

“ME TOO”

WHAT DO WOMEN REALLY WANT?

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“ME TOO” -- WHAT DO WOMEN REALLY WANT?

1. Introduction -- “Me-Too” Panel Introductions and Discussion
 - a. Broad Movement
 - b. Sexual Harassment
 - c. Media Coverage/Use of Social Media
2. Interactive discussion -- The In-House Attorney’s Role in Addressing “Me-Too” Issues in the Workplace
 - a. Scenario 1. The Anonymous Complaint.
 - b. Scenario 2. The Plot Thickens – Bring in the Social Media.
 - c. Scenario 3. Potential Loss of Control.
3. Conclusion – Implications of “Me-Too” – What’s Next?
4. Questions and Answers

#METOO POLLING QUESTION

According to a SourceMedia study, what percentage of men have experienced or witnessed sexual harassment in the workplace?

- a. 15 %
- b. 51%
- c. 75%
- d. 5%

#METOO POLLING QUESTION

Answer: 51%

Source: CNN, "#MeToo Identified a Disease That Infects Business," October 14, 2018

#ME TOO TIMELINE

- **2006:** Tarana Burke coins “Me Too” as a way to do something to support women and girls of color who had survived sexual abuse.
- **February 19, 2017:** Former Uber engineer blogs about sexual harassment and lack of response from HR at Uber.
- **February 27, 2017:** Uber’s head of engineering leaves company and eight other executives follow.
- **April 5, 2017:** 80 advertisers pull spots from Bill O’Reilly’s show based on reported settled sexual harassment lawsuits.
- **April 19, 2017:** Fox News fires Bill O’Reilly.
- **June 21, 2017:** Uber CEO resigns.

#ME TOO TIMELINE

- **June 30, 2017:** New York Times publishes accounts of women in tech industry who were sexually harassed.
- **October 5, 2017:** New York Times and New Yorker publish stories regarding Harvey Weinstein and contain several allegations of sexual harassment and assault.
- **October 9, 2017:** Harvey Weinstein fired.
- **October 15, 2017:** Alyssa Milano tweets “If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet.” # MeToo is born.
- **October 18, 2017:** Head of Amazon Studios resigns after accusations of lewd behavior.

#ME TOO TIMELINE

- **October 18, 2017:** Gymnast McKayla Maroney tweets that she was sexually assaulted by team doctor Larry Nassar. Nassar ends up sentenced to 60 years in prison.
- **October 28, 2017:** First accusation against Kevin Spacey.
- **November 10, 2017:** Five women allege that comedian Louis C.K. assaulted them. Louis C.K. says stories of sexual misconduct allegations against him are true, and he is fired from HBO.
- **November 16, 2017:** Mitch McConnell calls for Ethics Committee investigation of Al Franken after Franken is accused of groping a colleague during a USO Tour.
- **November 29, 2017:** Matt Lauer fired from Today Show.

#ME TOO TIMELINE

- **November 29, 2017:** Garrison Keillor fired from Minnesota Public Radio.
- **December 6, 2017:** Time Magazine names “Silence Breakers” as its 2017 Person of the Year.
- **December 7, 2017:** Al Franken announces he will resign from Senate.
- **December 11, 2017:** Mario Batali goes on leave from his show and restaurants.
- **January 1, 2018:** 300 Hollywood women form anti-harassment coalition called “Times Up.”
- **January 7, 2018:** Time’s Up Pin worn by celebrities at Golden Globes Awards.

#ME TOO TIMELINE

- **March 12, 2018:** James Levine fired from Metropolitan Opera after investigation found evidence of sexual abuse and harassment.
- **March 27, 2018:** Dean at Michigan State charged with failing to protect patients from Larry Nassar.
- **April 6, 2018:** Video of Tony Robbins released in which he denounces #MeToo movement as women trying to gain “significance” by claiming “victimhood.”
- **April 16, 2018:** NYT and New Yorker win Pulitzer Prize for breaking Weinstein story.
- **April 26, 2018:** Bill Cosby convicted.
- **April 26, 2018:** Tom Brokaw accused of groping woman.

#ME TOO TIMELINE

- **May 24, 2018:** Morgan Freeman issues apology for making women feel “uneasy.”
- **May 25, 2018:** Harvey Weinstein turns himself in to authorities.
- **July 27, 2018:** CBS Board of Directors announces it will investigate allegations of sexual misconduct against CEO Leslie Moonves.
- **August 20, 2018:** Asia Argento (one of the activists of #Me Too) settles complaint against her related to alleged sexual assault.
- **September 9, 2018:** CBS CEO Leslie Moonves resigns.

