CAMPUS SAFETY: FACILITIES AND VEHICLES

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Campus Safety and the personal injury, that can result when unsafe conditions or actions arise, can cover a wide range of issues and challenges for colleges and universities. Among the issues and challenges are problems caused by criminal activities against students and other members of the university community, acts of God, and liabilities arising from the use of facilities and vehicles. While acts of God, such as earthquakes and tornadoes, cannot be avoided, how an institution prepares for them and reacts to them can have significant impacts on an institution’s legal and public relations liabilities.

This latter distinction between an institution’s legal and public relations liability is particularly important since an institution can be legally protected and still suffer tremendous losses due to the public’s perception of how the institution has handled the safety concerns of its faculty, staff, students, and/or visitors. An example of how an institution can be legally correct and still incur a public relations liability occurred a number of years ago when a university that had recently gone from being a municipal to a state university became involved in a controversy surrounding the construction of a dormitory facility. Shortly after becoming a state institution, the university began constructing a high rise dormitory based on state building codes in spite of the objections of local building code officials. Some time after the dormitory was built a fire occurred in the building. In the aftermath of the fire in the dormitory, a firestorm of controversy arose when local building code officials claimed that the institution could have avoided many of the problems that resulted from the fire if local instead of state building codes had been followed. While the university was found to have been legally correct in what it had done, the negative
public reactions were such that the dormitory ended up being closed and was eventually demolished.

In addition to the legal and public relations liabilities, the many safety issues and challenges facing colleges and universities have a legal and an administrative aspect. Examining the issue of campus safety from an administrative perspective begins with the premise that a balance must be found between the legitimate safety concerns and needs of faculty, staff, students, and visitors and the desire of these same people to be able to use and enjoy an academic environment. It continues with the understanding that how safe a place is, is often a matter of perception as well as reality. For example, an area of a campus that meets the minimum recommended lighting levels might be perceived as unsafe even though no assaults or other crimes have ever occurred there. At the same time, an area of a campus with lighting levels well above the minimum levels may have been the site of several recent assaults. To make the campus safe, therefore, requires that the administration research and take corrective actions to eliminate, if possible, the factors that caused the assaults in the highly lit area and that are creating the perception of risk in the area with less lighting. Hence, creating a safe campus environment involves creating both the reality and the perception of a safe campus environment.

A key aspect of creating a safe campus environment is the development and implementation of practices and designs that promote the safe use of facilities. One way of classifying the use of facilities is to identify the primary purpose of each facility. Viewed this way facilities use covers the use of classroom and administration buildings, library and research buildings, residence and dining halls, grounds, vehicular and pedestrian thoroughfares, parking structures, athletic
facilities, and the utility infrastructure. While each of the facilities under this classification can share some common safety practices and liability issues, there are also a significant set of unique issues of liability associated with each of these facilities about which one could write a paper like this one. Among the common set of safety practices and liability issues are those associated with the construction and renovation of facilities. The purpose of this paper is to examine those safety issues that are centered around what a college and university can do to minimize and cope with the liabilities associated with construction and renovation projects.

The liabilities connected with a facility under construction and the safety measures that can be taken to minimize those liabilities vary depending on whether the facility is a new construction project or is a renovation project. The liabilities associated with construction projects also vary for building renovations where the building remains partially occupied during the renovation process and for buildings where the new construction project is either connected to or immediately adjacent to an existing occupied structure.

CONSTRUCTION/RENOVATION

Controlling for safety risks with construction and renovation projects involves controlling safety during the actual construction stage of the project as well as controlling the safety features that are built into the new or renovated building.

The primary goal of safety measures during the construction stage of a building project is to reduce the risk of personal injury to people at or near the construction site. Among the people
most likely to be affected are the construction workers on the construction site and faculty, staff, students, and campus visitors whose business or curiosity causes them to be in close proximity to the construction site. Many of the most cost effective steps for controlling construction site safety and limiting institutional liability are actions that can be taken prior to the start of the actual construction work. The bulk of these actions involve establishing a sound contractual and oversight relationship with the contractor. Establishing a sound contractual and oversight relationship with a contractor at the beginning of a project will enable a college or university to:

1. Reduce the probability of an accident or serious injury occurring on the construction site;
2. Minimize the risk and improve the safety of the institution’s employees, students, and visitors, as well as the contractor’s employees; and
3. Limit the institution’s legal and public relations liabilities.

