Legal Factors, Extra-Legal Factors, or Changes in the Law? Using Criminal Justice Research to Understand the Resolution of Sexual Harassment Complaints

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Much of what is known about how the law operates is based on the criminal justice process. What is less understood is whether legal, extra-legal, and organizational attributes matter for non-criminal justice processes, such as discrimination and employment disputes. It is this general issue that we examine in this paper. We also incorporate how the development of the legal construct of sexual harassment affects case settlement. Our study attempts to overcome the underutilization of theoretical understandings from the sociology of law to study sexual harassment complaints. We examine 267 sexual harassment complaints against corporate respondents or employing organizations handled by the Canadian Human Rights Commission between 1978–1993 to see what factors influence whether a complaint will be dismissed or settled. Our results show that legal, extra-legal, and case processing factors matter for the resolution of complaints. We also find that the development of sexual harassment as a legal concept is central to understanding the settlement of complaints over time. Finally, we conclude that research on civil and human rights processes should incorporate insights from research on criminal justice processes.

Conflicts involving sexual harassment are common occurrences in workplace settings. In recent years, third parties such as human resource managers, sexual harassment officers and mediators have been called upon to handle such disputes. But despite the increasing formalization of workplace responses to sexual harassment, these complaints still make their way to courts or human rights commissions. Designed to protect against and remedy discriminatory acts, courts and human rights commissions are playing an increasingly important role in resolving sexual harassment complaints. While a growing body of research examines the resolution of sexual harassment complaints in workplace settings (e.g., Kihnley 2000; Marshall 2001; Parker 1999), only a handful of studies analyze empirically what happens to complaints that arrive in legal and quasi-legal jurisdictions (Knapp and Heshizer 2001; Terpstra and Baker 1988, 1992). Missing from these studies, though, is an attempt to theorize how the law works

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in sexual harassment complaints. Rationale for the inclusion of variables is based on either sexual harassment research alone, such as the significance of severity for understanding sexual harassment, or on overcoming data problems for studies based on court documents (e.g., Knapp and Heshizer 2001).

Our paper is broadly concerned with understanding how formal agencies handle workplace sexual harassment complaints. Using criminal justice research, we develop a theoretical framework that models a range of legal, extra-legal, and organizational factors that are crucial to understanding sexual harassment complaint outcomes. The model we develop also incorporates an analysis of how the evolution of sexual harassment law in Canada matters for complaint settlement. We examine the effect of these factors on the outcomes in 267 sexual harassment complaints arbitrated by the Canadian Human Rights Commission (CHRC) between 1978 and 1993. Our data represent an advance in studies of the legal outcomes of sexual harassment complaints because the data represent the entire population of confidential sexual harassment complaints lodged over a 16-year period. We now turn to a discussion of our theoretical framework followed by a presentation of our data and analysis.

Using A Criminal Justice Framework To Understand Sexual Harassment Complaint Resolution

When considering civil disputes and criminal justice processes, Hagan argues, "the division between the two areas of empirical legal research is often artificial" (1986:45). In other words, the same legally relevant and irrelevant factors that explain criminal justice processes may also explain the resolution of discrimination and employment disputes. Yet, previous research on formal sexual harassment complaint processes largely ignores this vast body of criminal justice research and theory. Therefore, we draw on studies of the criminal process to identify factors that might help us understand the resolution of sexual harassment complaints made to the third-party quasi-judicial body of the CHRC.

Weber viewed civil law bureaucracies as "rational systems" in which decisions are made solely on the basis of legal criteria. If this statement holds true, we would expect quasi-judicial complaints to be handled on the basis of legal characteristics and without regard to individual or extra-legal attributes. Still, a long tradition of socio-legal research is concerned with understanding the extent to which socio-demographic, or "extra-legal" characteristics, filter into and influence legal decision-making. Numerous studies examine the effects of plaintiff's race, age, gender, and socio-economic status on civil and criminal case outcomes (Hagan 1974; Kruttschnitt 1980–1981; LaFree and Rack 1996; Wagar and Grant 1996). At every point in the legal process, Black (1989) argues, "the social characteristics of plaintiffs, defendants, and others involved in legal cases filter into and influence decision-making." Our research, therefore, provides some insight into how proceedings for sexual harassment and other employment discrimination complaints may also be affected by factors that are not legally relevant. Below, we discuss the legal and extra-legal factors that might be central to understanding the resolution of sexual harassment complaints.

Legal Factors

Examining the offender's conduct and the degree of harm caused by his/her crime traditionally captures indicators of offense seriousness within criminal justice research. This research generally shows that offense seriousness, measured in terms of the culpability of the defendant and the harm caused by his/her offense, is the most significant factor in sentencing (e.g., Gottfredson and Gottfredson, 1988; Huang et al. 1996). In our study of sexual harassment complaints, we capture offense seriousness with three factors: whether the complainant

experienced a certain type of harassment severity, psychological distress, or loss of employment when the complaint was filed.

The type of harassment experienced is a key measure of the seriousness of the offense. For sexual harassment to be a violation of human rights, it must be seen as behavior that is sexual in nature, severe or pervasive, and unwanted. To understand the first component—whether or not the behavior was of a sexual nature—it is necessary to understand the type of behavior and its severity. Typically, examining whether or not the behavior constituted *quid pro quo* harassment or hostile environment harassment does this.[1] In previous research on sexual harassment, the type and severity of sexual harassment behavior was a consistent predictor of sexual harassment outcomes (Knapp and Heshizer 2001; Terpstra and Baker 1988, 1992). We expect, then, that complaints with more severe types of harassment are more likely to be settled.

