

ANZSOG Case Program

Finally listening? New York Public Radio's #MeToo moment (Epilogue)

2018-205.2

CEO Laura Walker withstood calls for her resignation, and saw in the New Year at New York Public Radio. But the impact of 2017's events were still reverberating throughout the network. In late January 2018, Walker announced an executive reshuffle which saw her second-in-command and Chief Content Officer, Dean Cappello, reassigned to a non-specific advisory role. He would report to Walker but have no direct reports himself.¹ Meanwhile, responsibility for overseeing news and podcasting would be split. At an earlier meeting, 69 WNYC newsroom staffers asked the NYPR Board to, amongst other things, 'address the steep hierarchy in the content division because the devastating mistakes that led to an unsafe workplace for women and racial bias...could not have happened if decision-making were not concentrated so tightly in the hands of one person'.²

While Cappello was dispatched to London to discuss new content deals, Walker left her desk to embed herself in different departments. The rank and file reaction to Capello's quarantining ran the gamut of responses from approval to bemusement to resentment that he was still tasked with important work. Some even threatened a protest. 'They have not made clear why they did it', one staffer said of Cappello's sidelining, 'But if he was truly responsible, then wouldn't he be out?'.³ 'I think she wants to save the company and save herself', a WNYC reporter told Boris Kachka for *New York Magazine*, 'But my colleagues and I feel like if it doesn't truly change, we are out of here'.⁴ Meanwhile, Walker's 6-12 month reform program was well underway, starting with actions such as:

- mandatory in-person anti-discrimination/anti-harassment training;
- a review of pay and employment practices, including freelancers and interns;
- enhanced management skills training;
- creating staff working groups to address workplace culture;
- hiring two extra Human Resources employees (new total 11);

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¹ Cappello eventually resigned from NYPR in June 2018.

² <https://nonprofitquarterly.org/2018/02/09/wnycs-balancing-act-growth-nonprofit-culture/>

³ <https://splinternews.com/new-york-public-radio-demotes-top-exec-after-harassment-1822465711>

⁴ <https://www.thecut.com/2018/02/at-wnyc-an-uncertain-path-out-of-scandal.html>

- working with Boston Consulting Group to better define discriminatory behavior, as well as improving processes for reporting, investigating and resolving complaints;
- drafting plain English versions of NYPR policies and statements (*Exhibit A*);
- further reviewing WNYC’s organizational structure;
- stepping up recruitment efforts to increase diversity; and
- providing opportunities for regular employee feedback and intra-peer support.⁵

Staff were keen to hear about the new measures and how they would work. Noted one employee: ‘People really care about the company [and] want to know, “How are we going to fix this? How are things going to get better?”’.⁶ Many of the initiatives also preempted recommendations made by Proskauer-Rose, the law firm appointed by the NYPR board to investigate the organization’s handling of discrimination, bullying and harassment.

Released publicly in April 2018, the Proskauer-Rose report concluded that, ‘We have not found evidence, however, of systemic discrimination, which we define as pervasive discrimination or discriminatory harassment that is known and tolerated by senior management. The number of such violations, and the response to that conduct once senior management or human resources learned of them, do not indicate that discrimination or discriminatory harassment has been pervasive or condoned by senior management or human resources. Significant and prompt disciplinary action was taken in most cases where violations were found’.⁷ It also failed to find any significant evidence of retaliation against women of colour for making complaints. ‘We note, however,’ said the authors, ‘that we cannot rule out the existence and impact of unconscious bias across the organization even where there may not be evidence of overt discriminatory motives’.⁸ They did find that, ‘Unlike issues of discrimination, non-discriminatory bullying behaviour was, however, known and tolerated in certain circumstances for months or even years before serious corrective actions were taken’.⁹

