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**A 15-POINT PLAN
FOR BOARDS AND CEOs
TO ERADICATE SEXUAL HARASSMENT
IN THEIR ORGANIZATIONS**

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As organizations wait for the next wave in the tsunami of sexual abuse charges that is rocking American business, board directors and C-suite executives are fixated not only on understanding their risk exposure, but on what they can do to get ahead of the issue.

Decades of sexual misbehavior in the workplace are coming to the fore with fearsome velocity. No organization can feel immune, as long-buried cases are being revived alongside current ones. And while corporate directors and CEOs, as well as nonprofit and education leaders, may be hoping for absolution, or that the waves will miss them, deep down they fear they will not.

Turning **#MeToo**

into **#NotOnOurWatch**

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SOLUTIONS

The only solution – and the right solution of course – is for leaders of all stripes to seriously take up the challenge of quashing sexual harassment in their workplaces for good. The days of wink-wink, nod-nod, let's excuse a misbehavior as long as he's a top producer, athlete, comedian, executive, actor, philanthropist or professor are over. And the faster organizations lean into this new reality, the better their chances of weathering their next crisis, and the ones following.

NOT TOO DIFFICULT

And you know what? We actually predict that it is not going to be that difficult to fix. Once leaders make their intention to eradicate sexual harassment clear, unambiguous, urgent and unshakable – and they tie job mobility and compensation to it – folks will get the message rather quickly. After all, abuse lives in the shadows of complicity, shame, misuse of power, and fear of repercussions for reporting such behavior. Removing that toxicity from the mix will allow abuse to be reported promptly by victim and bystander alike, and abusers to be removed from their organizations swiftly. As long as leaders are unambiguous and steadfast, the medicine can cure the disease.

Since this issue lies at the intersection of our 25 years of practice in crisis, reputation, leadership, women’s leadership, CEO coaching and board governance – and we are currently involved with clients in almost every aspect of the issue – we would like to propose a 15-point plan for corporate and nonprofit directors and CEOs to adopt in order to eradicate sexual harassment from their organizations.

Some of these items appeared in *Institutional Investor’s* recent article [“Don’t Be Weinstein Co. 2.0: Ten simple steps for corporate executives from reputation and crisis management expert Davia Temin.”](#) But they are substantially changed and refined here – to present a more actionable, and easy-to-execute game plan for serious boards and executives.

A 15-POINT PLAN FOR DIRECTORS AND CEOs TO ERADICATE SEXUAL HARASSMENT FROM THEIR ORGANIZATIONS

- 1 The buck stops with the board and CEO, so you may as well pick it up and run
- 2 Immediately request an audit of every currently open case of sexual harassment and a 5-to-10 year look-back of every closed, settled, sealed or discarded case ever brought to the company’s attention
- 3 Introduce a sexual harassment hotline that bypasses HR, is administered by an outside provider, and is reported directly to the board
- 4 When a credible accusation is made, the accused should be put on a paid leave of absence while an investigation ensues
- 5 Take every allegation seriously to heart - do not dismiss, deny, or defend
- 6 Maintain and defend a pristine due process
- 7 Make it explicit in every way you can that harassment, abuse or misbehavior will not be tolerated
- 8 Investigate the smoke, you may find fire
- 9 Put incentives in place: carrots, sticks, nudges and boosts
- 10 Clarify and reframe the role of human resources in sexual harassment cases
- 11 Quell complicity
- 12 Conduct bystander training throughout the organization
- 13 Know you can make a dent in the problem
- 14 Get more women on boards and in C-suites
- 15 Beware of backlash! Don’t let your efforts be derailed before they even begin

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15-POINT PLAN TO ERADICATE SEXUAL HARASSMENT IN YOUR ORGANIZATION

1. THE BUCK STOPS WITH THE BOARD AND CEO, SO YOU MAY AS WELL PICK IT UP AND RUN

In today's hypercharged atmosphere, accountability is paramount. Attention is being paid to those who allowed sexual harassment to exist and continue within organizations, either through active support or passive inattention/inaction. And no excuses are working. So, the wisest boards and leaders are jettisoning their inclination to deny or obfuscate, and are embracing the challenge. Their message? "No matter how key you are to our present, if you are a sexual harasser or abuser, you will not be a part of our future; you will be out." And they are saying this authentically, and backing it up with action – not just because it looks good, or because reputation repair demands it, but because it is the right thing to do.

