

# Crisis Management in the Newsroom

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The purpose of crisis management is to effectively manage communications and to emerge from a crisis with one's reputation, credibility and business intact. The longer it takes to effectively react to a situation, the greater the potential for damage. It is important for newsrooms to prepare for crises in advance - because they will occur in some form - instead of having to react to the crisis. Employee trust and credibility among peers, advertisers, the parent company and readers hang in the balance.

Some management do's and don'ts when facing a crisis:

**Don't Panic and Go "Bananas."** The last thing the newsroom needs is for insecure middle management types to start pointing fingers, laying blame and firing people. Now that e-mail has replaced the water-cooler, rumors will fly at exactly the speed of your modem. Don't start sending damaging e-mails, memos, and firing involved individuals. These ill conceived actions will come back to haunt you in the hands of the plaintiff's attorney.

- Don't fire the reporter involved in the situation. It is important to maintain a united front during a crisis. It is important for the involved employee to feel secure and to cooperate. At some point, the employer will have to determine if the employee was acting within the course and scope of employment.

**Do Identify a Crisis Team** made up of a small group of credible individuals with authority that know and understand the dynamics and politics of the newsroom. Make sure that in-house or outside counsel is part of the team.

- Counsel will be able to provide advice about how to maintain confidentiality of discussions and to assist in the neutralization of the situation.
- If the situation is very serious, a marketing or public relations person should be included on the team. Be prepared for this person's presence and advice to annoy counsel. However, the standard "no comment" may not be appropriate in all situations when a crisis is being closely scrutinized in the court of public opinion.

**Do Notify the Media Liability Insurer** if it appears that the crisis is heading for litigation or if a monetary payment appears likely. Under all policies, if a settlement exceeds the insured's deductible, the company must agree to the settlement. In addition, the insurance company may have the right to select counsel or must approve your selection of counsel. If legal expense is incurred prior to the insurance company being placed on notice, such expenses may not be reimbursable under the insurance policy.

- There are a number of media liability insurance people who have been in the industry for a long time and have been involved in hundreds of newsroom crises. If you are lucky to work with such an individual, this individual will be a welcome member to your crisis communications team.

**Do Identify a Spokesperson** who is the only person authorized to speak during a crisis. The publisher or other senior executive may not be the best person for the job. (We've all seen the carnage that once resembled a CEO left in the wake of a skilled reporter)

**Do Establish a Communications Protocol** so that when a problem occurs every level of employee will know how to react and to whom to report. For example, the receptionist may be the first to know of a problem when he or she receives a blistering phone call from the angry subject of a story.

**Do Identify the Audience Impacted by the Crisis.** Many audiences are potentially affected by a crisis and will want to know facts as soon as possible. Members of each audience will start to react -probably negatively - to the absence of facts. In a newsroom, the audience may include the involved employee, newsroom staff, advertisers, readers, the board of directors, management, peers in the media industry, media lawyers and competitors.

**Do Assess the Crisis and Separate the Facts from the Fiction.** Have the crisis team on the receiving end of communications to ensure that the right information is being gathered and the red herrings discarded. Don't proceed with incomplete or inaccurate information and don't allow too many people to gather information as this will dilute effectiveness and create confusion

**Do Identify the Message to Send to Your Audience and the Method of Communication.** Armed with the facts and the advice of counsel, now's the time to coordinate the prompt, honest, informative and concerned response to your audience. Each audience type will require a specific communication, such as a phone call, personal discussion, press release, etc.

- **Do Retract or Correct Mistakes.** If you determine that a mistake was published or broadcast, correct it promptly with the assistance of media counsel. Everyone loves to hear "I'm sorry." In some jurisdictions, compliance with a retraction statute will preclude punitive damages.

- **Do Be Consistent when Disseminating Information to Employees.** Remember, your toughest audience will be your reporters, who have been trained to be circumspect and suspicious. Don't be secretive as this will make the situation more tense. It is also important to let them know that they shouldn't be e-mailing others about the situation, talking to reporters, attorneys, or accepting service.

**Do Be Prepared for Feelings of Denial, Anger and Depression** as you ride out the crisis. These are common emotions that can be immobilizing unless you are prepared to deal with them constructively.

### **Crisis Management for the Reporter**

Because of financial resources, a newsroom can deal with a crisis after it occurs and engage in damage control. Reporters, on the other hand, must engage in proactive crisis management to prevent a job-threatening situation from occurring. Here are some tips to protect yourself before a crisis occurs:

**Do Keep Your Editors in the Loop.** Let them know who provided controversial or confidential information to you and the manner in which it was gathered.

**Do Document the Fact That Your Editors Know.** It is important to preserve a paper trail. Document that editors know how you gathered sensitive or confidential information and either authorized your conduct before the fact or ratified your conduct after the fact with full knowledge. This is extremely important because it proves that you acted within the course and scope of your authority as a reporter.

**Don't Circulate Damaging E-mails or Memos about Your Story.** E-mail is discoverable. Be sensitive how you slug your stories in your computer. These "clever" titles will return to haunt you in the hands of the plaintiff's counsel or your own employer.

In the event a crisis occurs and it appears that your interests conflict with those of your employer:

**Don't Panic.** Maintain your poise and professionalism. Do not start sending damaging and discoverable e-mail to your employer or colleagues. This will only confirm to management that you are a troublemaker.

**Do Retain Counsel.** If you perceive that there is a serious problem and that you are not in the protective circle of the wagons, seek the advice of experienced media counsel. Don't involve family members who happen to be lawyers because this will lessen your credibility.

**Do Communicate with the Media Liability Insurer.** With the assistance of your attorney, find out what the insurance company is going to do with you in respect to coverage. Under policies of insurance, an employee acting within the course and scope of employment is an insured. These are the magic words and the reason for documenting management approval of your conduct. If you can prove to the insurer that you were acting within the course and scope of your employment - even if employer doesn't think so - the carrier may have a duty to defend you and pay for your separate counsel.

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