Offense seriousness for sexual harassment complaints can also be demonstrated by looking at the effect of the harassment. The use of psychological distress to prove that the harassment is unwanted or serious is a longstanding part of the legal debate around sexual harassment. Although Canadian courts have ruled that adverse effects do not have to be shown for a ruling of sexual harassment, psychological distress on the part of the victim may be used to show that the behavior was unwelcome. For example, "if a complainant cried at her desk" or demonstrated other forms of psychological distress, a reasonable person should understand his/her actions were unwelcome (Stamp 2002, personal communication). Therefore, sexual harassment complaints that have a direct link to psychological consequences may also lead to a greater likelihood of being settled. But the role of psychological distress in sexual harassment is problematic. Since the 1993 U.S. Supreme Court decision in *Harris v. Forklift Systems*, the court has moved away from requiring that complainants prove psychological injury to demonstrate that hostile environment harassment occurred and/or was serious. Although not part of the *Harris* decision, the requirement of proving psychological distress in sexual harassment cases is a double-edged sword: Psychological distress might win the complaint, but it also signifies the need to produce a psychologically-unstable, female sexual harassment victim. According to Smart, this is how the law develops "identities to which the individual becomes tied or associated" (1995:192). A gendered image of the harassment victim is developed that may ultimately be used against the complainant (and future complainants). So, while psychological distress represents a legal factor capturing offense seriousness, it is used within a context of the gendered process of the law. For sexual harassment complaints in Canada, then, we expect that cases in which the complainant reported psychological distress are more likely to be settled than other complaints. We also expect that complainants who lost their job due to sexual harassment are more likely to have their complaint settled. In other words, loss of one's job provides tangible evidence of the employment consequences of sexual harassment.

Criminal justice researchers also identify the prior criminal record of an offender as a key legal determinant of criminal sanctions (e.g., Gottfredson and Gottfredson 1988). For example, Black (1976, 1993) argues that a defendant's prior criminal record may be considered an indicator of "respectability." In our data, respectability may stem from how many previous complaints have been filed against a corporate entity. A company with no previous history of sexual harassment complaints should be perceived as more "respectable" than one with a number of previous complaints.

Both the number of offenders and the number of victims involved in a crime are important measures of offense seriousness in criminal justice research (Black 1976; Huang et al.

1. Based on U.S. law, sexual harassment is often divided into *quid pro quo* and hostile environment harassment (Equal Employment Opportunity Commission [EEOC] 1980, see for further discussion Cahill 2001a, 2001b). *Quid pro quo* represents sexual solicitation or advances that are explicitly or implicitly a condition of employment and/or where submitting or rejecting these advances is used to determine employment decisions. Hostile environment harassment involves other forms of harassment that interfere or create a hostile working environment. This type of harassment includes harassment by coworkers. Canadian law often refers to a "poisoned" work environment, not a hostile environment.

1996; Myers 1980). If there is more than one offender involved, then their respective culpability may vary depending on whether they were a leader or a follower. For victims, if there are more involved, then more harm may result. While we focus on corporate respondents and not on individual respondents, we hypothesize that these two factors, number of respondents and number of complainants, are important determinants of sexual harassment case outcomes, but for slightly different reasons than discussed in criminal justice research. CHRC officials may perceive the number of harassers and complainants as a barometer, of sorts, that indicates the permeation of sexually-harassing behavior within a particular organization. These two variables, coupled with the number of previous complaints lodged against an organization, may further contribute to the perceived respectability of an organization.

Extra-Legal Factors

We also include three categories of extra-legal factors: victim-defendant relationship, defendant characteristics, and victim characteristics. In determining criminal sanctions, the victim-defendant relationship is found to be as important as legally relevant variables such as offense seriousness and prior criminal history (e.g., Gottfredson and Gottfredson 1988). Victim-defendant relationship is one indicator of social morphology or the patterns of interpersonal association and connection that exist between people (Black 1976). Previous sexual harassment research also demonstrates the importance of morphology for reporting behavior. Complainants are more likely to complain if the harasser is a co-worker than a supervisor (Gruber and Smith 1995). When the harasser is a supervisor and thereby acts as a representative of the corporation, the target of the harassment may believe she has less recourse than if the harasser is a co-worker.

Defendant characteristics are also a key focus in criminal justice research (Baumgartner 1999; Black 1993). This research tends to focus on the gender, race, and age of the respective parties, factors that are important social statuses by which Western society is stratified and differentiated (Steffensmeier, Ulmer, and Kramer 1998). We hypothesize that some characteristics of corporate respondents and complainants will be relevant to sexual harassment complaint settlement. In contrast to criminal justice research, however, we examine the effects of social statuses that are important in organizational environments and workplace settings.

Whether the respondent is a private business or part of the federal government may affect the case outcomes. Public and non-profit organizations are often early adaptors to changes in the legal environment, such as the installation of affirmative action law (Dobbin and Sutton 1998). Given that the actions of public organizations are more important than their performance (Dobbin and Sutton 1998:454; Scott and Meyer 1987), it may be that federal respondents have a greater vested interest in settling sexual harassment complaints than private business respondents. We believe that complaints against federal corporations are more likely to be settled than complaints against private respondents. Another important characteristic is organizational size—a potential proxy for the existence of human resource departments and/or sexual harassment officers. Dobbin and Sutton (1998) find that large organizations in the U.S. are more likely to install affirmative action, benefits, and other human resource related divisions. The presence of these offices implies the presence of policies and procedures for dealing with sexual harassment complaints. Larger organizations may also have human resource departments that attempt to deal with the complaint on their own, thereby circumventing the CHRC process. We hypothesize, then, that the size of an organization will have an inverse effect on complaint settlement.

Characteristics of sexual harassment victims, particularly their work status, are also an important consideration in the resolution of sexual harassment complaints. We expect that complainants in a temporary position or still in their probationary period of employment are less likely to have their complaints settled favorably. This variable captures stratification and morphology in the workplace, or the vertical and horizontal location of the harasser and the

complainant (Black 1976). Work status can be considered an indicator of stratification because it represents how one individual has the power to determine the future of a temporary or probationary worker. The variable may also represent social morphology because, whether a complainant is a temporary or permanent employee may have implications for the degree to which the complainant and harasser interact or participate in each other's lives.

Legal Precedents and the Development of Sexual Harassment as a Legal Construct

The diffusion of sexual harassment as a social problem and as a legal concept has received much attention in recent years. Research shows how feminist mobilization, the influence of the 1980 U.S. EEOC definition of sexual harassment and other factors combined to create varying definitions of sexual harassment in countries such as France, Austria, and the U.S (e.g., Cahill 2001a; Saguy 2000). This research demonstrates that to understand the settlement of sexual harassment complaints, it is necessary to incorporate the specific legal understanding and case law precedents concerning sexual harassment. Below we provide a brief sketch of two pivotal legal precedents that we believe are important components for determining whether a complaint is settled by the CHRC.

