Responding to Sexual Assault Claims from a Proactive and Reactive Perspective

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Disclaimer

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Agenda

➢ Why is this conversation important?
➢ Proactive & protective considerations for organizations
➢ Case Study Example & Process
  ○ Victim support
  ○ Incident Investigation
  ○ Communication Strategy
➢ Case Study Workshop
# Sexual Violence In America

<table>
<thead>
<tr>
<th>321,500</th>
<th>16 - 24</th>
<th>7 in 10</th>
<th>2-10%</th>
<th>94%</th>
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<tbody>
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<td>Average # of rape &amp; sexual assault survivors in the U.S. annually.</td>
<td>Ages 16-19, 4x more likely to be survivors of rape or sexual assault.</td>
<td>The fraction of rapes committed by someone the survivor knows.</td>
<td>The percentage of false rape reports.</td>
<td>The percentage of survivors who experience symptoms of PTSD within 2 weeks of event.</td>
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<td>Ages 18-24 are 3x more likely to become survivors.</td>
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[https://www.huffpost.com/entry/sexual-assault-statistics_n_58e24c14e4b0c777f788d24f](https://www.huffpost.com/entry/sexual-assault-statistics_n_58e24c14e4b0c777f788d24f)
Sexual Violence In America

- **19.4%**
  Increase of reported rapes from 2013 - 2018

- **23%**
  Percentage of rapes reported to authorities

- **Every 73 Seconds**
  An American is sexually assaulted.

- **21%**
  Transgender, genderqueer, nonconforming college students have been sexually assaulted
  - 18% women
  - 4% males

Highest Risk Facing Industry

- Sexual misconduct vs. activity-based claims
  - 2014-2019: 50+k participants
  - Sex-related accusations (unwanted or involving minors)
    - 7 student/student
    - 4 student/staff
    - 1 staff/staff
    - 3 student/vendor
    - 5 student/outsider (local)
  - Activity-based claims = 0
  - On-par with other businesses in the industry

VENDOR VETTING HAS A PROCESS!
Business Prevention Practices

● Employment screening
  ○ Criminal/sex offender background checks (national, state, county)
  ○ Interviews, reference, & social media checks

● Company policy(s) & FOLLOW THEM
  ○ Code of conduct
  ○ Child protection

● Monitoring systems (survey & feedback forms)
● Reporting hotlines
● Vendor Vetting (activities, accommodations, etc.)
● Sexual Assault & Molestation Insurance
Case Study Example
Case Scenario Example

- Rafting company hires seasonal staff & provides employee housing.
- Staff commonly spend after-hours together, typically at a bar = “team bonding”
- After heavy drinking one night, two male guides leave together.
- Later, male #1 returns to his room and tells his roommate about unwanted act with male colleague.
- Encouraged by roommate, male #1 reports “assault” to manager. Wants to remain private but wants to prevent future actions of aggressor.
Response Actions

- Information Gathering & Investigation
- Survivor Support
- Communications
- Legal Obligations

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Response Actions - Initial Steps

1. Ensure immediate safety
   a. Remove from immediate danger
   b. Be present & create safe space

2. Address physical and medical needs

3. Emphasize Care, Compassion, & Control
   a. I care about the situation. You’re my #1 priority.
   b. I understand you’re confused, scared, angry, vulnerable, etc.
   c. I can help (police, hospital, counselor, embassy, etc)

4. Confidentiality guidelines and retaliation prevention
   a. Establish point of contact and next steps.
Response Actions - Survivor

1. Call on established male & female responders within organization
2. Health needs (STD prevention, medical attention, etc)
   a. Who was involved?
   b. What exactly occurred or was said?
   c. When did it occur?
   d. Where did it occur?
   e. How did it occur?
      i. Open-ended ?s
      ii. Be sensitive to situation
   f. Are there any witnesses (before or after) or did you tell anyone about this?
Response Actions - Assaulter

1. Attempt to gather details. Remain fair/neutral.
   a. What happened or was said?
      i. “I’ve been alerted to…”
      ii. “You were seen / heard…”
   b. What is your response to accusations?
      i. If claiming false or misleading accusations, “why would that happen?”

