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Mongiello Holdings, LLC (MH), and its DBA's is a hotelier and resort management company having a communication problem regarding newly emerging societal issues it seeks to support. The organization is 100% privately owned. The team operates and manages hotels complete with museums in them, a hospitality school, different shops, spa, and restaurants. The company is growing across three continents. As expansion continues, the organization realizes it has historically been tiny. In Washington, DC it is preparing to expand into a 150 million dollars, new tower. The proposal from investors at Atlas Bridge Capital and Global Wealth Strategies is to do this again, with towers in London, Los Angeles and beyond. The company would balloon up to several thousand employees worldwide.

The Actual Focused Problem

Almost all Department Heads, and the ownership family, at MH, have repeatedly requested we draft, develop, and communicate a position and program for the entire institution on new, controversial, emerging problems. These span supporting the TimesUp, LGBTQI movement, PTSD, Immigration, ripping down statues, Black Lives Matter, Blue Lives Matter, and MeToo movements, as well as others. Most pressing is communicating about #MeToo and TimesUp and not waiting (Fnais, et al., 2014). Like Brown (2018) mentions, as soon as the #MeToo movement triggered - a dozen Doctors on the Board of Directors triggered a Task Force in Charlotte, NC. Every department is affected including contractors asking in Washington, DC what is being done to get ahead of the problems affecting other companies who bury their heads in the sand? Moreover, to be crystal clear, while there has not been an arrest, have never conducted a single settlement, never had a lawsuit about such or police activity at all – the company here aims to keep it that way.

The omnipresent threat of not communicating about just some of the emerging issues (Jagsi, et al., 2016) demanded makes a danger from bad actors that we might hire a problem. We have identified that problem as the acts themselves (Ilies, Hauserman, Schwochau, & Stibal, 2003), failure to inform law enforcement immediately, the settlements, and gag agreements being wrong. We are in the process of hiring now and desire to get well ahead of this issue.

The real problem is communicating each new policy and program carefully to create buy-in, change agency with each culture shift, rapport building, bridge-building, and utilizing our powerful influence (as a company) for the betterment of society. Additionally, a step-by-step procedure to represent “innocent before proven guilty” is the backbone of American culture as much as directly calling the police and reporting a criminal act.

The explanation by the #TIMESUP group is, “The clock has run out on sexual assault, harassment, and inequality in the workplace. It is time to do something about it,” (Times Up, 2018). Presented is a problem of systemic disparities. The company issue is focused on this but also to stand up against many forms of a.injustice, b.filthy conduct, c.horrible acts, d.criminal activity onsite, e.safety matters, f.facing societal disgrace, g.the ruination of the company, and h.are we going to hold wrongdoers accountable? These are not simple items to communicate and market new policies with programs on. Discussing that we would be adequately reporting to law enforcement is part of the problem expressed since other companies have historically buried the problem into an HR and Legal Department to solve issues with settlements. The issues with settlement agreements are a newly emerging part of the situation just reporting data from the American Arbitration Association (AAA) and Judicial Arbitration and Mediation Services (JAMS).

Part of the problem has come from some older female job candidates communicating this is not a problem (Jagsi, 2018). However, even men (Hammond, 2017) are reporting (McDonald, 2012) and most women find it disgusting, “*unwanted touching of breasts and buttocks* (Jagsi, 2018). Other ladies mentioned by Jagsi (2018) that they use alcohol to justify having sex as a drunk episode that is excusable, and needed for advancement since all men will rape a woman. Many feel they have clawed their way to the top at companies knowing how hard they worked to get where they are today. “*If I work at this company, why is it necessary to coddle these young ladies with some new plan?*” was stated to the author. It is essential to understand that this a multi-part communication problem.

Why This is a Significant Problem

The impact on all stakeholders without a new policy issued and publicly stating, being ahead of it, is faced with the response of “the company has not had anything like that rip through so why would we say anything?” The stakeholders of the team, guests, contractors, and colleagues have looked to be guided and receive answers.

What some may not understand is that it is a problem to have not said anything at the company. Hiding or not publicly donating to this threat in business and society could be viewed as dangerous. The problem cannot continue and gets worse every day with each newly reported case in the news. It is not just about having a typical sexual harassment policy on file.