2. IMMEDIATELY REQUEST AN AUDIT OF EVERY CURRENTLY OPEN CASE OF SEXUAL HARASSMENT AND A 5-TO-10-YEAR LOOK-BACK OF EVERY CLOSED, SETTLED, SEALED OR

DISCARDED CASE EVER BROUGHT TO THE COMPANY'S ATTENTION

There is no way that the board can get an accurate overview of their company's exposure – or assess their practices – if they do not see everything. Sealed settlements are one of the reasons it has taken so long to squeeze harassment out of the system – with no history available, recidivist abusers (and they do tend to be the same group of individuals over and over again) are living in the movie *Groundhog Day*: they can offend time after time, with no cumulative repercussions.

Activists are targeting these sealed settlements that pay off victims but assure that there will be more victims down the line. And those who accepted settlements in exchange for silence are now going public with their stories anyway, either anonymously, or openly. Then, once the public is on their side, they are daring their former organizations to try to take their settlements back – a move that could backfire terribly for the organization's reputation.

So it is imperative that the board understand everything that has gone on, and is going on, and then exercise oversight. All cases need to be reviewed in light of today's activism. Current cases most likely should be investigated

by impartial third parties, while past cases that appear to have been badly handled may be revisited for fairness in some way.

Regardless, the board needs to insert itself into the process forcibly.

3. INTRODUCE A SEXUAL HARASSMENT HOTLINE THAT BYPASSES HR, IS ADMINISTERED BY AN OUTSIDE PROVIDER, AND IS REPORTED DIRECTLY TO THE BOARD

The board should also request that the HR head report new cases of sexual harassment or abuse directly to it. Sometimes the accused abuser actually sits on “mahogany row.” In order to guard the impartiality of the process, these allegations must go straight to the board, and then the board can hire outside counsel and/or a crisis manager to help handle the situation in a legal, fair, and good-governance manner.

4. WHEN A CREDIBLE ACCUSATION IS MADE, THE ACCUSED SHOULD BE PUT ON A PAID LEAVE OF ABSENCE WHILE AN INVESTIGATION ENSUES

That investigation should be quickly conducted by external investigators already chosen and vetted by management and the board.

If the claim is substantiated, the accused must be immediately and completely terminated. If not, then immediately reinstated. Given the porous nature of social media today, no organizations can rely upon their actions remaining private – so it is best to act as if you are in the spotlight, even before you are. This means that every action must embody a high standard of fairness, impartiality, and trustworthiness.

5. TAKE EVERY ALLEGATION SERIOUSLY TO HEART – DO NOT DISMISS, DENY, OR DEFEND

Most important, do not reflexively blame the victim. While there are indeed instances of false accusations, reporting such abuse is a difficult, damaging, almost impossible action, with potentially career-destroying results. Relatively few people – outside of sociopaths and the truly misguided – would enter into the process without provocation.

Regardless, it is critical to empathize with the victim during the investigation – but make sure the investigation is impartial. Apologize unequivocally if the accusation is found to have merit. Remediate the situation by firing the abuser and fixing any career damage that may have stemmed from working in an abusive situation. And remunerate –

generously – when the abuse has been egregious. In other words, become committed to making it right, as best you can.

6. MAINTAIN AND DEFEND A PRISTINE DUE PROCESS

These are delicate issues that vary substantially from case to case. God and the devil are in the details. And make no mistake, there are abuses on either side of the equation – from false accusations to many situations far, far worse than any we have heard about regarding Harvey Weinstein. And so there is damage all around, and will continue to be while we work out our new norms and investigative methods.

What is critical is to investigate, adjudicate, and resolve each situation with trustworthy impartiality, wisdom, insight, compassion, dedication, and almost a Solomonic compulsion to do the right thing in every instance.

