WEDNESDAY, FEBRUARY 17, 1993
8:30 - 10:00 a.m.

CONCURRENT SESSION ONE

The Lessons of Hurricane Andrew: The Institution’s Legal Responsibilities During and After a Major Disaster—Would Your Emergency Management Plan Work?

Faculty:

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AFTER THE STORM

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Presented at the Stetson University
College of Law Conference:

14th ANNUAL NATIONAL CONFERENCE ON
LAW AND HIGHER EDUCATION: ISSUES IN 1993
Sheraton Sand Key Resort Hotel
Clearwater Beach, Florida
February 14-17, 1993
I. Overview

No one, person or institution, is fully prepared for the devastation of a disaster. The toll on the persons affected by loss of their homes, the loss of lives of relatives or friends, the overwhelming impact on the lives of so many people in so many ways. No one can comprehend or understand the loss. We try to cope, to collect our lives, to move on. We try to focus on those things which are normal, while trying to restore those things which are no longer normal. It is the same for an institution. It must survive, it must assume the responsibility for those in its charge and for its employees. It must be the foundation for rebuilding. It has a social and psychological role and duty which it must recognize and fulfill. It must rebuild and its people must rebuild.

What follows is a review of the many aspects of a University which have significant responsibilities in the recovery process.

II. People

More than any single element a university is people—the faculty, the students, the administration, and the staff. The first element in any recovery plan should be the people.

A. The Students - If students are on campus during any disaster there must be an immediate effort placed on locating everyone, determining their condition and communicating with their parents or relatives. Thereafter, providing for their continued safety and well being becomes a central responsibility.
1. Students Living on Campus

   a. Housing personnel should immediately locate or account for each student in each dormitory. Part of a plan should include a pre-arranged reporting scheme or plan. The student's health condition and location should be ascertained and the student should be told when and where there will be meetings to plan necessary actions. If emergency help is necessary, campus personnel should assist in obtaining it.

   b. Communication with parents or relatives - As soon as practical the University should arrange or assist in arranging for the students to contact their parents. If regular telephone systems are not operational, cellular phones may be effective. Other arrangements may be necessary, and, if so, should be undertaken. While cost is always a factor, this is not a time to worry about costs.

   c. Housing - If the campus buildings are structurally safe there may be other problems in housing which could render buildings unhealthy or unsafe. Evaluate availability of water for drinking and sanitation, and power supply. Plans should be made a priority for restoration of these services.
d. Dining - Feeding thousands of students daily is hard enough. Carefully evaluate the availability of food supplies and the likelihood or restoration of deliveries and of supply. While trucks may be able to get to the campus, the supplier may be forced to direct its inventory elsewhere.

e. Evacuation - In the event the disaster renders university facilities unusable or there are other circumstances which would have the same result, plans should be made to relocate the students. Depending on the number, they could be relocated to hotels. If this is not an alternative, sending the students home for a period of time until services can be restored is a viable alternative. The University may want to consider assisting in the payment for travel for goodwill and other purposes.

2. Students Living off Campus

Similar to the priorities for on campus students, students living off campus should be located to determine their condition, their need for help or treatment, and for their safety and well-being.

a. Communication - A plan should be devised to locate and communicate with all students to the extent possible. This is important to advise them
where to listen for or receive information. The University may want to consider radio and television advertisements, newspaper ads placed daily with messages to all members of the university family, voice mail message bulletin boards, etc., as a means of communication.
b. Housing - If off campus housing is unsafe or uninhabitable, arrangements to temporarily house students on campus should be undertaken. If not available the university should provide assistance in relocation or evacuation. The University might identify alternative housing, etc.
c. Dining - If there is a shortage of food off campus, those students should be given the opportunity to eat at the campus dining halls if possible.

B. Faculty and Staff - Another aspect of recovery is ascertaining the safety and well-being of the faculty and staff. This process serves many functions.

1. Communication - A communication plan should be in place, if not get one going. A good system would follow organizational lines either top down or bottom up. All personnel should be located by any means--phone, personal contact, etc.

2. Status - When communication is established, ascertain the health condition of the employees and their families.
Find out their needs for food, clothing, and shelter. Ask what assistance can be provided. At the University of Miami ten percent of our employees lost their homes (700/7,000).

3. Work Related Needs - If an employee was not seriously affected by the disaster, determine whether they are able to report to assist others.

4. Continuing Contacts - Tell the employee where to look/call for university-wide messages (newspapers, radio-TV, voice mail).

