

WHITE PAPER

Sexual Assault Reporting – February 2019



AT YOUR OWN RISK

THE COSTLY MISTAKE OF
IGNORING SEXUAL HARASSMENT
AND ASSAULT IN THE WORKPLACE



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At Your Own Risk:

The Costly Mistake of Ignoring Sexual Harassment and Assault In The Workplace

Executive Quick Study Top 10 Takeaways

1. One-third of companies have dealt with a sexual harassment or assault incident.
2. Sexual Assault costs the U.S. economy \$220 billion per year.
3. Invisible costs include low productivity, absenteeism, increased health care costs, poor morale and significant reputational harm.
4. More than half of all women (71 percent by some estimates) in corporate America experience sexual harassment and assault at some point in their careers.
5. Eight percent of rapes occur while the victim is at work.
6. Some worker roles are at greater risk of sexual harassment or assault than others.
7. 75 percent of victims who spoke out faced retaliation.
8. More than 90 percent of victims of sexual harassment in the workplace do not file a complaint.
9. Only 60 percent of employees think a sexual harassment claim would be fairly investigated and addressed by their company.
10. Lack of discretion in reporting systems and a lack of accountability for harassers and assaulters leads to a general lack of trust in the organization by the employee victims.



Introduction

Sexual harassment and assault are among the most costly and damaging problems in our society. No industry sector is immune to the challenges and risks presented by systemic harassment and sexual assault. Left unchecked, sexual harassment and assault lead to significant human suffering, job performance and productivity issues, loss of trust, destructive behaviors, massive liability exposure and institutional brand damage.

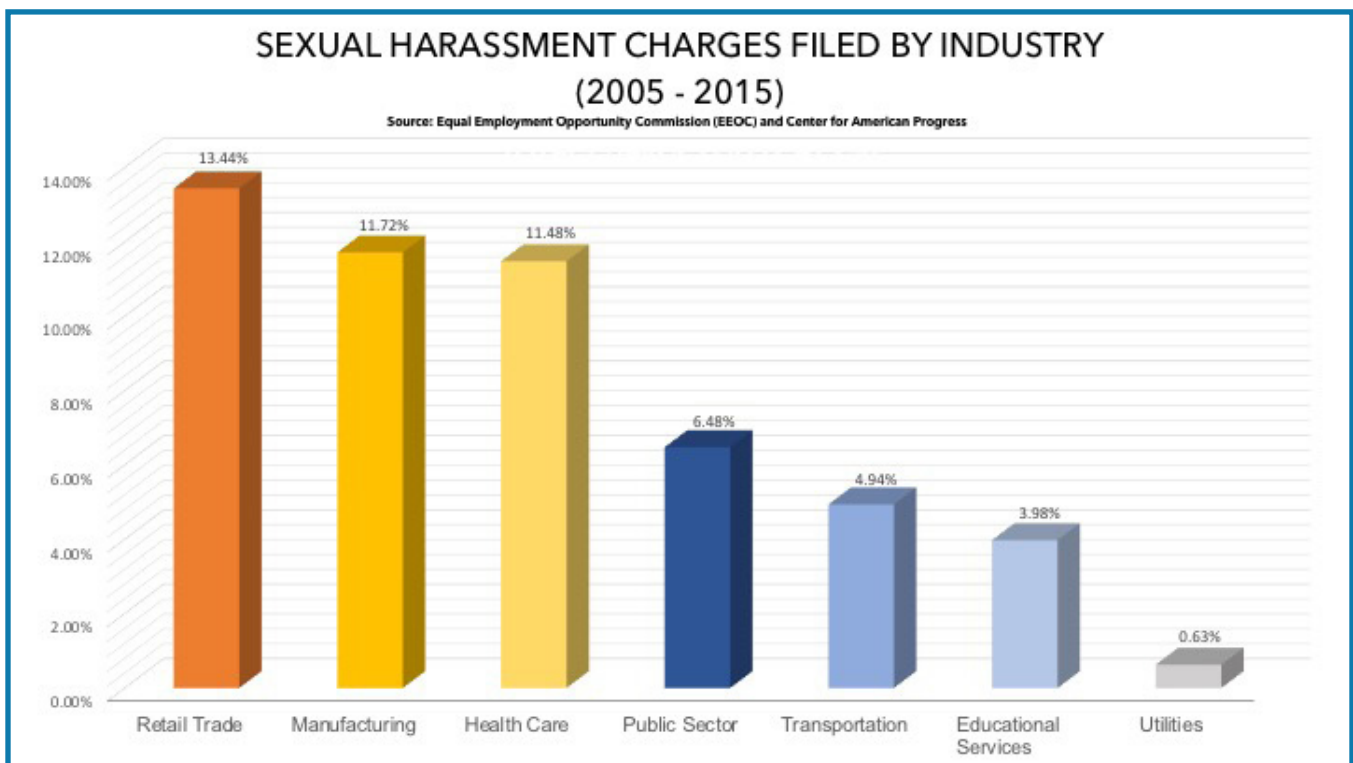
Sexual harassment in the workforce is largely driven by an uneven balance of power, whether that perceived power is based on gender, role or a combination of the two. Yet, sexual harassment can also come from co-workers or even third-party clients and customers. But the imbalance of power described above is also evident in the victim's lack of trust in the organization's ability or willingness to hold the perpetrator(s) accountable.