**Construction Stage Safety**

Among the pre-construction oversight and contractual steps that an institution can take are the following:

1. Examine a contractor’s previous accident records and workers’ compensation records when selecting a contractor;
2. Involve safety and health professionals at the earliest stages of planning;
3. Insist that the construction contractor comply with all provisions of local, state, and federal safety and health regulations that pertain to the construction work itself;
4. Require a “Hold Harmless” clause in the agreement with the contractor which will hold the institution harmless for any action/inaction by the contractor, the contractor’s employees, or the contractor’s subcontractors.

5. Require that the contractor meet certain minimum safety, health, and equipment requirements to include protecting the institution’s employee’s, students, and visitors from construction hazards;

6. Note the applicable regulations and industry standards in the contract thereby making subsequent enforcement easier;

7. Never undertake the supervision of a contractor’s employees. Instead, the institution’s representative should report any matters of safety to the contractor’s superintendent or top supervisor with the appropriate authority; and

8. Hold a pre-construction conference to review, and where necessary establish, the safety requirements and expectations for the construction site activity.

**Building Safety into Construction/Renovation Projects**

The design and redesign stage of a building is the best time to anticipate, analyze, and eliminate or control hazards. It is for this reason that the National Safety Council recommends that to achieve the greatest effectiveness in hazard avoidance, elimination, or control an institution should apply the following priorities to all design and redesign processes:

1. First priority: Design for minimum risk

2. Second priority: Incorporate safety devices
3. Third priority: Provide warning devices

4. Fourth priority: Develop and implement operating procedures and employee training programs

5. Fifth priority: Use personal protective equipment

In controlling the safety features being built into a new or renovated building an institution should take the following steps to minimize the risk and improve the safety of the institution’s employees, students, and visitors who will use and/or visit the facility once constructed:

1. Ask the architects and engineers to “think safety” as they are designing the structure and drawing up the specifications for the facility. For a checklist that architects and engineers can use to help them “think safety” see the “Project Review Checklist” found on page 12 of the National Safety Council’s Accident Prevention Manual for Business and Industry, Engineering & Technology, 11th Edition.

2. Perform a life cycle analysis on the facility to determine whether certain construction choices are the most cost effective choices across the anticipated life of the structure given the risk of injury or adverse health affects that they may cause;

3. Involve the institution’s insurance carrier in a review of the plans to determine if there are discounts that can be realized in insurance premiums by designing certain safety features into the structure;

4. Treat local, state, and national building codes as minimum requirements for construction techniques to ensure a structure is built properly in accordance with recognized practices and peculiar local requirements (like earthquake bracing in California or Western Kentucky);

5. Involve safety and health professionals in the earliest stages of planning.

**Renovations and Additions**

Renovation projects and projects involving construction additions to an existing building should follow all of the steps outlined in the above sections on “Construction Stage Safety” and “Building Safety into Construction/ Renovation Projects”. In addition, renovation projects for buildings that will be partially occupied during the renovation and construction addition projects to an existing building that is still occupied, need to address an additional set of safety concerns. More specifically for renovation projects, an institution should:

1. Ensure that the designers and contractors know about all laboratories that once used hazardous chemicals or radioactive materials. In addition, proper precautions should be taken when removing equipment from the laboratory or modifying fume hoods and their venting systems. This is particularly important in laboratories where radioactive isotopes have been used since venting radioactive materials under a fume hood may have contaminated the hood and/or the venting system with radioactive materials;

2. Ensure that the existence of all hazardous materials and their condition are known and that proper procedures for handling and removing these materials are in place. This is particularly important for any plumbing or holding tanks used to flush and hold hazardous materials; and
3. Ensure that precautions have been taken to keep any hazardous materials that are being
disturbed or removed, such as asbestos, as part of the renovation from entering the HVAC
systems of the occupied portions of the building.

For both renovation projects and construction addition projects to an existing building that is still
occupied, an institution should:

1. Ensure that no construction equipment exhausts are located near any existing air intakes of
occupied buildings. Locating equipment exhausts near air intakes that feed a building’s
HVAC system can cause “sick building syndrome”; and
2. Acquaint the contractor’s representative with the facility’s safety program, emergency
procedures, and any special hazards in the facility’s operations.

Many of the above steps are designed to avoid the creation of a “sick building syndrome”.
Avoiding the onset of a real or perceived sick building syndrome should be a central goal of
every institution if at all possible. This is true since once people believe they are in a “sick
building”, reversing the perception that the building is causing the occupants to be ill can be, at
best, time consuming and difficult. However, once a real or perceived “sick building syndrome”
develops the institution should be prepared to spend the time and money to both remedy the
situation and work with the building occupants to calm both their real and imagined ills. The
best way to combat concerns is to work to eliminate the cause of the “sick building syndrome” as
quickly as possible. Once the cause is identified and eliminated a thorough, and if necessary
repeated, air quality test to ensure the air is safe should be conducted. In addition education sessions should be held with the building occupants to keep them informed of the situation.

