

**LEGAL ASPECTS OF CRISIS MANAGEMENT:  
ISSUES IN INSURANCE AND CRISIS RECOVERY**

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**Section I. Risk Transfer for Terrorism**

The unthinkable happened September 11th, and insurance and reinsurance companies are now faced with a new reality. The tragedy of September 11th caused a clash event for insurers, triggering multiple lines of insurance: property, automobile, general liability, business interruption, life insurance (both individual and corporate policies), and workers' compensation. Insurance actuaries' extensive modeling and forecasting never included such far-reaching disasters.

Most insurance policies exclude coverage for acts of war. Because of the debate about whether the terrorist attacks were war and the public outcry (and regulatory wrath) if insurers denied September 11 claims, all insurance companies agreed to accept claims from the terrorist acts.

The estimates of the total losses are approximately \$50 billion. There is sufficient capital in the insurance industry to absorb this loss, but concerns about future coverage for terrorist acts quickly surfaced.

As no one predicted this type of catastrophic loss, insurers were not charging for covering this risk. It is also impossible to develop an actuarial model for pricing the potential next loss from terrorism. Insurance companies requested that the federal government take a role in providing catastrophic insurance. The United Kingdom developed a national program in response to Irish Republican Army (IRA) attacks in London, and this program or similar ones were cited late last year as models for a U.S. terrorism insurance program. The mood in Washington shifted in December and January.

Then, tort reform, federal support for corporations, and economic recovery stimulus packages derailed all attempts at terrorism insurance.

Meanwhile the 50 state insurance commissions began acting either to approve terrorism exclusions from policies or not to accept the language that would exclude insurance coverage for acts of terror. Politics and public policy have a role in both actions.

Today's major concerns are the definition of terrorism being promulgated by insurance company exclusions and the lines differentiating crime, hate crimes, and terrorist acts. At the start of the year, the fluid nature of the issue remains apparent. Remaining difficult issues include:

- *Understanding what a terrorism exclusion means.* Fine lines differentiate crime, hate crime, and terrorism. A campus sniper, for example, may act without an apparent motive or may convey political messages. If those messages target protected groups such as gays or African-Americans, the actions become hate crimes. If they favor animal rights or some religious or political agenda, we are more likely to view the sniper as a terrorist.
- *Ideas for working with your insurance company on exclusions.* Insurance companies now have a keen interest in identifying terrorist risks. Share information on large campus gatherings, research involving dangerous materials, nuclear reactors, and other similar hazards. Remember that a terrorist may target your people and property or may appropriate your resources to attack others. Your insurance company will be interested in the potential exposures.
- *Risk management ideas to reduce the potential for terrorist acts on campus.* Unfortunately terrorism is not new to campuses. Animal rights activists, opponents of genetic engineering, and the Unabomber provide examples from the last decade. A comprehensive review can help assess the risks of terrorist hazards that might arise from regular activities such as large sports events or laboratory work with dangerous materials.

## **Section II. Returning to Normal After a Crisis**

In the throes of any crisis, it may feel as if the world will never return to normal. The tragic events of September 11 magnified that feeling for many of us. In our first stages of panic and shock, many people said, "Everything's changed. Life will never be the same," but, for the sake of our institutions, our students, our faculty, and ourselves, we had to return to normal.

Whether your institution is reacting to an act of international terrorism, a terrorist threat, a bomb scare, a shooting, or some other crisis, it must, at some point, resume normal operations. When should life go on? It depends. The conditions at your institution will determine the appropriate pace.

### **Assess Conditions**

Your institution's written procedures for dealing with crises should detail its priorities for resuming operations, covering personnel, physical resources, and institutional continuity. For each priority, it will be necessary to determine the acceptable period of downtime from disaster to recovery. You'll begin by restoring services that answer safety and human needs and then turn to academic operations and necessary ancillary services. Your list of priorities will be an indispensable guide during a crisis, providing a checklist on when your institution can return to normal.

The procedures should address how to make decisions in the event key people are unavailable, and they should assure a strong chain of command even if some links are missing. Overall, there should be a commander responsible for managing the incident from its inception, planning and supervising the responses, and determining the need for outside resources. This decision maker should be familiar with the institution's business contingency plan, knowledgeable about normal operations, and able to make reasoned judgments relatively quickly.

You'll need an incident command center with the required support equipment including power, communications, and lighting. Your plan should identify employee skills that might be needed in an emergency such as medical expertise or foreign language proficiency. It should identify and align external resources such as hospitals, fire and police department, hazardous materials response team, utilities, salvage operations, and community service organizations.

Review these and all the other procedures periodically, before a threat arises. Consult with people from all functional areas, including public safety, security, finance, academic affairs, student affairs, facilities, human resources, food services, administrative operations, and information systems. A change in a department's location, in personnel, or in any other critical area of these functions may have an effect on the plan.

Include your Board of Trustees. Have them review the plan in advance and, in a crisis, check with them during the transition back to normal operations. Their expertise and broad experience can provide an objective and critical analysis. They just might identify obstacles that you've overlooked, and they need to be kept informed.

