LIABILITY & RISK MANAGEMENT

A Guide for Campus Professionals

TOPICS COVERED

EVALUATING RISK
- Determining areas of risk on campus
- Creating a culture of awareness
- Evaluating policies
- Developing new strategies
- Training considerations
- Training materials

STUDENT GROUPS
- Greek organizations
- Hazing concerns
- Athletics
- Student safety during service projects
- Student leaders making own risk assessments
- Risk management training for student leaders and advisors
- Training materials

YOUTH ON CAMPUS
- Sibling weekends
- Family visitors
- Summer programs
- Admissions events
- Children of faculty & staff
- Programs with kids from community
- Training materials

TRIPS & TRANSPORTATION CONCERNS
- Issues when taking groups off campus
- Communication and emergency protocols
- Being proactive
- Driving official campus vehicles
- Training drivers
- Training materials

ALCOHOL & OTHER DRUG ISSUES
- Party monitors
- Pros and cons when offering alcohol during official campus events
- BYOB functions
- Effectively monitoring over-21 events
- Alcohol-related training for student leaders
- Handling medical transports
- Amnesty and other policies
- Training materials

INTRODUCTION

Managing an institution of higher education today has become more complex than ever before. While in the past a president was considered "first among equals," a nod to their standing as a faculty member first, today's chief executive spends little to no time on curricular issues and considerably more on fundraising and external relations. Jackson (2013) found that nearly 40% of college presidents indicated that fundraising efforts were within their first or second top priorities. Data shows that this is not an aberration but the reality of leading higher education in an environment where state appropriations for institutions continue to shrink. Mitchell and Leachman (2015) said that 47 states are spending less today per student than they were back in 2008 when the recession began. This means that a president's time is spent less on campus and more out in the greater community, leaving leadership and management on campus to vice presidents and their collective staffs.

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Beyond being off campus to cultivate gifts, presidents are also working to protect and enhance an institution's brand and minimize potential threats to that brand. It has, therefore, become incumbent upon administrators, as well as faculty and staff, to ensure that the institution is protected from internal and external threats. In order to do so, policies, procedures and basic operations must be examined in the context of not only what is in the best interest of the students' education, but in the best interest of the health and well-being of the institution as well.

Of course, this is easier said than done. Faculty and administrators are tasked with creating robust, competitive programs and activities that attract a diverse group of students. The development of policies and procedures, as well as guidelines to help faculty and staff make informed decisions, is critical and one that requires a balance of all of the pieces mentioned above, with responsibility falling to reports underneath the level of vice presidents.

This guide has been designed with these notions in mind and to assist upper level administrators, faculty and staff in managing the risks that exist on their campus, in their programs and activities, and in a manner that is conducive to the growth of students. Beyond just a resource book listing the dangers involving certain activities, this guide is designed to assist your decision-making, provide case studies for complex situations, and enable you to utilize best practices in policy and procedure creation.

Finally, it is important to note that no document or guide can encompass every possible scenario. To that end, the focus will be on five key areas that will help provide a foundation for success in risk management and also touch on some of the more pressing questions that exist today.

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These five areas include:

1. Evaluating risk

2. Student groups

3. Youth on campus

4. Trips and transportation

5. Alcohol and other drugs

Each section is accompanied by a case study(ies) and a 15-20-minute video presentation (on the enclosed CD) to help reinforce the key elements of this guide. Additionally, the guide includes training tools, handouts and/or checklists to complement the information provided in each section.

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BEST PRACTICES IN RISK MANAGEMENT

What are the best practices in Risk Management? According to a joint report by the Association of Governing Boards (AGB) and United Educators (UE) in 2009, institutions of higher education should take the following important steps when managing risk:

1. **Define risk broadly.** Risk is not just financial, but can also be strategic, operational, reputational and compliance related. Having a more broad definition of risk will serve the institution well.

2. **Recognize both the positives and negatives associated with risks.** Oftentimes, colleges and universities will only view the downsides associated with risk, and not look at the possible positive outcomes. There needs to be a balance in looking at the activity or practice.

