

## **“Me Too” -- What Do Women Really Want?**

### Outline.

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 (Hypotheticals provided to audience for interactive discussion).
  - How should the Attorney handle each of the Scenarios? When should outside help be brought in (if at all)?
  - 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?
  - a. Helpful or Hurtful to Gender Issues in the Workplace?
    - i. Potential Manipulation of the Movement
    - ii. Backlash
  - b. Due process
  - c. Recommended policy/training updates In light of current environment (HR/Social Media/Non-retaliation)
4. Questions and Answers.

## 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.

- 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."

- 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."

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