respondents who previously answered that they thought that their training was adequate and that inclusion of recourse was in training was important, 24% fewer reported that the person falsely accused should be told of actions available against the maker of a false accusation. This may suggest a disconnect between being aware of the potential interventions for false accusations, and actually incorporating those potential interventions within the process.

The respondents' belief in the adequacy of their preparation was also considered in terms of gender.
Table 25  Adequacy of Training Perspective By Gender

Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
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<td></td>
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</tr>
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<td>.058</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>4.509</td>
<td>1</td>
<td>.034</td>
<td></td>
<td>.042</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>4.239</td>
<td>1</td>
<td>.040</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>337</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 16.08.

Figure 10  Adequacy of Training Perspective By Gender

Training Adequate to Process Sexual Harassment Allegations

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These responses indicate a difference in perspective about the adequacy of training between the genders, specifically; male HRO’s reported a higher perspective of adequacy. This may be explained by men and women seeking, or having, different training. Survey Item # 6 addresses the respondents’ beliefs that their training had included recourse available to persons falsely accused of sexual harassment. This inclusion was previously described in the contest of Survey Items # 4 and # 5. It is now considered in terms of the existence of false sexual harassment policies and procedures within the institution.

Table 26  Recourse Available in Training By HRO’s Reporting That Institutions’ Policies and Procedures Provide FSHA Direction

Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment. * Q3: My institution’s written policies and procedures provide direction if a false allegation of sexual harassment occurs.

<table>
<thead>
<tr>
<th>Chi-Square Tests</th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>23.870*</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>22.788</td>
<td>1</td>
<td>.000</td>
<td></td>
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<tr>
<td>Likelihood Ratio</td>
<td>24.018</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisher’s Exact Test</td>
<td>23.799</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>339</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 59.19.
Statistically significant results were found when considering this Item with Survey Items# 2, and # 3. As suggested before, these two items address false sexual harassment allegation policies and procedures, so one might expect these responses to be coupled. Noteworthy, perhaps, is the indication that there is a relationship between training that includes information regarding recourse available to individuals falsely accused, and institutions that have policy and procedures that address these false accusations. One might infer that inclusive training yields inclusive policies and procedures.

Further, inclusion in training of recourse available to those falsely accused was considered in terms of a belief that those who have been accused of sexual harassment should be told of all legal and administrative actions available against the person making a false accusation.
Table 27  Recourse Available in Training By Belief That Accused Be Told of All Available Actions Against Complaint Maker

Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment. * Q10: A person who is accused of sexual harassment should be told of all legal and administrative actions that are available against a person making a false accusation of sexual harassment.

Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>.314</td>
<td>1</td>
<td>.575</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>.186</td>
<td>1</td>
<td>.667</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>.315</td>
<td>1</td>
<td>.574</td>
<td>.605</td>
<td>.334</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>.313</td>
<td>1</td>
<td>.576</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>335</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 35.16.
A rather strong majority of both groups (training included /did not include recourse) reported that they believe the accused should be told of available actions against one who makes a false accusation. These responses are well above the percentages (48% and 19%, respectively) reporting inclusion of written policies and procedures specifying penalties for a false accusation. This may suggest a belief among HRO's that existing policies and procedures are inadequate in codifying appropriate direction for the accused.

Crosstabulations were performed considering Survey Item # 6 in the context of all other Items. None of the relationships was statistically significant at the $P < .05$ level. The non-significant findings associated with Items # 2, 3, and 4 may be noteworthy.
The existence of policies and procedures that contained specifications for penalties for false accusations was considered in terms of whether the respondents' training included information about recourse available to individuals falsely accused of sexual harassment.

Table 28  
Recourse Available in Training By Written Policies and Procedures That Specify FSHA Penalties

Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment.  * Q4: My institution's written policies and procedures specify the penalties for false sexual harassment charges.

Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
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<td>1</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>31.072</td>
<td>1</td>
<td>.000</td>
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<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>32.690</td>
<td>1</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td>32.301</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>338</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 47.80.
These data seem to suggest that those individuals who reported that their training did not include instruction on recourse available to those falsely accused of sexual harassment did not believe their institutions’ policies and procedures include these instructions. This might suggest that if HRO’s are exposed to false allegation recourse instruction in training, HRO’s will influence the policies and procedures at their workplace to contain such information.

The respondents’ perspective of whether the amount of training they have received was adequate to process sexual harassment allegations was considered in terms of several variables. First, it was related to their institutions’ policy and procedure inclusion of information regarding recourse to those falsely accused.
Table 29  Recourse Available in Training By Adequacy of Training Perspective

Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment. * Q5: I have received adequate training to process sexual harassment allegations.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>35.985</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>34.043</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>46.613</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>35.879</td>
<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>339</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 19.28.
These data seem to show that HRO's whose training included recourse available to individuals falsely accused of sexual harassment were much more comfortable describing their training as sufficient to process sexual harassment accusations. With only 1% of those with this recourse direction included in their training believing their training was inadequate to process sexual harassment claims, it is strongly suggestive that HRO's believe inclusion of directions to the accused on administrative and legal options is a necessary aspect of adequate intervention.

Section 6  Participation in Investigations of Sexual Harassment Cases

The final identified category of the serendipitous results addressed responses that were specific to whether or not an HRO had participated in sexual
harassment claim processing. Survey Item #1 is considered in this Section with Survey Item #’s 5 and 6. Participation in investigation and disclosure practices (Survey Item #’s 9 and 10), have been presented in Section 3.

The first such pair examined showed there was a relationship between participants/non-participants in sexual harassment processing and the respondents belief in their training for such tasks.

Table 30  HRO’s Sexual Harassment Complaint Investigation Participation By Adequacy of Training Perspective

Crosstabulation: Q1: Have you ever participated in sexual harassment allegation complaint investigation? * Q5: I have received adequate training to process sexual harassment allegations.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square Correction</td>
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<td>1</td>
<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>50.352</td>
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<td>.000</td>
<td></td>
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<tr>
<td>Likelihood Ratio</td>
<td>38.440</td>
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<td>.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisher’s Exact Test</td>
<td>53.790</td>
<td>1</td>
<td>.000</td>
<td>.000</td>
<td>.000</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>344</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.25.
It is clear that there is a significant relationship between actual investigation experience and confidence in having had adequate training. However, these data do not disclose whether the two-year college culture has been successful in providing adequate preparation for the task of handling false sexual harassment accusations, or whether those who perform these tasks grow increasingly comfortable with experience, or whether this comfort validates the training they received.

The interaction of investigative experience and training regarding the recourse available to those falsely accused was also examined.
Table 31  
HRO's Sexual Harassment Complaint Investigation Participation By Recourse Availability in Training

Crosstabulation: Q1: Have you ever participated in sexual harassment allegation complaint investigation?  
* Q6: My training included information regarding recourse available to individuals falsely accused of sexual harassment.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
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</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>8.798</td>
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<td>.003</td>
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<td>Continuity Correction</td>
<td>7.821</td>
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<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>9.377</td>
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<td>.002</td>
<td>.004</td>
<td>.002</td>
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<tr>
<td>Fisher's Exact Test</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>8.772</td>
<td>1</td>
<td>.003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>338</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Computed only for a 2x2 table
b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 17.75.
This finding, that a smaller percentage of people handling sexual harassment complaints believe their training provided information about recourse for those falsely accused than those who do not handle sexual harassment claims, could be a function of either: (1) the memory of people who have investigative experience has been more often refreshed by this experience, while those who have not had such experience have more often forgotten the information due to disuse of the information, or (2) those who have had investigative experience more often attribute training as the source of their knowledge while in fact, they have accumulated it through on-the-job experience.