That lack of trust most often manifests in an unwillingness to report incidents of sexual harassment and assault. Victims not only feel ashamed, but many fear negative implications

and reprisals that often follow formal complaints, including additional harassment, or loss of one's position or job.

The reality is that the vast majority of incidents of sexual harassment and assaults go unreported. In addition to the reasons mentioned above, victims of harassment and assault are often further victimized by outmoded and clumsy reporting mechanisms and processes that offer little or no discretion. And in other cases, formal policies and procedures may not exist at all. Even for large enterprises that have well-staffed human resources departments, the policies and procedures can be difficult to locate in the time of need.

The focus of this paper is to outline existing challenges facing victims of sexual harassment and assault, and offer prevention strategies that can improve reporting rates, create more trust in the reporting process and lead to more accountability for perpetrators. Preventing sexual harassment and assault in the workplace is not only the right and moral thing to do, but it's good for business as well.



Who's At Risk?

The reality of sexual harassment and assault is that anybody can become a victim. According to the National Sexual Violence Resource Center, one in five women and one in 71 men will be raped at some point in their lives. Same-sex harassment is also as common as opposite-sex harassment. According to the Equal Employment Opportunity Commission, approximately 76 reports of sexual harassment are received every day.

Sexual harassment and assault in corporate America remains a largely unchallenged problem. More than half of all women (71 percent by some estimates) in the workforce experience some form of sexual harassment during their careers, according to the International Center for Research on Women. In addition, 8 percent of rapes occur at the victim's workplace.

But there are workplace factors that often contribute to systemic sexual harassment, which, in turn, can lead to incidents of assault.

In the service industry, **working for tips** can be a factor. People who work for tips account for 14 percent of sexual harassment complaints filed to the Equal Employment Opportunity Commission.

Lone workers are also prone to harassment and assault. These individuals work in various roles and industries, including building janitors, hospital and medical workers, home health care, hotel and hospitality staff, agricultural workers, utilities and other industry verticals.

Male-dominated organizations and institutions, such as the military and construction companies, have reported higher than average rates of sexual harassment and assault. In addition, a 2018 National Academy of Sciences study documented high levels of harassment of women faculty and staff in academia, particularly in the fields of science, engineering and medicine.

Organizations with **imbalanced power structures** that present significant gaps in influence between lower

and mid-level staff and those in senior positions can also set the stage for high rates of sexual harassment and assault. As witnessed in the recent problems at the U.S. military academies, junior employees often fear retaliation for speaking out against harassment, allowing these structural risk factors to go unchanged.

What Are The Costs?

Current research on the actual financial impact to companies and industries stemming from incidents of sexual harassment and assault is lacking. A study by the Society of Human Resource Management found that one out of three companies had dealt with sexual harassment claims.

The National Sexual Violence Resource Center pegs the cost to the U.S. economy from sexual assault at \$220 billion. And the latest academic research by the Institute for New Economic Thinking found that the typical Fortune 500 company lost \$14 million per year as a result of diverting management and resources away from business-related activities to deal with the company's defense against sexual harassment claims.

