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TIME FOR DUKE TO 'COOL IT'

By Richard Nicolazzo

The way it went down, Moses himself probably couldn't have spared Duke University the misery it's gone through since a 27-year-old black woman was allegedly raped by members of the lacrosse team.

A new, independent report has concluded that Duke officials – from the campus police to the president – did not understand the magnitude of the situation and did not respond fast enough.

The report, written by a former Princeton University president and past director of the NAACP Legal Defense and Educational Fund, talked about "a gap in communications that is extraordinary."

No doubt, everyone involved at Duke could have been more aggressive in seeking out the facts and formulating an appropriate response. In a crisis, that is typically what outside investigators find when looking backwards.

In this case, however, the relentless pounding that Duke has taken for the past seven weeks was inevitable.

Why? It's simple. The crisis was a Molotov cocktail of race, class, alcohol, sports, elitism and town-gown relations.

Call it a freight train without brakes.

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Does anyone really believe that communicating "earlier" would have altered the coverage? To entertain the thought defies what the worldwide media has evolved into: a gigantic mass of worldwide newspapers, TV, radio, the Internet, blogs, cell phones, Blackberries, Treos, etc. This was an alleged rape, not some campus prank.

Suffice to say, the first, second and third waves of coverage would simply crash over any major institution trying desperately to defend itself and its actions.

Now, with a new wave of coverage on the horizon, it will be interesting to see how Duke and its new public relations counsel, Burson-Marsteller, manage communications.

On May 15, a new grand jury is scheduled to meet and possibly hear fresh evidence in the case. This follows the April 17 grand jury indictment of two white Duke lacrosse players who were charged with first-degree forcible rape, first-degree sexual offenses and kidnapping.

Michael Nifong, the Durham, N.C., district attorney who has led the prosecution, narrowly won re-election in a primary on May 2, thus suggesting both the case and the tension surrounding it will continue. It's likely that evidence regarding a third student will be presented to the grand jury.

Duke got a bad break with Nifong. In the middle of a campaign (he had never won an election prior to May), he took on a highly publicized role in prosecuting the case.

He granted numerous interviews to reporters, calling the Duke players hooligans and suggesting that the students had avoided punishment for illegal behavior in the past.

With Nifong on the prowl, Duke found itself cornered by an angry media mob. On top of everything, the victim's father was granting interviews on MSNBC and parents of the alleged rapists were retaining high-powered lawyers to put into question the DA's case.

With all due respect to the authors of the report, no amount of communication from Duke was going to stop the media bombardment. That's just not the way the media works. Media feeding frenzies are not a new phenomenon.

Many crisis experts, some who have posted on this website, say Duke handled the crisis poorly. No one offers any specifics, other than to say hire outside crisis experts. Maybe they were slow at the start, but how can anyone say they haven't communicated?

The university has created a separate section on its web site just for the lacrosse case. As of this writing, there are 12 postings with all sorts of statements and letters from the president.

Duke stepped up, commissioned an outside report, and released the findings as soon as possible. Much of what they did is right from the crisis management handbook.

Now, with a new grand jury probe in the offing, Duke needs to "cool it."

In my view, it's time for the university to let the judicial system take its course. Indictments have been handed down. Lawyers have been hired. Discovery will ensue. Pre-trial motions will be filed. Eventually a trial date will be set. Duke must let the legal chips fall where they may.

This means the university should only respond to further media inquiries with a brief statement. Something like: "Duke University has done everything in its power to be candid with the public about how it views the alleged incident. In addition, we have initiated a number of steps to assure that an incident like this never happens again. We will have no further comment on what happens in the judicial system."

Strategy Going Forward

The challenge now for Duke is to develop a comprehensive remedial communications program that steadily begins to mitigate and – at some point – change perceptions that have been formed from nasty headlines plastered across the media. I propose six steps:

First, Duke needs to hold a summit with administrators and students from North Carolina Central University, the mostly black university three miles from Duke where the accuser is an honor student. If it's about race, these institutions need to reach out to one another and develop opportunities to "bridge" their differences.

Second, the university needs to strengthen its academic code of conduct. Separating truth from fiction is difficult, but one can certainly conclude that some students are acting in ways that are damaging to Duke's reputation. As part of orientation, the administration should address this issue and make it clear that current and incoming students must comply with the code. If students act up, they're out.

Third, the university will need to develop a specific communications program that talks about the changes Duke has initiated on campus to ensure that this never happens again. This means a series of letters and e-mails to students, parents, alumni, local elected officials, community activists, legislators, and even other college administrators in the region. Beginning in August, these communications initiatives should occur monthly.

Fourth, once these changes begin to take hold, the president himself should seek national opportunities to re-tell the Duke story. He could kick off the campaign with an op-ed in the *New York Times*. This time, instead of an emotional interview with the father of the accuser, Duke should offer MSNBC a chance to engage the president in a thoughtful discussion about "change." A national press tour should be considered to articulate and reinforce the message of change.

If it hasn't done so already, Duke needs to hire an outside consultant to evaluate the policies and procedures of its campus security force. It's obvious that details of an alleged rape cannot wait a week to reach the president's desk. As the report indicated, this is a clear communications failure.

And finally, Duke should try to make it clear that ugly incidents of this sort are not unique to its campus. The president should form a "Blue Ribbon" commission to focus the higher education community nationally on how it can and should deal with these and related issues. It's time for Duke to lead the national dialogue and create a forum for discussion and debate of campus life.

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