Apart from these significant crosstabulation findings, Survey Item # 1 was examined with Survey Items # 2, 3, 4, 7, and 8. None of these yielded an indication of a significant relationship.
The previous six sections present serendipitous results obtained through crosstabulation analysis of the Survey Items. These data suggest that over a third of the HRO's believe FSHA have occurred at their institutions, but that only about 7% have taken action against the alleged perpetrator of those FSHA. The HRO's seem to believe that both of the conflicted parties should be informed of all available actions against each other, should they believe they have been treated inappropriately. Although an overwhelming majority of the HRO's report to have participated in sexual harassment complaint processing, only about half of their policies cite FSHA possibilities, with less than that directing inquiry, and still less specifying penalties for making a false sexual harassment allegation.

The following three observations are also noteworthy. First, crosstabulations were considered for the type of institution in terms of all other items. None was statistically significant (Pearson Chi-Square Test) at the $P < .05$ levels. Given the relatively small proportion of private institutions in the respondent data, any interpretation would have to been done cautiously.

Secondly, crosstabulations were performed against all other items regarding race. None was statistically significant (Pearson Chi-Square Test) at the $P < .05$ levels.

Finally, crosstabulations were considered for gender in the context of all other survey items. With the exception of Survey Item # 5 (which suggests that men were more willing to deem their training as adequate), there were no significant relationships with the other items.
Findings of Analysis of the Responses to the Open-Ended Question

A total of 27 comments were submitted in response to the opportunity for open-ended comments. These were carefully transcribed verbatim, and can be found in Appendix D, Open-Ended Comments. It should be noted here that since these transcriptions are verbatim, spelling and grammar errors have been left unchanged. Each comment was examined and categorized by topical area or be the intent embedded in it. It was then determined there were five types or categories of comment. The results of this analysis of the 27 written comments, arranged by the five types of comment, are reflected in the Table 34 that follows:

Table 32

<table>
<thead>
<tr>
<th>Tally of open-ended responses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Valid</td>
</tr>
<tr>
<td>Lack of clear false accusation definition</td>
</tr>
<tr>
<td>Neutral in belief that FSHA's exist</td>
</tr>
<tr>
<td>Positive in belief that FSHA's exist</td>
</tr>
<tr>
<td>Negative in belief that FSHA's exist</td>
</tr>
<tr>
<td>Conflicted in belief that FSHA's exist</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

As can be seen in Table 34, five of the 27 individuals who wrote additional comments on the survey indicated that the survey required, or perhaps may have
been better understood, if the term “false accusation” had been defined for them.

This comment specifically noted the need for a clearer definition:

“The definition of “false” is essential. We have had false accusations because the complaint was not found to be true. We have had false accusations when we believed inappropriate behaviors were found, but they were not sexual in our opinion.”

Other comments related the notion of “false” to “fraud”. The respondents seem to bring into their answers the notion of intent. It is suggested that perhaps good faith complaints may arise out of a misunderstanding of what sexual harassment is, or the behavior of the alleged harasser. The matter that it is very difficult to prove a malicious intent, especially one that rises to the level of fraud, is suggested:

“This was difficult to answer as number 1 through 12 were more “yes or no” type. False accusations could fall under fraud policies that we do have. But to prove that a person committed fraud is very difficult. What one perceives as “sexual harassment” may be perceived a ‘false accusation’.”

Another respondent significantly mentioned the need for a clearer definition. Further, the comment suggests that a thorough investigation will expose false accusations, although this particular institution’s policies were said not to include specific reference to false sexual harassment accusations.
Another 6 (22.2%) of the respondents seemed to be generally neutral in their comments about the existence of false accusations of sexual harassment processing at their institutions. This response typifies the responses:

“When a complaint of sexual harassment is received a preliminary assessment is made to determine if the complaint meets the standard defined by law. If so, an investigation begins. If not, counseling sessions are conducted with the accused regarding appropriate workplace behavior and with the complainant regarding appropriate behavior as well as communication or behavioral strategies to deal with the perceived offender. Some people are just “Bores” and do not target an individual, he or she targets everyone.”

One respondent who seems to take a neutral view suggests experience with complaints that include sexual harassment charges that are found among others. The respondent suggests that a certain union steward may influence these allegations. Noteworthy here is the respondent’s reference to the “reasonable woman” standard, apparently referring to language found in Ellison v. Brady (1991). The respondent’s present usage of the “reasonable woman” standard suggests that he/she is not aware of the 1993 Supreme Court decision (Harris v. Forklift Systems) in which Justice O’Connor clarified the term “reasonable woman” with the term “reasonable person”.

“A complainant could file a complaint based on being very uncomfortable with regard to the relationship she/he has with another (employee, student, vendor, visitor) and attach a long list of labels to the complaint
including "sexual harassment". We have seen a number of these, usually produced with the assistance of a specific female union steward. If there are gender differences between the complainant and alleged harasser, she will always list "sexual" in her long list of charges. While our investigations always are sensitive that a "reasonable woman standard" exists, we do not always agree that every issue between genders has a sexual context and have often disciplined the harasser for other reasons."

Seven (25.9%) of the respondents who wrote additional comments on the survey seem to indicate an acknowledgment that false accusations of sexual harassment exist, or are a possibility of existing at their institution. Three of the respondents indicated that action was taken against an individual for apparently making an inappropriate complaint. These responses are excerpted:

"I have to say that there have been a few occasions on which I have felt the complainant was making a false accusation, or exaggerating the circumstances, but could not prove it. These situations are very challenging and need to be handled with extra care and precaution."

"#2 my institutions policies on prohibited activity refers to false accusations with reckless regard to the truth- does not specifically state sexual harassment. However, we have disciplined individuals under this provision for making false sexual harassment claims."
“This is one area that has allowed abuse of power by those supposed to adjudicate it within the institution. It comes down to who does the authority listening believe. Many angry people use it to punish individuals in their own past and as a way to exercise power. I am seriously alarmed by the star chamber nature of it all. – a woman”

“I believe an ee who falsely accuses another ee should be fired. Our institution did fire the employee for this action. We take it as seriously as we take harassment.”

“The one false allegation of which I’m aware was made by a person who voluntarily left the institution for unrelated reasons, so no action needed to be taken.”

“There is no recourse for false accusations. Any punitive action against accuser is retaliation.”

Four (14.8%) of the respondents who wrote additional comments seemed to indicate that the making of false accusation of sexual harassment at their institution has not occurred:

“Typically, we are dealing with he said/she said. We have never had proof of a false accusation.”
"A complainant could file an accusation knowing it to be false with the intention of harming the alleged harasser. We have not observed that type of complaint yet."

