



Transparent Secrecy

Engaging Parents and Community During Legal Incidents

School Law Conference

Jay Remy, Salem-Keizer Public Schools

December 5, 2013

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RECENT "TEACHER ARRESTED" STORIES, VIDEO AND GALLERIES



Gym teacher admits to secretly videotaping girls

Sheppard had been charged with unlawful surveillance, a felony, and seven counts of endangering the welfare of a child.

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Ossining teacher admits having sex with

A teacher has pleaded guilty to a rape charge after being arraigned on what was supposed to be his wedding day.

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Ex-Morris County teacher accused of molesting

39-year old Jason Fennes of Bloomfield taught at an elementary school in Montville. A former New Jersey teacher has been

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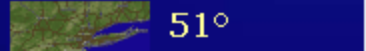
Ex-Queens teacher gets 6 months for sex with

Daniel Reilly, 36, pleaded guilty to having sex with a former student at his home in Forest Hills, Queens.

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Situations are STORIES



1. Student death—suicide, wreckless driving fads....etc.
2. Staff member/volunteer arrested for sex abuse of student
3. Student arrested for gun at school
4. District sued for civil rights violation or sex assault, etc....
5. Board member arrested for personal conduct
6. Staff member not arrested, but guilty of policy violation involving conduct with student
7. Staff member quits after allegations of sex abuse/grooming
8. Staff member quits after allegations of verbal abuse
9. District condemns property to build a new school
10. Employee/student discipline issues, notorious incidents

Any story has three characters

- Victim



- Villain



- Hero



Why is the district a villain?

- We didn't get arrested
- We didn't do anything wrong
- Can we go from villain to hero?
- Can we go from villain to victim?
- Let's go back to "Common Situations"





Parents want information

- They want to know what happened
- They want to know why it happened
- They want to know what you are doing about it
- Basic question: What kind of people am I trusting with my kid? How do they handle dangerous situations?



Citizens want the story



- People without kids (70 percent of your voters) just want to hear the story
- What happened?
- Who is the victim, villain and hero?
- How does that affect my perception of the school district?



The tricky part

- Everyone is entitled to due process
- The public has the right to know who is working with their kids and who the other students are
- They have the right to some details: work status, name, positions, hire date
- But the employee/student has rights to privacy



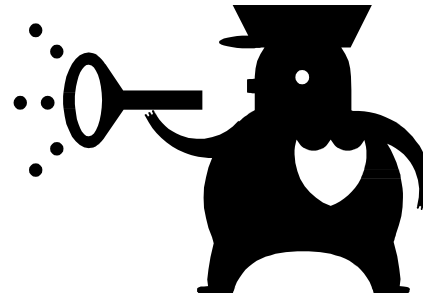
Student/employee information

- Discipline records private by law
- Medical records private by law
- Academic record private by law
- Employment status public
- Directory information public by policy



Other reasons for “secrecy”

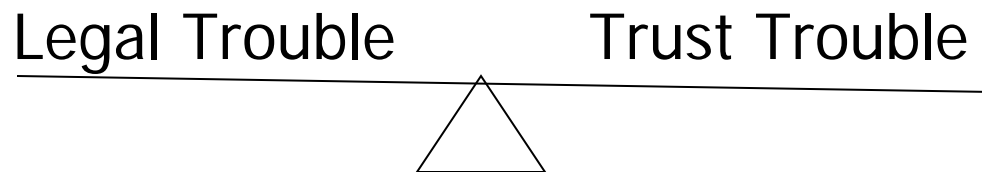
- To preserve formal complaint process
- To avoid hindering police investigation
- To avoid hindering HR investigation





Balancing act

- **Full transparency** best for trust
 - Can get you in legal trouble
- **Full secrecy** worst for trust
 - Prevents legal trouble





Process is your friend

- This incident is too important to argue in the media. Rely on legal/personnel process.
- We have a process for determining the facts and the consequences
- Here are the key steps in the process
- The next process if this one does not resolve the issue



Be consistent

- People keep track
- If you say no to one person, they'll watch you forever
- You can't cherry-pick when to give details



The value of RACE

Research: Learn as much as you can about the situation. Keep learning. First reports are usually wrong.

Analyze: What can and can't we say? Consult your attorney. What is your consistent practice? How is this similar to, different from last time?

Communicate: Use One-Way & Two-Way, internal and external

Evaluate: Review your communication

When the Media Calls



- Return phone calls promptly.
- DON'T do interview until you're prepared.
- **Find Out:**
 - Reporter's deadline.
 - What information they have.
 - Who they've spoken to.



Golden Rules

Never Say “No Comment”

- Automatic admission of guilt.
- Instead, explain why you can't answer the question and say what you can say.

Don't react to first reports or jump to solutions

Never say “Off the Record”



Honesty is the Best Policy

Be honest! Don't fudge or misrepresent.
(Integrity lost can't be replaced.)

If you don't know or can't say, say so.
Or if you prefer not to say, say why.



Messages

- Start with three key points.
- Answer the questions=Your Message:
 - What's happened, we are aware of it
(We don't know details yet. That is why there is an investigation.)
 - What are we doing about it. Cooperating/investigating
(Won't know what else until after investigation.)
 - What it means (tie to the vision: safety, inclusion, equality etc.)
- After the matter is concluded through whichever process, you may have policy changes or changes in practice to communicate.



Message to parents

- Phone dialer
- Letter home from principal
- Facebook, Twitter, Website
- Message: "We are aware of the situation and cooperating with investigators. We know you are concerned, but there is not much information we can share."



Useful phrases for media

- We are cooperating fully with the police investigation
- Everyone is entitled to due process
- Right now it is in the (personnel, court, law enforcement, parent complaint) process and that process does not include sharing details or arguing the case in the media...the matter is too important for that
- Our next steps will depend on what conclusions the law enforcement/legal process determines
- That is all the information I have to release on this matter
- I have nothing to release on that aspect of this matter
- I am not free to discuss that part, due to privacy laws
- We prefer not to discuss that aspect because we do not want to hinder the process

Bridging Statements

- “The most important thing is...”
- “What we really need to focus on is...”
- “What people need to know is...”





Sticky Situations

Surprise Interviews

- Answer a question with a question.
- Narrow your language to the incident at hand.
- Breathe....pause...sometimes what you don't say is more important than what you do say! Dead air is their problem.



Some no-nos

- Never lie. Say that you can't answer that right now and explain why.
- Don't lose it. Keep your cool.
- Don't run away. It makes you look guilty.
- Don't get drawn into another's agenda.
- Don't get off message. Say only what you want to say.



Conclusion

- Be transparent about the fact that you have to or choose to keep some secrets.
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