

## P R O L O G U E



# The Hunter Becomes the Hunted

*R*ichard Whatman paced nervously, his hands clasped behind his back. The minutes passed slowly as he waited for the appointed hour to meet with the counselor from the Employee Assistance Program. Why did he ever agree to this intervention? At the time, he thought it a necessary concession to keep his job. But on second thought, what right did they have to demand this *too* of him?

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With no time left to deliberate, Richard knocked on the door. If he had to be interrogated, at least he would not be accused of being uncooperative. The counselor opened the door and greeted him. She was younger than he had imagined. Quite a bit younger. What could she possibly understand about the complexities of his situation?

The counselor asked Richard in, and he sat opposite her. He defensively folded his arms across his chest in a combative posture. “I was told by Human Resources that as part of my rehabilitation, I will need to meet with you.”

“Yes. My name is Dr. Wilhelm. Why don’t you tell me what happened, in your own words.”

Richard looked down. The room seemed strange and unfamiliar, and a feeling of unreality engulfed him. Nowhere in his experience had he been prepared for an inquisition such as this!

“Look, this is really embarrassing. I haven’t figured it all out myself, yet. I have been accused of”—Richard stammered over the next two words—“*sexually harassing* a few of my office-mates.” The phrase was spoken a bit too loud, as indignation replaced embarrassment. “But let me say at the get-go, *I* wouldn’t call it that!”

Relying on a greater wisdom, the counselor did not respond to Richard’s protestation.

“It is true that I said the things Human Resources put in that report you have there—or at least I remember *some* of them. But the *way* they are presented in your report—*that* isn’t the way *I* remember them. When you take someone at their *literal word*, it’s easy to mistake their intention.”

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Dr. Wilhelm braced herself for a tough interview. In a soft but firm voice, she asked, “What *were* your intentions, Mr. Whatman?”

“Maybe it’s my sense of *humor* that was on trial,” said Richard with growing annoyance. He realized that his tone was once again too harsh, and that this counselor would not believe him. Wanting to turn the interrogation around, he interjected a note of levity.

“Most of the statements in that report—I was only *joking around!*”

Richard’s attempt at humor was a stretch. Feeling the tension, the counselor was silent, her expression impassive.

Spontaneous rescue by Dr. Wilhelm was not in the offing. Richard leaned in and tried once more to rid himself of this awful encounter.

“Listen. Between you and me, I’m a happily married man. Been with the wife for fifteen years. We have two beautiful children! I love my family! Why would I want to hurt them?”

“Getting back to what happened with your coworkers. . . .” The counselor’s voice trailed off.

Richard noted with irritation that the counselor was not going along with his efforts at obfuscation. He ran out of patience. Richard was unable to contain himself a moment longer.

“This is *very* frustrating. Do you have any *idea* how political it is up there? Maybe I am in no position to be saying this, but did it ever occur to anyone that maybe, just maybe, these gals were angling to make *me* look bad?”

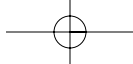
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Dr. Wilhelm knew this was coming and was fully prepared.

“Do you have an idea how you got into this situation?” she asked.

Richard pushed himself to the back of his chair and cocked his head to one side. “No! Do you?” he queried defiantly.

Dr. Wilhelm suggested that, to understand how Richard’s problem developed, they would have to start at the beginning.

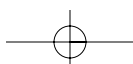


## CHAPTER ONE



# We Teach Others How to Treat Us

*In the first chapter, you will see how the harassment couple forms and negotiates the first draft of the harassment contract, during the early period of engagement. This is the time when the harassment partners put forth the terms and conditions of the harassment relationship, implicitly or explicitly. Decisions are made quickly, and first impressions can be very hard to alter later on.*



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*Crystal begins her employment at the American Corporation and is meeting her boss, Richard Whatman, on her first day as his administrative assistant. You are shown the sexual harassment drama from its beginning so that you can gain an appreciation of the importance of first impressions. In any introduction to a new colleague, much is communicated about who we are and how we expect to be treated.*

