



# Estimating the organizational costs of same-sex sexual harassment: The case of the US Army

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## Abstract

A general model for estimating the organizational costs of workplace sexual harassment is applied to same-sex sexual harassment incidence data for the Army gathered as part of a large-scale survey of the US military services. Results indicate that the total annual cost of same-sex sexual harassment in the US Army was over \$95,000,000. Organizational implications are discussed.

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Workplace discrimination on the basis of sex became illegal with the passage of the 1964 Civil Rights Act. However, more than a decade passed before opposite-sex sexual harassment became recognized as an actionable offense under Title VII of the Act (Faley, 1982). It took another 20 years before the Supreme Court recognized same-sex sexual harassment as actionable under Title VII.

## 1. Same-sex sexual harassment

As noted by Bulzarik (1978) and others, the 15+ years between passage of the Civil Rights Act of 1964 and the extension of Title VII protections to opposite-sex sexual

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harassment was likely the result of beliefs that women were largely exaggerating the extent of sexual harassment as well as the severity of its impact. Moreover, sexual harassment was viewed merely as a “personal matter” between working individuals (see also *Miller v. Bank of America*; Tangri, Burt, & Johnson, 1982). Similarly, opponents of same-sex protections under Title VII often dismissed allegations of same-sex sexual harassment as simply horseplay or locker room antics among co-workers (Abelson, 2001). Still others dismissed same-sex harassment as homosexual behavior that they argued was not protected under Title VII.

Although many of these beliefs may still prevail, the sexual harassment literature now recognizes that both opposite and same-sex harassment fit into the greater nomological network that defines sexual harassment. For example, survey research has clearly established that males and females not only sexually harass each other, but that they also harass members of their own sex (US Merit Systems Protection Board (USMSPB), 1981, 1987, 1995). In fact, nearly two-thirds of the reported annual costs of sexual harassment in the Army are the result of the harassment of men by women and other men (Faley, DuBois, Knapp, & Kustis, 1999).

### *1.1. Incidence of same-sex sexual harassment*

The number of harassment complaints filed by men has nearly doubled over the past 10 years and a growing number of these complaints involve same-sex harassment. Over the same 10-year period, the number of same-sex complaints from women continued to remain extremely small (Abelson, 2001; USMSPB, 1981, 1987, 1995). These results are consistent with the conclusion of Knapp and Kustis (2000) that the overwhelming majority of same-sex sexual harassment involves men harassing other men.

This is also consistent with the finding of Waldo, Berdahl, and Fitzgerald (1998) that men experience sexual harassment from other men at least as often as from women. Particularly germane to the present study, Stockdale, Wood, and Batra (1999) note that men in the military services are 33 times more likely to experience same-sex sexual harassment than similarly situated women. This is likely due to the fact that the US military is nearly 90 percent male.

The incidence rates of same-sex sexual harassment reported in the 1988, 1995, and 2002 surveys of SH for males in the US military increased from 40 percent in the 1988 survey to 51 percent in the 1995 and 2002 surveys (Defense Manpower Data Centre (DMDC), 1990, 1996, 2003). Alternatively, same-sex harassment of military women remained constant at about 2 percent across the three surveys (DMDC, 1990, 1996, 2003). Over the same time period, the incidence rates of same-sex sexual harassment of Army men increased from 44 to 48 percent, while same-sex harassment of Army women remained flat at about 2 percent (DMDC, 1990, 1996, 2003).

### *1.2. Same-sex sexual harassment case law*

As noted above, the case law related to same-sex harassment was slow to develop because of the nature and scope of the issues involved. For example, some courts ruled that same-sex harassment was not actionable under Title VII at all, while others determined that such behavior met the legal standard of sexual harassment as long as it did not involve homosexuality. Still other courts ruled that homosexuality was not relevant to a finding of

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