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**When bad behavior makes headlines**

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# Agenda

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- **Principal charged with DUI: A walk through**
  - ▶ Legal guiding principles
  - ▶ Communications guiding principles
  - ▶ What do you plan to say and do?
- **Your turn:**  
**Teacher video-taped hitting and yelling at child (her own)**
- **Tips and take aways**

# Principal charged with drunk driving

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- Event A

On Monday morning, a high school principal advises superintendent she was charged Saturday night with drinking and driving. Her first court appearance is on Wednesday afternoon.

# Clarify your overarching goals

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**Q. 1** At your table... if a story like this breaks in my jurisdiction what would I want my community to know.....

- ▶ Who is your “community”?
- ▶ Do different groups need to hear different messages?
- ▶ What do you want to convey?

# Legal guiding principles

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- All communications must be consistent with FOIP obligations
- Personal information includes person's name, political beliefs, marital status or family status, health information (physical or mental disability), educational or employment history, opinions about the individual, personal views or opinions
- ...

# Legal guiding principles

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- 17 (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

# Legal guiding principles

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- A disclosure is presumed an unreasonable invasion of personal privacy if it includes
  - ▶ medical information
  - ▶ employment or educational history,
  - ▶ personal recommendations or evaluations, character references or personnel evaluations,
  - ▶ information indicates about third party's racial or ethnic origin or religious or political beliefs or associations.

# Communications guiding principles

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- Do the right thing
- Respect the legal process
- Consider the court of “public opinion”
  - ▶ Who is watching what you do?
  - ▶ How will they assess your actions/words?
- Tell your jurisdiction’s story. Be truthful. Be accurate. Be sensitive.
- Family first: Communicate from the inside out
- Be proactive. If you can’t be proactive. Be prepared
- Be aware: Know how and where a story “breaks”
- Designate your spokesperson(s)



# 3 key questions

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1. Is this story “newsworthy?” Would it make headlines?

Yes or no.

2. Might this story go public? Will someone tell this story?

Yes or no.

3. If the story goes public, will it be better for the jurisdiction to tell the story – or leave it to others?

Yes or no.

**Three yesses = Be proactive.**

If you can't be proactive: Be prepared to be reactive.



# Reactive vs. proactive


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**Proactive:** Take steps to get information out to specific audiences without waiting for an external trigger.

*Downside:* Some may argue: why stir up stuff unnecessarily? This might die down quietly and naturally.

**Reactive:** Develop a plan to respond if triggered by an external force.

*Downside:* People (parents/staff) may say you withheld information they should have had in interests of safety of children.



# What's in your plan

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- Who is going to care about this story?  
*(Publics)*
- What would you like them to know? \* (Legal comment)  
*(Messages)*
- Who will tell them?  
*(Spokesperson)*
- How will you tell them?  
*(Vehicles)*
- When will you tell them? \* (Legal comment)
- In what order will you tell them?

# Communications objectives

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Your school board will:

- Have an established protocol for responding to inquiries  
*Everybody knows who will talk with whom.*
- Provide accurate consistent timely messages to board/staff. *Family first.*
- Provide accurate consistent timely messages to parents/public/media.  
*Prepared. Conveying what you want to.*
- Respect legal process and rights of the individuals involved.



# How do stories break?

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- **Informally:**
  - Gossip/Rumor
  - Social media
  - Parent/student inquiries
  - Media fishing expedition
- **Formally:**
  - RCMP media release
  - Public court docket
  - Public court proceedings

# Messages: When it's "unofficial"

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Before anything is formally confirmed by appropriate authorities.....

**Designate spokesperson** to answer questions.

Prep spokesperson with answers.

Comments framed in the hypothetical

**Heads-up to key internal** audiences that "need to know"

# Messages: When it's “unofficial”

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## Themes

a) *Frame what you can say*

As you know I'm not going to speak about rumors/gossip/etc.

b) *Speak to vigilance and processes.*

If faced with the allegations described here, we would immediately review the situation. Based on the outcome of our review, we would take the steps we deem necessary --- including measures to ensure students are safe and contacting the appropriate authorities.

c) *Speak to commitment to student safety. Decision-making principles.*

The safety of our students is our first priority. We are guided in our decision making and actions by our commitment to student safety, our responsibilities under the School Act and our respect for legal processes.