Don't neglect the community. Maintain a dialogue with community leaders, first responders, and other agencies and organizations. Discuss your crisis plans with them and see if you can share any resources during a disaster.

Distribute your institution's plan widely throughout the campus to faculty, staff, and students as well as to appropriate people in the community. Make sure everyone understands the reasons for taking precautions.

### **Put Safety First**

The safety of personnel is, of course, your paramount concern. If a terrorist were to attack, you wouldn't be able to resume operations until you've ensured the safety of everyone who lives on the campus, works there, and visits. You'd ask: Is the scene of the incident secure? Are there any remaining hazards? Depending on the crisis, it may be necessary to involve local and federal authorities in a risk assessment. If you're responding to a threat, you'll have to ascertain that the suspected danger has passed.

If there was any damage, you'll need to conduct an inventory of it, protect the property from further loss, and undertake a salvage operation.

It's important to keep account of all property that was damaged and all related costs. Photographs and videotapes are convenient ways to document all recovery and restoration efforts.

Before you resume normal operations, you'll have to make sure all property and equipment is in good working order and that staff and facilities are adequate to the tasks. Each of these items would be on your written procedures, part of your itemized checklist.

## Communicate

In a crisis, the campus and inevitably the community will want to know what's happening, how it affects them, what's going to happen next, and when will it end. What you say and how you say it can go far to allay fears, quell rumors, and improve morale and cooperation.

The institution should speak with one voice to prevent confusion. Legal restrictions control disclosing some information to the public, such as medical records, and, under the Family Educational Rights and Privacy Act, "education records."<sup>1</sup> In situations with potential legal repercussions, institutions may ask their counsel to speak for them. In other cases, a press liaison may do the talking. Whoever the public voice may be should follow these tips to keep things calm:

1. Provide complete and accurate information as quickly as possible and before each local news deadline. Say what happened, who's involved, when it happened, where, why, and how.
2. Answer questions thoroughly. Say you don't know when you don't know, but also say you'll find out and let the person know. Then do so quickly.
3. Use email, intranet, telephone hot lines, and other campus resources to get information to students and parents.
4. Don't speculate, cover up facts, or cast blame on anyone.
5. When the crisis has passed, investigate. Determine whether you could have done anything to avert the crisis. Let the public know the outcome of your investigation.

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<sup>1</sup> Congress and the Department of Education have defined "education records" as records that are directly related to a student and maintained by an educational institution or agency, or a party acting for the institution or agency. The definition then sets out five exclusions, such as law enforcement records, employment records, medical records, and records kept in the sole possession of the maker of the record. See 20 U.S.C. 1232g(a)(4). So-called "directory information," which covers general contact information, course of study, awards, and other less sensitive information, may be disclosed unless the student has withheld permission for its release. On October 26, 2001, President Bush signed into law the USA Patriot Act, which permits the attorney general to obtain a subpoena for education records. Further information is available from the Department of Education Family Policy Compliance Office, [www.ed.gov/offices/OM/fpco/ferpaonline](http://www.ed.gov/offices/OM/fpco/ferpaonline), and (202) 260-3887.

Some people on campus may need special attention. If students and their parents, faculty, and staff have been personally affected by the crisis, arrange for someone to speak with them one-on-one, and, if necessary, let them know about counseling or other support through an Employee Assistance Program or health-care provider. Follow up with those personally affected every week for several months after the crisis. Having one staff member responsible for monitoring the follow-up will facilitate tracking individuals who may need special assistance.

Maintain regular communication with all parents, particularly those touched by the crisis. E-mails or a secure Web site can be an effective communication method. It is also important to include alumni in communications if the crisis is known beyond the campus.

### **Maintain Parity Between Tragedies**

When widespread tragedies occur, it is easy to lose sight of the pain of smaller, less prominent personal tragedies. The nationwide interest paid to some highly emotional events may tempt us to give them special treatment, but it is best to handle comparable tragedies in a similar way. A student will feel immeasurable pain whether her sibling was killed in a car accident on campus or in the recent attack on the World Trade Center.

People on the campus, their families, and the community will remember how you dealt with earlier situations. They'll make comparisons, so you should too. Your paramount concern, though, must be compassion and meeting human needs.

## **Anticipate Criticism**

Rest assured that whatever you do will meet with some disapproval. Some students and faculty will say there's no reason to cancel classes, halt research, postpone sporting events, and disrupt the institution's other routines. You'll be accused of fear mongering and panicking, of being excessive, paranoid, obsessed, disruptive, and perhaps even cowardly.

Other students and faculty may say you're resuming operations too quickly, that the crisis is far from over. Some of these critics may be paralyzed by anxiety that another bomb will explode or plane will crash; that the fire will spread or the river rise. The reality of the situation will do little to calm their fears.

Your comprehensive plan for dealing with a crisis is one of the best rationales for going at the pace you choose. It should specify the potential risks and clarify how to assess each of them. The more involved the campus's various constituencies were in the plan's creation, the more accepting they will be of its execution.