The year 1978 represents the beginning of the modern legal concept of "sexual harassment" at the federal-level in Canada (see Backhouse and Cohen 1978). At this point in time, both federal and provincial human rights commissions took a narrow view of sexual harassment. Sexual harassment was defined as *quid pro quo* harassment involving a boss' sexual solicitation of a subordinate employee. While sexual harassment was viewed as a conflict between two individuals, complaints to the CHRC could only be lodged against an employing organization or corporate respondent; complaints against individuals were not accepted. This stemmed from the CHRC's focus on *remedying* the discrimination, rather than finding fault. This philosophy underlies the Canadian Human Rights Act, which is "concerned with the effects of discrimination and not its causes or motivations. Only employers can remedy undesirable effects and only an employer can provide the most important remedy: a discrimination-free work environment, reinstatement of an employee, and compensation for lost wages" (Aggarwal 1992:55).

The first complaint of sexual harassment to the CHRC was filed in 1978. *Robichaud v. Brennan* was concerned with answering the question: Could an employing organization be found to contravene the human rights of an employee due to the sexually harassing behavior of a manager? This case was first dismissed and then appealed; it eventually reached the Supreme Court of Canada. In 1983, the Review Tribunal of the CHRC ruled that employers had a "statutory obligation to provide a safe and healthy work environment" (Aggarwal 1992:55). The Supreme Court of Canada upheld this decision in 1987. The year 1983, then, represents the first pivotal point in the development of the modern legal concept of sexual harassment in Canada.[2] Following this internal decision by the CHRC, employers became liable for sexually-harassing behaviors of their employees (Charles Théroux 1997, personal communication). From 1984 and onward, then, complainants experiencing *quid pro quo* sexual harassment at the hands of their supervisors could expect that their complaint would be heard by the CHRC and, if supported by the evidence, would reach a settlement.

The 1989 Canadian Supreme Court decision in *Janzen v. Platy* represents the second pivotal point in the legal development of sexual harassment. One component of this decision was

2. Also in 1983, in *Kotyk v. Can. Employment Immigration Commn*., the Review Tribunal of the CHRC ruled that sexual harassment is a form of sex discrimination and, therefore, is prohibited by the general prohibition against sex discrimination. The year 1983 represents a turning point in the legitimacy of sexual harassment as an actionable form of sex discrimination. It is important to note that in 1980, in *Bell v. Ladas (and the Flaming Steer Steakhouse),* an Ontario Human Rights Board of Inquiry established that sexual harassment was a form of sex discrimination. We use the federal dates because these are most relevant and precedent-setting for the federal-level Canadian Human Rights Commission.

an understanding that harassment victims do not need to prove adverse effects or the loss of a job-related "reward" in order to show harassment has occurred, as is usually the case with *quid pro quo* harassment. Rather, a broad understanding of the "invasion of sexual conduct into the workplace" becomes the litmus test by which harassment complaints are judged. Because of this decision, we expect that more complaints of all types of sexual harassment would be settled from 1989 and onward compared to the earlier time periods.

It is also possible that the effect of time period is intertwined with the type of sexual harassment. The first time period, 1978–1983, represents the infancy of sexual harassment as a legal construct. Sexual harassment was not yet fully established as a form of sex discrimination actionable under human rights codes and few legal precedents existed as to how complaints of sexual harassment should be handled. The second time period, 1984–1989, followed the *Robichaud* decision involving the *quid pro quo* harassment complaint of Bonnie Robichaud. For this type of harassment, it was clearly established in law that employers were responsible for their employees' harassing behavior. The years 1990 to 1993 represent the third time period. The 1989 *Janzen* decision provided a broader framework for understanding sexual harassment. Here sexual harassment was defined as "unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment" (Gallivan 1991, quoting Janzen:53). Following this decision, both *quid pro quo* and poisoned environment harassment became clearly actionable under the law.

Reflecting the development of sexual harassment law in Canada, we believe that it is the second-time period, 1984–1989, where *quid pro quo* harassment complaints are most likely to be settled compared to the other two time periods. In the first time period, it was difficult for any complaint to be settled. In the third time period, 1990–1993, we would expect that *quid pro quo* complaints are not more likely to be settled than complaints involving poisoned environment harassment. We hypothesize that the interaction between *quid pro quo* harassment and the second time period, 1984–1989, will have a significant effect on the settlement of complaints.

Predicting Complaint Outcomes in Quasi-Legal Settings

Our analysis of sexual harassment complaints involves a particular setting: the Canadian Human Rights Commission (CHRC). The CHRC maintains jurisdiction over "federally-regulated" workplaces which include "key private inter-provincial operations in communications and transportation, federally-charted banks and some mining operations" (Pellicciotti 1996:348) and all departments and divisions of the federal government such as the Canadian Armed Forces and Crown Corporations.[3] As a result, the CHRC plays an important role in adjudicating human rights complaints for women who have experienced workplace sexual harassment.

The CHRC is often viewed as the "court of last resort" for sexual harassment complainants in federally-regulated workplaces. Civil lawsuits are a potential avenue for complainants in the United States and a mechanism that can serve to bring employers in line, especially when multi-million dollar damages are awarded. In comparison, Canadian complainants are extremely limited in their ability to file civil lawsuits against their employers based on discrimination or harassment. This is not to say that the U.S. civil liability framework is preferred. Rather, it merely highlights the importance of both federal and provincial commissions for protecting human rights in Canada. In the case of sexual harassment, complainants often turn to the CHRC after internal or union complaint procedures are exhausted. The focus here is on remedying the situation and making the complainant "whole" by compensating for "hurt feel-

3. Crown corporations are quasi-public corporations akin to a federal government department, but with more financial and administrative autonomy. Examples of such corporations include Canada Post (mail delivery), VIA Rail (passenger train), and Canadian National (freight train).

ings" or other damages, such as lost wages resulting from the sexual harassment. In other words, the human rights process is remedial, not punitive.

The CHRC is a highly bureaucratic, quasi-judicial setting employing more than 200 people across Canada. In keeping with the social structure of bureaucratic organizations (Weber 1958), the Commission is a multi-level, hierarchical organization. At the top, under the direction of the Chief Commissioner, the Deputy Commissioner and six other commissioners have responsibility for reviewing cases forwarded by the Investigations Branch. The Investigations Branch is where complaints first enter the system.

