Crisis Management Takes a Team

A reporter calls looking for comment on allegations of serious drug activity on campus. A student stops by to show you his soon-to-be-going-viral video of dining hall staff serving food well past its expiration date. Protestors gather outside your window demanding changes in the school’s investment policies. There are reports on your desk about allegations of NCAA violations in your football program, hazing at the fraternities, sexual assaults in the dormitories, and a leaky roof in the chemistry lab. And the Department of Justice says it wants to conduct a Title IX or Title II compliance audit. All of this before you’ve even had a chance for your first cup of coffee. Such is a Monday morning in the life of today’s college administrator. As Robert Frost said, “[e]ducation is the ability to listen to almost anything without losing your temper or your self-confidence.”

So maybe not all of these things are likely to happen in a single morning. But whether they happen in a single day or a single year, potential crises have a habit of coming in waves. And when they do, administrators need to have a diverse set of tools ready to deal with them. Most of those tools however will be unavailable unless considerable pre-planning has been done.

For example:
1. Compliance programs that are well written, well explained, and well respected can stop problems before they happen.
2. Keeping up to date on legal developments can be challenging, but it is critical to crises preparedness. Whether it is food safety laws in the dining halls, fiduciary standards governing investments, or environmental and OSHA regulations governing that leaky chemistry lab, nearly every campus crisis has multiple legal components. Keeping abreast of those regulations helps prevent problems and also creates a foundation for responding to problems when they occur.
3. Problems are best resolved when there is a collective will to resolve them. Don’t wait until a crisis to establish the kinds of relationships you will need to achieve consensus and move forward. If you want your trustees, administration, faculty, students, and the public to support you in a crisis, develop those communication streams long before the crisis hits.
4. Understand that nearly every controversy will play out in some way on social media. Learn how to use the various platforms, and be ready to respond when controversies erupt.
If crisis does come (as it inevitably will), the school’s investigation of the issue will be critical both to its public response and to its legal position. In many cases, your investigation should be led by lawyers. And those lawyers you should have an eye toward the fact that some or all of the investigation may become public, and understand the delicate balance between transparency and privacy. Work with your counsel to understand what portion of various witnesses’ statements can or should be protected by the attorney-client privilege, and who understand the delicate balance between transparency and privacy. If a civil suit is later filed or the Department of Justice comes calling, the identity of the witnesses may need to be disclosed. But by taking the full range of legal and public relations factors into account at the outset of the investigation, you will be better positioned to respond in a way that follows the law and protects the school’s reputation.

Finally, to quote William James, philosopher, psychologist and physician, from 1906, “[g]reat emergencies and crises show us how much greater our vital resources are than we had supposed.” Whether your crises be big or small, the resources exist to help you to calmly solve the issue, bring the matter to a conclusion and preserve the reputation of your institution.

Contacts:
Jacklyn J. Ford (713-588-7014) and Elizabeth T. Smith (614-464-5443), Vorys Sater Seymour and Peas