# Messages: When it's official

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An official external authority (RCMP) publicly confirms charges/investigation and names individual and links to school/school board. Charges are laid and announced in court.

## **Designate spokesperson**

Move systematically through sharing key messages with your community on “family first” basis.



# Messages: When it's official

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## Themes:

- ▶ Describe situation generally.  
Go to official sources for guidance (RCMP release).  
“As outlined in the attached RCMP release”
- ▶ Without speaking to specifics:
  - ◆ Outline the processes that guide you as decision-maker when faced with a situation like this.
  - ◆ Describe the principles (policy, School Act, etc.) that underpin jurisdiction decisions when dealing with a case like this
- ▶ Describe commitment to student safety
- ▶ Reinforce commitment to dealing with personnel matters with discretion.
- ▶ Speak to expectations of employees as set out in....

# Principal charged with drunk driving

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- Event A

On Monday morning, a high school principal advises superintendent she was charged Saturday night with drinking and driving. Her first court appearance is on Wednesday afternoon.

# Legal counsel

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- ▶ Legal process may not have a clear resolution
- ▶ Information provided during criminal process may lead to additional concerns regarding the employee's conduct
- ▶ Monitor the process
- ▶ Determine whether police plan to communicate

# Communications counsel

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- **Immediately** advise the school board
  - ◆ Talk generally about what has happened. \*
  - ◆ Outline policies/principles/processes that will guide your decision-making.
  - ◆ Designate/reinforce who is spokesperson
  - ◆ Heads-up this may get attention in the public/media.
- **Begin preparing plan to tell others**
  - ◆ Keep an ear to the ground at the school
  - ◆ Will RCMP issue media release?
  - ◆ Wednesday is court day!

# Key messages to school board

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- **Remind of confidentiality**

- **Discuss board's role as adjudicator \***

I must be circumspect in terms of the information I provide as you may be asked to adjudicate my decisions in this matter.

- **Describe what happened generally**

- **What will guide decisions?**

- ▶ I will be guided in my decisions and actions by:

- ◆ Our expectations of employees as set out in policy ABC
- ◆ Our responsibilities under the School Act
- ◆ Respect for the legal process/privacy of individuals

# Key messages to school board

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- **Commitment to discretion re personnel matters**
  - ▶ As with all personnel matters we will deal with this matter with the utmost discretion.
- **Designate spokesperson**
  - ▶ This matter may generate media and public attention. Our spokesperson will be \_\_\_\_\_. If you get inquiries, please direct inquiries to \_\_\_\_\_ at 123.4567.
  - ▶ If someone asks you about this matter:  
“As this is a personnel matter, the best person to speak to is \_\_\_\_\_. You can reach him/her at \_\_\_\_\_.”

# Principal charged with drunk driving

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- **Event B**

The local weekly newspaper is in court on Wednesday when charges are laid against the principal. Names are named. It is a small town. Everybody knows who the principal is and where she works. The principal pleads not guilty. Her trial is set for 1 month away.

# Legal counsel

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- Legal options may be limited
  - ◆ Unassigned duties/sick leave
  - ◆ A suspension in accordance with section 105(2) of the School Act, if the Superintendent of Schools is of the view that the presence of the teacher threatens student welfare?
- Have someone attend to monitor proceedings



# Communications counsel

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This matter is now “officially public”.

Roll out communications plan according to “Family first” principle

1. Update the school board – if there are developments arising from court.
2. Advise staff at school.
3. Is there a need to advise administrators at other schools?
4. What about parents at affected school?
5. Heads-up to department of education?
6. Prep for media interest: What will you say if you are asked?

# Key messages: Staff at school

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- **Confidentiality and conditions for providing information**
  - ▶ I am providing this info in strict confidence. As this is a personnel matter, I do ask you not to discuss this matter further.
- **What happened generally? \***
  - ▶ As reported in the media /this date RCMP media release  
Principal ABC has been charged with drunk driving (or)  
This morning, Principal ABC was charged with drunk driving.
  - ▶ Principal will be away during this time. Thank you to abc for assuming duties. (or) Principal will continue with her duties.
  - ▶ As this matter is before the courts – and a personnel matter – I won't be commenting beyond what I've shared here.

