

Paying the Cost When It's the Boss – When the Alleged Harasser Is a Senior Executive or Other Powerful Person

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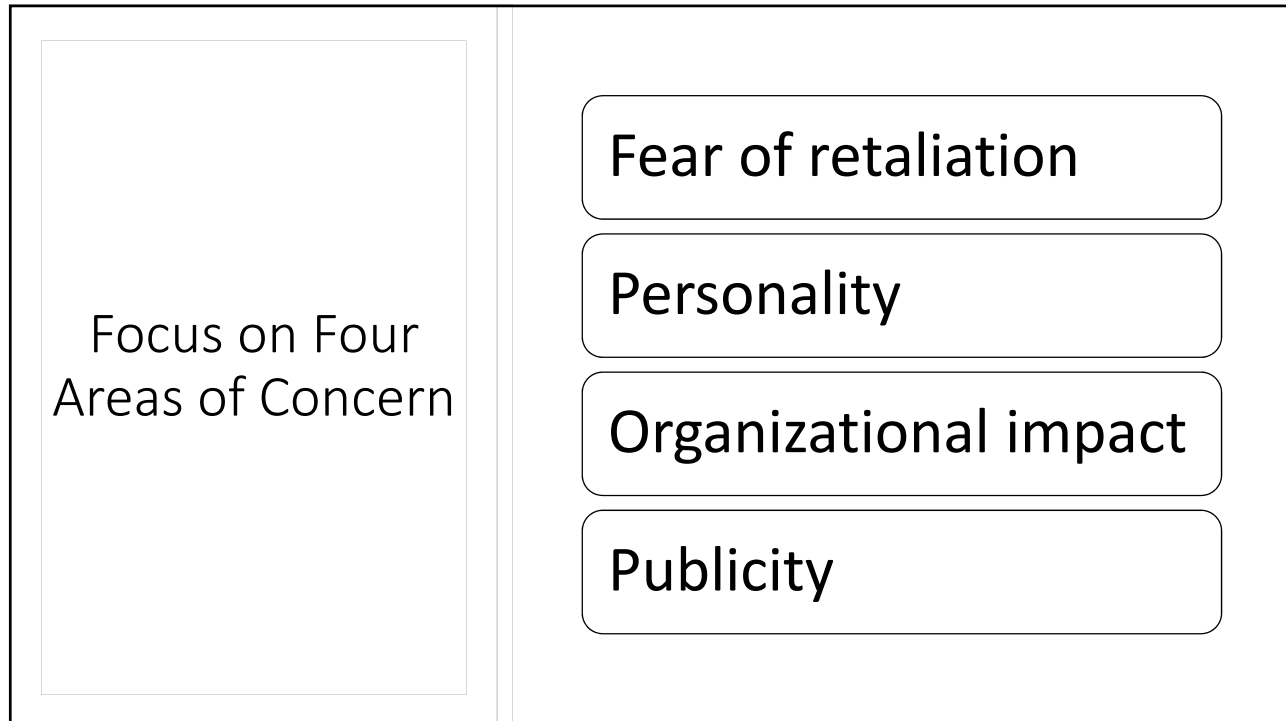
When the Alleged Harasser is a Senior
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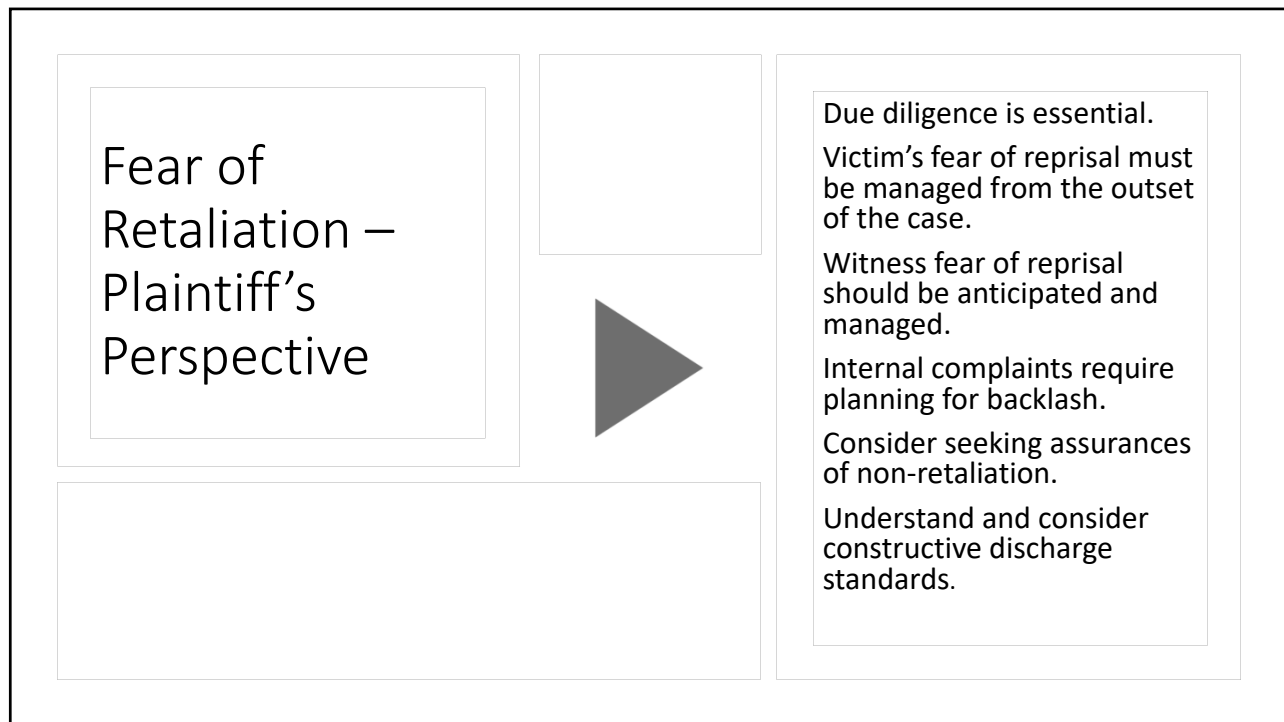
This discussion presumes a
fundamental understanding
of sexual harassment law.