Most of the people who read the plan will be likely to understand when a threat is real and precautions are necessary. They're also likely to understand when it's time to resume normal operations. If your institution were facing a bomb threat, for example, you might follow the 14-step approach of the Bureau of Alcohol, Tobacco, and Firearms, the ATF. It calls, in step 11, for established procedures to "report and track progress of a search and a method to lead qualified bomb technicians to a suspicious package."

Following it, your procedures would delineate, step by step, how people at your institution would report and track a suspicious package. Then, if you were criticized for proceeding too slowly or too quickly, you could show the steps you're following and why. Your plan would make clear you are protecting students and faculty by following the ATF's procedures.<sup>2</sup> It will also make clear when you've completed all the steps and found that it's safe to go back to work.

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<sup>2</sup> The ATF plan is available at the Website <http://www.atf.treas.gov/explaron/information/bombthreat/plan.htm>. For more information, see the Bibliography and Appendix 2.

### **Anticipate Follow-On Problems**

Various factors can delay the institution's return to normal operations. Two of the more significant ones are backlash and an influx of regulators. An eruption of backlash is most likely if the crisis included elements of identity politics. After a flood or fire, people may become anxious or depressed, but few react with anger. If the crisis, though, involved religious, ethnic, racial, or other social characteristics, then harassment or even criminal acts may follow. Subsequent disruption can occur whether homophobes murder one gay student or Muslim extremists kill 3,000. In 1999, American campuses reported more than 2,000 hate crimes including murder, rape, and assault. Harassment and discrimination can be milder manifestations of the same problem. See Appendix 3 for advice on preventing discrimination and harassment in the wake of the September 11 attacks. Appendix 5 offers ideas for anticipating student protests.

An influx of regulators presents a different kind of challenge. This is most likely in the wake of a fire, explosion, or other man-made disaster. Local, state, and federal agencies may descend quickly and demand immediate attention and answers. Some campuses that have experienced this phenomenon report that it can divert significant resources that otherwise would be devoted to the resumption of normal operations.

### **Returning to Work: Ready or Not?**

During the process of restoring normal operations, institutions take the emotional needs of employees and students into account. Out of compassion, the administration may announce that it will be flexible with absences and other special needs. It may take pains to accommodate different fears. If someone is afraid to fly to a meeting, for example, the supervisor may permit the person to drive if that is feasible. If someone else is afraid to work in a building where an attack occurred, the institution may relocate the person to another building for a certain amount of time. But the time will eventually come when operations can and should return to normal. Yet some people may still continue to resist.

An institution might be tempted to wait until fearful students and faculty say they're ready to resume their normal routines. That kind of flexibility, however, can cause problems with others who have already returned to their day-to-day routines. It also sets a questionable precedent for managing later problems. The longer an aberrational situation endures, the harder it becomes to change it. At what

point would you ask for medical documentation? After two extra months? Four months? The law does not offer specific answers. Resentments may develop as colleagues assume a greater load. The differential treatment may even later be used as evidence in a discrimination suit, if an employee with different personal attributes or a different race or gender is not treated as generously on a future occasion.

Some people who are not ready to return to work may claim rights under the Family Medical Leave Act (FMLA) or the Americans With Disabilities ACT (ADA). The FMLA requires employers to permit employees to take unpaid leave because of a “serious health condition.” Does anxiety, stress, or depression constitute a serious health condition? Maybe.

The law defines a serious health condition as an illness, injury, impairment, or physical or mental condition that requires either inpatient care or continuing treatment by a health-care provider resulting in an absence of more than three consecutive days, or resulting in intermittent absences. Employees who suffer from panic attacks or posttraumatic stress disorder may qualify. A federal trial court ruled in *Vasconcellos v. Cybex International* that FMLA covers severe nervous disorders [*Vasconcellos v. Cybex International, Inc.*, 962 F. Supp. 701 (D.C. Md. 1997)].

Under the FMLA, institutions may require medical certification of the health condition as well as periodic certification during the leave. They may also require an employee to get a second opinion if they have good reason to doubt a health-care certification. What’s a good reason? If a faculty member didn’t attend a meeting but colleagues saw him at a mall, for example. The employer may then require the professor to get the opinion of a health-care provider it designates or approves, provided the physician is not on its payroll. If the two medical opinions differ, the employer may require a tie-breaking third opinion.

Some people may also claim leave or special accommodations under the ADA, which prohibits employment discrimination on the basis of disabilities. For employees to receive protection under the ADA, they must show that they have a physical or mental impairment that substantially limits one or more major life activities. The term “substantially limits” is defined according to the nature and severity of the impairment and its duration or expected duration. An employee who was traumatized by a terrorist attack would not qualify under the ADA if the anxiety is treatable and lasts

just a few months. For example, an “adjustment disorder” is a debilitating condition that develops in response to a stressful event or situation and resolves within six months. Because of its limited duration, an adjustment disorder would not qualify as a disability as the ADA defines the term. In contrast, an impairment that affects performance for more than several months may be a disability under the ADA.

