INTRODUCTION/ BACKGROUND

Nancy Tribbensee’s expert review of recent case law coupled with Angela Alkire’s review of current trends related to alcohol use on college campuses establish a foundation for an overview of the policy development process that has framed the development of a comprehensive approach to risk evaluation and reduction adopted by Texas A&M University.

In 1999, a tragic accident involving a long-standing tradition at Texas A&M University challenged the institution as a whole, and the Division of Student Affairs specifically to re-conceptualize its role in sustaining and enhancing safe learning and living environments for its students, faculty, staff, former students and guests. In the wake of the 1999 Bonfire tragedy, Texas A&M secured the services of an independent Special Commission to investigate the accident. In May of 2000, the special Commission issued a final report outlining their conclusions as to the complex organizational issues that may have contributed to the collapse. Specifically, the Commission reported the existence of a cultural bias within the University and student organization building Bonfire that impeded appropriate risk identification and noted the lack of a proactive approach to risk management in planning and executing the project (Special Commission Report, 2000).
Based on the outcomes of this re-conceptualization process, the Division of Student Affairs created a broad-based risk management initiative to raise the awareness of and enhance the ability to effectively manage the multiple complexities inherent in today’s society. Specific to the advancement of student learning, the division implemented a number of programs and processes to assist students, faculty, and staff in learning to identify the potential and perceived risks involved in events they coordinate, or participate in, as well as to develop strategies for the use of value-based judgment skills to eliminate, limit or accept these risks. The philosophy supporting a more proactive approach to risk management was adapted from the book *The Rights and Responsibilities of the Modern University: Who Assumes the Risk of College Life?* (Bickel and Lake, 1999). The authors of this book promote the concept of a facilitator university that seeks to share responsibility rather than allocating it unilaterally or not at all. As related to student affairs work, the facilitator model encourages members of the university community to collaborate on the promotion of student activities and student learning environments that help individuals make intelligent, fair and reasonable choices within the boundaries established by state, federal or local laws, Texas A&M University Student Rules, and the educational mission of the University. – For a complete overview of the Proactive Risk Management Initiative see authors previous works; Reducing Tort Liability on Campus Through Proactive Risk Assessment: A Comprehensive Model Stetson 2003 and The Development of a Proactive Risk Management Plan: Lessons Learned Stetson 2002.
RESPONDING TO THE CURRENT ENVIRONMENT

Each college and university must explore its own campus environment, identifying gaps in performance that may result in a negative incident and take strategic approaches that allow for corrective actions within the boundaries established by institutional philosophy, resource availability, and the legal environment in which they operate. However, no institution should wait for a catastrophic occurrence before responding to the current legal and economic trends that clearly point towards the necessity of proactively evaluating potential risks that may jeopardize the safe and productive environment all seek to provide.

Changing Your Environment

It should be noted that the proactive risk management initiative implemented at Texas A&M is having a profound impact and influence on other universities throughout the country. As progress is made towards identifying, successful initiatives that allow for effective risk assessment and reduction staff are compelled to engage colleagues from across the country in dialogue about this critical issue. Impetus for this outreach is grounded in the realization that just as legal opinions voiced in response to an incident on one campus may have far-reaching impact on all institutions so too should the benefits realized from successful initiatives. To that end, in an effort to aid colleagues in the creation and implementation of an effective risk management plan, the following discourse offers an outline of necessary components.

Stakeholders. In the context of a university setting, risk-management stakeholders are those individuals who are primary decision makers on campus, those involved in policies or programs, or any individual(s) who could be classified as practitioner, sponsoring
advisor and/or organization. Risk Management initiatives may directly influence many other constituency groups who could potentially influence policies and programs. Ultimately, this initiative generates a far-reaching impact extending beyond the campus boundaries; community members as well as citizens of the state will be impacted by proactive risk management efforts as the campus culture changes. Community members have a vested interest in the activities students engage in not only as individuals living in their neighborhoods, but also as organization leaders volunteering in the community. The citizens of the state will experience an impact in much the same way as community members. Ultimately, both constituency groups will benefit from the development of individuals who will carry their critical thinking skills into their daily lives upon graduation.