"Our college clearly states you may not be penalized for making a sexual harassment complaint or cooperating in an investigation. If you interpret agreement with the statement as an acknowledgement that a complainant could be disciplined, that may be incorrect."

A final area from within the additional comments identified for reporting are those comments that seem to be contradictory with regard to the existence of false accusations of sexual harassment and the manner in which they are processed. Five (18.5%) seem to fit in the category. Two examples are provided:

"My experience is broad- one case went to the 11th circuit court of appeals (which we won). I have had 20+ years of experience handling EEO/sexual harassment complaints and the majority of complaints are valid. (Although I have found top management often wants to look the "other way" to make the accusation seem false)."

"It has been my experience in two decades of handling sexual harassment complaints in both industry and higher ed that stating penalties for false accusations has a chilling affect on victims willingness to come forward."
Many victims of sexual harassment muster all they can just to come forward. Anything the "system" can do to help them is important. False accusations are rare and a good investigation will clear those up. False accusers have other issues normally, and can be addressed with the appropriate action."

This respondent makes a strong point that people who make false accusation of sexual harassment "have other issues normally". This seems to suggest that, at least from the perspective of this respondent, that individuals may use the workplace sexual harassment complaint construct as a mechanism to work through other interpersonal conflicts.

The Human Resource Officer's responses to the open-ended question seem to indicate a general lack of agreement concerning the existence of false sexual harassment accusation in America's two-year colleges. Over 22% appeared neutral, 26% positive, and almost 15% negative, in addressing the possibility of false sexual accusations. Another 18% seemed to indicate a conflicted view: that is, some of their comments indicated that this may, or may not, be a real issue. Finally, over 18 deferred due to a lack of a clear definition of FSHA.

A potential serious flaw in this report's design is expressed in the open-ended response confusion in the definition of "false" verses "fraudulent". Almost one-fifth of those who chose to write comments noted a need for a distinction to be made between these two concepts. Responses cited a difference between those who, perhaps, believed false accusations might come from a misunderstanding of what constitutes sexual harassment, or maybe, what the polices and
procedures define for dealing with the issue. This is contrasted with open-ended responses that make the distinction that “fraudulent” implies malice, or an intentional falsehood. With this issue so well defined among the comments, one must be concerned that the lack of a clear distinction may have created small inconsistencies in the quantitative data.

Summary

This report was based on 348 returned surveys and usable returns out of the 870 distributed, a response rate of 40%. Additionally, 27 individuals responded to the open-ended question. Of the 348 HRO's, or designees, who responded, 87.9% reported to have had experience in processing sexual harassment complaint investigation.

As this was explorative research, the first research question simply inquired if the institution's existing policies mention false sexual harassment allegation remedies. Almost half (46.8%) have written sexual harassment policies and procedures that cited or mentioned steps and/or remedies for false sexual harassment allegation. Of course, these responses suggest that over half (53.3%) of the two year colleges who responded, do not have written sexual harassment policies and procedures to guide the HRO in proceeding against one who has made a false sexual harassment allegation. Further, only 40% of the respondents reported that their policies provide direction to the HRO, should a false allegation be identified. Of all the respondents, 6.8% had policies that
discussed the possibility of false accusations, but did not provide HRO direction for addressing them.

The second research question queries whether HRO’s are required by written policies to gather information on the validity of a sexual harassment allegation. While there was not an item on the survey instrument that addressed this question directly, the answer to it can be inferred from the data. It was corroborated that almost half of the respondents reported that the policies and procedures of their institutions discuss the possibility of false allegations. Further than that, almost 90% of the respondents claimed to have participated in a sexual harassment complaint investigation. Therefore, it is obvious that there is administrative direction to validate such allegations about as frequently as not and this provided an answer to the second research question.

Given a perspective on how many institutions policies discuss false accusation, and then how many provide direction should a false allegation be identified, it is logical to inquire of the number of institutions that specify penalties for making a false accusation. This is the essence of the third research question. Over thirty-two per cent of the respondents indicated that their colleges’ policies and procedures do specify false accusation penalties. This suggests that while 46.8% of the colleges have policies that discuss false sexual harassment allegations, only 40% instruct the HRO on how to proceed, and still fewer, only 32.3% contain specific penalties for the infraction. This decreasing response may indicate that of those two year colleges that are willing to acknowledge the possibility of false sexual harassment allegations, many are yet unaware of how
to create a complete process for dealing with false allegations. Also, HRO's who reported that their institutions had policies and procedures specifying penalties, there was a significant agreement indicating that they had had training that included recourse available to the accused, and that the accused should be told of all available legal and administrative actions. This may suggest that training is effective in establishing processes that protect one who is falsely accused.

Further sexual harassment complaint processing understanding may be enhanced by first appreciating how many HRO's have actually investigated, or identified, cases of false sexual harassment allegation. This was addressed directly with research question # 4 (survey question #11). Over 35% of the respondents reported that false sexual harassment claims had been made at their institutions. These respondents also portrayed their institutions' written sexual harassment policies and procedures as including possibility, direction for process, and the specified penalties. This may suggest that defined policies and procedures raise the false accusation awareness. However, with only 7% of the HRO's reporting that their institution had ever initiated action against one for making a false allegation, it is reported that over a quarter of America's two-year colleges is aware of false sexual harassment allegations, but has not prosecuted them.

Human Resource Officers seem to believe that their training is adequate to perform the task of sexual harassment claim processing, with over 87% reporting that their training was adequate. Two-year colleges may have been successful in preparing these individuals, or perhaps, the respondents have a more positive
perception of their preparation, which has been reinforced by experience. There was a significant difference between men and women in their training adequacy perspective, with men reporting that they believe their training to process sexual harassment complaints was adequate. Just over half (55.3%) of the respondents recalled that their training included recourse available to those falsely accused of sexual harassment. This may suggest that almost a third of the respondents believe that training may be adequate, even though this training does not include addressing false sexual harassment accusation issues.

The training inclusion of recourse available to one falsely accused of sexual harassment was reported to a greater degree by HRO’s without sexual harassment claim experience. Explanation of this may come from a poor recollection of the training, or perhaps, that people not involved in sexual harassment processing do not routinely reference those sources of information. The data have also suggested that when the HRO’s training included recourse to the accused, the institution was more likely to take administrative action against the false sexual harassment allegation perpetrator. It seems, therefore, that heightening the awareness of HRO’s through training, yields inclusive policies and procedures, which bring action against makers of false allegations.

A rather strong majority of both groups (training included recourse /did not include recourse) reported that they believe the accused should be told of available actions against one who makes a false accusation. These responses are well above the percentages (48% and 19%, respectively) reporting inclusion of written policies and procedures specifying penalties for a false accusation.
This may suggest a belief among HRO’s that existing policies and procedures are inadequate in codifying appropriate direction for the accused.

Approximately two-thirds of the respondents reported that separating conflicted sexual harassment allegation parties is a common practice. This percentage was anticipated to be greater, in light of the considerable, and consistent direction within sexual harassment processing convention, to immediately separate individuals by both space and employment duties. Still, two-thirds of the HRO’s suggested that this separation is common practice.