Once a complaint is filed with the CHRC, the Investigations Branch conducts an investigation that includes gathering evidence from the complainant and possible witnesses (Canadian Human Rights Commission [CHRC] 2001).[4] During the investigation, the CHRC will attempt to settle the complaint. Once an employer or individual respondent is informed that an investigation has begun, he or she may offer to make amends. If the complainant is satisfied with this, then the complaint will be settled, the investigation will cease, and the case is closed. For complaints that are not settled, the investigator supplies the Commissioners with a report based on the evidence collected. Complainants and respondents might also make submissions based on their responses to the investigator's report. Based on the information provided, commissioners then decide among the following options: they can 1) refuse to deal with complaints that are more than a year old or that are not from the CHRC's jurisdiction of federally-regulated workplaces; 2) approve a settlement that has been reached between the complainant and the respondent; 3) appoint a conciliator to help the parties resolve the complaint; 4) refer the complaint to the Canadian Human Rights Tribunal for further inquiry;[5] or 5) dismiss the complaint due to insufficient evidence. Overall, decision making about complaints is centralized and rests with the commissioners as they provide the final opinion on the outcomes of complaints and give final approval to settlements.

We believe that the bureaucratic context of the CHRC will matter for sexual harassment complaint outcomes, and in particular, whether a complaint will be dismissed or settled. This expectation is derived from the work of Dixon (1995) who found that the organizational context of courts matters for criminal sentencing decisions. More specifically, her study showed that the bureaucratic or non-bureaucratic structure of courts influences whether decisions will be based on formal legal rules or on concerns about organizational maintenance. While legally relevant variables are consistent predictors of sentencing regardless of the organizational context, organizational processing factors, such as whether cases are resolved by guilty pleas, matter for sentencing in highly bureaucratic courts (Dixon 1995). Operational goals developed by organizational elites, such as moving cases through courts in a timely fashion, therefore, drive sentencing decisions in these types of contexts (Dixon 1995:1162). Relevant for sexual harassment complaints are procedures designed to mediate settlements without a third party having to impose a settlement. For the CHRC, appointing a conciliator does just that because the conciliator assists with resolving a complaint in a timely manner that is satisfactory to both parties.

Unlike Dixon, we are not comparing bureaucratic and non-bureaucratic courts. Instead, the level of bureaucracy is held constant as all complaints are from the CHRC. What we take from Dixon is the expectation that a highly bureaucratic agency like the CHRC would have a

4. Not all complaints are initially investigated by the CHRC. If there are more appropriate redress mechanisms that the complainant should utilize first, such as union grievance procedures, the CHRC will refer the complaint to that body. Also, in an effort to speed up complaint procedures, in the early 1990s, the CHRC initiated an early resolution program. As a result, before an investigation happens, mediation may be offered to both parties. If the matter cannot be resolved, then an officer will investigate the allegations.

5. The Tribunal conducts hearings into the complaint. It resembles a legal proceeding, involving statements from lawyers, cross-examination of witnesses, and expert testimony. After the Commission reaches a decision, the Federal Court of Canada can be asked by a complainant or respondent to review the decision. This may result in the complaint being sent back to the commission for further review or in the Federal Court overturning a decision. Overall, sending a complaint to a human rights tribunal happens infrequently and may involve complaints with precedent-setting issues.

"guilty plea equivalent" and that this equivalent would facilitate the settlement of complaints. By agreeing to go to conciliation, the respondent is acknowledging that there is something to "conciliate" or that something did happen to the complainant. We hypothesize that this variable is similar to the plea-bargaining process within criminal law. In other words, a guilty plea represents an admission that a defendant committed the crime he/she is charged with and carries with it the defendant's consent to a conviction being entered without trial. Due to the high risks often associated with criminal trials, defense attorneys often try to settle cases by negotiating pleas to a reduced charge (see Mather 1979). Guilty pleas may also be a viable option to the prosecution if their case is based primarily on circumstantial evidence.

While there are substantial differences in the dynamics involved, conciliation may share some characteristics of the plea bargaining process. During the CHRC complaint process, officials have the option of sending a case to conciliation in an effort to bring about an agreement between the parties involved. This generally occurs in cases in which the investigation found evidence of sexual harassment and where there was some likelihood that the complainant and respondent might reach a settlement. Conciliation represents a form of "organizational maintenance" in that it may speed up a settlement between the two parties. As well, because cases sent to conciliation are likely those with corroborating evidence of harassment, this variable may also act as a proxy for the quality of evidence.[6] Therefore, we hypothesize, given the bureaucratic structure of the CHRC, complaints going through the conciliation process are more likely to be settled than other complaints.

Data and Methods

The data were assembled by reading and coding information from investigators' case files on sexual harassment complaints lodged with the CHRC between 1978 and 1993. These files contained detailed records of what sexual harassment occurred, the investigation process, and how the complaint was resolved. The principal investigator and two graduate research assistants coded all the complaints. Sexual harassment complaints were identified using the designation developed by the CHRC. Specifically, the CHRC classifies sexual harassment complaints under Section 14 of the Canadian Human Rights Act and under the grounds of "Sex" or "Sexual Harassment." Only those complaints that were "closed" (e.g., dismissed, no further proceedings, settled) and, hence, were resolved by December 1995 were coded for analysis.

After reading through several investigator reports, including supporting documents and letters, we developed a coding sheet that captured details about the complaint such as complainant's sex, the type of organization where the alleged harassment occurred, the type of harassment behavior, its frequency and severity, and the complaint resolution. Qualitative information about the harassment and the CHRC decision-making process was also recorded.

Coders were trained collectively on the same complaints. Because two people were usually coding complaints at the same time, most questions that arose during the coding process were discussed and resolved on the spot. At two stages of the coding, inter-coder reliability checks resulted in an overall reliability coefficient of .89, indicating a high degree of consistency between coders. The 267 complaints used in our analysis represent the total population of complaints against corporate respondents (or the employing organization) lodged by female complainants with the CHRC between 1978–1993 and closed by 1995.

Our data are unique for three reasons. First, since our data represent the total population

6. For purposes of coding, we consider these types of settlements to be "informal." For formal settlements, a "Minutes of Settlement" form is included in the CHRC case file and is approved by the CHRC commissioners. Informal settlements are those negotiated during the investigation process and may be the result of private conversations between the complainant and the respondent. Often, these types of settlements result in a disposition of "no further proceeding." In these instances, the settlement is not sent to the commissioners for approval, but the complaint is considered resolved. We discuss the types of settlement in more detail when discussing our dependent variable.

of sexual harassment complaints adjudicated by a national commission, they are not affected by regional variations in the adjudication of sexual harassment (cf. Knapp and Heshizer 2001). Second, in contrast to previous studies of sexual harassment complaint resolution in formal settings (Knapp and Heshizer 2001; Terpstra and Baker 1988), we examine complaints over a period that captures the emergence of sexual harassment as a social problem and the development of federal policy responses to this social problem. This allows us to assess temporal changes in the way in which the CHRC responds to sexual harassment complaints. Finally, because we had access to the entire body of sexual harassment complaints closed by the CHRC over a 16-year period, our data do not suffer from the methodological problems inherent in using published judicial decisions to assess case outcomes (cf. Siegelman and Donohue 1990).