2. Temporary removal from situation, paid suspension during investigation.

3. Reminder of confidentiality and retaliation policies.
   a. Code of conduct appropriateness
   b. Point of contact for additional information and follow up.
Response Actions - Legal

1. Medical care
   a. Sexual assault is likely not covered by Worker’s Comp

2. Police & mandatory reporting

3. Securing evidence
   a. Sexual Assault Kit
   b. Documentation (responder role)

4. Preventing future interaction/harm
   a. Employment status
   b. Employee housing vs. alternate accommodations
      i. preserving safety
      ii. preventing retaliation
Response Actions - Communications

1. Who are the stakeholders needing information?
   a. Survivor, witnesses, assaulter, organizational culture

2. What would legal team advise is communicated?

3. Insurance & legal
   a. Duty to report ASAP

4. Ensure misinformation doesn’t spread

5. Public Relations firm
Post-Incident Actions

- Ongoing support for survivors
- Clear & intentional communication without bias
- Focus on human safety, not solely business protection.
- Determine adjustments (future trips, response plans, company policies, etc.)
Case Study Workshop
Breakout Groups

● 6-8 per group. 3 response categories
  ○ Participant support
  ○ Employee investigation
  ○ Communication response

● Goal: List the initial steps and potential actions that ABC Company should take.

● Step 1: Action-planning

● Step 2: Updates provided, group share
Case Scenario

- ABC Company (tour operator) discovers Instagram post from Betsy, former participant aged 17.
  - “Horrible experience, don’t ever travel with ABC Company! The Trip Leader assaulted me.”
  - 25+ “likes”
- Trip ended the week prior to Instagram post. No incident reports from trip.
- Betsy’s survey form was rated “Excellent”
Information Gathering - Participant

- ABC Company contacts Betsy and parents.
  
  “On the last day of the trip, we kissed while on a sunset walk. We met again later that night and hooked up a bit. I wanted to stop but he wouldn’t. He forced himself on me and we had sex. I didn’t want to but didn’t know what else to do.”

- Betsy admits to talking with others from the group who are now supporting her emotionally.
Information Gathering - Leader

- Trip Leader has worked with ABC Company for 3 years.
- He’s signed all company policies including the Employee Handbook (includes harassment and zero-tolerance participant intimacy policy).
- He’s satisfied all annual screening & training requirements.
- No recorded history of inappropriate activity.
Group 1: Participant Support, Pt1

- How does ABC Company support the participant?
  - Are there any health/safety/security needs?
  - How do you prevent a future occurrence?
  - How do you build trust and rapport with the survivor and her family?

- What needs to be clarified as part of the investigation?
  - How would this occur?
Group 2: Employee Investigation Pt1

- Gathering details - how?
- How would you prevent retaliation or outreach to Betsy?
- Are there any health/safety/security needs?
- History: are there any prior accusations or signs/trends that this was a possibility?
- What’s the TLs employment status during investigation?
Group 3: Communications Pt1

- Who are the stakeholders needing information?
- How would you communicate with these groups? What do you tell them?
- How to manage social media posts?
  - Can you control misinformation? How?
- What information is shared to stakeholders (by category)
Additional Considerations

- Legal obligations
- Insurance coverage
- Brand reputation (PR firm is a possibility)
- Remain neutral and unbiased (difficulty in removing emotions)
- Know your response team
  - Allow members to decline participation
- Be prepared to provide evidence of prevention measures. If it’s not documented, it doesn’t exist.
Group Share & Open Discussion
Action Items & Takeaways

- **Dialing in prevention techniques**
  - Vetting of employees & vendors & students
  - Policies - clearly understood and firm

- **Investigation process & evidence preservation**
  - Immediate action
  - Prioritize safety, security, preventing secondary issues
  - Understand mandatory reporting guidelines

- **Insurance and legal**
  - What is included, what’s excluded in your policy(s)? Know your types of risks.
  - Are you engaging enough with your advisors?
Q&A / Open Discussion