An employee must request an accommodation for a disability. Institutions may require an employee who has requested an accommodation under the ADA to take a medical examination to see if he or she is fit for duty. They may do so only when the need for accommodation isn’t obvious and they have reasonable concerns about whether the employee is fit to perform the essential functions of the job or whether the employee poses a direct threat to himself or herself or to others.<sup>3</sup>

Most anxiety attacks and cases of stress do not fit the requirements of the ADA or the FMLA, but the anxiety and stress may still be debilitating. Institutions may suggest counseling for affected students and faculty, reminding them of their Employee Assistance Program, for example. For their own good, though, institutions must resume operations when the situation is safe.

What if an employee remains fearful in the aftermath of a crisis and unable or unwilling to resume normal duties even when the time has come to do so? No single answer fits all circumstances, but here are some points to consider:

- Think back to other situations in which you may have made adjustments for special needs. If someone has suffered a personal family tragedy (in contrast to a widespread crisis), what flexibility has the institution shown? What has been expected of the individual?
- If you make special adjustments for one person, consider their impact on other colleagues. As accommodations become long-standing, they become more difficult to alter, and colleagues are likely to resent the extra load they’re forced to carry.

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<sup>3</sup> The EEOC has offered guidance on obtaining medical information on current employees. The advice applies to psychological as well as physical conditions. See [Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act \(ADA\)](http://www.eeoc.gov/policy/guidance.html) (July 26, 2000), [www.eeoc.gov/policy/guidance.html](http://www.eeoc.gov/policy/guidance.html).

- Know how your leave and light-duty policies would apply to any special adjustments.
- Consider setting a deadline for the individual's resumption of normal duties.
- Consult with human resources for advice about the situation.
- Obtain legal advice on potential FMLA or ADA issues. Remember that the ADA does not apply to temporary impairments.

Crises test the fiber of institutions and people. In their aftermath, the pace you set for returning to normal will probably not satisfy everyone. Be prepared for both brazen critics who think you are moving too slowly and the overly cautious or fearful who view the pace as too rapid. With a solid plan, capable decision makers, and sound communications, you can set and maintain the best tempo for restoring full campus operations.

### **Bibliography**

American Red Cross. <http://www.redcross.org/services/disaster/keepsafe/unexpected.html>

Bureau of Alcohol, Tobacco, and Firearms. Bomb Threats and Physical Security Planning. <http://www.atf.treas.gov/explarsen/information/bombthreat/index.htm>

Disaster Management, Inc. Business Continuation Plan for Colleges and Universities Training Manual. [www.disastermgt.com](http://www.disastermgt.com)

Federal Emergency Management Agency (FEMA). Emergency Management Guide for Business and Industry. <http://www.fema.gov/library/bizindex.htm>

Federal Emergency Management Agency (FEMA). Partnerships in Preparedness -- Exemplary Practices in Emergency Management. <http://www.fema.gov/library/partnrprep.htm>

National Association of Colleges and Universities Business Officers. Emergency Preparedness.  
[http://www.nacubo.org/business\\_operations/emergency\\_preparedness/resources.html](http://www.nacubo.org/business_operations/emergency_preparedness/resources.html)

National Association of State Universities and Land-Grant Colleges/Association of American Universities. Post September 11 Resources for Universities.  
<http://www.aau.edu/resources/issues.html>

U.S. Equal Employment Opportunity Commission. EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities. <http://www.eeoc.gov/docs/psych.html>

## **Appendices**

1. UE Safety Dispatch, “10 Steps to Crisis Management Planning,” October 2000.
2. Responding to Bomb Threats.
3. Addressing Harassment and Discrimination Based on Religion and National Origin.
4. Resources on Overseas Risks.
5. Preparing for Student Protests.



## ***UE Safety Dispatch***

### **10 Steps to Crisis Management Planning**

#### ***October 2000***

A disaster is any unplanned event that can cause death or injury, operational disruption, physical or environmental damage, or harm to your institution's public standing. Crisis management is the process of preparing for, responding to, and recovering from a disaster event. Good crisis management planning can minimize the impact of negative events.

What type of disaster could strike your campus?

- A caller claims several bombs are planted throughout your campus.
- A train derailment spills hazardous chemicals within ½ mile of your campus.
- A power outage in a research laboratory undermines decade-long experiments.
- Several university buildings are heavily damaged when a tornado touches down on campus.
- An early morning campus housing fire kills three students and injures 32, several critically. The fire displaces 170 students.
- A senior researcher is driving on a dusty road in a location outside the United States with three other key department members, and another car clips her bumper. She stops the car to exchange driver information, and bandits abduct all four.

The best course of action is to be prepared for the worst. The 10 steps of crisis planning will help you respond to a crisis situation.