Issues Identification and Prioritize Responses. Once key actors have been identified, a series of discussions with those individuals allows the team to begin to compose a list of issues. A systematic analysis of the qualitative information provided from discussions allows the team to identify their immediate locus of control and prioritize responses. The Final Report prepared in the summer of 2000 by the Texas A&M Division Risk Management Task Force identified 53 recommendations for action necessary for the full implementation of a comprehensive proactive risk management plan that would impact both the operations of recognized student organizations and the culture of the Texas A&M campus. Those initiatives coupled with administrative strategic initiatives continue to provide the framework for the direction of the Department of Student Activities Risk Management Team, and the continued identification of key issues of the needs of the current population.
Plan and Action. It is imperative that planning and course of action assumed by any team seeking to implement a proactive model of risk management include a uniting theoretical framework, such as the facilitator philosophy, and that any imperatives developed for the campus be rooted firmly in such a philosophy and have the support of stakeholders campus and community wide. The goal of Texas A&M University’s proactive risk management efforts is to encourage all members of the University community to actively participate in the facilitation of a student learning environment that challenges students, staff and faculty to identify the potential and perceived risks involved in activities and individual behaviors as well as in the development of prudent judgment skills used to eliminate, limit or accept these risks. Because of the cultural change ultimately sought through the adoption of a proactive risk management model, Texas A&M University will continue to provide a safe environment for those who choose to pursue educational and professional goals while providing for the opportunity to continue to explore new and challenging activities both in and out of the classroom.

CLOSING OBSERVATIONS

A recent article in the Chronicle of Higher Education, by two prominent experts in higher education law, Kathleen Curry-Santora and William A. Kaplin, has detailed the components of “Preventive Law”. The writers support the notion that by constructing a healthy legal environment, the chance to avoid litigation is greatly increased. Although the concept of preventive law encompasses multiple facets of higher education administration, a closer look shows that this approach bears a significant resemblance to
what some, including Division of Student Affairs at Texas A&M, call “Proactive Risk Management”.

The key to both risk management and preventive law is the same: the creation of an environment in which the opportunity for a negative event is significantly lessened or eliminated. A look at the essence of a preventive law plan shows many similarities to our risk management initiatives;

**Encourage campus leaders to work with each other**

The Division of Student Affairs has created the Risk Management Coordinating Committee (RMCC), a group composed of members of various departments in the Division. This group analyzes issues, discusses “best practices”, and works together to determine appropriate divisional policies.

**Educate stakeholders about the legal implications of their actions**

A vital element of our risk management program is the education of students, faculty and staff. We work with people from all areas of campus, from the staff or faculty advisor to the student organization leader, to help them make informed and effective decisions.

**Disseminate information that informs people of policies and assists in making educated decisions.**

Many areas of the law place an affirmative duty on an employer to distribute information about various policies directly to those potentially affected by them. (i.e. Sexual harassment policies, ethics policies, etc.) Part of the reasoning behind this mandated distribution is that the information may help people make educated decisions about their
choices. This same reasoning drives us to offer organizational development seminars to student leaders and advisors and to encourage groups to utilize event planning forms and procedures when developing their activities. Very often, an informed decision is a better decision.

Train **everyone** to identify warning signs and regularly evaluate programs

On most campuses it has traditionally been the job of specific people to “discover” risk. These people were in environmental health and safety, the general counsel’s office, the university police department, etc. While these areas still play a vital role, an effective preventive law program encourages everyone to be aware of the consequences of all decisions. This means that the student organization leader should be actively evaluating her program. This means that the recreational sports advisor should be working with the club to plan safe travel. This means that the health center staff should be working with international programs to monitor conditions related to the communication of certain diseases. Each of these efforts, as well as dozens of others, is happening on our campus right now.

It is not a coincidence that the items listed above have common themes: planning, education and cooperation. These are really the elements of both preventive law in general and proactive risk management. As the saying goes, an ounce of prevention equals a pound of cure. By establishing policies and expectations framed in the law and then teaching people what to look for as well as what is expected, we can make our campuses safer and more productive.
Resources. The Risk Management and Organization Development Program Area at Texas A&M University has developed numerous resources readily available to interested colleagues. In addition to on-campus consulting requests, the staff also provides, via its website, a series of professional presentation materials. Information available at the website include: a comprehensive student organization manual; risk management forms and documentation currently utilized by Texas A&M students and staff; the performance management model utilized at Texas A&M; recommended resources; as well as the online version of the Task Force Summer 2000 final report. Any of the materials can be accessed by going to http://higheredrm.tamu.edu

Appendix

A. Texas A&M University Advising Policy
B. Texas A&M University Camp and Enrichment Policy
C. Texas A&M University Student Travel Policy
D. Texas A&M University Student Organization Alcohol Policy

References