Inquiry was made about the willingness of the HRO’s to make a record in the accuser’s file, or side file, that he/she made an accusation. Just over half (55.5%) reported that this was an appropriate practice. This survey did not ask if the respondent believed that it was appropriate to place a notation in the file of the accused. These responses may have provided interesting contrast, and perhaps, greater understanding of the HRO’s impact in sexual harassment processing. When considering these notation in file responses in the context of the HRO’s willingness to separated conflicted parties, the indication that more parties are separated than are there permanent notations in the accusers’ files may suggest a “short-term solution” approach. Again, this is consistent with some of the literature cited that suggests that the initial intervention is to diffuse the conflict at the lowest, and least formal, level possible.

Informing a person who has been accused of sexual harassment of all administrative actions available against the person who may have made a false accusation against him/her (77.2% positive), considered in the context of those
HRO's believing their policies included information regarding recourse available to individuals falsely accused of sexual harassment (44.7%), seems to suggest that the HRO's believe in a practice that is not indicated in their training, or in their policies. Stated otherwise, about a third of the respondents do not have these directive trainings and policies, yet believe the practice to inform potential victims of false accusation is appropriate. When informing a person who has been accused of all available administrative actions was considered in terms of adequate training and inclusion of recourse, 24% fewer reported that the falsely accused should be told of available actions. This is consistent with other findings suggesting that awareness of the issue will increase its being put into practice.

There also seems to be indication that respondents who participate in sexual harassment processing are less willing to inform the complainant about possible actions than is the person who does not process complaints. This may be explained by the need of the persons processing complaints to minimize administrative and legal activity, and attempt to diffuse conflicts without having them escalate beyond the lowest level possible. Persons who do not process complaints may hold a more idealistic position about informing the potential harassment victim of various options. These responses are consistent with Rotter's social learning theory offered as this report's theoretical construct.

Also noted is that the 77.2% positive response to telling the alleged harasser of available administrative actions is 4.1% less than the 81.3% who report informing the accuser of all available legal actions. This difference may represent inequality in sexual harassment processing. Additionally, it may be
reflective of the written policies and procedures addressing false accusation, directing HRO's should a false accusation be identified, and specifying penalties for false accusations. Importantly, one must not over interpret this 4.1% difference.
CHAPTER 5

SUMMARY, CONCLUSIONS AND IMPLICATIONS, AND RECOMMENDATIONS

This chapter presents the summary and conclusions of the study based on its findings. These results and their implications are then discussed, and this is followed by recommendations for further research.

Introduction

Ideally, every social and employment setting would be free of illegal, inappropriate, or hurtful human interaction. However, even under the burden of legal and governmental direction, people continue to hurt others. Regarding the issue of sexual harassment, despite years of legal and EEOC guidance, inappropriate behaviors continue. This report was intended to increase understanding of common practices in the sexual harassment culture in general, and higher education in particular. The intention of this study was to increase our understanding of the dynamics attending claims of sexual harassment, especially false allegations that are lodged, and raise our sensitivity for the need for fair and just treatment of both the accuser and the accused, and make the academic workplace safer for everyone.
Summary

This descriptive, exploratory study used mail survey techniques to collect 348 usable returns (a 40% return rate) from Human Resource Officers of all the two-year colleges that were members of the American Association of Community Colleges. These participants were deemed most apt to possess the information needed to respond to the 15 items on the survey instrument that were designed to solicit the data necessary to address the five Research Questions directly aimed at the investigation of the phenomena of false sexual harassment allegations.

The Cannon Center for Survey Research at UNLV provided assistance in the construction and distribution of the questionnaire, in the collection of data, and in the analysis of the data, once collected. The data were analyzed through applications of SPSS programs involving descriptive statistics, crosstabulations, and Pearson Chi-Square Tests.

The results did address the five research questions and allowed relevant conclusions to be drawn. Research Question # 1 inquired of the HRO’s if their policies and procedures mentioned the possibility of FSHA. In that regard, it was found that the American two-year HRO’s are about evenly split for having policies and procedures that cite or mention the possibility of false sexual harassment accusations. Research Question # 2 focused on the availability of policies directing the HRO to validate sexual harassment accusations. The HRO’s appear to be strongly directed to validate sexual harassment accusations. Research Question # 3 then asked if the HRO’s institutions’ policies and
procedures specified penalties for FSHA. Less than a third reported that their policies specified penalties for making a false allegation. Also, despite about a third of the HRO’s reporting that they believe false sexual harassment allegations have occurred at their institutions, which addressed Research Question # 4’s inquiry into what proportion had identified FSHA cases, only 7% report that their institution has taken administrative or legal action against one who has made a false allegation. Finally, Research Question # 5 sought to determine whether sexual harassment policy and procedure application are similar for the accused and the accuser. The majority of respondents indicated that conflicting parties were separated in the workplace, half made notations in the accuser’s file that an accusation was made, and over three-fourths of the HRO’s advocated that both the accuser and the accused be told of all administrative and legal actions available to them.

Assessment of serendipitously obtained results (crosstabulations) adds to the understanding of the data. HRO’s report a belief that FSHA’s occurred at their institutions, but a small percentage actually reported that legal or administrative actions were taken against the perpetrators of the false accusations. Additionally, it appears that when the HRO has been exposed to training that validates FSHA, that HRO’s institution is more likely to have policies and procedures that address the false allegation issue.
Discussion

This study was undertaken to explore the phenomena of false sexual harassment allegations. An initial review of the professional literature on sexual harassment yielded little that recognized the possibility that the victimization of individuals by false accusations of sexual harassment occurred. In much of the literature on the general topic of sexual harassment, there often seems to be elements of denial regarding the existence of false accusations. A 252-page text, “Combating Sexual Harassment in Higher Education”, takes just 18 lines to address false accusations (Lott, 1996). Unlike most of the rest of the text, this reference to false accusations is gender neutral, although it is known that females make about 90% of the sexual harassment accusations (EEOC, 1999).

In today’s fiscally stringent environment, it is wise to consider financial and emotional cost incurred by acts of sexual harassment, the processing of complaints, and the required dispositions. The present study discussed the cost of sexual harassment identification, prevention, and litigation in the American higher education system. It is considerable. Costs that need to be identified and controlled may be indirect or direct. Indirect costs may be suffered through lower morale, lower productivity, a loss of continuity among students, and career interruption or change. This may be the cost of a change in a faculty member’s career (either the perpetrator or the victim), or it could be the cost of a career change for the administrator who ignored, or responded inappropriately to, sexual harassment issues. A loss of community support may reduce parent and community participation in school processes, thereby requiring that institutional
funds be used to provide these services. Some of the literature also suggests that the role and responsibility of the school administrator in limiting liability exposure and minimizing financial risk are expanding as the sexual harassment culture expands.

The direct expenses associated with handling sexual harassment issues and cases include prevention programs designed to heighten public awareness of appropriate stands of conduct, acceptable behaviors, and appropriate actions. Less positive and considerably more expensive costs may be found in attorney fees, court costs, back pay penalties, interest penalties, and punitive judgments. Additional direct costs may be encountered by a reduction of donor support to institutions that are perceived as indifferent to sexual harassment issues.