*A sexual harassment relationship between two employees usually develops over a period of time. Signposts of high risk for an eventual harassment outcome are always present early. How we react to these important cues can inform a potential harasser whether we are a “good candidate” for engagement. It is therefore helpful to devote some attention to exploring the dynamics of seduction into the harassment relationship.*

T H E S C E N E

Crystal thought she must have been born under a lucky star. She landed an enviable job in the American Corporation, as the administrative assistant to Richard Whatman, a senior executive. With its century-old reputation, American was the bedrock of the city, the company others looked to for leadership and direction. This was not the kind of job Crystal thought she would be offered so soon after finishing business school. She had only worked in one other job before, in a much smaller professional accounting firm.

Whatever the source of her good fortune, Crystal accepted the job offer with gratitude and humility. The night before she

## *The Scene*

was to begin work, Crystal was nervous. She hunted through her closet, searching for the *right* outfit to wear. She wanted to make a good impression—to look mature (for her 22 years), conservative (but not dull), and attractive (but not provocative). It was very important to make the *right* impression, not just a *good* impression. She was anxious to please yet uncertain about how.

Crystal did not permit herself to dwell long on this confusion. She pulled out a navy blue suit and laid it carefully across the back of the chair next to her bed. Before turning in for the night, she stretched out and spent a moment taking personal stock. Among her assets, she tallied an accepting nature, an accommodating disposition, and a pleasing personality. She also had a strong work ethic and was dependable, responsible, and organized. People usually took a liking to her. Comforted by these thoughts, Crystal eventually drifted off to sleep.

Richard Whatman arrived for work early on Monday morning and found three emergency messages already on his voice mail. The city never sleeps! It seemed awfully cold in the building. Were they now trying to save money on the heat, he wondered? Life in American had changed radically during his 15-year tenure in the corporation, especially after the merger. Richard mourned daily over the loss of the good old days. This was a bad habit of his; the better part of him knew quite well that the good old days were not so good, really. If they had been, the merger probably would not have been necessary.

American had taken some pretty big hits in the years prior to reorganization. No longer a bastion of prosperity and stability, the company had to adapt to change in order to survive.

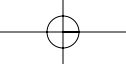
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The merger joined American with a foreign entity. Leadership was largely abroad, and only a few executives were transplanted to American soil. Much of the old administration of American had left, through downsizing or buyouts. Thus, while *little* had changed on the surface of doing business, *everything* was different in other ways. The autonomy Richard had once enjoyed had all but dried up.

Of course, Richard had been assured that the merger would not result in his losing his job. That was true enough. He was a big producer and had become accustomed to the many privileges that go along with success. However, the stakes were high. Some days, he felt as though he had to perform what seemed like miracles to impress his new superiors. There were no sacred cows anymore. Lacking many of the comforts the old American had afforded him, Richard had to do more with less.

Sorting through his correspondence, Richard found what he was looking for. He was due to meet with Liz, a fellow manager, and Griggs, American's CEO, to report progress on the Redman account. With the holidays past, he had no more excuses for delay. Redman was a new client that Richard and Liz were jointly cultivating and trying to court away from their competitor. If the Redman account performed well, it would galvanize Richard's reputation with the new regime. If not, he did not want to think about what the consequences would be.

Richard scanned the Redman documents in preparation for the meeting with Griggs. He was acutely aware of the potholes in his treatment summary and was hedging his bets that Griggs would be too preoccupied to scrutinize Richard's



### *The Scene*

account. This was not the way Richard liked to do business with the CEO, but he had no choice. Redman was not going to move any faster, Liz was breathing down Richard's neck, and Griggs had called the meeting for *today*.

God, it was cold in here! Trying to put the Redman meeting out of his mind for the moment, Richard swiveled around in his chair to attack the next order of business for the day. At any moment, Crystal, his new administrative assistant, was due to report for her first day of work.

