

TAXONOMY & TRANSPARENCY WORKSHOP UPDATE: THE IMPORTANCE OF CONSISTENT APPLICATION AND CLASSIFICATION JUNE 2019

Threats of sexual harassment, sexual misconduct, and sexual assault influence the daily choices of people around the world. Understanding the impact of these threats is important to the well-being of any company, and critical for any company that wants to develop an effective response.

To help achieve transparency and consistency in corporate reporting processes, in late 2017 the National Sexual Violence Resource Center (NSVRC) and researchers from the Urban Institute worked with Uber Technologies (Uber) to develop a sexual misconduct and violence taxonomy to consistently classify these types of incidents (Sniffen, Durnan, & Zweig, 2018).

The taxonomy is a unique example of a categorization system designed for incidents of sexual harassment, sexual misconduct, and sexual assault for a customerservice purpose, using current best practices in sexual violence research. In 2018, a report was published detailing the <u>taxonomy and the process</u> of its development (Sniffen, Durnan, & Zweig, 2018). This document is a follow-up to a Taxonomy & Transparency Workshop hosted in early 2019, in San Francisco, California, by Uber for representatives of a variety of companies.

NSVRC is sharing this information to impart lessons learned by Uber from implementing the taxonomy. It includes two parts that are necessary for implementing the taxonomy in a corporate context at scale:

- Why a scaled classification audit function is crucial to ensuring accurate, repeatable external reporting of safety incident data based on strong internal alignment on the definition of taxonomy terms.
- Training examples similar to those in use by Uber teams to classify incidents based on the sexual misconduct and violence taxonomy, and the importance of auditing safety incident data to ensure accurate, repeatable reporting.

The sexual misconduct and violence taxonomy is a free, open-source product developed by NSVRC in collaboration with the Urban Institute and with support from Uber. We are committed to supporting the implementation, use, and ongoing development of the taxonomy by any organization that may benefit from it. To learn more about the taxonomy and how NSVRC can help your organization use it effectively, please email us at taxonomy@nsvrc.org or visit nsvrc.org/CTRP.

PART 1: PUTTING QUALITY FIRST WITH CLASSIFICATION AUDITS

Establishing a rigorous audit function when it comes to safety data - in this context, how the sexual misconduct and violence taxonomy is applied **should be an integral part of any external incident reporting process.** It ensures consistent taxonomy application, and more importantly, accurate data for reporting and business decision making.

Why is auditing safety data so important?

While strong and consistent agent training is fundamental to accurate classification, so too is the recognition that not every classification will be correct the first time when multiple parties and reports are involved.

Without rigorous auditing through a specialized team, you can run the risk of over or under reporting your critical safety incidents to the public, and lose the ability to see trends in time-series data.

In Uber's case, after implementation of the new taxonomy, there were understandable alignment issues across frontline agents in adjusting to the new classification system, resulting in unreliable initial results. The audit function was critical to ensure both accuracy through a second check and an expert re-classification of existing data.

Furthermore, **frontline agents' first priority is customer experience.** Their focus is collecting relevant facts in an empathetic manner during or immediately after critical safety incidents. They should not necessarily be held responsible for the precise classification of incidents for reporting.

It is much more realistic to align a smaller group of data auditors whose sole job is to ensure the quality of data and the alignment with the proposed taxonomy, versus the virtually impossible task of assigning the task to a larger group of frontline agents, whose primary responsibility lies in high-quality response and resolution.

How large does an audit function need to be?

An audit process should be built into your taxonomy implementation plan, and most importantly, <u>scaled</u> to match the size of your operation and anticipated level of reports. At the end of the day, an audit of any scale is better for business outcomes and data reliability than no audit whatsoever.

For example, you might start with a small group of experts (forming your source of truth) who perform this function until you are ready and/ or have the business need to implement a dedicated team. Alternatively, you could assign one to two agents audit responsibilities and provide them with a higher level of training.