1. **Form a Planning Team.** The number of participants on your team will depend on the size of your institution and the scope of your programs. Generally, between 5 and 9 team members is ideal. For very large institutions, think about establishing sub-teams to ensure all functions are adequately represented. The team will be responsible for developing, rehearsing, and updating the campus crisis management plan. Consider cost, finances, and people management issues. Obtain input from all functional areas, including public safety, security, finance, academic affairs, student affairs, facilities, human resources, food service, administrative operations, and information systems.  
**TIP:** Involve key administrators as members of the team.
2. **Identify Disaster Risk for Your Institution and Assess Current Capabilities.** Many natural and man-made risks confront institutions today. A disaster may be local, regional, or national in scope. The Federal Emergency Management Administration (FEMA) has developed a vulnerability analysis chart to help entities prioritize events and concentrate their crisis management planning on the greatest threats they face (<http://www.fema.gov/library/bizindex.htm>).
3. **Identify Key Functions.** Identify core services and operations necessary to avoid academic disruption. Establish campus priorities that reflect your institution's mission-critical and time-

sensitive operations. For each priority operation, determine the acceptable period of downtime from disaster to adequate recovery that you are willing to accept. Focus on safety and human needs first. Then restore academic operations and necessary ancillary services and alleviate damage.

4. **Create A Response Infrastructure.** Establish a response team, appoint a team commander, and establish a chain of command. The commander is responsible for managing the incident, planning and managing the responses, and determining the need for outside resources. Pick a commander who is a visible decision-maker. He or she should be familiar with your institution's business contingency plan, knowledgeable about normal college operations, and able to make reasoned judgments relatively quickly. Clearly define each member's role and responsibilities on the team. Identify alternates to handle functions for team members who are unable to report.

Establish an incident command center with the required support equipment including power, communications, and lighting. Identify employee skills that might be needed in an emergency such as medical expertise or foreign language proficiency. Identify and align external resources such as hospitals, fire department, hazardous materials response team, utilities, salvage operations, and community service organizations.

5. **Draft a Written Response Plan.** Create a written plan that includes an executive summary, a description of the crisis management elements, and the response procedures. Include supporting documents such as emergency telephone lists, building and site maps, and resource lists. Use of a thick reference manual is likely to be cumbersome during a crisis, so distill basic response procedures into a series of checklists covering all areas of response. In creating the plan, establish a schedule and stick to it. Distribute the final document to everyone who might need it. Integrate the plan into institution operations. **TIP:** Keep plans simple and realistic. Don't reinvent the wheel. Determine what plans and resources may already be available. Consolidate existing campus crisis management plans. Solicit input from knowledgeable sources including other institutions, the local emergency planning committee, fire department, emergency medical services, public works department, and community administrator's office.
6. **Train the Response Team.** Schedule an initial orientation to provide information and familiarize members of the response team with the plan. Develop tabletop exercises in which the team members discuss their responsibilities and appropriate actions in a given disaster scenario. Conduct a walk-through drill where team members actually perform their disaster response functions. Consider simulating a campus-wide disaster response and include students. **TIP:** Practice makes perfect. Rehearse the plan regularly using different drills and exercises.
7. **Increase Campus Awareness.** During development of the plan, solicit input from the campus community including faculty, staff, and students. Distribute the plan to all departments and student leaders. Make the document available online. Distribute summaries and checklists to all departments to help them maintain a state of readiness. Encourage staff meetings to discuss the procedures and individual roles. Schedule informational meetings and send timely reminders prior to risky periods such as tornado or hurricane season. When planning drills, notify affected departments or units. Provide informational articles in the campus and community newspapers. **TIP:** Make sure the entire campus community understands disaster priorities. Encourage

development of additional contingency plans to minimize disruption and maximize safety in non-priority areas.

8. **Involve the Community.** Maintain a dialogue with community leaders, first responders, and other agencies and organizations. Discuss your plans to prepare for and prevent crisis situations. Identify ways your institution could help others in a community-wide disaster. Consider mutual aid agreements to share resources that might be needed in a disaster. The media is a direct link to the public. Determine how your institution will communicate important public information through the media during a crisis situation. **TIP:** Understand special issues in your community and look for common interests and concerns. Conduct confidence-enhancing activities such as campus tours for local leaders and safety officials.
9. **Prepare for Recovery and Restoration.** Establish priorities for resuming operations. With the safety of personnel as the paramount concern, plan for an inventory of damage, the protection of property from further loss, and salvage operations. Consider financial procedures for crisis situations, which may require emergency funding authority or pre-approved purchase requisitions. Secure property and business interruption insurance. Discuss potential disaster risks with your insurance agent to determine your institution's individual needs. **TIP:** Keep good documentation of recovery and restoration efforts. Complete and accurate records allow for more efficient crisis recovery, especially for those expenses covered by insurance, and a better post-crisis evaluation.
10. **Evaluate and Revise the Plan.** Periodically conduct a formal audit of your plan. Involve various levels of staff and possibly students and interested community members in evaluating and updating the plan. Identify and resolve problem areas; address changes in physical layout; attain appropriate training objectives; keep resource lists current; and update community agencies on changes. Review and revise the plan after training exercises, an actual emergency, a change in personnel, or a change in facility layout. When other campus policies and procedures change, consider whether the crisis plan should be updated. Whenever the plan is amended, be sure to brief affected personnel.