Variables and Measurement

The dependent variable, whether or not a case was settled, is coded 1 for all cases that were settled formally or informally. Formal settlements are generally those approved by the CHRC and agreed to by the parties involved. Informal settlements are those where the matter is resolved informally or privately between the parties, often before the CHRC investigation is completed. Cases dismissed because of lack of evidence were coded 0. Analyses with a trichotomous variable showed no difference between informal and formal settlements. Therefore, we use the dichotomous variable of no settlement versus settlement. Although it is tempting to discuss cases that are settled as "wins" for the complainant, we hesitate to do so. First, we do not know whether complainants were satisfied with the resolution of their case and whether they view the outcome as a "win." Second, the CHRC proceedings may take years to complete, hence, adding to a feeling that more was lost than won for the complainant. Finally, for many complainants, going through complaint procedures may add to the health and work-related problems of the initial sexual harassment (Welsh and Gruber 1999). From the standpoint of the CHRC, the philosophy behind their procedures is not to determine winners and losers, but rather to remedy the situation and reach an understanding about what needs to be done so sexual harassment does not happen again.

Three groups of independent variables are included in this analysis. They are legally relevant factors, extra-legal factors, and case processing variables.

Legal Factors

In our study of sexual harassment complaints, offense seriousness is measured using three variables: *degree of harassment*, whether the complainant experienced *psychological distress* and whether the complainant *experienced loss of employment* when the complaint was filed. We capture *prior complaint history* by examining the number of previous complaints that had been filed against the organization. We also measure the *number of harassers* and the *number of complainants* involved in each case. Below, each of these measures are discussed in more detail.

Previous research examining sexual harassment actions lodged in U.S. courts has demonstrated that complaints involving severe forms of sexual harassment, such as sexual assault or propositions linked to threats of employment loss, increase the odds of a case being settled favorably for the complainant (Knapp and Heshizer 2001; Terpstra and Baker 1992). To capture the type and severity of sexual harassment behaviors, we use a multi-dimensional measure that reflects the documented finding that sexual harassment tends to involve a number of overlapping behaviors that occur simultaneously (see Fitzgerald, Swan, and Fischer 1995; Gruber, Kauppinen-Toropainen, and Smith 1996). This measure was developed by first coding the sexual harassment complaints. Fifteen types of sexual harassment behaviors emerged from the descriptions of sexual harassment as written by the complainants (see Welsh 2000 for details of these behaviors). To show commonalities among sexual harassment behaviors, five general sexual harassment categories were developed from the fifteen specific behaviors.

The five new categories were based on a conceptual framework that combined Gruber's (1992) Inventory of Sexual Harassment and Fitzgerald et al.'s (1988) Sexual Harassment Experiences (SEQ) model. Integrating these two measures allows us to retain specificity at lower levels of generality from Gruber's inventory and balanced coverage of harassment behaviors from the SEQ (Fitzgerald, Swan, and Magley 1997). The five categories were: 1) gender harassment (insults based on gender and degrading remarks); 2) sexual derogation (verbal objectification, sexual materials, and graffiti); 3) unwanted sexual attention (sexual touching, personal remarks, subtle pressures, sexual advances, and sexual posturing); 4) relational advances (verbal requests for a relationship made in person, through letters, or through phone calls); and 5) sexual coercion (*quid pro quo* forms of harassment such as solicitation with promises or threats, and coerced sex).

These five categories were combined into a latent class model to capture the fact that the sexual harassment behaviors mentioned in the complaints did not happen in isolation (Welsh 2000). In other words, using five discrete measures of harassment does not capture how women actually experienced their harassment. The latent class measures we use supports legal understandings and critiques of social science measures of sexual harassment which point out that there is a cumulative or patterned dimension to women's harassment experiences (e.g., Faraday 1994; Gruber, Kauppinen-Toropainen, and Smith 1996). The latent class model resulted in two classes or categories of sexual harassment that were experienced by complainants. The first is *quid pro quo* sexual harassment, which includes unwanted sexual attention such as "being stared at" and/or being "inappropriately touched." This type of harassment involves behaviors that are overtly sexual and directed at particular individuals, are usually considered the most severe forms of sexual harassment. Gendered comments, sexual derogatory remarks, and/or other actions that create a "sexually-charged" workplace environment are found in the second category of poisoned environment harassment. While some of the harassment behaviors in these cases were personally directed at particular individuals, other harassment, such as the presence of sexual posters and general comments about the inability of women to perform jobs, are not. In short, these harassing behaviors are less tangible or more covert. Cases were coded 1 if the sexual harassment involved *quid pro quo* and 0 if it involved a poisoned environment. In the cases where both *quid pro quo* and some poisoned environment behaviors occurred, the case was coded 1.

The second measure of offense seriousness captured whether the victim suffered psychological distress or damage because of the harassment. Psychological distress was coded 1 if the file contained information that the complainant experienced psychological problems, depression, anxiety, etc. and/or if the complainant took a medical leave due to psychological problems. If none of these were mentioned, the variable was coded 0. Because it is possible that some women may have experienced psychological distress and did not mention it, this variable represents a conservative measure of whether the experience of psychological distress leads to the settlement of sexual harassment complaints. It is also possible that a positive effect of psychological distress on complaint settlement may be an illustration of how sexual harassment law is gendered.

A final measure of offense seriousness stems from the employment consequences for the victim as a result of the harasser's actions. This variable was coded 1 if the complainant was no longer in the job where the harassment occurred at the time the complaint was filed. The vast majority of women who were not in their jobs either quit, were fired, or were forced to resign. A small number were on sick leave, transferred to another position or were demoted. The variable was coded 0 if the complainant was still in the job where the harassment occurred.