#ME TOO TIMELINE

- **September 16, 2018:** Christine Blasey Ford accuses Supreme Court Nominee Brett Kavanaugh of sexual assault.
- **September 25, 2018:** Bill Cosby sentenced to three to ten years in prison.
- **October 6, 2018:** Supreme Court Nominee Brett Kavanaugh confirmed.
- **October 13, 2018:** Female Austrian Politician found to have committed libel for accusing store owner of posting obscene messages on her Facebook account.

Primary sources: #MeToo: A Timeline of events, Chicago Tribune, September 26, 2018

This “Me Too” Timeline Shows Why 2017 Was A Reckoning for Sexism, Fast Company, December 6, 2017.

#METOO POLLING QUESTION

Number of times #MeToo has been used since Alyssa Milano's tweet

- a. 7 million
- b. 50 million
- c. 1 million
- d. 19 million

#METOO POLLING QUESTION

Answer: 19 Million

Source: pewresearch.org. This is an average of 55,000 uses each day.

#METOO POLLING QUESTION

True or False – Sexual harassment lawsuits filed by the EEOC increased by 50% over the year period of #MeToo

- a. True
- b. False

#METOO POLLING QUESTION

Answer: True

Source: Workforce.com

INTERACTIVE DISCUSSION

Background.

You are in-house legal counsel, with deep investment-related legal expertise but very limited ethics/human resources experience. You know enough to pass the bar exam, contribute to cocktail hour conversations and be dangerous. Given an internal reorganization, you have been given oversight for the company's ethics office. The ethics office provides employees and non-employees an opportunity to report potential policy violations and reputational concerns. It goes without saying that the reputation of your company is one of its most important assets. The buck now stops with you when making final decisions on behalf of the ethics office.

SCENARIO 1. -- THE ANONYMOUS COMPLAINT.

The ethics office receives an email complaint in which the reporter provides a vague allegation of past inappropriate conduct by a senior executive and threatens to go to the media with his/her allegations to “right the wrong” experienced by the reporter and others and to “make the company pay.” The reporter provides no identifying information, and the database is entirely anonymous so you cannot trace the email. However, the database which the reporter uses to submit his/her complaint provides functionality whereby the company can request additional information from the reporter and the reporter can respond anonymously. The ethics office requests additional information and the reporter fails to respond.

SCENARIO 1. -- THE ANONYMOUS COMPLAINT.

- What do you do?
- Who do you contact? Why?
 - Inside resources?
 - Outside resources?
- Do you conduct an investigation? Why or why not?
- If you conduct an investigation, what is the scope of the investigation? Why?

SCENARIO 2. -- THE PLOT THICKENS – BRING IN THE SOCIAL MEDIA.

As the ethics office works to get additional information, the reporter grows increasingly frustrated and follows up with the office threatening to go to the local news sharing his/her allegations. He/she is also threatening to post a description of the incident on social media (but doesn't specify which platform). The ethics office knows it's likely the reporter's social network includes company employees and colleagues. He/she is now giving the ethics office 24 hours to respond to the incident before he/she goes "public."

SCENARIO 2. -- THE PLOT THICKENS – BRING IN THE SOCIAL MEDIA.

- What do you do now that there's a time window?
- Who do you contact (inside and outside the organization)?
- How do you determine what will happen next?

SCENARIO 3. -- POTENTIAL LOSS OF CONTROL.

As the ethics office grapples with how to manage the reporter, a news media reporter from the local newspaper calls. “I am doing a story about men in the workplace. We are hearing – not just from your company -- but you are at the center, that it is impossible to know what is acceptable and what makes them a target. How can you help us?” The newspaper tweets out that a major story is coming. The reporter calls the ethics office. “I did not go to the press, but you did. Now I am getting a lawyer.” Separately, two other calls come into the company hotline. One call is from a woman and one from a man. They both say, “we know you are doing an investigation, but there are a lot of lies in there. This is affecting our ability to do business.”

SCENARIO 3. -- POTENTIAL LOSS OF CONTROL.

- What should the company do now?
- Should it do something public?
- Should it pre-announce anything?
- How can they solve this situation now?

#METOO POLLING QUESTION

Pick the statement you agree with:

- a. #MeToo has made it more difficult for men to know how to interact with women at work.
- b. #MeToo has made it easier for men to know how to interact with women at work.
- c. #MeToo has not had any change on men's knowledge of how to interact with women at work.

#METOO POLLING QUESTION

Pew Research Center Study of April 2018 indicates 51% of those surveyed think #MeToo has made it more difficult, 12% easier and 36% no change.

#METOO POLLING QUESTION

My company has changed its policies or added additional training in the last year in response to #MeToo.

- a. Yes
- b. No
- c. Unsure