MOBILITIZING PEOPLE TO ACT

As noted earlier in this paper, how safe a college or university campus is, is often a matter of perception as well as reality. Hence, educating a campus community on how to avoid risk, and the true nature of both real and imagined hazards, is a central element in mobilizing people to act appropriately in backing measures to make a campus more safe. Unfortunately, campus budget constraints are also a reality that often crowds out the concerns for the perceived safety hazards on a campus until a specific problem or lawsuit arises. While no strategy has been found to be completely successful at overcoming the resistance to safety programs created by budget constraints, there are certain steps that one can take to improve one’s chances of obtaining funding for safety programs. Among these strategies are making safety concerns real and creating a campus safety fund to address safety issues as they arise.

Making Safety Concerns Real

Making safety concerns real does not require hiring a hit squad to attack students. Making safety concerns real does require a consistent, well thought out, fact based, and visual education program combined with the support of a concerned group of safety advocates throughout the campus. In an ideal environment creating this education program would be part of the job description of a full time safety officer who would work cooperatively with the head of campus
security. However, for many small colleges there may not be sufficient resources to fund a full time position. An alternative strategy, therefore, is to create a Safety and Health Committee whose purpose is to assist in making the campus a safer and healthier environment. Creating a Safety and Health Committee is also a good idea for a larger campus that can afford a full time safety and health officer since the Committee can act as a neutral advocate for many of the initiatives being proposed by the public safety person.

To enable this Committee to obtain and maintain the support of the institution’s administration, it should avoid issues that are not directly connected to health and safety and that would undermine its ability to carry out its purpose in an objective manner. Hence, this Committee should avoid the temptation to become involved in issues that are related to employee relations problems. In addition, the Committee should avoid assuming, or being viewed as assuming, the ultimately responsibility for providing a safe and healthful campus environment. Instead this Committee should be active in encouraging the administration to develop a system for responding to Committee recommendations. To be successful this Committee should, at minimum, be comprised of persons who have a sincere commitment to the safety and health effort. The members of this Committee should also understand their role, responsibilities, and limits. The Committee members can be chosen in a number of manners. For example, at a large comprehensive university members may represent each college as well as key administrative departments. Members may also be chosen to represent certain campus constituent groups such as middle level managers, students, faculty, or an association of female faculty/staff. To be successful this Committee should also make, as one of the responsibilities of its Committee
members, acting as an effective communications link back to the department, college, or interest
group that each member represents.

To help this Committee understand the nature of the safety and health risks on campus, it should
hold regular meetings. These meetings should be held at least once a quarter. The purpose of
these meetings should be to 1) educate Committee members on the legal, regulatory, and
procedural requirements for a safe campus, 2) inform the Committee members on how well or
poorly their institution complies with the legal, regulatory, and procedural requirements for a
safe campus environment, and 3) enable the Committee to make recommendations to the
college/university administration based on an objective review of the institution’s safety
conditions.

For example, the Committee in reviewing the appropriate lighting levels on campus should first
be educated on the lighting standards currently in force. These standards are generally expressed
in terms of foot-candles per square foot. Once this information is known, the Committee should
receive information detailing the lighting levels along all walks and thoroughfares across the
campus and where the lighting levels fall below the minimum levels. Finally, the Committee
should draft a recommendation to the administration detailing its findings and recommended
course of action.

In some cases Committee members can be aided in understanding a given safety hazard if they
tour an area that is considered to pose a risk to the campus population. In those cases where
taking the Committee members on a walking tour might itself create a hazard, a “virtual” tour
using photographs can also be effective. For institutions that cannot afford a fulltime safety officer who can educate the Committee, partnering with nearby campuses to have their safety officers provide periodic education sessions can be used.

Creating a Campus Safety Fund

As noted earlier in this paper, campus budget constraints are a reality that often crowd out the concerns for the perceived safety hazards on a campus until a specific problem or lawsuit arises. While no strategy has been found to be completely successful at overcoming the resistance to safety programs, created by budget constraints, the creation of a campus safety fund, that can be used to correct safety problems, can help a campus to make progress in correcting potential safety liabilities. One way to establish funding for a safety fund, that has proven to be successful at some campuses, is to work with the facilities administrator and chief financial officer at a campus to identify energy saving projects with an agreement that some percentage of the energy savings will be placed into the campus safety fund on an annual basis.