To capture the respectability of an organization, cases in which the company had only one previous complaint recorded for the entire study period were coded as 0. Those cases in which a company had two or more complaints filed against them during the study period were assigned values according to the number of cases that had preceded the case in question. For example, if there were three sexual harassment cases recorded for one organization

during the study period, and the case in question was the most recent, that case was assigned a value of 2 for the "respectability" variable (i.e., two complaints prior to the current one). This variable was entered as a continuous measure. We hypothesize that, as the number of previous complaints filed against an organization increase, the more likely the case will be settled in favor of the complainant.

We include the number of harassers and the number of complainants against the same respondent as legal factors representing the culpability of the respondent. Complaints involving the same harassment event(s) referenced each other. Therefore, it was possible to track the number of harassers and complainants. Number of harassers is measured by the number of complaints filed by the complainant in each case. For example, if a complaint is filed against only one individual alleged harasser, this variable is coded as 0. If she files a complaint against two or more individuals, the variable is coded as 1. Number of complainants is measured by the number of different complaints filed in a particular case against the same corporate respondent. If there is one complainant, this variable is coded as 0. For the harassment events with two or more complainants, this variable is coded as 1.

Extra-Legal Factors

For our extra legal measures, we conceptualize the harasser-complainant relationship, the complainant's work status and occupation, and characteristics of the employing organization as extra-legal variables.

We treat the victim-defendant relationship as that of the harasser's organizational position in relation to the complainant. A position of authority was coded 1 if the alleged harasser had supervisory authority over the complainant. This includes both those with a formal title of supervisor as well as instructors or other workplace leaders. If the harasser was a co-worker, the position of authority was coded as 0.

The work status of the complainant is another dimension of the relationship between complainants and harassers. Work status was coded 1 if the complainant was a temporary worker or still on a probationary period. If the complainant was a full-time worker, work status was coded 0.

Company type was entered as a dichotomous variable comparing private and public institutions/companies. Organization type was coded 1 if it was a private, non-federal corporation and 0 if it was a federal organization (including the Canadian Armed Forces).

We incorporate the context of the employing organization by including a continuous measure that captures the size of the organization. For private companies, this information was gathered from the *Key Business Indicators* publications for the appropriate year. For government departments and Crown Corporations, we used Statistics Canada publications for the appropriate year. Due to the skewed nature of this variable, size was converted to the natural logarithm.

Case Processing Variables

The final set of independent variables captures case processing factors: The *time period the case was filed in* and whether the *case was sent to conciliation.* These variables are necessary to capture temporal and organizational factors that might influence complaint outcomes.

To determine the effect of legal precedents in cases of sexual harassment, we distinguish among three time periods: 1978–1983, 1984–1989, and 1990–1993.

The reference category comprises cases filed in the early period of 1978–1983. We distinguish these cases from those filed between 1984 and 1989 because of the 1984 decision by the CHRC Human Rights Tribunal in *Robichaud v. Federal Treasury Board.* The CHRC stipulated that employers were liable for the sexually harassing behavior of their employees. Similarly, the

Table 1 • *Descriptive Statistics for Legal, Extra-Legal, and Case Processing Variables, Canadian Human Rights Commission, Sexual Harassment Complaints, 1978–1993 (Corporate Respondents, Female Complainants, N = 267)*

Variable	*Mean*	*Std. Dev.*
Dependent variable		
Case settled	.59	.49
Independent variables		
Legal variables		
Quid pro quo sexual harassment	.51	.50
Complainant experienced psychological distress	.34	.47
Complainant no longer in job where harassment occurred	.72	.45
Number of prior complaints filed in same province	1.53	3.28
More than one harasser involved in complaint	.41	.49
More than one victim involved in complaint	.28	.45
Extra-legal variables		
Harasser in a position of authority over complainant	.84	.36
Complainant work status—temporary job/on probation	.24	.43
Non-federal respondent	.68	.47
Size of organization (logged)	9.89	1.85
Case processing variables		
Case occurred between 1990–1993	.46	.50
Case occurred between 1984–1989	.25	.44
Case occurred between 1978–1983	.28	.45
Case went to conciliation	.25	.44

1990–1993 period represents another distinct time period because of the 1989 Canadian Supreme Court decision, *Janzen v. Platy*.

Conciliation represents a form of mediation or plea-bargaining mechanism that facilitates the settlement of cases. Complaints sent to conciliation by CHRC are coded as 1. Complaints not sent to conciliation are coded as 0.

Results

Descriptive Statistics

Descriptive statistics on the outcome variable as well as the legal, extra-legal, and case-processing variables used in the analysis are presented in Table 1. Almost 60 percent of the sexual harassment complaints to the CHRC were settled in our sample.[7] With respect to the legally relevant variables, complaints were evenly split between *quid pro quo* sexual harassment and poisoned environment harassment. Almost three-quarters of the complainants

7. When coding the files, data on the evidence in each case was limited in that the CHRC does not have standard reporting procedures for evidence. Some complaints contained a complete investigation report, whereas others contained only the initial complaint and the CHRC's decision. We tried numerous measures of evidence, such as the existence of witnesses. For each of these variables, over 50 percent of the cases contained missing data. As well, none of these variables were significant. These analyses, not reported here, led in part to our decision to emphasize the organizational context of the CHRC for understanding complaint settlement. As others have found, individual discrimination complaints to the CHRC, such as racial harassment, contained less formal evidence, accounts of informal incidents, and relied primarily on the testimony of witnesses (Frideres and Reeves 1989).

were no longer in the job where the harassment occurred and over one third of the complainants in our sample experienced some form of psychological distress as a result of the sexual harassment. Employing organizations had, on average, one to two previous CHRC sexual harassment complaints filed against them. Not reported here, the maximum number of previous complaints against an employer was 20. Approximately 41 percent of the complainants involved more than one harasser and slightly over one-quarter involved more than one victim.

Turning to the extra-legal variables, the majority of complaints (84 percent) involved alleged harassers who were in positions of authority over the complainant. Almost one-quarter of the complainants were in temporary or probationary positions, suggesting some organizational vulnerability for these workers. Looking at the characteristics of the employing organization, more than two-thirds of the complaints were filed against non-federal government organizations. The average size of employing organizations was 50,397 employees (logged 9.89). These findings are indicative of the type of organization over which the CHRC has jurisdiction—the federal government or large national companies.

Looking at the first case-processing variable, close to half the cases in the sample occurred between 1990–1993 (46%). This may reflect both increased public awareness of sexual harassment in the early nineties, as well as the importance of the 1989 Canadian Supreme Court decision in *Janzen v. Platy*, in which the Supreme Court ruled that sexual harassment did not need a *quid pro quo* element to be actionable. Finally, one-quarter of the complaints were sent to conciliation.