5. Provide Assistance - There will be needs. Organize to provide for them. As described below, advise those in need how and where to get assistance.

III. The University Response - Assessment and Recovery

As the process of locating and assisting your students, faculty and staff is proceeding, you must begin damage assessment. Every aspect of the physical plant and operating systems must be examined. This review will serve two purposes. First, it will serve as the initial outline of repair and restoration needs. Second, it will begin the process of outlining insurance and governmental assistance claims.

A. Physical Plant

1. First Review - Members of the Physical Plant team (may include other available personnel) should take a tour of all facilities on all campuses to assess damage
and note major problems. While the first instinct may be to get started with quick repairs, it is most important to complete the survey and assessment. The order of repair will depend on input from others (safety of students, loss of valuable lab equipment, library needs, computer needs, etc.).

2. Assessment and Prioritizing - When the initial survey has been completed, decisions should be made on the needs and priorities. The assessment will include the availability of personnel, outside members of the crafts and supplies. Where possible, temporary repairs should be undertaken. Other considerations include availability of water and power.

3. Permitting - One person on the Physical Plant staff should be designated to contact all governing bodies to ascertain the process and procedures they will put into place for permitting and inspecting jobs.

4. Make the Decisions and Get Going - Our priorities included traffic ingress and egress, clearing of debris for safety, repairing roofs on dorms, the library and computer center, and repairing or covering windows.

5. Restoration of Utilities - One of the single greatest problems we experienced was the loss of utilities—power, water and phone, life's necessities! The power company will have a restoration plan which will be adapted to the conditions. Establish a liaison with the
utility companies for your high priority needs, particularly hospitals, clinics, etc.

B. Communications and Information Resources

1. Initial assessment of damage and emergency capabilities is very important.

2. Telephone systems should be checked and readied if service is not available; maintained if it is.

3. Emergency backup power or alternative systems should be checked and made available if possible, including cellular phones.

4. Computer systems and backup systems should be analyzed for damage or other losses.

C. Security - While recreating a safe place is of the highest priority, keeping your campus safe and secure is right up there, too. As soon as practical, campus police should provide much more intense security. Doors and windows will be open or gone, inviting to the uninvited.

1. Department officers should be contacted as are all other employees to determine if they or their families need help.

2. Officers on duty should be given opportunity to go to their homes to assist their families.

3. Determine staff strength and deploy. Respond to the existing needs.

4. Hire additional security to secure and protect buildings and property.
5. Communicate with other law enforcement departments, particularly agencies responsible for other campuses or facilities.

6. Support, to the extent possible, local police recovery efforts.

7. Work with military units which will be sent to the area for security and transportation duties.

8. Support and feed all of your officers. If they or their families need temporary emergency housing, try to move them on to campus. They are the first line of defense and deterrence.

D. Governmental Relations--Assistance and Cooperation - The institution must be prepared to work with all levels of government in the recovery. Each has the potential to provide assistance.

1. Federal Programs

   a) The Federal Emergency Management Agency (FEMA) will almost immediately be at work in your area. Be prepared to be first in line. Know your insurance coverage and what isn't covered. Be prepared to tell FEMA the general nature of your recovery needs. Consider hiring a FEMA consultant.

   b) Federal Emergency Legislation - Your office of Governmental Relations should become involved in any federal legislative funding program prepared to respond to the disaster.
c) Military Assistance - Seek information regarding the Department of Defense operations in the area to identify areas where military personnel may be of assistance to you. Expect the military to suggest your campus as a housing/dining source or your fields as a campsite.

d) Federal Action Team - Establish a working team to work with the government agencies with contracts with the University. They will want reports on your programs and activities. They may be a source of recovering funds for labs and equipment.

2. State Programs

a) The Office of the Governor or state emergency preparedness agency are excellent sources of information, support, and funding. Establish a liaison with them.

b) National Guard - To the extent the National Guard is deployed to your area, contact the coordinator to secure assistance.

c) Emergency State Funding - As it is with most states today, "rainy day" funds are dry. However, the state will attempt to do its part in the relief effort. In our case it is anticipated that the sales tax on construction materials and services will generate $500 million in income to the state.
These will be a source of funds for the Legislature. Be sure you're included.

d) State Agencies: Cooperation - Many state agencies have the potential to be of assistance in a recovery. Those involved in our recovery were: The Office of the Governor; the State Insurance Commission (assisted in insurance claim matters); Department of Natural Resources (assisted in work at Marine School); Health and Rehabilitative Services (health and medical matters involving support of efforts of our physicians and nurses); Department of Education (provided institutional support and campus police officers from State University campuses); these are but a sample.

e) State Governmental Relations Officer - Should work with all administrative and legislative agencies to seek recovery assistance and support.