The law applies regardless of
the VIP status of the
accused, but strategy, tactics
and practical considerations
may be different.

Background





Personality of the Accused Harasser

- VIPs more likely to be persuasive, confident, and charismatic.
- High stakes can create intense reaction for all sides.
- Powerful and well-known actors may be accustomed to scrutiny and controversy.

Personality of the Accused Harasser – Plaintiff's Perspective

Powerful personality may increase fear of retaliation.

Personality of the accused will affect settlement, discovery, and trial strategy.

Plaintiff's exposure to the accused should be carefully managed.

Sources of information within the organization may be biased because of accused's strong personality and visibility.

Personality of the Accused Harasser – Defense Perspective

Powerful personality may increase fear of retaliation.

Personality of the accused will affect settlement, discovery, and trial strategy.

Plaintiff's exposure to the accused should be carefully managed.

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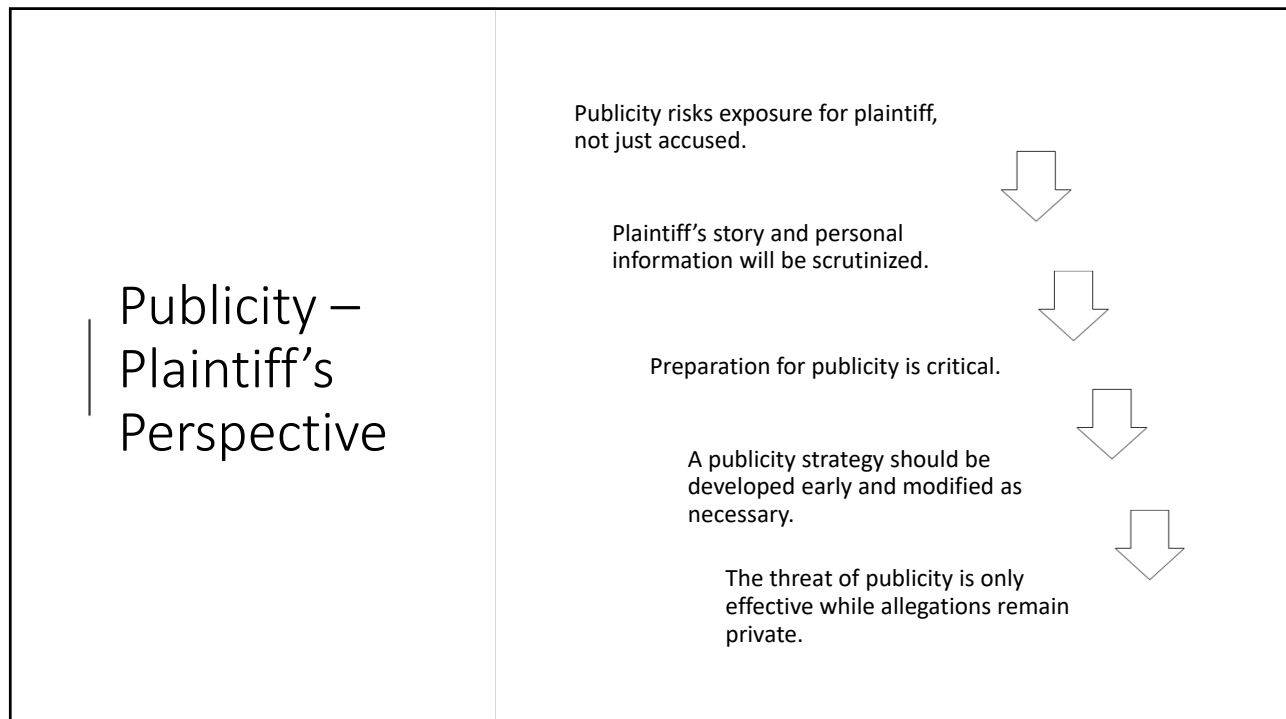
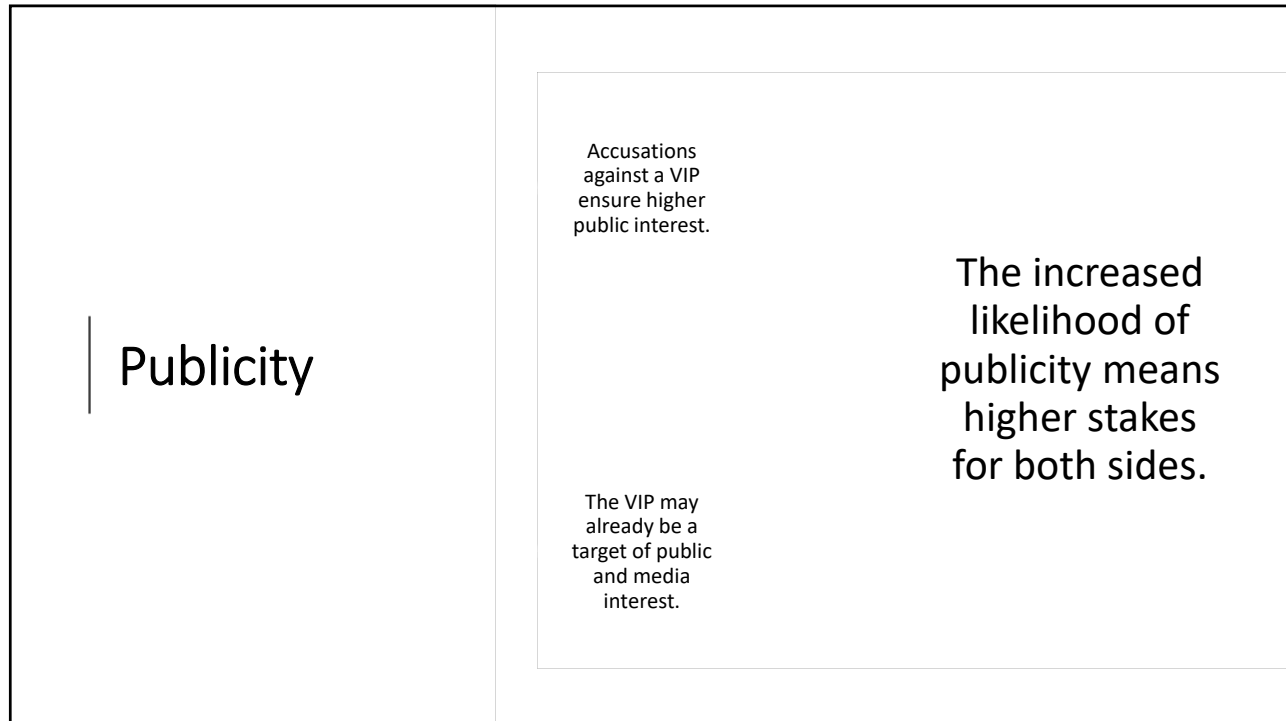
Organizational Impact When the Accused is a VIP

Plaintiff's Perspective

- Early involvement by defense counsel may occur.
- Personal counsel to VIP may impact response.
- Employer investigation/response may be more or less aggressive than usual.
- Organizational changes may occur during the case.

Defense Perspective

- Liability is more likely; more is at risk.
- Normal procedures may be more difficult for employers.
 - Nature and timing of investigation and response may be affected.
- Client management may be more difficult.



Publicity – Defense Perspective

- Adverse publicity has economic consequences.
- Publicity and public relations strategy should be developed early and modified as necessary.
- The publicity goals of the organization and the accused harasser may be different.
- The goals of public relations professionals and lawyers may be different.

Thank you!

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