What Factors Matter for Complaint Settlement? Multivariate Results

The goal of the multivariate analysis is to determine what factors increase the odds of a complaint being settled by the CHRC. To do this, we use logistic regression, a multivariate statistical procedure that examines the odds of being in one group compared to another group based on particular characteristics. Table 2 shows the prediction of complainant settlement in two analytical steps. Model 1 includes the legal, extra-legal, and case processing variables. Model 2 adds the interaction between *quid pro quo* harassment and the 1984–1989 time period.

As shown in Model 1, two legal factors, experiencing *quid pro quo* harassment and psychological distress, are significant predictors of the settlement of complaints. Although complainants do not have to show adverse effects occurred to gain a ruling of sexual harassment, psychological distress on the part of the complainant can be used as a factor demonstrating unwelcomeness and, hence, increase the odds of their complaint being settled. Another possible interpretation is based on Smart's understanding of the "law as a gendering strategy" (1995:192). The CHRC sexual harassment complainant processes may require the production of a psychologically-unstable, sexual harassment victim.[8] So, while our findings provide support for the formal legal rational decision-making of the CHRC, we also emphasize that it is within a context of gendered legal processes.

Only one of the extra-legal variables is significant: organizational size. Organizational size has a significant negative effect on complaint settlement.[9] This may stem from larger organizations being more likely to have human resource related departments (Dobbin and Sutton

8. Recent studies examining outcomes in sexual assault cases have moved away from categorizing variables as legal and extra-legal, focusing instead on victim, suspect, and incident characteristics (e.g., Matoesian 1995; Spohn, Beichner, and Davis-Frenzel 2001). In part, this is due to the debate surrounding what factors are considered to be legal or extra-legal in nature. For our research, we have chosen to use the traditional distinction of legal and extral-legal characteristics because our focus is on whether or not this distinction is useful for understanding quasi-judicial processes.

9. When coding the sexual harassment complaints, we wondered whether some complainants were advised to state they experienced psychological problems or whether complainants provided this information on their own. Although we cannot determine the extent to which complainants may have been advised to include this, if this did occur it would lend further support to our argument.

Table 2 • *Logit Estimates of the Effects of Legal, Extra-Legal, Case-Processing Variables, and Interaction Term on Sexual Harassment Case Outcomes, Canadian Human Rights Commission (Corporate Respondents, Female Complainants, N = 267)*

	Model 1			Model 2		
Variable	*B*	*S.E.*	*Odds*	*B*	*S.E.*	*Odds*
Legal variables						
Quid pro quo sexual harassment	.802*	.314	2.229	.482	.353	1.619
Psychological distress experienced	.712*	.337	2.039	.770*	.342	2.161
Complainant no longer in job	−.057	.342	.943	−.006	.346	.994
Number of prior complaints	−.002	.050	.998	−.004	.051	.996
More than one harasser	−.486	.418	.615	−.567	.426	.567
More than one complainant	.089	.343	1.093	.035	.347	1.036
Extra-legal variables						
Harasser in position of authority	.047	.412	1.093	.093	.414	1.036
Complainant temporary/on probation	.488	.361	1.629	.520	.363	1.682
Non-federal respondent	.146	.328	1.157	.151	.329	1.175
Size of organization (logged)	−.181*	.087	.835	−.186*	.088	.830
Case-processing variables						
Case occurred between 1984–1989	1.606***	.453	4.983	.904	.577	2.469
Case occurred between 1990–1993	1.798***	.512	6.040	1.816***	.514	6.149
Case went to conciliation	2.836***	.505	17.040	2.855***	.504	17.378
Harassment and time period interaction						
*Quid pro quo** 1984–1989				1.409*[a]	.744	4.091
Constant	−.287			−.129		
−2 Log Likelihood	278.875			275.148		

* $p < .05$ ** $p < .01$ *** $p < .001$

[a] One-tailed significance test. Significant at .058 for two-tailed.

1998). As a result, they may be more likely to have well-developed sexual harassment policies and procedures in place. In her analysis of "best practice" sexual harassment policies, Parker (1999) discusses how one goal of having effective sexual harassment policies was to avoid external complaints. And if complaints were taken outside of the corporation, in the words of one EEO officer, "we have a defensible position because we have investigated them thoroughly" (Parker 1999:30). In the case of the corporate respondents in this analysis, if the officers of the company dealt with the complaint in a timely and thorough fashion when they were made aware of it and/or were doing all they can to remedy harassment, the CHRC may dismiss the complaint.

Turning to the case processing variables, the time period of the complaint is significant, indicating that legal precedents do appear to matter for complaint settlements. For example, the odds of a case being settled were almost five times higher if the case was filed between 1984 and 1989, rather than during the earlier period, 1978–1983. Prior to 1984, no precedent existed as to the liability of employing organizations for the sexual harassment behavior of employees. After the *Robichaud* case in the early 1980s, employers could be found liable for their employees' actions. In addition, if the complaint was filed with the CHRC after *Janzen v. Platy* (represented by the variable capturing cases filed between 1990–1993), the odds of the complaint being settled were six times higher than the reference category of 1978–1983. As noted above, *Janzen* established poisoned environment harassment as a legal form of sexual

harassment. One interpretation of these results is related to the development of sexual harassment as a legal construct (and social problem) in Canada. The positive significant effect of the time period on the settlement of complaints indicates that legal precedents solidified the CHRC's legal understanding of sexual harassment.

Complaints sent to conciliation also significantly increase the odds of a complaint being settled. According to the CHRC, this can be interpreted as showing that the CHRC "makes good decisions" about what complaints will result in settlement (Théroux 1997, personal communication). This provides support for the idea that organizational processes matter for the settlement of complaints. A desire to reduce the time to complaint resolution is part of what drives the conciliation approach of the CHRC. Overall, then, our analysis demonstrates that it is legal and processing variables as well as extra-legal characteristics of employing organizations that determine whether or not sexual harassment complaints to the CHRC are settled.

Quid Pro Quo Harassment and the Development of Sexual Harassment as a Social Problem

To examine our hypothesis that complaint settlement is related to the development of Canadian sexual harassment law, Model 2 includes an interaction between *quid pro quo* harassment and the second time period, 1984–1989. This interaction also relates to the development of the legal construct of sexual harassment in Canada. In other words, this interaction is bracketed by the two important sexual harassment cases discussed earlier.