3. Local Government

a) Life and safety issues will be the first concern of local government. Their primary reaction will be to respond to persons who have been injured. Of equally high concern will be the restoration of traffic, security, power, water and sewer, and telecommunications. It is important that the institution establish a liaison with the local governmental emergency response program.
This will provide both information and an opportunity to find assistance.
b) Building departments will be deluged with requests for permits. Establish a program to work with local governmental agencies to process requests for permits.
c) Police departments may call upon campus police early on to add to their forces until military assistance is arranged. Be prepared to cooperate.
d) Be prepared to respond to requests for community assistance. Housing and dining facilities come most immediately to mind. Your campus buildings may be emergency shelters. Don't expect people to leave right away.
e) Funding by local governments will not be available. Local governments will respond with services and support, but not with cash.

IV. The Campus Recovery - Toward Normal

The campus will be a mess. So will your plans. The best recovery system is to have each division of the university make their plans for recovery to be submitted to the Vice Presidents and President for consideration. Some examples of planning needs by division are:

A. Academic Planning

1. A campus calendar must be drafted and approved to include rescheduling of classes and classrooms. In doing
so, careful attention must be paid to accreditation standards. This work would be coordinated with the Faculty Senate, hopefully to avoid disputes later.

2. Academic units must become part of the recovery process. All faculty, departments, schools and administration must cooperate in the process of insurance recovery for university and personal losses on campus.

3. Research programs and grants must be reviewed to request time and assistance from sponsoring agencies. Research programs substantially affected by the disaster should be addressed as soon as possible.

4. Faculty members may be asked to assume additional responsibilities in connection with the recovery both on campus and in the community. The need for their professional practice or expertise will be great. Accommodation will be the university's problem to solve. This demand is most predictable in the health sciences.

B. Business and Finance - The responsibility for bringing the physical campus, buildings, systems, etc. back together will fall on the Division of Business and Finance. A review of some areas and their response needs follows.

1. Physical Plant is responsible for returning the campus to its pre-disaster condition. That activity will involve all members of the staff from housekeeping, to landscape and lawn maintenance, to
repair of facilities, both temporary and permanent, to demolition, to reconstruction of buildings, utilities and other structures. It is a costly and time consuming process. Physical Plant will also have to review ongoing construction projects which may have been damaged during the disaster and revisit construction contracts.

2. Information Systems and Telecommunications
a) Information Systems is the heart of the data systems of the University from students records, to students accounts, to university accounts, to research, to university records... the disaster recovery of this unit is extraordinarily important. The review of all systems is tedious. Planning for alternate mainframe backup is a high priority. Everyone wants to be paid.

b) Another extremely important utility is telecommunications. Early restoration of campus and local service should be a high priority. Availability of service and repair personnel may slow process, thus, should be a central part of disaster recovery planning.

3. Insurance - Hopefully you have it. A careful review of all policies is absolutely necessary to determine coverages and the terms of proving losses. You may want to consider using a consultant to help in the response of
the carriers. What do you need? You will need to prepare proof of loss claims for the carriers. You'll need a current inventory of property and damage, acquisition costs, estimates to repair or replace, and endless forms. Since different forms of coverage are available, the responses to the insurers will be different. The coverages run the gamut. Property damage, loss of use, personal property, automobile, etc., etc.

4. Real Estate Office - While it would appear that the real estate office would not be a likely player, it is. The real estate office serves as a resource for personnel finding alternate or temporary housing. We rented apartments and houses with the right to sublet to our employees and students. If its a real disaster, rental units will disappear quickly.

5. Purchasing - Finding supplies and equipment, having them transported to campus, and handling the acquisition of replacements paid for by insurance makes for a busy purchasing department. This may be an area which needs extra temporary support to meet the expected demands.

6. Pay all of your employees. It is important to perhaps designate extra vacation or leave time for this purpose. For those persons who are able to report, they should have this time added to their sick or vacation leave accounts.
C. Other Functions

1. Athletics – If the disaster hits during the academic year your athletic program will face serious interruptions in its activities and in revenues. The program should continue to the extent feasible.

2. Bookstore operations may be interrupted. You may want to consider business interruption insurance here.

3. The university attorney's office is involved in many of the foregoing activities. The basic activity of the attorney's office was in reviewing contracts, leases, subleases, purchase agreements, insurance contracts, insurance proof of loss statements and the like. We were never without business.