Four excellent resources for your crisis planning are:

- “Emergency Management Guide for Business & Industry: A step-by-step approach to emergency planning, response and recovery for companies of all sizes.” Available online from FEMA at <http://www.fema.gov/library/bizindex.htm>.
- “Business Continuation Plan for Colleges & Universities Training Manual” produced by Disaster Management, Inc. at [www.disastermgt.com](http://www.disastermgt.com).
- The Natural Hazards Center at the University of Colorado, a clearinghouse for information on natural hazards and human adjustments to hazards. Available online at [www.colorado.edu/hazards/index.html](http://www.colorado.edu/hazards/index.html).
- The crisis plans from other institutions. For example, North Carolina State University posts its Business Continuity & Incident Recovery Plan on its Web site at <http://www2.ncsu.edu/ncsu/ehs/disaster1.html>.

Do you have favorite strategies and tips for enhancing crisis management planning? Share them with other schools through UE by contacting Pam Rypkema, Risk Management Consultant,

[prypkema@ue.org](mailto:prypkema@ue.org), 301-215-6401 or Mary Perkins, Risk Management Specialist, [mperkins@ue.org](mailto:mperkins@ue.org), 301-215-6428 or fax to 301-907-4830. If you would like additional information about UE, its services and policies, please visit our Web site at <http://www.ue.org>.

You may also access previous issues of *UE Safety Dispatch* through our Members Only Web site. If you do not currently have a username and password, go to [www.ue.org](http://www.ue.org) and click the “Members Only” button. Then choose the “Register?” button to apply for access to the site. Once approved, you will find the following *UE Safety Dispatches*:

- **Dorm Fires/Life Safety (Inaugural Issue)**
- **Soccer: The Goal is Safety**
- **Nailing Down Construction Safety**
- **Bon Voyage to Boating Risks**
- **Holiday Safety Tips**
- **Focus on Fitness Center Safety**
- **Mosh Pits: The Risk Management Options**

## **Responding to Bomb Threats**

Several schools have received bomb threats in the wake of the September 11, 2001, attack. All campuses should have procedures in place for dealing with a suspicious package or bomb threat.

The federal Bureau of Alcohol, Tobacco, and Firearms recommends a 14-step approach for handling bomb incidents. Develop your campus plans now and test them in a drill, before an actual threat arises.

1. Designate a chain of command.
2. Establish a command center.
3. Decide what primary and alternate communications will be used.
4. Establish clearly how and by whom a bomb threat will be evaluated.
5. Decide what procedures will be followed when a bomb threat is received or device discovered.
6. Determine to what extent the available bomb squad will assist and at what point the squad will respond.
7. Provide an evacuation plan with enough flexibility to avoid a suspected danger area.
8. Designate search teams.
9. Designate areas to be searched.
10. Establish techniques to be utilized during search.
11. Establish a procedure to report and track progress of the search and a method to lead qualified bomb technicians to a suspicious package.
12. Have a contingency plan available if a bomb should go off.
13. Establish a simple-to-follow procedure for the person receiving the bomb threat.
14. Review your physical security plan in conjunction with the development of your bomb incident plan.

[www.atf.treas.gov/explarsen/information/bombthreat/plan.htm](http://www.atf.treas.gov/explarsen/information/bombthreat/plan.htm)

Be sure to publicize your procedures. Everyone on campus should know what to do if confronted with a possible threat. Include the plan in orientation for employees, RAs, and students. Print a

bomb threat check list in the campus telephone directory. For a sample checklist with questions to ask callers and tips for analyzing details about the caller's voice and background noises, see [www.atf.treas.gov/explarson/information/bombthreat/checklist.htm](http://www.atf.treas.gov/explarson/information/bombthreat/checklist.htm).

### **Additional Resources**

The U.S. Postal Service offers "Bombs By Mail," a booklet available at [atnew.usps.com/cpim/ftp/notices/not71.pdf](http://atnew.usps.com/cpim/ftp/notices/not71.pdf).

A poster on letter and package bomb indicators available at [new.usps.com/cpim/ftp/posters/pos26.pdf](http://new.usps.com/cpim/ftp/posters/pos26.pdf).

### **Sample Campus Policies**

The following sample policies can provide guidance as you revise the policies for your campus. Just click on the web links to access them online.

#### ***Public Institutions***

Idaho State University, [www.isu.edu/references/fs.handbook/part3/3\\_3/3\\_3b.html](http://www.isu.edu/references/fs.handbook/part3/3_3/3_3b.html)

University of South Florida, [www.usf.edu/usfgc/gc\\_pp/admsv/Gc6-002.htm](http://www.usf.edu/usfgc/gc_pp/admsv/Gc6-002.htm)

#### ***Private Institutions***

Boston University, [www.bu.edu/ehs/emergency/bombs.htm](http://www.bu.edu/ehs/emergency/bombs.htm)

Chatham College, [www.chatham.edu/SafetyandSecurity/safety\\_reference\\_guide.htm](http://www.chatham.edu/SafetyandSecurity/safety_reference_guide.htm)

#### ***Independent School/K-12***

Center for Schools & Communities in Lemonyne, PA, [www.center-school.org/viol\\_prev/css/samplebombpolicy.pdf](http://www.center-school.org/viol_prev/css/samplebombpolicy.pdf)

### ***NACUBO Resources on Emergency Preparedness***

The National Association of College and University Business Officers (NACUBO) now offers a special Web site to help colleges and universities prepare for emergencies. The NACUBO site, set up following the recent terrorist attacks, provides information on planning, response and recovery, and mitigation. A discussion board is also available. To visit the site, go to [www.nacubo.org/business\\_operations/emergency\\_preparedness/](http://www.nacubo.org/business_operations/emergency_preparedness/).