The Human Resource Department has also expressed significant concerns about being forced to deal with a more substantial workforce and no comprehensive, new, public policy. Communicating, marketing, promoting, publicizing, and advertising new policies and programs of this nature is not easy to discuss and craft. Naturally, many guest stakeholders have mentioned

they would not stay at a place that supports these issues. Meanwhile, many other guest stakeholders have indicated they would be inclined to stay with us if we do help these issues.

The threat of mistakenly hiring a person with a time bomb past that was hidden causes concern. Past modalities of handling such cases in many example companies were to call legal and seek a settlement. The company has expressed it does not want to engage in that coping mechanism, and the stakeholders of ownership prefer police investigation and immediate report. The significance of this problem is argued about between the stakeholders at the C suite level and has ended in numerous disagreements as to how to accurately approach. Communication of the problem was initially severe, with ideas, solutions, and general discussion. Lately, communication has smoothed out and is approaching the point of resolution and significant problem-solving. Although not yet achieved, the time is ripe for such to occur. Cooperation, strong team dynamics, rapport, tact, finesse, and negotiation undoubtedly will lead to communicating our support for these hot-button issues that continue to emerge.

Cultural Assessment

As an introduction and overview to reviewing the companies culture - examinations of a variety of artifacts, objects, behaviors, verbal and non-verbal expressions, town-associated status, physical location, and manuals were conducted. Interviews were conducted to judge qualitative and quantitative results. Global judging across thousands of comments, independent review bodies, and awards saw investigation as the company is written about daily by customers experiences. Daily reviews of managerial behavior, culture, look and feel, where customers enter and then post, saw examination. Close to 5,000 students graduating from the on-site school were analyzed. The assessment spanned a three-month period beginning in January 2018.

Moving into specifics, artifacts and objects inside the company photographed include military medals, models, and pictures of the White House, books, magazine subscriptions, Air Force One, Marine One, and Camp David. Among these artifacts is the “climate” of the group (Schein & Schein, 2016).

Numerous Presidential items are all around the museum and inn as well as sold in all forms in the gift shops. A sign recently erected featuring the official United States motto is now above the front doorway, In God We Trust. Presidents individual items, actual artifacts, antiques, and gifts from foundations are showcased across the property creating a Night at the Museum experience. The physical structure is colonial by design, near a historic National park from the revolutionary war (repeatedly touted), and specially chosen due to a location in a town named after the President of the United States. Team members of the White House Military Office and civilian staff exhibit as, “a collective group that shares a unique identity,” (McGurk, Cotting, Britt & Adler, 2006).

Espoused Values and Beliefs

The military uses language in a distinct way (Adler & Sowden, 2018). The culture of so many active duty, former and retired veterans links with what they espouse to become and how they talk, write, and think of the company about protecting military or civilian ladies. Recorded were words like Zena, hero, heroine, Amelia Earhart, Linda Carter, Wonder Woman, Chrissy Metz, Florence Kasumba, Ann Wolfe, Artemis, Rhonda Rousey, Dr. Ruth Westheimer, and Gal Gadot. Statements and emails are linked to primary values of honor, courage, and commitment in that they idolize warriors like Wonder Woman. Especially issues regarding women in society,

women in the workforce, and women in the military since Wonder Woman is a warrior, not a soldier (Baker, 2018). These values and beliefs impact the problem.

Prevention and cessation of injustice, fraud, and falsehood are powerfully evident as vital motivating drivers to actively engage the company in society as a public, prolific, visible force. Impacting their thinking in attempting to communicate with the company is also how to communicate supportive positions to the public.

The link here is after communication on a highly contentious societal issue, what is the position now going to be? Moreover, how will such be broadcast via speaking, making posters, or filming for the public to know? Cases in point have been marketable statements on BLM, PTSD, LGBTQTI, TimesUp, and MeToo.

Working with media like the Washington Post, in the past, Hoge et al. (2016) states this has ultimately led to the resignation of an Army Surgeon General. The links for values, beliefs, and action - to results, are highly desired.

Hidden Assumptions Related to the Problem

Hidden assumptions were rooted out as they relate to judging styled behavior with a compelling desire to expose fraud. These intermingle with self-reliance and take for granted that all privately owned companies will be successful, not face problems if actively engaged in meaningful life work, and can continue to act helpfully. What appears to hide under the surface of their mind is that they appoint themselves to unselfishly take the lead in the human race to right wrongs and stand up for others. It is rumored by team members that businesses are now

more powerful, and honorable, than governments and the media. So taking charge is what citizens expect.