Beyond the obvious legal costs, there are a multitude of costs that enterprises incur when incidents of sexual harassment or assault are allowed to take place, including costs associated with absenteeism, poor morale, increased health care costs, lost productivity and staff turnover. Some older estimates place the costs here at more than \$7 million per year.

Increased absences stemming from harassment represents a significant risk to a company's bottom line. A 2016 study by the U.S. Merit Systems Protection Board found that one in six employees who experienced sexual harassment took sick or annual leave following their harassment.

Systemic harassment that goes unchecked often leads to significant employee turnover. A 2017 study of women in the workplace found that the targets of harassment were 6.5 times more likely than non-targets to change jobs. Follow-on studies of the costs associated with replacing employees

estimated the average cost at 16 to 20 percent of an employee's annual salary, increasing to 213 percent of salary for experienced managers or professional staff.

There is no good recent data on other, non-tangible costs related to sexual harassment and assault, such as damage to brand and reputation. However, it is known that reputation damage can severely hamper an organization's ability to attract new talent and maintain client relationships.

Media reports detailing high-profile sexual harassment cases, however, shed some light on the financial links to reputational damage.

Take the example of ride-sharing company Uber. Not only did the company suffer from a string of sexual assault charges against its drivers, but in 2017 former engineer Susan Fowler published a blog that exposed a corporate culture that promoted systemic sexual harassment.

Her essay resulted in the termination of 20 employees and the ouster of company co-founder and CEO Travis Kalanick. Perhaps worse, the company lost more than 200,000 customers to a #DeleteUber movement that went viral. In a recent survey of consumer attitudes, consultancy cg42 found that the percentage of customers with negative views of the company jumped to 27% from 9% since the news began to tarnish the company's reputation.

Despite the obvious reputational costs, executives continue to ignore the extremely high settlement costs.

In 2018, CBS paid Eliza Dushku \$9.5 million to settle sexual harassment claims against Michael Weatherly. 21st Century Fox paid \$45 million in the first quarter of 2017 to settle allegations of sexual harassment.

Google famously paid the creator of Android mobile software \$90 million to exit the company gracefully

after it discovered what company officials said was a credible complaint against him by a co-worker alleging sexual misconduct.



Viewpoint Q&A: Jade Salazar

Jade Salazar is a senior manager of client success at LiveSafe and a survivor of sexual assault.

Q: What are some of the things that survivors face in their personal and professional lives after they experience a sexual assault?

A. That is a very big question, but there's so many different things they face. In my personal experience, I survived an assault that was right before college. When I started college I had a full ride, I had full tuition paid for. I went from a 4.0 GPA in high school to a 0.6 GPA during my first semester of college. I ended up having to drop out of college in my second year, after having to fight to stay in and essentially prove that I had been assaulted to the university. That's why I was not doing well. Not having a college degree and then having to go back, that was a huge struggle for me when it came to my professional life and just getting into the workforce.

Then also for me, and for a lot of survivors, trauma. I had really severe PTSD for about five years. That first year I wouldn't sleep very well. I would get a lot of night terrors. There was a month where I literally slept every other day, because I would have to wear myself out so much that I could fall asleep just so that I wouldn't have night terrors. Night terrors, for people who don't know, is when you just cannot go to sleep. You get woken up just in the middle of the night, or the moment you start to fall asleep you just get flashbacks. I had a lot of flashbacks. I had a lot of triggers. I think people use the word triggers and triggering really kind of casually now. Especially, when you have PTSD it's something that really does affect your life. Essentially, you can just be walking throughout your day and something affects you and you can see something that puts you right back into that moment.

Trauma really affects you. For me, and for a lot of people, it kind of stopped me from living my life for a little bit. There was a bit of arrested development there. I was assaulted at 17 then I finally got help at 23. But even at 23 I was still wearing the clothes of a



17 year old. The mental state is just stopped a little bit. There's all kinds of studies about what trauma does to the brain, and how it just kind of arrests it for a bit.

Then also debt. I went into debt because I think you just kind of shut down. You're not really sure what to do. If I look at my life during that five year period, I dropped out of college, I went into debt, I was living with people that I really didn't trust and that probably weren't great people to be living with. Yeah, it really affected my entire life.