# Key messages: school staff

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- **What guides the jurisdiction response?**
  - ▶ The jurisdiction will be guided in its response to this situation by:
    - ◆ our expectations of employees as set out in policy ABC
    - ◆ our responsibilities under the School Act
    - ◆ respect for the legal process/privacy of individuals
- **Commitment to discretion re personnel matters**
  - ▶ As with all personnel matters in the jurisdiction, we will deal with this with the utmost discretion out of respect for the individual (s) involved.
- **Next steps**
  - ▶ We will be advising parents generally of the circumstances via a letter home.

# Key messages: School staff

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- **Designate spokespersons**
  - ▶ Students and parents may approach you with questions. Please direct those inquiries to the \_\_\_\_\_
  - ▶ If you are approached by media or the public, please ask them to contact our jurisdiction spokesperson who is: \_\_\_\_\_.
- **Reassure**
  - ▶ This will be a period of scrutiny for our school and jurisdiction. Let us respond with professionalism; remain calm and stay focussed on teaching and learning.

# Key messages: Parents at school

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- In keeping with our commitment to open communication with parents, I am writing to advise you that on date Principal ABC was charged with impaired driving. (Confirm against the official documents).
- Principal ABC will continue in her duties. (or)  
Principal ABC will take some time away. In the interim, ABC will be acting principal. We thank him/her for assuming this responsibility.
- As this matter is now before the courts – and a personnel matter – I will not comment further on the specific situation.

# Key messages: Parents at school

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- I can advise you that the school division will be guided in its actions and decisions by the following:
  - ▶ our expectations of employees as set out in policy ABC
  - ▶ our responsibilities under the School Act
  - ▶ respect for the legal process/privacy of individuals
- Recognizing that I will not be able to comment further about this specific situation, if you have concerns or questions, you may reach me at \_\_\_\_\_.
- In closing I do want to reassure you of our staff's ongoing to commitment to teaching and learning excellence at ABC School.
- Who should sign this?

# Key messages: Administrators

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Dear colleagues,

In keeping with our commitment to open communications within our school jurisdiction, I am writing to advise you that Principal ABC has been charged with impaired driving.

As this matter is before the courts – and a personnel matter – I can't speak to specifics. I can advise you that as a division we are our guided in our decisions and actions in situations like this by the following:

- ◆ our expectations of employees as set out in policy ABC
- ◆ our responsibilities under the School Act
- ◆ respect for the legal process/privacy of individuals

# Key messages: Administrators

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As a division we deal with personnel matters with the utmost discretion out of respect for the individual(s) involved.

If you get questions about this situation, please direct those inquiries to \_\_\_\_\_ who will be our division spokesperson on this. He/she can be reached at \_\_\_\_\_.

This will be a period of some public scrutiny for our school jurisdiction. Our collective goal is to respond with professionalism; to remain calm and to stay focussed on teaching and learning.

Thank you,  
Superintendent



# Key messages: Dept. of education

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- This is to give you a heads up that a member of our staff has been charged with drunk driving. The matter is working its way through court. If you get inquiries please direct them to \_\_\_\_\_ who will be serving as spokesperson.

# Key messages: Media inquiry

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- Can confirm principal has been charged with drunk driving.
- As this is before the courts – and a personnel matter – I am not in a position to speak to specifics.
- I can advise you of the principles that guide our division's decision-making in situations like this. We will refer to
  - ◆ our expectations of employees as set out in policy ABC
  - ◆ our responsibilities under the School Act
  - ◆ respect for the legal process/privacy of individuals
- As with all personnel matters in the jurisdiction, we will deal with this with the utmost discretion out of respect for the individual (s) involved.

# Prep for tough questions

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## Q 2. Prep answers to these questions

*(Do you have questions of your lawyer/ communications counsel).*

- Will you fire the principal?
- Will you discipline the principal?
- This person has been charged with drunk driving – is this a good example to set for students?
- How does the school community feel about this situation? Are parents angry?
- Are children in danger?

# Principal charged with drunk driving

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- **Event C**

At trial the principal is found not guilty because the RCMP mis-administered the breathalyzer.

The judge takes a moment to chastise the principal about the poor example she set given her job.

The local media are in attendance.