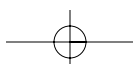
Richard had interviewed Crystal after Human Resources had screened her. She seemed to fit the job description. Goodness knows he needed all the office help he could get. The last two girls hadn't worked out. Both quit. How disappointing! It took time to break in a new girl, and Richard felt quite sorry for himself for having to do so with such frequency. This was just another example of the many obstacles he had to surmount just to hold his place in this company.

Nine o'clock, and, as Richard guessed, Crystal reported promptly to his office, right on time.



“Crystal, come in. Welcome to the American Corporation. I'm glad to see that Human Resources sent you back here. I had hoped they would. You know, I need a real crack-jack Gal Friday here—to keep me on target.”

Crystal stood opposite Mr. Whatman's desk. She was a bit taken aback by his words. This was not at all what she had expected. Disarmed, she said nothing. She soon regained her composure.



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“At your service, Mr. Whatman!” said an overly cheerful Crystal. She decided to ignore Mr. Whatman’s remarks, as she did not know for certain what they meant. Crystal wanted to put her best foot forward.

“Where do I start?” she asked.

Richard paused and leaned back in his chair, taking it all in. He was oddly at peace with Crystal and happily surprised to find her so easy to get along with.

Crystal felt awkward. She was self-conscious. She was still standing opposite Mr. Whatman’s desk because he had not offered her a seat. His gaze intimidated her, and Crystal could feel his eyes on all of her as she stood in his full view.

Finally, he spoke. “Please, call me *Richard*.” His voice was mellow.

Mr. Whatman did not take notice as Crystal instinctively drew back.

“You will be responsible for all correspondence coming out of my office—mail, reports, annual budgets—*all of it*.” This last phrase was drawn out.

He continued, “I understand you have excellent keyboarding skills. Know how to use a spreadsheet?”

Amused at his own subtle play on words, Richard looked at Crystal expectantly and wondered whether she had gotten his double entendre.

Crystal nodded *yes* to Mr. Whatman’s question about her skills. But she did not know how to proceed with his confusing tone. She did not remember Mr. Whatman being this way. During their first meeting, before she was hired, he had seemed quite different—charming, almost. Acknowledging to herself how nervous she sometimes gets when meeting new

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people, especially people who are in authority or who command respect, Crystal decided that her discomfort was probably exaggerated.

“You will be responsible for all of my *personal* office needs.”

Mr. Whatman looked approvingly at Crystal, thinking to himself that luck may have finally come his way in the form of this receptive, open-minded, young administrative assistant. Not at all *unattractive*, either! What an improvement over the last two girls he had had to suffer through.

Crystal felt her body shudder imperceptibly. A fleeting, quizzical expression crossed her face. With composure rapidly draining, she fought to regain self-confidence. The last thing she wanted was for Mr. Whatman to see her stumble.

“I, I, I was the administrative assistant at Kolar, before coming here. They had a pretty complicated network, so I don’t think yours should give me too much trouble. I know some of it already!” Crystal laughed nervously.

She might even have a good sense of humor, Richard thought. What a coup!

“Excellent, excellent. We need someone like you around here. A sharp cookie with a good attitude!”

Crystal’s smile faded, but Mr. Whatman did not seem to notice. Delighted with his new find, Richard visually examined Crystal, trying to take in the fine points about this new assistant.

“Yes, sir, Crystal, you and I should get along just fine. We will be working closely together over the next few weeks, until you get your feet wet.” Richard grinned with satisfaction at this first encounter.

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Just then, the telephone rang, signaling Richard to report to his meeting with the CEO. He excused himself and left a bewildered Crystal to set up her new workstation.

T H E   D I A G N O S I S

Crystal's tale is a case study on quid pro quo sexual harassment. This is the first form of sexual harassment identified by federal law. It occurs when submission to sexual favors is used as a condition of employment. *Quid pro quo* literally means *this for that*. Employment benefits are offered in exchange for sexual favors. It is also called *supervisor harassment*; only those in authority are in a position to manipulate the conditions of employment. Because this form of sexual harassment is most easily identified, some people think that it is therefore most easily stopped. Unfortunately, this is not the case.