But not all sexual harassment accusations are legitimate. Some may occur from a misunderstanding of the behavior, some from a misunderstanding of what constitutes sexual harassment, and indeed, some are intentionally malicious. It seems that in harmony with the principles of equal treatment and equal justice, it is important to recognize and address the vulnerability of those falsely accused of sexual harassment. With the EEOC reporting that about 90% of the sexual harassment complaints are made by women against men, and the literature slanted toward the accommodation of this context, more often than not it is men who are the targets of FSHA. Too often any challenge, particularly by a man, to an accusation of sexual harassment is seen as retribution, which further places the accused in additional administrative and/or legal jeopardy. The results of this study should help in the promotion of a realistic level of awareness in this regard.
and represents a first step in the promotion of fair and practical applications of
equality of treatment and justice in such situations.

Conclusions and Implications

Conclusions based on findings

This report’s predominant inquiry was directed at determining the existence of
false sexual harassment accusation policies and procedures in America’s two-
year colleges. With less than half of the respondents indicating that their
institutions cite or mention the possibility of false sexual harassment accusations,
one might conclude that there is a lack of agreement within this group regarding
the need to include false sexual harassment within their considerations. The
decreasing inclusion of sequential administrative actions, e.g., providing direction
to the HRO should a false accusation occur, and further by specifying penalty for
that false accusation, suggests that institutions have yet to embrace a willingness
to provide a completely written administrative response to false accusations.

Although study data were unable to specifically identify the extent to which
HRO’s were directed by their institutions policies and procedures to validate the
false sexual harassment allegation, there were strong indications that the two-
year college HRO’s tasking is to participate in sexual harassment allegation
investigations. This further supports the notion that an appropriate access point
for procedural modification is with the college Human Resource Officer.

With less than a third of the HRO’s reporting that their institutions’ policies and
procedures specify penalties for making a false sexual harassment accusation,
and a much greater percentage advocating that individuals accused should be informed of available actions against one making a false accusation, one may see an inclination of the HRO's to expand the false sexual harassment issue beyond its current policy and procedural definition. This may suggest, especially in the context of over one-third of the respondents believing that false sexual harassment accusations had occurred at their institutions, that expansion of the false sexual harassment intervention construct would be well-received by Human Resource Officers.

The final major finding of this study is the proportion of HRO's that report false sexual harassment allegations have occurred at their institutions. Over a third of the respondents say that it has occurred at their college. This is consequential, especially in light of the only 7% who claim that their institution has taken action against a maker of a false accusation. This suggests that in many of America's two year colleges, individuals are being victimized by a false sexual harassment accusation, and do not have the expectation that the maker of that accusation will be held accountable for the act. With the benefit of information gleaned from this report's literature review regarding the paucity of available false allegation prosecution data, it is reasonable to conclude that in sum, two-year college sexual harassment procedures are inadequate in identifying and prosecuting makers of false sexual harassment allegations. This lack of activism may be explained, in part, by the need of the persons processing complaints to minimize the chance of raising emotional responses of the conflicted parties, and attempt to diffuse conflicts without having them escalate administrative and legal
processes beyond the lowest level possible. Persons who do not process complaints may not be as sensitive to the pragmatic needs of conflict resolution as those who do. If true, this supports a premise offered earlier in this paper in the conceptual framework.

**Impact of the study in terms of what was learned**

With the benefit of the present data analysis, it seems plausible to suggest that implementing several administrative changes may improve two-year college sexual harassment allegation processing.

Primarily, it is suggested that training for HRO's should include the acknowledgment that false sexual harassment accusations exist. Study data suggest that with this inclusion, and further with the inclusion in training of instructions for persons who believe they have been falsely accused of sexual harassment, the HRO's institutions' are more likely to have written policies and procedures that acknowledge, direct activity, and specify penalties.

Further, it is suggested that the presence of written polices and procedures that define and direct false sexual harassment interventions increase the awareness of false accusations at an institution, and ultimately, increase the number of actions taken against individuals where evidence exists that they have made false sexual harassment accusations.

Finally, although offered in the context of this report's literature review, and not in the context of specific study data, it is suggested that by accepting the validity of these changes, and by making appropriate policy and procedural adjustments, the higher education administrator may lessen his/her college’s
exposure to claims made by one who has been falsely accused of sexual harassment. In this way, the higher education administrator may reduce the possibility of expensive litigation, damage settlements, or negative publicity, the result of a claimant successfully demonstrating injury from the institution's role (i.e., absent or inadequate false allegation processes) in a false allegation circumstance.

Strengths, weaknesses, and limitations of the study

This study was facilitated by several factors. Primarily, the area investigated is not well defined by previous research. In this way, the data collected, and the resulting results and analysis, suggest new insights to false sexual harassment identification and processing understandings. Secondly, the focusing of the research questions on the written policies and procedures assist in defining the perspective of the two-year college Human Resource Officers. Finally, the 40% response rate from, essentially, the target population, brings comfort with assessing the statistical output.

Three weaknesses are noted. The narrow focus of the research questions restricted inquiry into many closely related issues that have yet to be investigated. Perhaps a broader focus would have yielded more, and more interesting, data for consideration. Additionally, the exploratory nature of the study guided the type of data collected, and therefore, restricted the data processing applications available for data analysis.

Secondly, in an attempt to control bias, survey questions were limited to very specific areas of inquiry. This may have, inadvertently, inhibited other responses
that could have increased understanding of the present issue. Further, the issue of sexual harassment may, for some respondents, be a sensitive one, that has antecedents ranging from personal experience to political correctness. This may have influenced the response rate, or the answers provided on the returned surveys. With regard to study limitations, the project required the respondent to represent the nature and extent of written policies and procedures. There may have been error in the respondents’ ability to recollect the specific policy or procedure, or an unwillingness to review these administrative writings to more correctly respond to the survey.

Finally, comments made in the survey’s open-ended aspect indicate that there was a need for a clearer definition of the word “false”. Specifically, it was suggested that a distinction was required between the words “false” and “fraudulent”. This lack of a clear definition may have contributed some respondent confusion, and may have contributed to some response error.

Implication for professional practice or decision making

The results of this study seem to indicate that there is a lack of consensus within the two-year college Human Resource Office population regarding the availability of defined false sexual harassment accusation policy and procedure. Beyond that, where there is definition of actions that may be taken, the results seems to indicate that there is a deficit in actions taken in terms of occurrence of false sexual harassment accusations. With this in mind, there may be an area of higher education administrator vulnerability when attempting to properly process a sexual harassment complaint. At the very least, both the employee and the
Human Resource Officer would benefit from a conscientious review of sexual harassment policy and procedure to insure that the false accusation issue is defined. This policy and procedure definition might include: need to investigate possibility of occurrence, need to acquire a history of past sexual harassment complaints, course of action for accused if he/she believes a false accusation has been made, and heightened awareness to all that makers of false accusations will be punished.