3. **Develop a culture of evaluating risk.** Perhaps the most important think that an organization can do is to ask tough questions first. Asking those questions, and knowing who to bring into the conversation, will have a significant impact on the quality of decisions made.

4. **Examine the total "cost" of the risk.** Note that cost is not only about money, but also about time, resources, staff and student morale, etc. All of these things need to be examined when evaluating a program, activity or practice, not just the financial impact.

5. **Collaboration is needed between boards and presidents.** Governing boards and college presidents need to be engaged in these discussions on a strategic, proactive level. Reactive decisions are generally sweeping and do not fully take into account the complexity of the situation.

This is by no means an exhaustive list but provides a foundation upon which an institution or organization can start to build a culture of risk management assessment.

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POLICY, PROCEDURE OR PRACTICE

Olson (2014) shared a clever way to understand the difference between policy, procedure and practice. While a **procedure** may be a mutually agreed upon set of standards that an organization adopts to ensure consistency and efficiency for a certain task, a **policy** takes that a step further and is a formal adopted procedure that must be used when completing said task. A **practice** is considerably looser in that it is a way that an organization, or perhaps an individual within that organization, carries out a task on a regular basis. It may or may not be a policy, or even based upon an expected procedure, but just the way a person operates.

For the purposes of risk management, understanding the differences between the three is quite critical. A practice being carried out by an individual is problematic, but can be corrected rather expediently, if needed. Additionally, the institution has some reasonable form of protection and recourse if someone is operating outside normal expectations. Policies, however, and the procedures that ensure compliance with said policies, are more formal and require not only adherence, but also careful consideration on their implementation. Creating these policies also requires important considerations for safety and risk management.

POLICY DEVELOPMENT

The problem with most policy development is that it occurs as a response to a certain situation or incident. For instance, 20 years ago a student had a large party after bringing a guest to campus so now, for the "betterment of the campus community," no students are allowed to have guests on campus. Or, recent studies have shown that 15-passenger vehicles can roll in an accident so the decision is to not allow any off-campus trips. The problem with these decisions is that, while they may protect the institution in some regards, they also deprive students of opportunities that are essential to their growth and development. Moreover, blanket policies like these also frustrate faculty and administrators to the point that they look to find ways around the policies in order to accomplish what they wanted to accomplish in the first place.

> " *A good process will result in a good outcome, even if not everyone agrees on every nuance of the policy itself.* "

In developing policies, organizations need to take a strategic planning approach that begins with identifying/defining the issue or problem first. From there, a point person who has expertise and/or a vested interest in the policy should be appointed, pulling together a small task force to research the issue and determine steps that need to be taken. Consultation with outside experts, colleagues and risk management experts is critical and will allow the development of a draft policy that can be reviewed by all key stakeholders. Adoption of the policy can and should occur after sufficient discussion and revision has occurred, followed by a period of evaluation after the fact. As with

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most things in higher education, and life in general, the process matters more than the outcome itself. A good process will result in a good outcome, even if not everyone agrees on every nuance of the policy itself. Figure 1.1 illustrates this policy development process.

Identify/Define the Problem → Appoint Team and Chair → Outline the Process → Conduct Research/Consult → Draft Policy → Discuss with Key Stakeholders → Revise and Adopt Policy → Evaluate and Assess

Figure 1.1. The policy development process

Policy development is a critical step that is often neglected when managing risk for an organization. Taking a step back first, examining what is currently done (and why), what other places are doing and then developing a policy that is effective for a specific institution is essential in being able to manage risk in a way that recognizes the hazards while celebrating the possible rewards.

THEORIES IN ACTION: POLICY DEVELOPMENT

Envision a medium-sized, 5,000-student campus located in a suburban area in the Northeast. The campus, with a large commuter population, is in the heart of a residential neighborhood and has struggled for decades with parking. Landlocked, the institution cannot expand campus parking further. Additionally, town regulations will not allow for additional growth or students/employees parking on campus.

The president, in her third year in office, has made it a major initiative of hers to improve relations with the town, and tackling the parking issues on and off-campus is key to that vision. She has asked her new vice president for administration to pull together a task force to evaluate the problem and implement a policy that will be effective in managing this situation. How can the guidelines outlined above help to address this problem?