We have shown a video of this opening scene between Richard and Crystal to hundreds of employees as part of our training in sexual harassment prevention. We have asked: Is there something about Crystal and Richard that marks them as prime candidates to become a quid pro quo sexual harassment couple?

People typically respond by describing Crystal and Richard in characteristic ways.

A   T A L E   O F  
T W O   C R Y S T A L S

People generally have one of two reactions to Crystal. The first is to focus on her youth and inexperience as an explanation for

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the quid pro quo outcome that this scene portends. Crystal is “Dorothy from Kansas!” These people take pity on her plight. They remark that it is against Crystal’s basic nature and family background to stand up to a senior authority figure in the workplace—especially a man, in a first encounter. They argue on behalf of her innocence; she wants to make a good impression, and she is unsure of Mr. Whatman’s intentions. They assert that Crystal is not wrong to be conservative and give the relationship a chance before jumping to conclusions.

This group thinks Crystal is justifiably *inhibited*.

Other people have a different take on Crystal. They are angry at her passivity in this terribly obvious situation. After all, Richard gives her plenty of opportunity to refuse his seduction if she does not welcome it. Instead, she pretends that she is unaware of his intentions, and she disregards her personal feelings of discomfort. These people feel betrayed by Crystal. They are unwilling to forgive and excuse Crystal her ineffectiveness, even though she is young and naïve. They exhort her to *do something*.

This group thinks Crystal is unjustifiably *weak*.

A T A L E O F  
T W O R I C H A R D S

Corresponding to the tale of two Crystals, people see Richard in one of two typical ways. Some view him with mock disapproval. They comment that he is “pathetic” in his attempts to make himself attractive to this younger woman. But they feel a certain empathy for him, nonetheless. He is competitive and under a lot of pressure from the reorganization of the company, so these

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people understand his misconduct as stemming from being overwrought by personal insecurity. Richard craves the bolstering that attention from women like Crystal potentially offers. While not condoning his acts, they describe him as “clueless.”

This group thinks Richard is just a *buffoon*.

Other people see Richard as far more cunning and manipulative, and they construe his motives as more pernicious. They react to Richard with enormous disgust. His attempted seduction of Crystal overwhelms them, and they turn away from Richard entirely. They state that there is absolutely no excuse for him, and Richard should be fired, punished, demoted—and a few other choice consequences that shall go unnamed—for his unconscionable behavior.

This group thinks Richard is a serious *villain*.

These prototypes of Crystal and Richard are universal. All people voice them, like clockwork, every time we train. No matter who is in the group—supervisory or nonsupervisory employees, men or women, in manufacturing or professional companies—these twin tales of Crystal and Richard will emerge.

The riddle is: How come everyone *sees* the same acts, but *perceives* them in these different but *predictable* ways?

The answer to this riddle is not simple. We will return to it again and again throughout this book because it captures the essence of what needs to be understood to prevent sexual harassment. The subtle interplay between perception and cognition, fact and act, and the law and psychology, determines how we react to sexual harassment.

Curious about why people choose to see Crystal and Richard in one or another of these four typical ways, we invited

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observers into our laboratory to view a video of this same scene between Richard and Crystal. We then asked them to rate their perceptions of the characters, just as our employees do in training.

Not surprisingly, the observers also characterized the Crystal victim as either *inhibited* or *weak*, and the Richard harasser as either a *buffoon* or a *villain*. The same video events were shown to everyone, but people came to different conclusions about the characters, based on their own personalities and life experiences.

We then showed the observers subsequent scenes of Crystal and Richard. Once an interpretation of the prototype was made, however, it endured across all subsequent events involving that person. Once pegged a particular type, always that type. For example, even when our video Crystal eventually spoke up to her harasser, the perception of “inhibition” or “weakness” persisted.

What does this imply about how we form impressions about sexual harassment?

Our perceptions about victims and harassers become fixed early, and although we admit that a person’s *behavior* can change when we are given new information to indicate as much, our ideas about underlying *character* are not easily altered.