According to investigators, ‘There does appear to have been a systemic problem in that knowledge of sexually harassing conduct often was not conveyed to human resources or senior management until months or years after the events. In some cases, those who had experienced sexual harassment did not inform any supervisors of their concerns. In others, front-line managers were on notice of concerns about sexual harassment but did not inform human resources or senior management about those issues’.¹⁰ This was attributed, in part, to managers being unclear about their obligations with respect to handling complaints. But they also blamed an organisational culture, ‘in which information about inappropriate bullying and harassing behaviour was not always brought forward, whether because of fear of reprisals, lack of confidence in human resources to take action, an assumption that star hosts were untouchable, or other factors’.¹¹ They added, ‘Although NYPR is not unique in experiencing a broader cultural moment in which people are coming forward with complaints about conduct that occurred months or even years earlier, this systemic problem is ultimately the responsibility of senior leadership’.¹² One reason for a lack of certainty or confidence amongst staff might have been Proskauer-Rose’s discovery that, ‘There is no written protocol for the human resources department today to conduct investigations of employee complaints’.¹³

⁵ https://media.wnyc.org/media/resources/2018/Apr/24/NYPR_transforming_our_workplace.pdf

⁶ <https://current.org/2018/02/as-scrutiny-reveals-deeper-problems-at-nypr-walker-accelerates-workplace-reforms/>
⁷ https://media.wnyc.org/media/resources/2018/Apr/24/Proskauer_Report_to_the_NYPR_Board_of_Trustees_April_2018.pdf

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

Staff react

Proskauer-Rose's findings seemed only to stoke staff disaffection – which in many cases boiled over into anger. Critics pointed out that investigators only interviewed 36 people, did not include every department, and made minimal, or no, effort to contact a number of key witnesses including Kristen Meinzer and Celeste Headlee (*Exhibit B*). The 10-page report also avoided discussion of specific individuals and cases. 'Some employees after reviewing the findings said they found it superficial and "lacking,"' WNYC reported. 'Another said "there is no accountability" and that the report appeared to conclude that problems at the station became known only because of the #MeToo moment and not long-standing issues'.¹⁴ Said Headlee: 'The bottom line for me is that [senior management] knew for years of credible allegations of harassment and intimidation, knew for years there were multiple serious complaints, and the only time they took action was when it went public'.¹⁵

The NYPR Board, meanwhile, threw its full support behind Walker and justified the report's sparseness thus: 'While Proskauer briefed the Board in detail concerning specific allegations of inappropriate work place behaviour, as well as confidential information about people affected by such behaviour, the Board decided to protect employee privacy and comply with legal obligations by not sharing that investigative detail publicly'.¹⁶ Kachka, who had interviewed more than 50 people for his *New York Magazine* piece, was sceptical: 'it's impossible to parse whether information was left out to protect victims or to protect the institution from embarrassment. It's telling that Proskauer, which has a reputation for siding with management in cases like this, proposes many fixes — often in the service of limiting liability — without seriously assessing culpability'.¹⁷ Even Laura Walker retreated somewhat from her initial enthusiasm for the report (*Exhibit C*).

Farai Chideya, John Hockenberry's ex co-host, argued that WNYC and similar places needed to 'purge their secrets in order to heal' with a full airing of who knew what when. She also doubted that the kind of measures NYPR was undertaking, such as diversity programs or unconscious bias training, would ultimately deliver the fix needed: 'Gender alone will not create equality, nor will race alone. It takes people who are committed to actually doing the work. I do agree that adding more managers of colour and more female managers is key. But what's really key is having committed management with strategies, the willingness to let go of people who don't conform to workplace protocols and stopping protecting people [who], for one reason or another are favoured, but who simply don't live up to acceptable codes of conduct'.¹⁸

Some staff weren't prepared to wait around and find out. According to Kachka, at least 10 women had already resigned since the beginning of the year, with more weighing up their options.¹⁹ 'I would never work for a non-profit again', said one former NYPR fundraising employee who also had commercial experience.²⁰ Whether Walker could yet win back disillusioned employees remained to be seen but many commentators, including former culture reporter Siddhartha Mitter, believed the organisation needed to do much more than simply state its values: 'Civic life, ultimately, is what public radio is about — or so we are told over and over during pledge drives. Community, accountability, transparency are all part of the sell for public radio, and WNYC is no exception. Through visible changes in management and audible changes in content, WNYC can not only make good to its staff and listeners but set a much-needed example of renewal for all of public radio'.²¹

¹⁴ <https://www.wnyc.org/story/investigation-harassment-nypr-finds/>

¹⁵ <https://current.org/2018/02/as-scrutiny-reveals-deeper-problems-at-nypr-walker-accelerates-workplace-reforms/>