The making of false accusations of sexual harassment has been presented as a growing concern that burdens the school administrator. Conventional, rapidly imposed remedies, such as reassignment, demotion, counseling, and the like, may need to be made with greater caution as the awareness of false claims heightens. Increasingly, formerly passive and accepting "innocents" may cause reconsideration of current interventions.

With all of this, it is reasonable to suggest that the school administrator's job seems to be getting more difficult. Shrinking resources, increasing demand for greater teacher and student outcomes, and growing student/teacher ratios combine to have greater challenges waiting on the boss's desk every day. Now, add to that the psychological and sociological issues that the employees often bring to the workplace, and often seek to work through in the workplace, and the administrator's job complexity is considerable. The school administrator is probably well served by implementing a thoughtfully constructed process to minimize the occurrence of both sexual harassment and false accusations of sexual harassment, thereby, minimizing the institution's legal and financial
exposure to contested perceptions. Beyond that, one criterion to measure value is the extent to which he/she forms a clearer understanding of the dynamics surrounding sexual harassment allegations, and the processing of these claims, to insure the preservation of human dignity and social justice.

Recommendations for Further Study

For further research, and for changing research methodology

This project was initially defined as preliminary and exploratory. The research was constructed to solicit limited responses from a narrowly defined subset (Human Resource Officers), of a subset (two-year colleges), of the higher education culture. Within education, further research might query others in the education culture, such as, faculty members, classified employees, and/or others. Further research might also look to other employment domains, i.e., law, medicine, information technology, and the broad possibilities in "blue-collar" industries. In this way, further research might determine if the present study's findings generalize to other employment domains. It is also suggested that as with most research, subsequent inquiry might benefit from a larger response rate from respondents.

The present study seems to indicate that from the perspective of many Human Resource Officers, false sexual harassment accusations occur in American two-year colleges. One area, therefore, that further research might seek to determine if there are commonalities, or traits, in the persons making false sexual harassment accusations. That is to say, does this emanate from a
work only exposure, or from a work/social exposure? Additional understandings might determine if there is a personality type that typically is involved in false sexual harassment accusations. Further research might determine if people who make these inappropriate filings do so more than once, or, do people who make false accusations tend to have a history of accusations? Inquiry might also be made into the sequelae of life events after a person has made a false sexual harassment accusation.

In the same manner, further research might consider the person who has been victimized by a false sexual harassment accusation. As with the accuser, research might consider the work circumstance in which a person is vulnerable to false accusations. Consideration might also be given to the type of personality that finds itself falsely accused. Further, after accusation, is there a pattern of events that typically happens in this person’s employment, and perhaps, personal life?

A considerable part of the background for the present study was found in American jurisprudence. As the research questions were focused, essentially, on the policies and procedures guiding the Human Resource Officers interventions in sexual harassment claim processing, and awareness of false accusations of sexual harassment, it seems reasonable to inquire about the role enacted laws play in prohibiting, or perhaps, encouraging, false sexual harassment accusations. Further research might determine if current legal circumstance plays a significant part in identifying and/or prosecuting individuals guilty of making a false sexual harassment complaint. This research might well
determine if there is a "disconnect" between well-established laws against fraud, the filing of false reports, slander, and similar cases, and the protective intents of Title VII and EEOC gender discrimination policies. The virtual absence of civil or criminal prosecution for this circumstance might also be explored for better understanding.

With regard to further research, quantitative methods were used in obtaining the data for this study. Minimal qualitative input came from additional comments that were solicited from the respondents. Qualitative methods might be more sensitive to the subtle dynamics of sexual harassment processing, and be therefore, more effective at identifying tacit cultural practices; that while acceptable, still underestimate the existence and consequence of false sexual harassment accusations. With the benefit of this study, it seems there is a need for an in-depth qualitative investigation. This research might source a large number and variety of administrators, and affected employees, to broaden and deepen current American workplace sexual harassment processing understanding, and especially, increase the understanding of the consequences of a false sexual harassment accusation.

For modifications in accepted theoretical constructs

The theoretical construct referenced for this study was taken from the work of J. B. Rotter. Dr. Rotter was a Social Learning theorist who defined an Expectancy-Reinforcement Theory. Within this theory, an individual's personality is the interaction of the individual and his or her meaningful environment, thereby, interacting not with the objective world, but rather the world, as it is
perceived. In the context of recognizing and processing false sexual harassment accusations, one may consider that the behavior of the two-year college Human Resource Officers is influenced by an intricate set of employment goals, and the need (expectancy) that these goals will be achieved. Individuals conducting further research on these issues may wish to pursue this theoretical foundation by perhaps, studying the complicated communities of need that influence the Human Resource Officer's needs satisfaction constructs, and resulting decision-making strategies.

For changes in procedural and organization behaviors

Focusing on the two-year college Human Resource Officer's perceptions of institutional policies and procedures, the present study provides interesting data regarding this group's lack of perceptual concordance. Higher education organizations seem to lack a unified administrative and procedural position on false sexual harassment accusations. Further research might analyze the structure, and even wording, and written sexual harassment policies and procedures, and by extension, the written (or lack of written) policies and procedures addressing false sexual harassment accusations. Ultimately, therefore, further research might consider if heightened awareness to false sexual harassment accusations brought about changed policies and procedures, and a resultant change in both individual and organizational behaviors.
Report Summary

A descriptive, exploratory study addressing perceptions of false sexual harassment allegations, used mail survey techniques to collect 348 usable returns (a 40% return rate) from Human Resource Officers of all the two-year colleges that were members of the American Association of Community Colleges.

The Cannon Center for Survey Research at UNLV provided assistance in the construction, distribution, collection, and analysis of a 15-item questionnaire. Descriptive statistics, crosstabulations, and Pearson Chi-Square Tests were used in data analyses.

The results addressed the five research questions and allowed relevant conclusions to be drawn. It was found that the American two-year HRO's are about evenly split for having policies and procedures that cite or mention the possibility of false sexual harassment accusations. The HRO's appear to be strongly directed to validate sexual harassment accusations, yet less than a third reported that their policies specified penalties for making a false allegation. Also, despite about a third of the HRO's reporting that they believe false sexual harassment allegations have occurred at their institutions, only 7% report that their institution has taken administrative or legal action against one who has made a false allegation. The majority of respondents indicated that conflicting parties were separated in the workplace, half made notations in the accuser's file that an accusation was made, and over three-fourths of the HRO's advocated that both the accuser and the accused be told of all administrative and legal
actions available to them. Additionally, it appears that when the HRO has been exposed to training that validates FSHA, that HRO's institution is more likely to have policies and procedures that addresses the false allegation issue.

It is suggested that training for HRO's should include the acknowledgment that false sexual harassment accusations exist; and further, include policies and procedures the direct the HRO for processing FSHA's. It is suggested that this implementation would be cost-effective to the institution.

The narrow focus of the study's inquiry limited the perspectives available for consideration. The major weakness identified was the lack of a clear definition for the term "false". It was suggested that this potential confusion might have contributed to some respondent error. Additionally, it was strongly suggested that subsequent research might be more productive if qualitative methods were employed as the predominant research approach.