Based on our observations, we would hypothesize that the process of character perception of harassers and victims might go like this. People form judgments about *character* based on observations of harassment *events*. We then interpret these observations based on our own *personalities* and *experiences*, and an impression of the harasser and victim is formed. Once

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decided, however, subsequent acts do not readily alter our initial impression of fundamental character.

But there is more to come.

You will remember that people opted for one of two interpretations of the victim and the harasser. We now also learn that the observers were not making judgments about the harasser and victim in isolation to one another. Rather, they seemed to be making assumptions about the motivations of each, based on observations of their reactions to one another.

For instance, when a person interpreted the victim as “inhibited,” the corresponding harasser was almost always perceived as a “villain.” Similarly, when the person interpreted the victim as “weak,” the harasser was usually perceived as a “buffoon.” People were looking at the harassment *pair* as a unit, not as individual players.

Fascinating! Who would think that we judge the character of the *victim* based on how he or she reacts to the *harasser*? And vice versa for the harasser?

Hence our term, the *harassment couple*. We are taking too narrow a view of sexual harassment if we look only for behavioral predictors of harassers or victims in isolation. Our observers inform us that the whole of the harassment relationship is equal to more than the sum of its parts. Sexual harassment is predicted by the *interaction* of the two protagonists, not by either one alone.\*

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\*We must point out that there are most certainly instances in which a person forces sexual advances absolutely and unequivocally on another, against that person’s wishes. However, this constitutes sexual assault, not sexual harassment.

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We will explore the psychology behind these interactions as we go on. For the moment, let us summarize what we have learned so far about how first impressions are formed:

- ☞ Judgments about the fundamental character of the harasser and victim are formed early in the relationship. Later information can alter the degree to which we see a person as having one or another characteristic, but we do not easily modify our basic impressions of people.
- ☞ Impressions about character are based mutually on direct *observations* of the person and on our *interpretation* of those observations. Two people may form entirely different impressions about the fundamental character of a harasser and a victim, even though they have seen the same events.
- ☞ Impressions of a harasser and a victim are formed based on their interaction with one another. Sexual harassment is seen from its beginning as an *interpersonal*, not an *individual*, problem. Neither the harasser nor the victim alone might form the harassment bond, were not the other a “right match.”

People evaluate sexual harassment as a dynamic interaction between two employees. This dynamism is cast early in the relationship and is unlikely to change in kind, once judgment gels.

This is the power of first impressions.

If you have read carefully, you will have noticed that the basis for making judgments about sexual harassment is both

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*objective* and *subjective*. Every step of the way, from the beginning of the engagement period and courtship of the harassment partner to the eventual dissolution of the harassment “marriage,” the subtle interplay of intellect and emotion, event and reaction, predicts the harassment outcome.

We will see further that this interplay of intellect and emotion is reflected in the collisions between the *law* on sexual harassment, which informs on harassment *acts*, and the *psychology* of sexual harassment, which informs on the perception of harassment *actors*. Both are necessary, but neither alone is sufficient to explain a sexual harassment outcome.

It is not enough to know the “rules” of acceptable workplace behavior. Nor is it enough to know how we “feel” about sexual harassment. We need to understand how *feelings* impact on intellectual *understanding* of events, and, conversely, how *understanding* the do’s and don’ts shapes *feelings*.

The *prevention* equation is really quite simple. We have found, from extensive experience as consultants to industry and from our laboratory observations on the perception of sexual harassment, that when the law and psychology drift too far apart, the risk for sexual harassment increases.

T H E P R E S C R I P T I O N

Let us see how the diagnosis applies to Crystal and Richard. Taking a look first at the psychology of their interaction, it is not too difficult to see that Mr. Whatman’s treatment of Crystal is inappropriate, provocative, and disrespectful. He does not invite her to sit down, putting her immediately in a

### *The Prescription*

submissive role. He uses demeaning language, referring to her as a *crackerjack Gal Friday*. He asks to be called by his first name, speaks in double entendre, and uses seductive innuendo. And all that in only the first five minutes of their exchange!