PART 2: UNDERSTANDING QUALIFYING AND NON-QUALIFYING EXAMPLES

The NSVRC-published <u>Helping Industries to Classify</u> <u>Reports of Sexual Harassment, Sexual Misconduct,</u> <u>and Sexual Assault</u> provides details of the behaviorbased definitions Uber uses for each category and sub-category covered by the taxonomy (see Appendix B) (Sniffen et al., 2018).

In that guide, Appendix D on page 51 also provides more details on how this definition is broken up for those classifying reports in internal knowledge bases, with both qualifying and non-qualifying examples, as well as justifications of the qualifications (Sniffen et al., 2018).

For the purposes of this handout, we have generalized and provided examples of qualifying and non-qualifying examples in use by Uber to give more insight into how we have applied the definitions developed in tandem with NSVRC.

a. Sexual Misconduct

Definition: Non-physical conduct (verbal or staring) of a sexual nature that is without consent or has the effect of threatening or intimidating a user against whom such conduct is directed. This includes explicit or non-explicit verbal comments (or non-verbal, non-physical) such as flirting, personal comments on appearance, and inquiries on relationship status. Catcalling (shouting, yelling, whistling) is also defined as sexual misconduct.

Note: Any sexual conduct that involves physical contact is upgraded to sexual assault.

Staring or Leering

Definition: Someone gazes at a user in an unpleasant, uncomfortable, prolonged, or sexual manner. Staring or leering is constant and unwavering. This includes viewing both sexual and non-sexual body parts.

Qualifying Example	Non-Qualifying Example
"As I was getting out of the car I caught him clearly staring at my butt and he gave me this creepy smile!"	"The customer just kept staring at her phone and wouldn't listen to anything I was telling her. Really rude woman."
Any constant and unwavering gaze should be categorized as staring or leering.	In order to qualify as staring or leering, one person must be gazing at another person in an unpleasant and/or sexual manner.

Comments or Gestures > Asking Personal Questions

Definition: Someone asks specific, probing, and personal questions of the user. This would include questions about the user's personal life, home address, contact information (e.g. phone, email, social media), or romantic or sexual preferences.

Qualifying Example	Non-Qualifying Example
"The guest asked if I liked girls or guys. She was drunk but this was absolutely inappropriate."	"The owner of the house asked me what I was doing in town. He gave suggestions of what to do!"
These questions are specific and probing so they should be classified in this category.	Asking questions or starting a conversation about common topics such as sports, music, politics, etc. could result in some debate or even arguments. However, these questions are not probing or uncommon.

Comments or Gestures > Comments About Appearance

Definition: Someone makes uncomfortable comments on the user's appearance. This includes both disparaging and complimentary comments.

Qualifying Example	Non-Qualifying Example
"The vendor kept remarking on how hot I was and how buff I looked. It made me really uncomfortable." Making comments about a user's physical attractiveness clearly qualifies as a comment about appearance.	"The customer kept saying he loved my personality and would take me out for drinks." Commenting on a user's personality, sense of humor, etc. has nothing to do with their appearance and/or physical attractiveness. This should be classified as: Comments or Gestures > Flirting

Comments or Gestures > Flirting

Definition: Someone makes verbally suggestive comments to the user about engaging in romantic or non-romantic activities. This also includes non-verbal, suggestive flirting, including becoming physically close to a person in a way the user felt was sexual or flirtatious.

Qualifying Example	Non-Qualifying Example
"He asked if I was single and I said yes. Then he kept inching closer to me and telling me that he's in an open marriage and how he'd really like to get to know me more. I told him he was making me uncomfortable and he stopped."	"The owner said I looked like I was chilly and turned on the heat. I thought that was really thoughtful."
Making suggestive comments about romantic activities or non-romantic activities meets the definition of flirting.	Comments about how someone appears can be associated with environmental factors such as temperature or mood, and are not intended to be disparaging or complimentary.

Comments or Gestures > Explicit Gestures

Definition: Someone made sexually suggestive gestures at the user.