## Addressing Harassment and Discrimination Based on Religion and National Origin

The news since September 11, 2001, has brought many accounts about harassment and assaults against Muslims and people of Middle Eastern origin. Problems have occurred in the broader community and also on campuses. According to the media, educational institutions have been the scene of incidents including name calling, inappropriate classroom remarks, and group beatings. What can your institution do? Here are some steps to consider.

### ***Communicate Your Commitment to Nondiscrimination.***

Communicate the message from a high authority that the institution is committed to equitable treatment of all students, visitors, staff, and others without regard to religion, national origin, or other protected personal characteristics. Remind everyone about existing policies, complaint procedures, enforcement mechanisms, and protections against retaliation. Speak out against scapegoating.

### ***Make Special Outreach To Students Who Are Muslim Or From The Middle East.***

Convey personal and institutional concern for their well being. Encourage them to any report problems they may encounter, explain how to make a report, and describe the support mechanisms available to them. Provide copies of relevant policies.

### ***Promote Opportunities for Dialogue and Building Relationships.***

Increase positive accounts and pictures of the accomplishments of Muslim and Middle Eastern people in campus newsletters, alumni magazines, and other publications. Invite speakers, hold functions, and take steps similar to your outreach efforts for other underrepresented or disadvantaged groups.

### ***Update Your Policies, Resource Offices, And Training Programs; Check the Breadth of Your Policies.***

Make sure your discrimination and harassment policies are sufficiently broad. In the past many institutions have limited their harassment policies just to sexual harassment. The recent episodes show powerfully the importance of broadening the harassment policy to include religion, national origin, and the other forms of discrimination that your campus condemns. So check the scope of your nondiscrimination and harassment policies. If you have multiple policies, check them all. Revise them promptly as needed.

Below is sample language for a broad policy prohibiting harassment. Consider adapting it, or another approach, to fit your needs:

*[ SCHOOL NAME ] is committed to providing a positive learning and working environment free from harassment based on sex, race, color, religion, national origin, ethnic origin, disability, age, gender, sexual orientation [if relevant to your institution], or any other basis proscribed by applicable policies or laws.*

***Find the Right Moniker for Your Resource Office.***

If your campus has, for example, a sexual harassment office that would also receive complaints about other forms of harassment, consider broadening the name.

***Enlarge Your Training Curriculum.***

In any campus training programs on discrimination and harassment, do not limit the discussion and examples just to sexual harassment. Include other forms of discrimination as well.

**Additional Resources**

The Higher Education Center recently launched a web site focused on combatting campus hate crimes and harassment. The site offers resources, related links, and statistics.

[www.edc.org/hec/thisweek/](http://www.edc.org/hec/thisweek/)

***Some Recent Statistics***

The following table summarizes some recent on-campus hate crimes, taken from "The Incidence of Crime on the Campuses of U.S. Postsecondary Education Institutions--A Report to Congress," completed January 18, 2001 by the U.S. Department of Education, Office of Postsecondary Education. You can access the entire report at [www.ed.gov/offices/OPE/PPI/security.html](http://www.ed.gov/offices/OPE/PPI/security.html).

On-Campus Hate Crimes			
	1997	1998	1999
Murder/Non-negligent manslaughter	1	2	1
Negligent manslaughter	0	0	0
Forcible sex offenses	50	54	92
Forcible rape	27	19	33
Simple assault	1,175	1,192	1,677
Aggravated assault	52	96	232
Arson	7	11	32
<b>Total</b>	1,312	1,374	2,067

**Anti-Harassment Resources from the Federal Government**

The Civil Rights Division of the U.S. Department of Justice has launched an initiative against post-terrorism discrimination. Materials include a booklet, "Federal Protections Against National Origin Discrimination," available on the web in Arabic, English, Spanish, and ten other languages, at [www.usdoj.gov/crt/nordwg.html](http://www.usdoj.gov/crt/nordwg.html).

Education Secretary Rod Paige has asked educators to protect Muslim and Arab-American students from acts of intolerance. Title VI prohibits schools that receive federal funds from discriminating on the basis of national origin, color, and race. For the text of Secretary Paige's letter, visit [www.ed.gov/PressReleases/09-2001/09192001c.html](http://www.ed.gov/PressReleases/09-2001/09192001c.html).