Crystal doubts herself and lets Mr. Whatman take the lead in their communication. She answers his questions to the best of her ability. She hopes that an impression of competency will surmount inner turmoil. Crystal does not trust her judgment sufficiently to step forward and take a stand when she is confused by Mr. Whatman. She turns against herself and in so doing leaves herself vulnerable to his whim.

In forming these first impressions of one another, Richard and Crystal begin negotiations on what is to become their harassment contract. How do they each specify the terms and conditions?

Richard has invited Crystal to collude with him. In the first draft of their sexual harassment contract, however, Richard has not yet specified concrete *quid's* to be exchanged for her *quo's*. Rather, he is tooling the relational boundaries of their deal, bit by bit, with her implicit consent. He wants to see how far he can push with Crystal, and she hasn't drawn a line in the sand.

This sexual harassment contract is based on the *affective* information the harassment couple share about one another in their beginning encounter. The "facts" of the case thus far would not constitute legal grounds for sexual harassment.

Absent legal justification, however, our psychological reaction to this scene is intense. Richard's treatment of Crystal stirs up a great deal of negative emotion in most people.

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The *psychology* of this encounter takes precedence over the *law*. Recall that our laboratory observers rather quickly forgot what they “saw” of the harassment events but retained what they “felt” about it when making judgments about the characters. Similarly, you may have already formed a strong impression of Crystal and Richard based more on your own inner reactions to what you read than on the very limited information you have actually been given.

Richard and Crystal are not different from you. They too are penning a contract about what to expect from one another *based on nothing more than the kinds of affective impressions they have formed* on limited actual contact, but buttressed by much broader life experience.

The terms of this couple’s harassment agreement are quite simple psychologically. Crystal will accommodate to Richard’s needs, rather than expect him to make any adjustment to her. Richard will be demanding of Crystal, and she will comply in good cheer. Richard may express himself as he sees fit, and Crystal will not fight back.

And none of this is in their immediate grasp of awareness. Neither Richard nor Crystal explicitly *knows* that this is what is being communicated to the other, nor would either probably agree intellectually to these terms and conditions. Consciously, they both *know better*.

This harassment contract was negotiated on the *affective* level. Its terms and conditions were communicated indirectly through gesture, tone, use of words, and innuendo. On the *cognitive* level of *thought* or the concrete level of *act*, no harassment has yet occurred. Reread the dialogue between Richard and Crystal. Other than a few marginal utterances,

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Richard's statements to Crystal are above reproach. Her responses to him are professional and appropriate.

But *affectively*, look at the mess they have already created! They're in the early stages of engagement. Richard thinks he has a green light for continued intrusion into Crystal's space. Crystal is worried, but she dismisses her better judgment in favor of her insecurities.

The harassment contract has been sealed.

Psychology and the law begin to drift dangerously apart. Nothing went wrong *legally* between Richard and Crystal yet, but everything is wrong *psychologically*. They have experienced a breach. Crystal and Richard are *thinking* one way about their business relationship but *feeling* another.

On what basis do you believe they will *act* in building a professional relationship?

We like to think of ourselves as rational beings who form impressions based on observation and who modify early hypotheses about character when subsequent experience teaches us otherwise.

Both of these assumptions are false, or at least untrue, when stated in the absolute. When it comes to highly charged relationships such as those that evolve into sexual harassment, our reactions often defy logic.

Identifying and correcting ruptures *when they occur* between the law and psychology—between fact and feeling, cognition and affect—is key to sexual harassment prevention. We can assure you that if Richard and Crystal do not repair the breach that has already occurred on first meeting, they mutually raise the threshold for a quid pro quo outcome.

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There is good reason for the popular injunction: “Don’t make a bad first impression.”

First impressions are actually very accurate in predicting the quality of later relationships. More often than not, they are based less on fact than on affect. What Crystal communicates to Richard now will not be easily dispelled down the road without perhaps irreparable loss of trust between herself and Mr. Whatman, her new boss and harassment partner.