



137 False Sexual Harassment Claims in Employment Litigation: A Framework to View Internal Incentives

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After attending this presentation, attendees will have a better understanding that some false sexual harassment allegations may arise as a result of both internal incentives and external factors motivating the plaintiff to file a claim. Attendees will understand how psychodynamic concepts such as reaction formation, displacement, projective identification, and repetition compulsion may be factors involved in cases of sexual harassment claims that ultimately may be false in nature.

This presentation will impact the forensic science community by providing a framework for the use of psychodynamic concepts to conceptualize alternative explanations for a plaintiff's perception of events and motivations behind allegations in a sexual harassment claim.

False allegations of sexual harassment in the workplace can be filed for a variety of reasons, some of which may fall into the realm of "factitious" claims. Factitious sexual harassment claims are those in which the plaintiff's wish for victim designation is a major driving force behind the claim. Factitious disorder according to the DSM-IV-TR is the *intentional* production of physical or psychological signs or symptoms with the motivation for the behavior being primarily to assume the role of one who is suffering from a medical affliction. As a corollary, factitious sexual harassment claims are those filed with the primary goal being to assume the role of a person who has been victimized in order to experience the customary social norms that surround that role.

In addition to *intentional* factors, one could hypothesize that *unconscious* internal incentives may also be factors in the development of a false sexual harassment claim. When a forensic mental health evaluator conducts an assessment of the plaintiff, both internal as well as external incentives should be explored to help identify potential motivational factors behind the claim. Being aware of potential internal and external incentives in these evaluations may be of assistance when considering alternative explanations for the plaintiff's perception of events and alternative explanations for the allegations.

This presentation proposes the use of psychodynamic principles to aid the forensic mental health evaluator in considering conscious and unconscious components that may contribute to the development of a false sexual harassment claim. For example, individuals who have a history of prior abuse may retain a sense of victimhood that is not always validated by the external world. Filing a claim of sexual harassment places the plaintiff in the role of a victim, and inhabiting this role may validate an inner experience that had been left unresolved. This may lead to a situation where the individual unconsciously seeks out another person who is in a position to potentially act as an aggressor and with whom the individual can re-enact the abusive dynamics experienced in past relationships. In these cases, the sequence of events might be hypothesized to unfold in two parts. First, the individual finds someone to re-enact a relationship where that person conforms to the role of the "aggressor" whereby the individual sees himself or herself as the "victim" of harassment. Second, when the lawsuit is filed, the plaintiff who was originally in the role of the victim can now become the "aggressor" while the defendant is now made to experience the role of being the "victim." This situation creates a dynamic that not only fits the plaintiff's internal sense of self as a victim but then goes one step further to allow the individual a chance to "master" the present and past situations by reversing roles. This is called engaging in repetition compulsion by projective identification, which is an interpersonal process whereby the individual adapts to unwelcome feelings by evoking the same feelings in another. By filing a lawsuit, the individual may cause the perceived attacker to be the person under attack, perhaps feeling humiliated, fearful, and hurt as that which the individual once experienced. The concepts of reaction formation, projective identification, displacement, misattribution, and reaction formation will be used as a framework to explore potential internal incentives operating in a plaintiff to bring about such claims.

Sexual Harassment, Factitious, Psychodynamic