There will be grievous mistakes made, but once we all get more experience in dealing with sexual harassment and abuse openly and honestly, and unforgivingly, the more these mistakes may resolve over time.

7. MAKE IT EXPLICIT IN EVERY WAY YOU CAN THAT HARASSMENT,

ABUSE OR MISBEHAVIOR WILL NOT BE TOLERATED

Then apply that rule consistently, fairly and decisively to all employees – from the cleaning staff to the CEO.

Moreover, when hiring, find out as best you can if your potential employee was fired from his or her last position(s). If they were, seek to find out why. If it was for sexual harassment, then strongly consider not hiring him. As already stated, sexual harassment is often conducted by repeat offenders. You might be hiring your worst nightmare.

8. INVESTIGATE THE SMOKE, YOU MAY FIND FIRE

Most of the recent high-profile dismissals on grounds of sexual harassment have not been real surprises. Rumors about each, from Rose to Lauer, Weinstein to Ailes, Spacey to Louis C.K. have been swirling for years. Where there was a lot of smoke, we finally saw the fire.

Chances are that if you look where the smoke is in your organization, you may find some fire, too. Proactivity – getting ahead of the issue by seeking out abusers before they are officially reported – can be taken too far, but it also should not be ignored in an

environment where employees trust that the company will protect them.

9. PUT INCENTIVES IN PLACE: CARROTS, STICKS, NUDGES AND BOOSTS

More than just the threat of firing, incentives work to address a wide array of desired (and undesired) behaviors. Behaviorists tell us that carrots, sticks, nudges and boosts can incentivize behaviors we prefer quite effectively – often more effectively than rules do.

So, executive committees as well as boards, can structure incentives to reward bystander intervention, and disadvantage those who act inappropriately. This is a whole new area that can and should open up as we become more serious in attacking sexual harassment in our companies and organizations.

10. CLARIFY AND REFRAME THE ROLE OF HUMAN RESOURCES IN SEXUAL HARASSMENT CASES

Until now, the role of HR has been ambiguous when it comes to reports of sexual harassment. While it would be terrific to assume that HR has only one task in such situations – to protect the employee at risk – we all know that allegiances and job requirements are far more nuanced for HR heads. Is their

role to protect the organization or the victims? Do they surface such complaints or cover them up? What happens when those two priorities are perceived as being mutually exclusive?

Some victims even say they feel further victimized after reporting an abuse to HR, because they do not seem to be believed, or their case isn't acted upon. One study even stated that 75% of those reporting abuse felt they faced retaliation in the workplace.

In fact, we are putting our HR leaders in an untenable situation by not defining their roles more clearly for them at the board level. Issues of sexual harassment, abuse, or misconduct need to be a board concern, as well as a C-suite concern, so it stands to reason that the head of HR needs to report straight to the board executive committee on such matters. And at least once a year, this should be done in executive session, without the CEO or other operational leaders in attendance.

In order to clarify and reframe the role of HR in this issue, the board must make it crystal clear to the head of HR that they want to be informed of every sexual harassment report – no matter how frivolous – and how it has been handled. No omission or minimizing allowed.

Only then will the HR head feel free to be an advocate not only for the alleged victims, but for the company itself.

11. QUELL COMPLICITY

After learning of the pattern of abuse engaged in by Harvey Weinstein, one must ask how others in the company could allow such things to go on. And worse, how could they continue to actively enable the perpetrator?

[The Stanford Prison Experiment](#) begins to explain: “What happens when you put good people in an evil place? Does humanity win over evil, or does evil triumph? These are some of the questions we posed in this dramatic simulation of prison life....” Hint: it is not good that wins. When put in an evil place, good people turn bad.

This rather explains how apparently good people can stand by and allow, or enable, the evil of sexual harassment. Whether it’s Weinstein’s procurers, or others in organizations whose complicity keeps abuse quiet, it appears critical for the workplace to figure out ways to conquer complicity. And the one thing that has been proven to work, in these situations just as in counterterrorism, is “bystander training” – aka “See something, say something.”