The owners assume much of the many component corporations and call themselves Vetpreneurs. They also guess that people read their glossy magazine named Vetpreneur with the same enthusiasm. The assumption in the workforce may not be so.

“Self-employed veterans did not experience higher rates of current or lifetime psychopathology or lower perceived quality of life. Potential protective resilience-promoting factors may be associated with the higher levels of openness, extraversion, optimism, achievement-orientation (purpose in life), and greater need for autonomy and professional development observed among self-employed veterans. Moreover, self-employed veterans demonstrated higher levels of gratitude, community integration, and altruistic service to others,” (Heinz, Freeman, Harpaz-Rotem, Pietrzak, 2017).

Theory

A dominant military, veteran, White House service, highly authoritative ethos and philosophy were noted founded on integrity, truth, honor, duty, nation, values, and principles. Continued conduct associated with fidelity, community involvement, zeal, and obedience will cause strong views of supporting societal issues with policy papers and programs.

Communication of such desires internally, to formulate the ultimate message externally, confusingly makes this a two-step communication problem. Adding in a requested need to broadcast support across the news for deeply troubling societal issues is difficult to discuss, engage in, and effectuate.

Proposed Cultural Change Solutions

Several solutions have been developed reaching all five stakeholders previously mentioned of team members working daily, guests visiting the museums or staying in the hotel, contractors, colleagues working on site, and the public.

Training and policy outline is ending settlements related to criminal acts. To communicate efficiently and reach each group it is understood they most commonly would experience criminal behavior related to sexual conduct from a working relationship, at company-sponsored business and social events, or while at work. Criminal behavior, or acts, cannot be judged and reviewed only by the HR Department, Employment Attorney experts, or general counsel. These acts, when reported cannot be quieted and must be forwarded to law enforcement authorities to investigate. Therefore, a joint task force should be made up of all departments examining federal and state laws. The review must include the California Code of Civil Procedure stating “a confidential settlement agreement is prohibited in any civil action the factual foundation for which establishes a cause of action for civil damages for an act that may be prosecuted as a felony sex offense.” One representative from each department will be mandatory with legal oversight coming from the HR department, employment attorney, and general counsel. Current legislation is being pushed to exclude criminal sexual conduct from being allowed to have a settlement. The new policy for the company will state that criminal conduct must be reported to law enforcement authorities when any leader, manager, or HR becomes aware of it (Fusilier, 2015). Settlements cannot be advocated or tolerated for sexual crimes committed until a jury has issued its decision. It is important to recognize that not all

victims emotionally want the injury of what happened released to the world. However, to prevent serial rapists and repeat criminal sexual acts, it is our policy to report to law enforcement.

The task force will assign a joint training team equally made up of men and women to teach around the issue in sessions until all team members have signed a paper recognizing the new policy. Teachings will include that any person could also become an accomplice in a criminal or civil investigation for failing to abide by the policy or law, and report an act. In the case of a criminal act, such employee failing to report could themselves become very endangered. Lawsuits against an employee brought by the company will be paramount in teaching for hiding, squelching, retaliating, or failing to report. "Tailhook," behaviors (Schultz, 1998) before, during, and after - are reprehensible. The hiding of criminal sex acts, pervasive behavior, and sexual harassment with settlements will not be allowed nor tolerated.

The task force will recognize the TimesUp and #MeToo are the most pressing issues and then move on to communicating support, reviewing policy changes, and follow suit regarding other societal issues previously mentioned. As new ones emerge, the culture at work will evolve with a collaborative structure to interact and solve issues. The task force will not be disbanded and should meet quarterly. All suggestions by any stakeholder considered shall advance to the meeting and in no case will any departmental representative be allowed not to submit a suggestion. Suggestions can also be forwarded by any stakeholder to any manager, or leader, from any department.

Improving the culture as we have had specific requests to continue donating publicly as a company to TimesUp, which we have. Our culture further desires to publicly be known for

supporting specific movements. A specified policy also communicates our position succinctly to all stakeholders as it is on our website.

Legal indoctrination sheet during onboarding and for contractors. During onboarding, a new policy and procedure paper are ready for signature. Reading and review of this occur with all team members and contractors as stakeholders. We cannot reasonably ask guest stakeholders of our hotels to sign this paper. The program change will benefit our culture by protecting our good and kind staff and prosecuting any bad actors, bad guests, or bad contractors. The HR Department, employment attorneys, and general counsel will develop and administer this indoctrination sheet. The policy pops up for signature in the digital onboarding process.