# Judge criticizes principal

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*Do you have questions for communications/ legal counsel?  
Communications counsel?*

## Q. 3

- ▶ Who needs to know the judge made these comments?
- ▶ Prepare for media/public inquiries.  
What will/can you say?
- ▶ What do you want to leave people with?

## Photo of adult, who looks like the school gym teacher, swatting a child and yelling

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- Event A

The school council chair comes to the principal's office to show her a picture of a person, who looks like the gym teacher, swatting a child and yelling at the child in the arena parking lot.

“I think that's Mr. Smith – and I think that's his little girl,” she says. “It's all over Twitter,” says the council chair. The principal calls the superintendent to tell her what is going on.

# Scenario: Yelling teacher

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*Do you have questions for legal/ communications counsel?*

**Q.4** Discuss what you plan to do or say at this point in time?

## Photo of adult, who looks like the school gym teacher, swatting a child and yelling

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### Event B

The superintendent meets with the teacher. The teacher confirms the image is of him – and that the girl he swatted and yelled at is his own.

“She was being a brat and that is how I discipline my own child. Do you have anything else to say?”



# After you meet the teacher

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*Are there questions you want to ask your lawyer or communications counsel?*

**Q. 5** Discuss what you plan to do and say.

**Photo of adult, who looks like  
school gym teacher, swatting a child and yelling**

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**Event C**

When she doesn't hear what the jurisdiction is doing about the situation, the school council chair posts the image on Twitter with this question:

“What will the school jurisdiction do about this?”

The media calls are coming in.

# School council chair acts

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*Are there questions you want to ask your lawyer or your communications counsel?*

**Q. 6** What will you do and say now?



# Tips and take aways

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- ▶ Do the right thing. Imagine how John Q. Public would respond to your actions.  
*The court of public opinion.*
- ▶ Assume everything you do will become public. *The glass box.*
- ▶ Be aware of the actions of others. What might the police, social services do? Are they laying charges? Are they issuing media release?  
*Connect with them.*



# Tips and take aways

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- ▶ The sands shift. Be nimble
- ▶ Confidentiality of names. Wait for another authority to disclose: RCMP Spokespersons for the jurisdiction should neither confirm or deny names.
- ▶ Do we communicate proactively or reactively?

# Tips and take aways

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**Typically be proactive with these audiences:**

- ▶ School board
- ▶ Staff at affected school
- ▶ Administration other schools
- ▶ Department of education

**Have reactive plan in place if/as story breaks:**



# Tips and take aways

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## Why be proactive internally

- ▶ Key internal people who public might expect to “know” are prepped so there are no misinformed/inappropriate comments made.
- ▶ Key internal audiences will hear about this situation from school division *before* it becomes public. This builds trust.



# When you talk to school board

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## 1. Advise school board:

- ▶ Designate a spokesperson.
- ▶ Describe situation generally
- ▶ Describe jurisdiction response
- ▶ Remind what will guide decision making
- ▶ Remind of their potential responsibility to adjudicate staff decisions
- ▶ Outline who is spokesperson
- ▶ Key phrase to inquiries

*No surprises.*

◆ **Subtext:**

We are aware. We have a process. We are guided by principles. We will do the work we need to do to keep kids safe. We treat allegations seriously. We treat personnel information with utmost respect and confidentiality





# When you talk to staff

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## 2. Advise staff at school

*(Timing is subject to consultation with legal)*

- ▶ Remind of confidentiality.
- ▶ Establish protocol: Who do they direct inquiries to.
- ▶ Establish early warning system.
- ▶ Describe situation generally.
- ▶ Describe jurisdiction response generally.
- ▶ Commitment to confidentiality for personnel matters.

### **Subtext:**

- ◆ We are aware. We have a process. We are guided by principles. We will do the work we need to do to keep kids safe. We treat allegations seriously. We treat personnel information with utmost respect and confidentiality

# When you talk to administrators

## 3. Advise other administrators/ other key audiences

- ▶ Advise very generally of circumstance.
- ▶ Remind/advise of protocol regarding designated spokesperson.

**Subtext:** We are aware. We have a process. We are guided by principles. We will do the work we need to do to keep kids safe. We treat allegations seriously. We treat personnel information with utmost respect and confidentiality. We keep the family informed.