As this was explorative research, many areas were identified for further research. It was suggested that further investigations would consider if the perspectives gained through the present study apply to other disciplines, such as, law and medicine. It was also suggested that further research might consider whether there are traits associated with individuals who make a FSHA's, or those who are accused of a FSHA's. Finally, further research might explore more fully the role that established legislation and law play in the practical application of false sexual harassment accusation processing.
May 12, 2003

John Smith, Vice-President
Human Resource Department
Harvard Community College
123 Elm Street
Boston, MA 12345

Dear Dr. Smith,

I am an allied health program director in a large southwestern community college. Additionally, I am a Ph.D. candidate in the educational leadership program at the University of Nevada Las Vegas (UNLV). As part of this work, I am preparing a dissertation titled, “Community College Human Resource Officers’ Perceptions of False Sexual Harassment Accusation Identification and Processing”. To get the best possible results, I am requesting all 900 American Community Colleges respond to this survey.

As one develops in higher education administrative competence, it is presumed that one has various experiences in sexual harassment complaint processing. It is further presumed that this varied experience gives ample exposure to potential false sexual harassment accusation. As a human resource officer of a two-year college, you potentially possess rich insight into this issue. I am, therefore, respectfully requesting that you complete this very short survey and return it in the enclosed addressed and stamped envelope. Please read the “Informed Consent” on the back of this letter.

Although sexual harassment is a serious and consequential aspect of community college administration, it appears remarkably little has been studied on it. I hope that you are able to help me is considering this present college administrative topic. Thank you for your assistance.

Sincerely,

Carlton R. Insley III, M.S., M.Ed.
TITLE OF STUDY: Community College Human Resource Officers’ Perceptions of False Sexual Harassment Accusation Identification and Processing

INVESTIGATOR: Carlton R. Insley III, M.Ed., M.S., (702-651-5665)

GENERAL INFORMATION:
I am Carlton R. Insley III from the UNLV Department of Education. I am the researcher on this project. I am a doctoral student. You are invited to participate in a research study. The study seeks to collect and analyze data relative to the responses of community college human resource directors’ perceptions of false sexual harassment accusation identification and processing.

PROCEDURE:
If you volunteer to participate in this study, you will be asked to do the following:

--Complete the 22-question survey (written comments optional)
--Return survey in addressed and stamped envelope

BENEFITS OF PARTICIPATION:
By participating you may contribute to data, that when considered, may increase understanding of false sexual harassment accusations. You will also receive an increased understanding of survey research in sexual harassment accusation.

RISKS OF PARTICIPATION:
You may experience only minimal risks, such as feeling uncomfortable when answering the questions. You are encouraged to discuss this with me. I will explain the questions to you in more detail. This study is seen to have low risk for adverse psychological sequelae.

CONTACT INFORMATION:
If you have any questions about the study or if you believe you may have experienced harmful effects as a result of participation in this study, you please contact The Cannon Center for Survey Research, 4505 Maryland Parkway, Las Vegas NV, 89154 (702-895-0168), or to the faculty advisor, Dr. Dale Andersen, UNLV, College of Education, 4505 Maryland Parkway, Las Vegas, NV, 89154, (702-895-4850). Additionally, inquiry may be made to the UNLV Office for the Protection of Research Subjects, UNLV, 4505 Maryland Parkway, Las Vegas, NV 89154, (702-895-2794).

For questions regarding the rights of research subjects, you may contact the UNLV Office for the Protection of Research Subjects at 895-2794.

VOLUNTARY PARTICIPATION:
Your participation in this study is voluntary. You may refuse to participate in this study or in any part of this study. You may withdraw at any time without prejudice to your relations with the university. You are encouraged to ask questions about this study at the beginning or any time during the research study.

CONFIDENTIALITY:
All information gathered in this study will be kept completely confidential. No reference will be made in written or oral materials that could link you to this study. All records will be stored in a locked facility at UNLV for at least 3 years after completion of the study. After the storage time the information gathered will be destroyed.
Sexual Harassment Accusation Survey

Please be assured that all of your answers will be kept strictly confidential and entered into a database for analysis without recording your name or the numerical code found on the survey. The code is for mailing purposes only. Your responses will not be linked to you and the results will only be reported in the aggregate.

| 1. Have you ever participated in sexual harassment allegation complaint investigation? | Yes | No |
| 2. My institution's written policies discuss the possibility of a false accusation of sexual harassment. | Strongly Agree | Agree | Disagree | Disagree |
| 3. My institution's written policies and procedures provide direction if a false allegation of sexual harassment occurs. | | | | |
| 4. My institution's written policies and procedures specify the penalties for false sexual harassment charges. | | | | |
| 5. I have received adequate training to process sexual harassment allegations. | | | | |
| 6. My training included information regarding recourse available to individuals falsely accused of sexual harassment. | | | | |
| 7. It is common practice upon the filing of a sexual harassment complaint for the parties involved to be separated in the workplace. | | | | |
| 8. In a "he said, she said" circumstance, a record is made in the accuser's permanent file or side file, that he/she made an accusation of sexual harassment. | | | | |
| 9. A person who makes a sexual harassment complaint should be told of all legal and administrative actions that are available against an alleged sexual harasser. | | | | |
| 10. A person who is accused of sexual harassment should be told of all legal and administrative actions that are available against a person making a false accusation of sexual harassment. | | | | |
| 11. Have false accusations of sexual harassment occurred at your institution? | Yes | No |
| 12. Has your institution ever initiated administrative or legal action against a person for making a false accusation of sexual harassment? | Yes | No |
| 13. What best describes your institution? | Public community / junior college | Private community / junior college |
| 14. What is your racial background? | Caucasian / White | Native American / Alaska Native | African American / Black | Hispanic | Asian / Pacific Islander | Multiracial |
| 15. Please record your gender | Male | Female |

PLEASE USE REVERSE SIDE FOR ADDITIONAL COMMENTS.
APPENDIX C
HUMAN SUBJECTS RESEARCH APPROVAL

155
Notice of Approval to Conduct Research Involving Human Subjects

DATE: April 10, 2003

TO: Carlton R. Insley III, Education
    Dr. Dale Andersen (Faculty Advisor)
    M/S 3002

FROM: Dr. Fred Preston, Chair
      UNLV Social Behavioral Sciences Institutional Review Board

RE: Status of Human Subject Protocol Entitled: Community College Human Resource Officer's Perceptions of False Sexual Harassment Accusation Identification and Processing

OPRS# 305S0303-102

This memorandum is official notification that the protocol for the project referenced above has been reviewed by the Office for the Protection of Research Subjects (OPRS) and has been determined as having met the criteria for exemption from full review by the UNLV Social Behavioral Sciences Institutional Review Board (IRB) as indicated in regulatory statutes 45CFR 46.101. The protocol has been reviewed via the expedited review process and has been approved for a period of one year from the date of this notification. Work on the project may proceed.

Should the use of human subjects described in this protocol continue beyond April 10, 2004, it will be necessary to request an extension. Should there be ANY changes to the protocol, it will be necessary to submit those changes to the Office for the Protection of Research Subjects.

If you have questions or require any assistance, please contact the Office for the Protection of Research Subjects at 895-2794.