Qualifying Example	Non-Qualifying Example
"The customer kept licking his lips suggestively at me and I could see him in the rear view mirror. Made me uncomfortable."	"This customer made a hand job motion toward me and asked how much I would charge."
The gesture described here is sexual in nature.	This should be classified as: Soliciting a Sexual Act



Comments or Gestures > Explicit Comments

Definition: Someone described or represented sexual activity or body parts in a graphic fashion.

Qualifying Example	Non-Qualifying Example
"Two customers were drunk and talking about a woman both of them 'f***ed' and talking about how they think her breasts were fake. I thought it was really disrespectful and crude."	"The employee told me I had pretty eyes made me uncomfortable."
Two users having graphic conversations about sexual activity should be classified as explicit comments even if those comments do not mention or include the reporting party.	This should be classified as: Comments or Gestures > Comments About Appearance.

Displaying Indecent Material

Definition: Indecent material, including pornography or other sexual images, was seen by the user.

Qualifying Example	Non-Qualifying Example
"Guy I shared a room with was watching porn on his tablet. He had headphones on, but he didn't even try to hide the screen!"	"The venue was playing music with curse words. I really don't think you should be playing that kind of stuff in public." Listening to music with sexually explicit and/or vulgar lyrics could make users feel uncomfortable but is not the same as displaying pornographic material.

Indecent Photographing/Videography Without Consent

Definition: Someone has taken, without consent, an inappropriate photograph of a user's sexual body part (e.g. down shirt, up skirt, etc.).

Qualifying Example	Non-Qualifying Example
"I found a camera in the bathroom stall and it appears to be on and filming me!"	"The customers kept taking selfies with other guests and the other guests seemed rather annoyed."
Using a device to photograph or attempt to photograph a user's genitalia and or sexual body part(s) is clearly a report of indecent photographing without consent.	Although the behavior made the other guests annoyed, there is nothing to suggest that the customers were attempting to take photographs which were inappropriate and/or sexually explicit.

Soliciting Sexual Act(s)

Definition: Someone either directly asks for a kiss, displays of nudity, sex, or contact with a sexual body part (breast, buttock, genitals). This could be a direct solicitation or a solicitation in exchange for money or favors.

Qualifying Example	Non-Qualifying Example
"This guy tried to get my girlfriend to suck his d*** in exchange for pot."	"He was hitting on me and my friend the entire ride! Not <i>ok!</i> "
Offering cash or goods in exchange for sexual favors and/or implied sexual favors qualifies as soliciting sexual contact.	This should be classified as: Comments or Gestures > Flirting

Masturbation/Indecent Exposure

Definition: Someone has exposed genitalia and/or is engaging in sexual acts in presence of a user. This excludes public urination where no sexual body part (buttock, penis, breast) was exposed.

Qualifying Example	Non-Qualifying Example
"This girl was going down on her boyfriend in the presence of other customers."	"These two customers were making out in the presence of other customers." This would not be classified as Masturbation/Indecent Exposure, as no genitalia was exposed, and kissing is not classified as masturbation or as a sexual act.

Verbal Threat of Sexual Assault

Definition: Someone directed verbal explicit/direct threats of sexual violence at a user.

Qualifying Example	Non-Qualifying Example
"He yelled at me and told me if I didn't accept his credit card he was going to get his boys	"The employee called me a bitch because I asked for a refund."
to rape me. I was terrified and kicked him out."	Report does not include a direct threat of sexual violence.

Sexual Assault Sub-Categories

b. Sexual Assault

Definition: Physical or attempted physical conduct that is reported to be sexual in nature and without the consent of the user.

Note:

- Sexual body parts are defined as the mouth, female breasts, buttocks, or genitalia. The phrase "between the legs" is considered to reference a sexual body part. All other body parts are characterized as non-sexual.
- 2. When only a non-sexual body part is involved, either of the following provides context for the 'sexual nature' of the contact/attempted contact:
 - a. Sexual misconduct of any type
 - b. Reporter's explicit perception that the contact was either flirtatious, romantic, or sexual

Attempted Touching:	Attempted Touching: Non-Sexual Body Part	
Definition: Someone attempted to touch, but did not come into contact with, a non-sexual body part (hand, leg, thigh) of the user and the user perceived the attempt to be sexual.		
Qualifying Example	Non-Qualifying Example	
"When we got to my house, he tried to grab my knee. Thankfully I was able to move it away and get out of the car. What a creep!"	"My friend was super drunk and the driver offered to help her out of our car. She was really nice and caring."	
Attempting to touch a user's knee without making contact is clearly an attempt to make contact with a non-sexual body part.	Based on this information, we cannot conclude the contact was sexual in nature, meaning this should not be categorized as a Sexual Assault.	