1. **Identify the problem.** Parking issues have many causes and, usually, space is the least of those. Is the parking problem related to first-year students having vehicles on campus? Is it visitors to campus? Are the parking lots not set up properly? Identifying the true problem will allow for a better resolution. In this case, perhaps the problem is more *where* first-year students are parking and an external lot with provided transportation may alleviate some of the stress on the existing parking infrastructure.

2. **Appointing a chair/team.** The president has already done that here, but a transparent process is critical. A team comprised of faculty, staff and students, who are invested in the outcome, will make for a stronger resolution.

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3. **Outline the process.** How often will the task force meet? When is the new policy going to be implemented? Who will be sharing what is discussed in meetings? These are key questions to be answered up front.

4. **Conduct research.** At this phase, the task force should be examining parking policies at nearby and similar institutions, examining fee structures, parking lots, etc. Additionally, they can look at parking experts on those campuses to come and evaluate the problem with a fresh set of eyes.

5. **Draft policy/Discuss with stakeholders.** For discussion purposes, a drafted policy that changes when people can use certain lots and where people can park, how vehicles are registered, etc, can help foster further discussion and identify some of the challenges with those changes.

6. **Revise and adopt policy.** After discussion, a revised parking policy can be implemented and adopted, complete with a timeline that will make implementation effective. A successful policy needs a realistic timeline.

7. **Evaluate and assess.** During the period of implementation, the new parking policy should be implemented and evaluated. Avoid changes being made right away in order to allow sufficient time for the policy to be effective.

What this brief illustration shows is how a complex problem that needs a strong policy behind it can be solved with an intentional policy development process. It is important to note that communication is absolutely critical to the success of this policy development and the outcome thereafter.

Organizations can use this same process as they evaluate risk and develop policies that are effective in managing those potential liabilities.

"
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INTRODUCTION *(CONTINUED)*

USING THIS GUIDE

This guide has been set up in a way that will enable administrators to think critically not only about specific situations, but also about the general process for evaluating situations. Through experiencing presentations and case studies, as well as guidelines for best practices in risk management, professionals will be able to effectively manage challenging situations that exist on their campus and to implement policies that will be effective and supported by key constituents.

Chapter Two will discuss ways that a campus can and should evaluate risk in the first place by determining areas of concern, evaluating existing policies and developing new strategies. Most importantly, this section will outline how to create a culture of awareness on campus so that faculty and administrators who are working with students are able to quickly identify concerns. Resources will include sample checklists and action plans that can be formally adopted and tailored for individual campuses.

The next chapter will examine student groups on campus, including Greek organizations, and outline the risks associated with serving as an advisor, hazing, service learning off-campus and how to balance empowering students but also monitoring from afar. Resources will include training materials for student leaders, advisors and coordinators in student activities.

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A chapter on youth programs on campus will be discussed in detail and include material on family visitors, including sibling weekends, admissions events for prospective students, managing summer, residential programs and more. Resources will include sample policies for prospective students staying overnight, managing a summer program, etc.

Chapter Five will take a robust look at planning trips and managing transportation for a college campus and include discussions on emergency management procedures, ways to be proactive, determining those who are eligible to drive campus fleets, etc. Resources will include guidelines for using institutional vans, providing transportation to institution-sponsored events and training guidelines for approved drivers.

Finally, this guide will conclude by examining the risks associated with alcohol and other drug issues on campus including managing BYOB events on campus, medical transports, amnesty policies and more. Resources will include training guidelines for student leaders and sample policies for BYOB and other events.

INTRODUCTION *(CONTINUED)*

GENERAL CAVEAT

It is important to note that this guide is designed to be a helpful resource for administrators as they examine risk on their campuses and implement policies and procedures that will work best. In recognizing that each campus and situation is unique, institutions should always consult general counsel before implementing a new policy and procedure. Additionally, state laws differ throughout the country on almost everything from alcohol to care for minors to driving of school vehicles. To that end, administrators would be wise to evaluate relevant state laws to ensure that policies and procedures are compliant.

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