## Resources on Overseas Risks

### *Worldwide Assistance*

Enroll your domestic and foreign travelers in the Worldwide Assistance program. This 24-hour service offers help with pre-trip information, travel emergencies, medical referrals and evacuations, luggage tracking, emergency message relay, and other areas. Coverage costs as little as \$20 per participant per year. Some Worldwide Assistance services, such as cash advances, require additional payment. Schools can arrange, in advance, to bill such emergency expenses to an institutional credit card. For more information, click to our web site [here](#) or contact Hossein Mihankhan at (301) 215-6404 or [hmihankhah@ue.org](mailto:hmihankhah@ue.org).

### *State Department Overseas Security Advisory Council*

We encourage you to register for the State Department's Overseas Security Advisory Council. This free service, open only to U.S. companies and educational institutions, offers special access to electronic databases, meetings, and State Department staff with expertise in different world regions. To register, send a letter of request to OSAC and include documentation that your institution is a U.S. entity. Supporting documents might include your articles of incorporation or a copy of a state statute. Send the letter to: Executive Director, Overseas Security Advisory Council, Bureau of Diplomatic Security, U.S. Department of State, Washington, D.C. 20522-1003. Upcoming OSAC events include a November 7 briefing in Washington on global security threats.

### *NAFSA Resources on International Education*

NAFSA: The Association of International Educators has posted information about foreign students, terrorism, and crisis management on its web page at [www.nafsa.org/content/aboutinternationaleducation/Resources/coping911.htm](http://www.nafsa.org/content/aboutinternationaleducation/Resources/coping911.htm).

### *University of Southern California SAFETI Clearinghouse*

[www.usc.edu/dept/education/globaled/safeti](http://www.usc.edu/dept/education/globaled/safeti)

This extensive web site includes many helpful resources for overseas program administrators. Check out the materials on risk analysis and emergency action planning. Particularly note the "Crisis Management Handbook" adapted from a volume created for Peace Corps volunteers.

### *Legal and Risk Management Issues Involving Student Foreign Travel and Audit Guide: Risk Assessment for Student Foreign Travel Programs*

These two companion United Educators publications provide a wealth of information about proactively managing overseas program risks. They cover topics including collaborative programs with partners, safety and security procedures, realistic crisis management planning, and early trip termination. To order copies, send email to [risk@ue.org](mailto:risk@ue.org).

## Preparing for Student Protests

American campuses serve as traditional forums for political discussion and protest. As the United States enters a "new kind of war," administrators need to think about how students, many of whom barely remember the Persian Gulf of War of 1991, will react and express their views.

### *Policy Review*

The first step is to dust off your campus policies on student protests and free expression. The United States has come a long way since the Vietnam era, but your policies may not have. Determine whether your policies should incorporate the following components:

- **Time, place, and manner restrictions.** Academic institutions value open discourse and generally refrain from curtailing speech based on viewpoint. However, you may designate specific places on campus for demonstrations, restrict mass protests to certain times of the day, and regulate the use of voice amplification equipment.
- **Require advance notice of protests.** Many campuses require demonstrators to fill out a request form in advance so that administrators can make necessary preparations. (The resource links below include a sample form.) Colleges should be careful not use the request process to prevent demonstrations from occurring, which would likely constitute an illegal restraint on speech.
- **Buffer zones and counter demonstrators.** Protests can arouse heated passions. Policies can require fixed buffer zones of a specified distance to separate demonstrators from entrances to facilities and from potential counter-demonstrators.

### *Advance Preparations*

- **Extra security.** Consider procedures for obtaining additional security on short notice. These may include understandings with local police or agreements to hire private security officers or off-duty police to supplement your regular security.
- **Put your attorney on notice.** Private institutions are allowed greater leeway in regulating demonstrations than their public counterparts. Your attorney can serve as a valuable resource in guiding you through applicable legal guidelines.
- **Develop a plan for spontaneous demonstrations.** The rapidly changing events of America's new war may generate student outpourings without advance notice. To prepare for such situations, your campus should develop a plan that outlines who will be notified, how to keep demonstrations peaceful, guidelines on when to intervene, and guidelines on acceptable levels of disruption of regular campus activities.

### *Sample Policies*

The following sample policies can provide guidance as you revise the policies for your campus. Just click on the web links to access them online.

- *Policy Statement on Freedom of Expression and Dissent*  
University of Vermont  
[www.uvm.edu/~uvmppg/ppg/student/dissent.html](http://www.uvm.edu/~uvmppg/ppg/student/dissent.html)
- *Student Code of Conduct on Speech and Expression*  
Georgetown University  
[www.georgetown.edu/student-affairs/stconduc/speech1.htm](http://www.georgetown.edu/student-affairs/stconduc/speech1.htm)
- *On Campus Protest/Demonstration Request Form*  
Penn State McKeesport  
[www.mk.psu.edu/Policies/Protestform.html](http://www.mk.psu.edu/Policies/Protestform.html)
- *Counter Demonstrations and Rallies Guidelines*  
San Francisco State University  
[www.sfsu.edu/~ospld/counter\\_demonstration.html](http://www.sfsu.edu/~ospld/counter_demonstration.html)