

April 7, 2006

Plaintiffs'
EXHIBIT No. 7

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Disgrace at Duke; What Took So Long Anyway?

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President Richard Brodhead of Duke University took strong action on Wednesday, April 5 to reclaim the moral high ground after his school has been battered by a burgeoning scandal, with three Duke Lacrosse players accused of raping a dancer from a predominately African-American college at a party at their fraternity house on March 13. As Mr. Brodhead noted in his communication to alumni, "This episode has touched off angers, fears, resentments...brought glaring visibility to underlying issues...concerns of women about sexual coercion and assault...concerns about the culture of certain student groups that regularly abuse alcohol and the attitudes these groups promote...concerns about the survival of the legacy of racism, the most hateful feature American history has produced."

This post does not seek to examine the underlying issues. Others will do so in a more eloquent manner. It suffices to say that as a father of three daughters, I am repulsed by the alleged violation of basic human dignity. There can be no excuse for this type of

behavior. But let me focus instead on the communications issues in this crisis. In particular, let's examine the accusation that the University has been too slow to respond to the crisis.

The Context--The town of Durham has had a very "fragile relationship" with the University, according to the [local newspaper News & Observer](#). According to the paper, "Fifteen players--about 1 / 3 of the (men's lacrosse) team--had previous criminal charges in Durham in the past three years, mostly related to drunken and disruptive behavior. Most of those charges were resolved in deals with prosecutors that allowed the players to escape criminal convictions." The paper goes on to quote faculty member Kathleen Smith as saying the faculty was unaware of the team members' legal record. President Brodhead's note to alumni acknowledges that "There have been reports of persistent problems involving the men's lacrosse team, including racist language and a pattern of alcohol abuse and disorderly behavior."

The Timeline--

March 14, early AM--Victim relates story to Durham police

March 15--Duke begins investigation, though University says nothing

March 18, 21--Duke mens' lacrosse team plays games against N. Carolina and Cornell

March 24--SVP for public affairs John Burness says in response to lacrosse team members going for DNA tests, "Duke University is monitoring the situation and cooperating with officials, as are the

students."

March 25--In response to stories confirming the hiring of women from an escort service to dance at the party and that alcohol was served to underage lacrosse team players, Duke decides to forfeit games against Georgetown and Mount St. Mary's. President Brodhead said, "Physical coercion and sexual assault are unacceptable in any setting and have no place at Duke. There will be very serious penalties if the charges are verified but the facts are not yet established."

March 29--Duke decides to suspend all games of the men's lacrosse team until the rape allegations are resolved. The team captains acknowledged certain judgment lapses in holding the party, but denied the allegation of rape and said they did not want to play competitively until the DNA results are finalized. President Brodhead said, "While we await the results of the investigation, I remind everyone that under our system of law, people are presumed innocent until proven guilty. One deep value the university is committed to is protecting us all from coercion and assault. An equally strong value is that we must not judge each other on the basis of opinion or strong feeling rather than evidence of actual conduct."

April 3--SVP for public affairs Burness confirms to News & Observer that there were frequent complaints to Durham police on rowdy behavior and charges against 15 players over the past two years for drunk and disorderly conduct.

April 5--Lacrosse coach resigns with no comment. Presidential council convened to scrutinize Duke's response to the situation,

another will consider the lacrosse team's behavior and culture. President Brodhead's statement is noted above.

Conclusions

1) It took too long for the President of the University to lay out the context, which he did eloquently on March 25. There were eight days with no apparent comment by the university brass and ten days in which the only official statements came from the athletic director and the SVP of public affairs. What doesn't seem to be apparent in the coverage to date is whether Duke officials were led down this communications path by legal counsel. I believe that there are times when the court of public opinion needs heavier weighting than those applied in the legal courtroom. This could be one of those cases.

2) The best type of statement in the days just following the event would have established Brodhead's unequivocal support for due process but also a determination to understand the root causes of the problem and a restatement of his commitment to the rights of the accuser, not just the accused.

3) There had to be a separation of the interests of the accused and those of the university. In fact, the lawyers for the lacrosse players and the Durham District Attorney have been scrapping quite publicly for days about trying the case in the media.

4) The university community was relatively calm until March 27, when protestors chanted in front of the administration building.

So there was a week of tolerance for the president, until enough details about the party were established to give credence to the accusations.

The general best practice in crisis communications is for the top person, the CEO or university president, to respond quickly to the problem, laying out a process for resolution then following up regularly with all stakeholders to assure full transparency. In this case, it became clear that the University would not control the release of information as it was a criminal inquiry. All the more reason why, at the outset, the University had to establish its position and its commitment to a thorough review of the incident and the environment that spawned it.

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