Q: We know that there are precursor activities, precursor behaviors, destructive behaviors that often contribute and lead to incidents of sexual harassment and sexual assault. Can you talk to us a little about your thoughts on the precursor activities that may indicate a person is on a journey to sexual assault?

A. I think a lot of times it's looking at someone's language and how they interact with other people. Again, I don't want to just make this about very specific genders, but a lot of times if a man isn't treating women with much respect, I think that's a precursor behavior. I also think that someone who takes power a little bit to their head, I think that can be a precursor behavior as well.

So I think those things can be definite signs that something's going to happen. But another interesting thing is as we're trying to prevent everything, a lot of times that same behavior has been seen in people who have committed mass shootings and things. So a lot of times when there is a large scale event that happens, you can look back at their life and how they treated people, how they treated women or animals and kind of see those

signs there.

Q: Let's shift gears to one of the main challenges that we are working on here at LiveSafe and that is the lack of reporting of sexual harassment and assault. In this white paper we write about the lack of trust and discretion in the reporting mechanisms that exist in many companies today. Talk a little bit about why it's so difficult to get more victims to come forward and report.

A. I think one thing that I've really appreciated about a lot of the crisis center work that I've done is we focus on victim-centered reporting. What that means is allowing the victim to decide whether or not they



want to pursue something legally or not. I think a big thing when it comes to increasing reporting is allowing people the decision to tell someone anonymously and also allowing them the decision to tell someone who is not police or a security official.

You know that when you get the police involved, even if you totally trust the police, you know that something is going to happen to that person, or you hope that something is going to happen to that person, and so it is either you are now going to be in this conversation where you're having to have your own self dug through the mud and prove that this happened, especially in situations where it's really just one voice against the other, and there is little proof. Or, if you are able to completely prove it, now

you have this other person's life in your hands, and there's going to be action taken.

I think a big thing with reporting, and this is a great thing about our app, is that you can report and actually tell someone something happened, and if you want to give a name, you can, or you can still do it anonymously.

We also have dashboard filters, so that a report can go to somebody else in the organization. In schools it can go to somebody's Title IX office, and then in an organization you can designate someone to just handle those claims. I think that's a really important thing as well, so it's not just all going to security, because everyone kind of has this inner knowledge that the moment you take something to security or even to HR, it's going to be immediately escalated and it's either going to be an investigation or there's going to be immediate swift action taken that affects somebody else's life.

Q: For someone who wants to report but doesn't trust their employer's existing system, do you, as a survivor, think that the capabilities of the LiveSafe platform would make that person more comfortable and more likely to report?

A. Absolutely. I think it definitely does, and that's the whole reason that I'm here. I wish I would have had this app when I was struggling ... I wasn't able to really reach out for help in those moments.

In addition, the idea that you can text what happened to you and send that in makes it a lot easier for somebody to say something and say that something happened. It's a lot easier than having a conversation or to try to walk up to somebody, whether it be a security guard or anybody, or even your boss, and say, 'Hey, this happened.' Face to face conversations are hard, especially when it's an uncomfortable conversation. I think that is a huge thing that we're doing. Then, again, if you are able to report anonymously, that's another huge thing that

will really help reporting.

Q: You have another interesting use case for the LiveSafe reporting platform, and that is using LiveSafe to hone in on repeat offenders. Explain how LiveSafe can help tackle that aspect of this challenge.

A. Repeat offenders is a really enormous part of this conversation and I think it can have one of the biggest impacts on this problem. Essentially, if somebody has done it once, it's probably a pattern of behavior. It's not coming out of nowhere. No one just snapped one day and decided to start harassing people.

A lot of times, as you've seen in the news recently, when somebody finally comes out and gives someone's name or they're comfortable to say someone's name, then you have all of these other people come out of the woodwork that say, 'Yes, I also experienced this.' And so one of the great things that technology in general, but specifically the LiveSafe App, can do, is [help investigators] go back and search that name. They can say, 'Okay, has that name ever popped up before?' And if it has, then they have all of those tips right there, available.