The interaction term has a positive significant effect on the likelihood of complaint settlement. Supporting our hypothesis, then, *quid pro quo* complaints are more likely to be settled in the 1984–1989 time period. In addition, after incorporating the interaction term into the model, two variables are no longer significant—*quid pro quo* harassment and the 1984–1989 time period. Due to the interaction term, the *quid pro quo* variable now measures the effect of this variable in the first time period: *Quid pro quo* complaints were no more likely than other complaints to be settled. But in the 1984–1989 time period, after the Robichaud case established employer responsibility for *quid pro quo* harassment, these types of complaints were more likely to be settled. In analyses not reported here, the interaction between *quid pro quo* and the first (1978–1983) and third-time period (1990–1993) were not significant.[10] These results provide further support for our argument that the development of the sexual harassment as a legal concept matters for understanding the likelihood of complaint settlement.

Conclusion

Federal agencies such as the CHRC and the U.S. Equal Employment Opportunities Commission are an integral component of women's attempts to deal with sexual harassment in the workplace. Yet, research in this area is limited and suffers from the absence of insights developed in sociological studies of criminal law processes (e.g., Knapp and Heshizer 2001; Terpstra and Baker 1988, 1992). In this research, we examined the determinants of complaint settlement among complaints made to the Canadian Human Rights Commission by incorporating theoretical perspectives from criminal justice research. We find that case processing variables, including conciliation and time period, as well as legal factors, are the primary determinants of

10. We also ran a model with both the interaction between quid pro quo and 1984–1989 and the interaction between *quid pro quo* and 1990–1993. The *quid pro quo* and 1990–1993 interaction was not significant, while the *quid pro quo* and 1984–1989 interaction was marginally significant ($p < .10$). Overall, this model was not significantly different from the model reported in Table 2. Due, in part to the small sample size and the need to protect degrees of freedom, we report the model with only the one interaction term.

the likelihood of complaint settlement. One extra-legal factor, organizational size, also affects the likelihood of settlement. Our results are slightly different from Dixon's analysis of bureaucratic and non-bureaucratic courts in which she found that in highly bureaucratic settings decisions were based on both formal rationality and the maintenance of bureaucratic organizational goals.

Our results indicate that the development of sexual harassment as a legal concept is central to understanding the settlement of sexual harassment complaints over time. Much attention is now being paid to how sexual harassment came to be defined in the law in certain ways (e.g., Cahill 2001a; Saguay 2000). The U.S. legal definition of sexual harassment has influenced sexual harassment law outside its borders. At the same time, legal and cultural frames in different countries contextualized this diffusion. We build on these studies by incorporating an analysis of how the legal concept of sexual harassment developed in Canada. Our analysis shows that in the mid-to-late 1980s, *quid pro quo* harassment complaints were more likely to be settled than other complaints. This corresponds to the legal understanding of sexual harassment at the time. *Quid pro quo* harassment, involving power differences between the harasser and the complainant, were seen as actionable under the law. It was also during this period that the Canadian Human Rights Commission ruled that employers were responsible for the harassing behaviors of their employees. To understand the process of discrimination complaint settlement, studies need to pay attention to the development of the legal concept of specific forms of discrimination.

Only one extra-legal variable, organizational size, had a significant effect on sexual harassment case outcomes. This is surprising considering the long tradition of sociological research that has been concerned with demonstrating the significance of extra-legal variables in the legal process. Our findings somewhat challenge the assumption that people from powerless groups will be less likely to receive favorable outcomes in the legal process to the degree that complaint outcomes were unaffected by the alleged harasser's and complainant's status in the workplace. Still, given that our data do not vary in terms of gender of complainants and that we lack measures of other social status characteristics such as race and socio-economic status, it would be premature to suggest that extra-legal characteristics have no impact on legal process. Ultimately, more research must be conducted before we draw any definitive conclusions about the effects of extra-legal characteristics on sexual harassment complaint outcomes.

Still, we want to highlight the significant effect of organizational size on complaint outcomes. Larger organizations are less likely to have complaints against them settled by the CHRC. We hypothesize that this may be related to the existence of policies and/or administrators who deal with sexual harassment (Dobbin and Sutton 1998). Given that these are complaints against corporate respondents (or employing organizations), some may not find these results surprising. What our findings highlight, though, is the continued need for attention to organizational context, not just of the court or civil proceeding environment, but also that of the respondent. This is crucial in studies of employment discrimination because often the defendant is a corporate entity, not an individual. We also concur with Cahill's (2001b) recent finding that where one works influences one's understanding of sexual harassment law. Based on our results, we build on her study by showing that where one works also influences one's experience with external sexual harassment complaint procedures. For example, complainants working in larger organizations with the resources to avoid external complaints (e.g., Parker 1999) and the financial resources for settlements may find themselves both less able to mount a successful external complaint and pushed towards certain kinds of settlements. The practical implications of this finding are not completely clear and are worth a closer look. While studies of criminal processing have furthered our understanding of the effect (or non-effect) of individual defendant characteristics on sentencing, more theoretical and empirical work is needed to understand how the characteristics of the employing organization affect outcomes in employment discrimination and other employment related cases.

Overall, our analysis shows that how the law works for sexual harassment complaints is similar to how it works for criminal cases. This provides some support for Hagan's (1986) claim about the artificiality of the division between research on civil disputes and criminal justice. We find that formal legal factors and the organizational context are the best predictors of the settlement of sexual harassment complaints. We note that with complaints of sexual harassment, legal variables are also embedded in a gendered understanding of law, sexuality, and sexual harassment. Our analysis shows that female sexual harassment victims that can demonstrate psychological distress and have experienced *quid pro quo* harassment are the most likely to have their complaint settled by the CHRC. The gendered process behind these legal factors needs further exploration.

Finally, the settlement of employment discrimination and sexual harassment complaints are woefully understudied. While our research provides some insight into these types of legal cases, there are still many issues left to be explored. Future work needs to examine how the law works for individual respondents (or defendants) in sexual harassment complaints, as well as for how sexual harassment complainants are compensated. With respect to the latter, it is important to determine not only whether cases are settled, but also what the terms of the settlement may be. For example, settled cases may be accompanied by monetary compensation, letters of apologies, mandatory sensitizing classes, implementation/amendment of sexual harassment policies or a combination of a number of these remedies. What type of remedy is most common and for what types of complainants and respondents is an important research question with relevant policy implications.

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