12. CONDUCT BYSTANDER TRAINING THROUGHOUT THE ORGANIZATION

So, when faced with the tsunami of sexual abuse charges, organizational impulses turn toward training. The problem is, most sexual harassment trainings have been shown not to work at all. Worse, says Maya Rhodan in the November 21, 2017 issue of *Time*: [“...men who received training were less likely to notice and report sexual harassment and more likely to blame victims....”](#)

What does work, then? The *Washington Post*’s Jena McGregor states, in her November 17th article, [“Why sexual harassment training doesn’t stop harassment,”](#) bystander training. Colleges and universities started to provide this training earlier than the private sector, and it actually appears to change behavior by offering bystanders a positive way to intervene, and make a difference.

To quote Aaliyah Barnes of *New York Minute Mag*: [“This new training practice allows for responsible third parties to act as agents of surveillance in order to hold their offending peers accountable for their actions, especially in workplace climates that have a disproportionate number of men in power to women.”](#)

13. KNOW YOU CAN MAKE A DENT IN THE PROBLEM

Thanks to Steve Jobs, many of us are thinking about how we can make “a dent in the universe.” With this particular issue, we can each do that more directly. It is empowering and enabling to know we can help protect victims, stand up for ourselves and others, and change what is acceptable behavior in the workplace. Whether it be becoming a more engaged bystander, actively protecting someone we feel is in danger, or creating and enforcing policies to oust such behavior from our ranks, these are issues that are close up and personal. For many, and especially for purpose-driven Millennials, there is an allure in “being the change you wish to see in the world.”

14. GET MORE WOMEN ON BOARDS AND IN C-SUITES

Some of the best advocates for eradicating sexual harassment are women board members and executives. Far fewer of them are part of the wink-wink, nod-nod set. And, as almost every woman in the workforce today has experienced sexual harassment or abuse in one form or another, far more of them are actively interested in it not occurring on their watch.

Harvard Business Review writes that harassment is more common in workplaces where men hold most managerial roles, or “core” jobs.

Though not universally true, the more women in power, the less this kind of behavior will be countenanced.

15. BEWARE OF BACKLASH! DON'T LET YOUR EFFORTS BE DERAILED BEFORE THEY EVEN BEGIN

Finally, don't let this effort to improve the workplace get derailed before it even begins. Already a cascade of fractured and illogical takeaways has begun: “I won't go out to dinner alone with a female colleague”; “I won't travel alone with a female colleague”; “I'll never be in a room alone with a female at the office with the door shut again.” Or, one of the Mike Pence variations “requiring that any aid who has to work late to assist him be male.” Nonsense – pure and utter nonsense.

The vast majority of sexual harassment claims are not frivolous, nor do they stem from going out to dinner on the road! Don't limit the access of junior women to senior men by misunderstanding the issue and then settling on a nonsensical solution. This is the wrong and cowardly solution to an overly simplified problem.

Sexual harassment in these circumstances stems from an abuse of power by a senior executive over a junior. It is not benign, and it is usually blatant, purposeful and undeniable. Yes, unwarranted accusations also happen, and we work with some who have been harmed by them. But they can be fought successfully, and are minuscule in number compared to the incidents of real sexual harassment that are surfacing.

Most of all, due process must be instituted, and each circumstance must be judged – fairly – on its own merits. Fairness, generosity, and integrity must trump all else.

We have not yet scratched the surface of the film on top of this age-old problem. But we now have the chance to address an intractable problem once and for all. We need, collectively, to seek the truth in these situations using our investigative ability, wisdom and compassion to address each instance fairly.

No one can do this but the board of directors or the enlightened C-suite. But it is possible. This I promise you. And as with many intractable problems, I do not believe it will be so tough to handle, once it is attacked with full and wise and unambiguous vigor.

TURNING #METOO INTO #NOTUS #NOTHERE #NOTONOURWATCH

Boards, CEOs and wise leaders have the opportunity to turn this #MeToo movement into #NotOnOurWatch. Our most fervent hope is that we take up that opportunity – and in just the right way.

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