Attempted Kissing: Non-Sexual Body Part

Definition: Someone attempted to kiss, lick, or bite, but did not come into contact with, a non-sexual body part (hand, leg, thigh) of the user and the user perceived the attempt to be sexual.

Qualifying Example	Non-Qualifying Example
"He tried to kiss my hand while he told me I was too beautiful to be single."	"Grabbed me by the neck and tried to kiss me."
Attempting to kiss a user's hand without making contact is clearly an attempt to kiss a non-sexual body part.	This should be escalated to: Non-Consensual Touching: Non-Sexual Body Part.



Attempted Touching: Sexual Body Part	
Definition: Someone attempted to touch, but did not come into contact with, a sexual body part of the user, and the user perceived the attempt to be sexual.	
Qualifying Example	Non-Qualifying Example
"This other guest was really flirty the whole time, which was fine, until she tried to grab my breast."	"She tried to touch my hair to ask if it was real! This was very inappropriate."
As a result of the intended action not occurring, this categorization is correct.	This should be classified as: Attempted Touching: Non-Sexual Body Part.

Attempted Kissing: Sexual Body Part

Definition: Someone attempted to kiss, lick, or bite, but did not come into contact with, a sexual body part of the user, and the user perceived the attempt to be sexual.

Qualifying Example	Non-Qualifying Example
"He tried to kiss me goodnight. Idk why he	
would EVER try such a thing?!"	"This very drunk customer offered
	me a \$100 tip to suck his d***."
Any attempt by one user to kiss, lick, or otherwise	
put their mouth on or around another user's mouth	This should be classified as: Soliciting a Sexual Act.
is clearly an attempt to kiss a sexual body part.	

Non-Consensual Touching: Non-Sexual Body Part

Definition: Without explicit consent from the user, someone touched or forced a touch on a non-sexual body part (hand, leg, thigh) of the user.

Qualifying Example	Non-Qualifying Example
"The female customer kept touching my hat and neck and being really flirty with me. What should I do?"	"This car is WAY too small. We were cramped and I had absolutely zero leg room, squished up against another person. It was so uncomfortable."
The report details a touch to a non-sexual body part.	'Uncomfortable' potentially signifies the user perceiving behavior to be sexual in nature, but not in and of itself. In this case, the user is likely uncomfortable based on the seating capacity.

Non-Consensual Kissin	g: Non-Sexual Body Part
Definition: Without consent from the user, someone kissed, licked, or bit or forced a kiss, lick, or bite on a non-sexual body part (hand, leg, thigh) of the user.	
Qualifying Example	Non-Qualifying Example
"They got really, really drunk and leaned over and licked my cheek. I think they were trying to kiss me on the mouth but missed." The cheek is considered a non-sexual body part.	"When the host was leaving he blew me a kiss." Blowing a kiss is not the same as kissing someone and it does not target any particular body part, sexual or otherwise. This report should be classified as

Attempted Non-Consensual Sexual Penetration

Definition: Without explicit consent from a user, someone attempted to penetrate the vagina or anus of a user with any body part or object. Any attempted removal of another person's clothing to attempt to access a sexual body part will be classified as 'Attempted Non-Consensual Sexual Penetration.' This also includes attempted penetration of the user's mouth with a sexual organ or sexual body part; however, it excludes kissing with tongue or attempts to kiss with tongue.