¹⁶ <https://www.wnyc.org/nypr/outside-investigation-board-response/>

¹⁷ https://www.thecut.com/2018/04/wnyc-employees-react-to-sexual-harassment-report.html?utm_source=tw&utm_medium=s3&utm_campaign=sharebutton-b

¹⁸ <https://www.wnyc.org/story/farai-chideya-harassment-and-moving-forward/>

¹⁹ <https://www.thecut.com/2018/04/wnyc-employees-react-to-sexual-harassment-report.html>

²⁰ <https://current.org/2018/02/as-scrutiny-reveals-deeper-problems-at-nypr-walker-accelerates-workplace-reforms/>

²¹ <https://www.villagevoice.com/2018/02/05/public-radios-public-reckoning/>

Exhibit A: NYPR mission statement

NYPR Values & Mission

Mission: To make the mind more curious, the heart more open and the soul more joyful through excellent audio programming that is deeply rooted in New York.

Through independent journalism, telling stories that matter, leading courageous conversations and celebrating the power of music, we create impact – deeper understanding, richer conversation and more engaged and enlightened communities.

We live our values on air and off air.

1. Listen deeply and embrace all voices

Listening is our core strength. We listen with curiosity and empathy to each other, to our city, our audiences and our work.

2. Push the boundaries of what is possible

Creativity is a hallmark of our work and our service. Through bold moves as well as continuous improvements, we push the boundaries to drive impact. Every day, we challenge ourselves to be better.

3. Explain the why

We explore and explain the why – with our colleagues and with our audience.

4. Embrace equity

We believe in equity and inclusion in the stories we tell and in the ways we treat each other. We invest in our people and help them chart their way. We have courageous conversations.

5. Build trust through positive collaboration

We believe that we can be better together. We support each other, participate in good faith and deliver honest feedback. We invest in each other's success.

6. Be accountable, expect excellence and celebrate

We strive to do the right thing. We are accountable to each other, to New York Public Radio as a whole and to our community of listeners. We expect excellence and have fun celebrating success, learnings and insights.

Source: <https://www.wnyc.org/values/> Accessed: June 2018.

Exhibit B: Report reactions

 **Suki Kim** @sukisworld Follow

So this outside "investigation" (which found harassment @WNYP *not* systematic) was commissioned by @WNYP Board who *fully* supports @WNYP management that enabled abuse for decades. Investigation did not speak to key women in my @nymag piece exposing systematic harassment @WNYP twitter.com/farai/status/9...

This Tweet is unavailable.

6:38 AM - 25 Apr 2018

7 Retweets 2 Likes

2 7 2

 **Barbara Lee** @realcavewoman · Apr 25
Replying to @sukisworld @WNYP @NYMag
CYA all the way. I'm so sorry. You all deserve so much better.

1

 **Celeste Headlee** @CelesteHeadlee Follow

I was one of the women involved in John Hockenberry's abuse. I was never contacted by investigators.

Jim Schachter @jimschachter
LISTEN: Tough, skeptical reporting by @WNYP's @ilyamarritz & @byjessicagould on @proskauer law firm's investigation of misconduct by WNYP hosts and management. wnyc.org/story/investig...

4:14 AM - 25 Apr 2018

95 Retweets 171 Likes

10 95 171

Source: twitter.com, Accessed: June 2018.

Exhibit C: Laura Walker staff email

 **Ilya Marritz** ✓
@ilyamarritz [Follow](#)

Laura Walker (gently) critiques the Proskauer report on harassment at NYPR in an all staff email >>

This has been a difficult week, and I want to take a moment to share my reflections on the independent investigation by Proskauer Rose, commissioned by the Audit Committee of the Board of Trustees.

Like you, I read the investigation report on Tuesday and my thoughts have continued to deepen and evolve in the hours and days since then. The scope of Proskauer's investigation was very narrow, and I do not feel it characterizes the profound impact that mistreatment and marginalization have had here. Nor does it reflect the passion and dedication you all put into your work and this community.

12:20 PM - 26 Apr 2018

7 Retweets 17 Likes 

 4  7  17

Source: twitter.com, Accessed: June 2018.