I would even go as far as to say that it would be a great best practice for schools and companies. If anyone ever had a name or sent in a specific name, just make it a best practice to immediately search [the LiveSafe tip dashboard].

If a victim's brain experiences trauma, it doesn't store that memory in a linear fashion. It doesn't store it

chronologically. And so a lot of times your memory might be all over the place, and so you don't want to come forward because you're afraid that if you're asked questions, you don't really know how to respond or your story might change, just because of how you're trying to recall this information.

Sometimes just having somebody else or saying, 'Hey, we have multiple people who have reported this, or reported this same person,' then it doesn't rely so much on your story and your own experience. Now you have multiple people. Maybe it doesn't even have to get to a point where you're even having to disclose or tell your story, or at least as in as much detail. I think that's a really, really huge part of being able to report and stop repeat offenders, and I love that our technology is able to help that.





Case Study: U.S. Military Academies

The U.S. Department of Defense is facing one of the biggest challenges to discipline and readiness in decades: The continued rise of sexual assault and harassment incidents at the three elite military academies – the U.S. Military Academy at West Point, the U.S. Naval Academy in Annapolis, M.D. and the U.S. Air Force Academy in Colorado Springs, CO.

The problem dates back more than 15 years, when an anonymous tip led to an investigation that revealed 12 percent of all the women who graduated from the Air Force Academy in 2003 reported being victims of rape or attempted rape. Another 70 percent of the 579 women cadets alleged they had been victims of severe sexual harassment.

The Defense Department soon responded with a department-wide policy on sexual assault response: the formation of joint task forces and training for more than 1,200 sexual assault response coordinators. But when it comes to the service academies, none of these efforts seem to have made even a dent in the problem.

According to the latest congressionally mandated anonymous survey of cadets across all three service academies, the number of unreported sexual assaults surged by nearly 50 percent – to 747 during the 2017-2018 academic year, compared to 507 during the previous year.

The number of reported cases rose by only five to 117, and included a wide range of misconduct up to and including rape.

Reporting remains the central challenge facing the military service academies when it comes to combating sexual assault. To date, the vast majority of victims have refused to make official reports because they fear reprisals from both peers and senior leaders. This significant trust deficit has been exacerbated by a relatively clumsy reporting infrastructure that lacks discretion and that rarely leads to any legal or professional consequences for the perpetrator.

Improving reporting rates, however, will require significant culture change at the academies as well as a shift in strategy, from one that focuses heavily on training, education and awareness to one that emphasizes daily prevention efforts and reporting of

destructive or precursor behaviors.

Culture Change & Trust

Sixteen percent of the women at the academies are sexually assaulted, according to the latest Pentagon survey.

"That is four times the rate of the active duty force," said Col. Don Christensen, the former chief prosecutor for the Air Force, testifying Feb. 13 at a hearing of the House Armed Services Military Personnel Subcommittee. "For men, it's 2.4 percent, that's three times the rate of the active duty force. These are sobering estimates, especially when we compare it to the active duty force," he said.

Perhaps more sobering is the sheer lack of accountability. "Accountability for perpetrators is almost nonexistent," Christensen said. "Last year only four offenders were convicted at a court martial for their offenses, and a tiny handful were discharged. This should be a wake-up call for academy leadership."

Reporting

Lack of reporting remains one of the central challenges facing the academies, a problem that is not at all different from private universities. Cadets who are victimized are afraid to come forward because of the ever-present threat of retaliation, including being kicked out of the academy. Because of the fear of retaliation and the lack of trust in their senior leaders, cadets most often file what is known as a restrictive report. A restrictive report is when a cadet seeks medical services, legal services, or counseling after an assault has taken place, but can be assured that seeking those services will not start a corresponding official criminal investigation.

A closer look at how the academies have handled reporting shows that there is good reason for cadets to feel like they can't make an anonymous report, and it has nothing to do with how the reports are handled, but rather simply the ability or inability to not be seen.

The U.S. military academy at West Point, for example, moved its sexual assault coordinator office to

a location above the dining hall. The Air Force academy established a satellite center for reporting within walking distance of the dorm rooms. After-hours reports still required a phone call.