Qualifying Example	Non-Qualifying Example
"He asked for a hug before he left. I thought it was creepy, but wanted him to leave so I reluctantly hugged him. That's when he unhooked my bra and tried to take off my shirt."	"My friend was passed out drunk when I stepped away for a minute to pay the cashier. I came back and saw another guest petting her hair and asking her out!! I don't know what would have happened if I hadn't come back in time."
Reported by a female. Removal of clothing was described to access a sexual body part, with the female breast qualifying as a sexual body part.	This should be classified as: Non-Consensual Touching: Non-Sexual Body Part.

Non-Consensual Touching: Sexual Body Part

Definition: Without explicit consent from the user, someone touched or forced a touch on any sexual body part of the user.

Qualifying Example	Non-Qualifying Example
"He reached up my skirt and pressed his hand on my	"Tried to grab my boob!"
private parts. I was terrified and screamed."	This should be classified as: Attempted
<i>Genitalia is considered a sexual body part</i> .	Touching: Sexual Body Part.



Non-Consensual Sexual Penetration

Definition: Without explicit consent from a user, someone penetrated, no matter how slight, the vagina or anus of a user with any body part or object. This includes penetration of the user's mouth with a sexual organ or sexual body part. This excludes kissing with tongue.

Qualifying Example	Non-Qualifying Example
"I fell asleep and he stuck his penis into my mouth." The mouth is penetrated by a sexual organ, so this categorization is correct.	"The owner was much bigger than me and extremely aggressive. He started rubbing my shoulders and grabbed my breasts. I felt so violated. I felt raped." <i>This report should be classified as:</i> Non-Consensual Touching: Sexual Body Part.

Non-Consensual Kissing: Sexual Body Part	
Definition: Without consent from the user, someone kissed or forced a kiss on a sexual body part of the user. This would include kissing on the lips or kissing while using tongue.	
Qualifying Example	Non-Qualifying Example
"My friend used your service last night and just called and told me she blacked out and woke up in one of your employee's homes with him licking her breasts."	"The two customers were caught having sex in the public bathroom."
Licking, along with biting, are both acts similar to kissing and should thusly be categorized as such.	This should be classified as: Masturbation/Indecent Exposure.

c. Clarifying Consent

A common concept arising across definitions in the taxonomy is that of 'consent.' To that end, the following clarifying note was developed in conjunction with the taxonomy development.

Consent: What it is and isn't

Consent means granting permission for something to happen or agreeing to do something. People often think consent is only important when it comes to sex. Really, consent is about always choosing to respect personal boundaries (NSVRC, 2019).

When something is consensual, whether it's a hug or sex, it means everyone involved has agreed to what they are doing and has given their permission. Nonconsensual sexual behavior, or sex without someone's agreement or permission, is sexual assault. Some important things to know about consent:

- Only yes means yes. Consent is not the absence of a no. It is the presence of a clear, affirmative, expression of interest, desire, and wants. The exchange of consent involves all parties. Each person sets their boundaries or shares their desires. Consent is respectful, mutual decision-making (NSVRC, 2019).
- Drugs and alcohol impact decision-making and blur consent. When drugs and alcohol are involved, clear consent cannot be obtained. An intoxicated person cannot give consent (NSVRC, 2012).
- **Consent needs to be clear.** "Consent is more than not hearing the word "no." A [person] saying nothing is



not the same as that person saying "yes." Don't rely on body language, past sexual interactions, or any other nonverbal cues. Never assume you have consent. Always be sure you have consent by asking" (NSVRC, 2012, p. 1).

• **Consent is specific.** "Just because someone consents to one set of actions and activities does not mean consent has been given for other sexual acts. Similarly, if a [person] has given consent to sexual activity in the past, this does not apply to current or future interactions. Consent can initially be given and later be withdrawn" (NSVRC, 2012, p. 1).

d. Additional Resources

National Sexual Violence Resource Center <u>https://www.nsvrc.org</u>

Taxonomy Resources https://www.nsvrc.org/taxonomy

Urban Institute https://www.urban.org

REFERENCES

National Sexual Violence Resource Center. (2012). It's time...to talk about consent. Retrieved from https://www.nsvrc.org/publications/its-time-talk-aboutconsent