Cc: OPRS File
The following responses were collected by the Cannon Center for Survey Research at the UNLV from the returned surveys. A Cannon Center representative transcribed these comments verbatim, and as such, spelling and grammar errors within the responses have been left unchanged.

1. I don't believe we have had anyone deliberately accuse someone falsely but we have had some situations where "hostile environment" has been raised- outside the definition of the law.
2. There is no recourse for false accusations. Any punitive action against accuser is retaliation.
3. I have to say that there have been a few occasions on which I have felt the complainant was making a false accusation, or exaggerating the circumstances, but could not prove it. These situations are very challenging and need to be handled with extra care and precaution. Good luck with you study.
4. When a complaint of sexual harassment is received a preliminary assessment is made to determine if the complaint meets the standard defined by law. If so, an investigation begins. If not, counseling sessions are conducted with the accuser regarding appropriate workplace behavior and with the complainant regarding appropriate behavior as well as communication or behavioral strategies to deal with the perceived offender. Some people are just "Bores" and do not target an individual, he or she targets everyone.
5. This was difficult to answer as number 1 through 12 were more "yes or no" type. False accusations could fall under fraud policies that we do have. But to prove that a person committed fraud is very difficult. What one perceives as "sexual harassment" may be perceived a "false accusation". Good luck on your dissertation.
6. Very interesting premise and study. Certainly an issue faculty are concerned about.
7. Interesting research. Can I have an electronic copy of the quantitative results when completed? Thanks.
8. #2 my institutions policies on prohibited activity refers to false accusations with reckless regard to the truth- does not specifically state sexual harassment. However, we have disciplined individuals under this provision for making false sexual harassment claims. #7 and #8- When
these are brought to the HR office, they are kept in a side file. If they go to
the supervisor and we are not made aware, I cannot guarantee they keep
it. All supervisors have received training in our institutions procedure.
9. This is one area that has allowed abuse of power by those supposed to
adjudicate it with in the institution. It comes down to who does the
authority listening believe. Many angry people use it to punish individuals
in their own past and as a way to exercise power. I am seriously alarmed
by the star chamber nature of it all. – a woman
10. #9 and #10- our policy is comprehensive. Both the accused and the
accuser are provided with a copy of the policy. We don’t “tell” them of all
possible administrative and legal actions. It’s spelled out in the policy.
11. Your survey does not define “false accusation”. I have responded to your
questions by treating a “false accusation” as one which is knowingly false,
i.e. “fact are intentionally misrepresented”. I believe that the greater error
in policy is to defer reporting of important issues. This assumes that
thorough investigation will be conducted. This is how “false accusations”
are best uncovered and dealt with through appropriate discipline. While
our college sexual harassment policy does not specifically refer to false
accusations, dishonesty is and basis for discipline of faculty, staff, and
students as expressed in other policies.
12. Sometimes the “he said, she said” can also be cases of false accusations,
but it is unable to be determined. After many of these investigations,
instinct tells one a lot, but it just can’t always be proven. Therefore, if
instinct can be used my answer is yes, but if only facts are used to
answer, then no: I would be interested in the results of your study.
13. I would be very interested in the results of this study. In addition I would
be interested in a more in-depth, legal review and revision (needed) of our
current policy to include good language on false reporting and the
penalties of such. Best wishes on your research!
14. My experience is broad- one case went to the 11th circuit court of appeals
(which we won). I have had 20+ years of experience handling EEO/sexual
harassment complaints and the majority of complaints are valid.
(Although I have found top management often wants to look the "other
way" to make the accusation seem false).
15. I believe an ee who falsely accuses another ee should be fired. Our
institution did fire the employee for this action. We take it as seriously as
we take harassment.
16. At our college, we have an affirmative action officer who handles sexual
harassment investigations so I am generally involved to a limited extent
except for being kept informed.
17. It has been my experience in two decades of handling sexual harassment
complaints in both industry and higher ed that stating penalties for false
accusations has a chilling affect on victims willingness to come forward.
Many victims of sexual harassment muster all they can just to come
forward. Anything the “system” can do to help them is important. False
accusations are rare and a good investigation will clear those up.
accusers have other issues normally, and can be addressed with the appropriate action.

18. The one false allegation of which I'm aware was made by a person who voluntarily left the institution for unrelated reasons, so no action needed to be taken.

19. In some of our investigations, though I've found no substantiation for sexual harassment, we also did not label the accuser as a false allegation complaint. There is a gray area of what in the mind of the accuser is sexual harassment and what the institution may ultimately find as unsubstantiated sexual harassment.

20. In most instances I have been involved in, the accusation appears to have been honestly motivated. There was one instance of malicious motivation between two students, and the student who lied was dismissed.

21. Rarely do we get false accusations of sexual harassment. We did have one incident of a student (male) accusing another male instructor. However, once we explained to the student what could happen for falsely accusing someone, the issue was resolved. The student had some mental challenges also. Good luck.

22. Typically, we are dealing with he said/she said. We have never had proof of a false accusation.

23. I am not an attorney. I investigate fairly and without prejudice as quickly as possible. I inform victims that appropriate action has been taken if accusations are true.

24. We have a sexual harassment policy (regulation) but it does not address the topic of false accusations. I would be very interested in knowing what your survey shows. It would seem to me that someone who falsely accuses might come under another legal venue such as libel or slander.

25. You do not provide a definition of a “false accusation”.
   A. A complainant could file an accusation knowing it to be false with the intention of harming the alleged harasser. We have not observed that type of complaint yet.
   B. A complainant could file a complaint based on being very uncomfortable with regard to the relationship she/he has with another (employee, student, vendor, visitor) and attach a long list of labels to the complaint including “sexual harassment”. We have seen a number of these, usually produced with the assistance of a specific female union steward. If there are gender differences between the complainant and alleged harasser, she will always list “sexual” in her long list of charges. While our investigations always are sensitive that a “reasonable woman standard” exists, we do not always agree that every issue between genders has a sexual context and have often disciplined the harasser for other reasons.

Regarding Q.4: Our college clearly states you may not be penalized for making a sexual harassment complaint or cooperating in an investigation. If you interpret agreement with the statement as an acknowledgement that a complainant could be disciplined, that may be incorrect.
Regarding Q.7: We do separate people either temporarily to ensure safety of comfort during an investigation or following the investigation based on the findings.

Regarding Q.8: Done on the basis of the findings.

Regarding Q.11: The definition of “false” is essential. We have had false accusations because the complaint was not found to be true. We have had false accusations when we believed inappropriate behaviors were found, but they were not sexual in our opinion. Good Luck!

26. My extensive training in HR has caused me to handle sexual harassment. I constantly train employees on all the forms of sexual harassment. The Society of Human Resources Mgmt is another good source.

27. Survey should define a “false accusation.” Do you mean one that is deliberately false of one that is found to be false upon investigation but was made in “good faith”? That is, some complainants believe they were sexually harassed. Upon investigation it is discovered that the behavior does not rise to the level of sexual harassment but could be characterized as unprofessional. In those cases, there is no “penalty” to the accuser. If however, upon investigation it is discovered that the complainant maliciously or frivolously complained then we could take some action. These responses reflect this situation.
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