Undoubtedly communicating to new employees, and in contracts for contractor workers, will be our position and culture.

Signs made and placed in plain, public view. These signs will benefit all stakeholders including hard to reach ones like guests, and contractors. Our leading female attorney colleagues, think this will reinforce the corporate stance of respect, reporting, investigation, and if awarded, punishment and incarceration. Benefitting the workforce by sending bad actors away from even wanting to apply is precisely the message we want to send. Work somewhere else if a person is a predator, disgusting, unable to control their bodice, or are a serial rapist. These signs designed by Mongiello Associates Strategic Marketing will be hung up by the administrative department. Future copies to be made and displayed will continue to the responsibility of these two entities working together.

Video ads created about the new program. Videos made and supported, with paid advertising campaigns, will help all stakeholders to know our policy and support of society. These would cover any number of issues mentioned, or that evolve. Our culture demands that we take our place in the business world. The filming and editing by Mongiello Associates Strategic Marketing shall occur with ad buy across social media avenues. Print ads in newspapers will direct readers of paper to the video ads online. Portions of cases will appear in cases to ensure people understand the nature of what occurs. Although it is not commonly accepted (generally inappropriate conduct and not unbiased) to use a newspaper source in academic writing, the following are closed cases, and in some, confidential sources remain protected by the editor. As this is a legal quandary to comply with academic standards, the author attempts to risk grading awaiting further publishing of peer-reviewed journals. Continuing to encounter people who do not believe there is any need for this proposed program affords review of these cases:

Ani Chopourian vs. Catholic Healthcare West (2012). “A federal jury in California awarded Chopourian \$168 million, potentially the largest judgment in U.S. history for a single victim of workplace sexual harassment. The award capped a trial in which the former physician assistant at Mercy General Hospital in Sacramento alleged she filed multiple complaints to no avail during her two-year tenure. The complaints included an allegation that one surgeon would greet her each morning by saying, "I'm horny," and then slap her bottom, the Los Angeles Times reported. After attorneys on both sides submitted legal arguments about the award, the judge in the case decreased the total to \$82,230,484. But the judge later vacated the award because attorneys reached a negotiated settlement, court records show,” (USA Today, 2017).

Ashley Alford vs. Aaron's Rents (2011). “Alford was an Illinois employee at Aaron's Rents, a lease-to-own retail chain that offers furniture and other home furnishings. She won a \$95 million federal court verdict in an Equal Employment Opportunity Commission case in which she charged she had been sexually harassed and assaulted by Richard Moore, a manager at her workplace. Despite her repeated complaints, the company did little until Moore attacked her, yanked up her shirt and then masturbated, ejaculating on her, Alford alleged. The jury verdict was later reduced to \$41.3 million because of a cap on federal damages. Aaron's Rents moved to either reconsider the verdict or order a new trial. Court records show attorneys in the case subsequently reached an out-of-court settlement. The agreement totaled \$6 million, according to several media accounts,” (USA Today, 2017).

Conclusion

Short-circuiting serial rapists, sexual predators, and filthy-minded employees from ever working for our companies are of paramount importance as we expand. Heading them off at the pass is critical. In most cases, the perpetrator believes work is an excellent place to physically touch, rape, or assault others. The offender's trend towards counting on settlements and payoffs to allow repeat rapes continued sexual crimes, and up to 50 years of unlawful activity.

Leading to our desire, as a team, was to join stars and musicians by financially, morally, publicly, and openly communicating our support for emerging societal issues. Having had some success previously with some various matters, we focused our efforts on the TimesUp and #MeToo movements.

Analyzing the data of settlements and forced arbitration agreements from AAA and JAMS showcased across the USA how repeat offenders in companies continue to get away with rapes, touching, feeling, and committing criminal acts over an extended, undetected period. To prevent that, we have developed a “report to law enforcement authorities immediately,” policy, poster, and public communication program.

Disclaimer and Warning

Information in this paper cannot come as advice given and relied upon for a particular situation as legal counsel, or legal decision making, without having the advice of qualified and long-standing, senior counsel. Especially as they relate to protections regarding the admissibility of settlement communications and the Rules of Evidence under Federal and North Carolina law, including Rule 408. Be extremely careful as many of the protections do not guard plaintiff or client at all from discovery and many additional loopholes. Do not rely solely on the quotes, references, and reports made herein without consulting and discussing the report with attorneys.

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