LiveSafe's position is that there are better ways to do this. Leveraging modern mobile reporting tools that provide the option to remain anonymous can provide individuals not only with the assurance of discretion, but can be automatically routed to the appropriate victim advocacy office, or directly to the special victims counsel's office. This is an opportunity for technology to put some trust back into the reporting system.

"One of the issues that I think we have to address moving forward is the fact that there are so many restricted reports, and they're restricted because of this fear of retaliation," said Rep. Jackie Speier, Chair of the House Armed Military Personnel Subcommittee. "I think that if we get to a place where that information is shared, maybe online...so that the victim can go online, put down information about their experience, photographs if they want, identify the perpetrator, then if they see that that perpetrator is in fact responsible for conducting himself or herself in the same manner with others, they are more motivated either to come forward in an unrestricted report, and hopefully rid the military of the predator."

Precursor and Destructive Behaviors

Although training and education programs are important to reversing the trend of sexual harassment and assault, there is an indisputable, urgent need to enhance primary prevention efforts.

Those efforts must include the reporting of precursor behaviors that often lead to sexual assault. To date, the service academies have focused the vast majority of their time and effort on education, training, and awareness – an understandable approach given the age and maturity of their audience. But it hasn't worked. Sexual harassment and assault are problems that organizations cannot train their way out of, says retired navy captain, Charles Marks, the former sexual assault prevention and response officer at U.S. Fleet Forces Command in Norfolk, Virginia.

"We started out at the beginning doing awareness training. But we're at a place now where we're worried about and trying to improve the culture in the workplace – how people interact with each other every day," Marks said. "Our prevention efforts rope together substance abuse, drug and alcohol abuse, we get after domestic violence, sexual assault, sexual harassment, and we're also looking at suicide behaviors and suicide prevention."

Many of the precursor behaviors that the Navy monitors for are gender based, Marks said. "When you think about male victim sexual assault, we're very much worried about bullying, initiation rituals, and hazing. Those are the things that tend to precede the more nefarious activities associated with male victim sexual assault. For female victim sexual assault, we're really trying to counter the things that are like gender inequality, alcohol, promotion of alcohol abuse, gender inequality, sexual jokes and sexual innuendo in the workplaces," he said.

Lessons For Private Industry?

To those who think the problems with sexual harassment and destructive behaviors are worse in the military than in society at large, Marks offers a sobering assessment.

"The military is a reflection of U.S. society. The problems that we see inside of the military are reflective of what we see in society at large," he said. "There's a perception that the problems in the military are far worse than those in society when actually the opposite is true. We find that, and this is something that I think most organizations can take away from this, if you have an organization with a higher calling to which folks identify, the incident of destructive behaviors goes down pretty dramatically."

Last year, the Navy conducted nearly 600 focus groups across the service to better gauge what the issues and challenges were when it came to sexual harassment. "One thing we discovered is that across the board, regardless of rank, time in service or gender, every sailor felt that we had a problem with the way we treated each other day-to-day, meaning there was unfair treatment, use of foul language, denigrating behaviors in the workplace that do not

align with our core values," said Marks.

"What's really interesting though, is when it came to what you can do about those kind of behaviors, there's a fundamental difference between men and women," he said. "In the case of a male, they're worried about ridicule in the workplace. In the case of a female, they're worried about ending their career by speaking up. That playing field is not level."



Captain Charles Marks (USN-Ret.)

Deployment of LiveSafe

After reviewing 115 different mobile apps, the Navy selected LiveSafe and deployed the app across 11 major installations throughout Norfolk, Virginia and Rota, Spain. The content is tailored to each installation.

"Through the touch of a button, you can get hold of the duty chaplain, you can link somebody to military OneSource, which is 24/7 manned counseling service, you can link somebody to the Sexual Assault Prevention hotline, which is also manned 24/7 with clinicians," Marks said.

Improving Trust and Reporting With LiveSafe

As we learned from the military academies, technology offers a unique opportunity to introduce a new level of discretion and trust into the reporting procedures of organizations.

Deploying an effective reporting system that is easy to use, available on any smartphone and provides automated routing of anonymous reports is among the most critical components of an effective sexual harassment and sexual assault prevention program.

LiveSafe is not only fundamental to improving reporting of incidents by victims, but also empowers bystanders and witnesses to report their observations anonymously and discreetly.