National Sexual Violence Resource Center. (2019). *I ask for consent*. Retrieved from <u>https://www.nsvrc.org/i-ask-consent</u>

Sniffen, C., Durnan, J., & Zweig, J. (2018). *Helping industries to classify reports of sexual harassment, sexual misconduct, and sexual assault.* Available from National Sexual Violence Resource Center: <u>https://www.nsvrc.org/helping-industries-classify-</u> <u>reports</u>







NSVRC and Urban: How We Work Together

Transforming evidence-based research into actionable guidance for changemakers

Recognizing that sexual harassment, sexual misconduct, and sexual assault are among the defining issues of our time, National Sexual Violence Resource Center and the Urban Institute are working together to empower decision makers with the information they need to make smarter, more effective choices in their policy and practice.

NSVRC and the Urban Institute are a proven team of experts that have collaborated on projects for more than 15 years. Combining the rigorous, independent research from the Urban Institute with the leadership NSVRC has taken around issues of sexual violence, we're able to transform evidence-based research into actionable guidance for changemakers in this space.

Collaborative Project Examples

How state prisons are implementing the Prison Rape Elimination Act requirements

 One year after the passage of the Prison Rape Elimination Act of 2003, Urban conducted a review of how state prisons were addressing sexual violence for both staff and those who are incarcerated.
NSVRC guided data collection efforts to ensure that all relevant intervention and prevention efforts could be identified, and how best to report findings to be useful to the field.

How businesses can use data to address the impact of sexual violence on their work

- NSVRC and Urban partnered with Uber to develop a new, evidence-based taxonomy that will help collect and categorize information on sexual harassment, sexual misconduct, and sexual assault experiences that occur on the Uber platform.
- Information collected through this taxonomy can be shared in a transparency report.
- We hope to encourage and empower other companies to follow an evidence-based approach to better understand the scope of these issues and minimize experiences of sexual violence across their platforms.
 - "Uber partnered with the National Resource Center and Urban Institute because of their expertise in preventing sexual violence and reputation for rigorous research methodology. Together we created a first-of-its-kind taxonomy to allow companies like ours to consistently categorize and count sexual misconduct and sexual assault reports. This framework is a major step forward that will help companies better respond to and develop best practices to prevent sexual violence."

-TONY WEST, Chief Legal Officer at Uber

How states comply with Violence Against Women Act requirements

- Each state identifies a designated payer of sexual assault medical forensic exams so that survivors are able to access exams without being billed and without being required to report their assault to police. Urban conducted the first ever national review of state payment practices and NSVRC provided guidance and insight on how best to collect and report on this information to ensure actionable results for state policymakers and local communities.
- We provided evidence-based direction on exam payment, drawing on survivors' experiences as one focus of the guidance.
 - "Combining the unbiased rigor that the Urban Institute is known for with the victim-centered policy perspective of NSVRC resulted in work that made incredible strides around understanding how the country pays for sexual assault medical forensic exams without charging victims. This partnership increased my confidence that this project would be done well, with an eye toward learning what is really happening across the country on this critical issue."
 - -BETHANY BACKES, Director of Research and Evaluation, UT-Austin Institute on Domestic Violence & Sexual Assault; former Social Science Analyst at the National Institute of Justice

About the Organizations

National Sexual Violence Violence Resource Center

The National Sexual Violence Resource Center (NSVRC) is the leading nonprofit in providing information and tools to prevent and respond to sexual violence. NSVRC translates research and trends into best practices that help individuals, communities, and service providers achieve real and lasting change. NSVRC's mission is to provide leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research. NSVRC also is one of the three founding organizations of RALIANCE, a national, collaborative initiative dedicated to ending sexual violence in one generation.

Urban Institute

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Urban's work inspires effective decisions that advance fairness and enhance the well-being of people and places. Urban is committed to following the evidence wherever it goes, regardless of the project or funder, sharing the results of our research to inform decision-making. Urban is independent and does not engage in lobbying efforts of any kind.

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