The ability to remain anonymous is a critical component of successfully driving high-quality, employee-sourced intelligence. If an employee has opted to invoke anonymity, no personally Identifiable Information is passed through with the security intelligence.

Automated routing of complaints and tips is critical to ensuring reports of sexual harassment and assault are delivered to the appropriate office and authority within the organization for investigation, escalation, or response. The LiveSafe back-end infrastructure is programmed by a dedicated Global Implementation Services Team to map to existing corporate or organizational protocols.

Two-way communications also provide the added benefit of giving the victim the opportunity to seek advice or guidance during the reporting process.

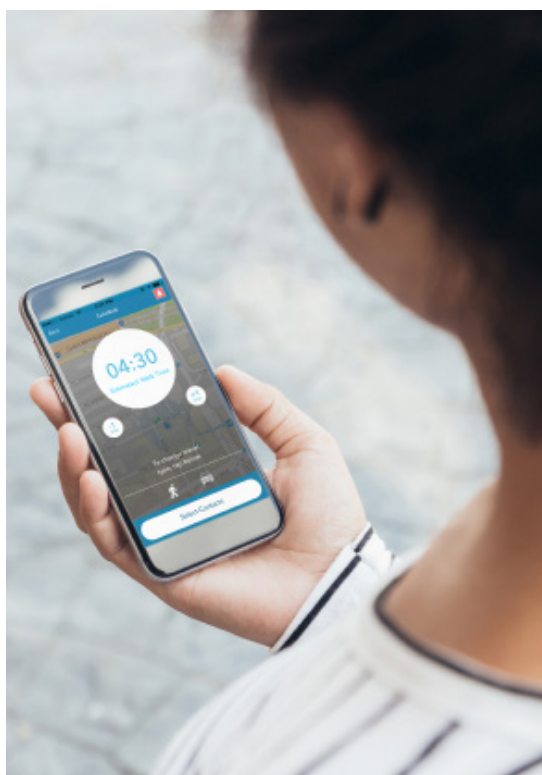
LiveSafe also ensures that employees have instant access to policies, procedures and training resources that can be referenced with or without internet access.

Of course, sexual assaults rarely take place in locations where there are witnesses. Employees or students who travel alone can be at greater risk. That's why LiveSafe developed the SafeWalk feature.

The SafeWalk feature allows employees to invite up to three people to virtually accompany them to their destination. The virtual companion(s) need not have the LiveSafe Mobile App installed.

The SafeWalk request generates an SMS with a link to watch the progress of the employee in a web browser. Both the walker and the virtual companion(s) have a panic button in case of emergency, and can chat while the SafeWalk feature is in use. Once the SafeWalk feature is concluded, location sharing ends. This feature can be used in active and standby modes, each with varying levels of alerts and information sharing. There is also a Driving Mode, which appropriately adjusts the projected arrival time.

No information about the walker's physical location or any location history is disclosed to anyone unless an emergency option has been initiated by the employee. In that urgent scenario, the employee is alerted that location sharing is starting. Having LiveSafe serve as a steward of employee privacy is critical for maintaining trust.





About LiveSafe

LiveSafe helps organizations reduce operational risk by enabling them to prevent serious safety and security incidents using insights from their people. LiveSafe's risk intelligence technology platform consists of a Smartphone App and a Command Dashboard that are designed to enhance the situation awareness of security departments by delivering reports from employees and community members related to emerging safety and security risks and other malfeasance issues – and it does so while simultaneously protecting users' privacy and confidentiality by allowing anonymous reports.

The company has the support of major business leaders and public safety and security experts, including former U.S. Homeland Security Secretary Governor Tom Ridge, former Director of the U.S. Secret Service Mark Sullivan, former NYC Police Commissioner Ray Kelly, former Boston Police Commissioner Ed Davis, and more than 300 forward-thinking enterprises, universities, and organizations, including Hearst, IAC, Cox Communications, Brookfield Properties, the Consumer Technology Association, the San Francisco 49ers, and many more.

LiveSafe can be downloaded for free from the Google Play or iTunes app stores. Follow LiveSafe on Twitter @LiveSafe, and learn more at LiveSafeMobile.com.