

MANAGING GOVERNMENT REGULATIONS, COMPLIANCE AND RISK ASSESSMENT

ABHE, ORLANDO FLORIDA, FEBRUARY 2020

SCOTT CAWOOD

1

EVERYONE'S JOB

- Retention
- Compliance
- Risk Assessment

2

SHIFT IN COMPLIANCE & CULTURE

- State
- Accrediting Bodies
- Federal
- Ancillary

3

LEGAL CHALLENGES IN HIGHER EDUCATION

Many of the current challenges are focused on issues that correlate with issues of compliance whether through actual mandate or an expectation of society at large that all institutions should comply with societal norms and ethics of equality and access.

4

LEGAL CHALLENGES IN HIGHER EDUCATION

Legal Challenge to Institutional Positions on Biblical Convictions

- Affordable Care Act –
- Executive Orders on Gender and Sexuality –
- Burwell v Hobby Lobby –

Accrediting Agencies and Interpretation of Standards

- Gordon College in the crosshairs of New England Association of Schools and Colleges

5

LEGAL CHALLENGES IN HIGHER EDUCATION

- Hiring practices and dismissal of personnel due to non-Biblical or secular positions
- Challenges to religious groups on secular campuses
 - Christian Legal Society v Martinez –
 - ADA and Accessibility of Related Educational Services
- Crisis Readiness

6

FOCAL ISSUE FOR CHIEF STUDENT DEVELOPMENT OFFICERS AND DEPARTMENTAL PERSONNEL

RISK MANAGEMENT = CARE

Institutions of higher education are home to large populations of students, faculty and staff, ranging from many hundreds to thousands of people.

Colleges depend on utilities (electricity, gas, water, sewers, phone and internet), provide security and safety protection, maintain housing ranging from faculty/staff houses to student residences and apartments, care for streets and walkways, offer media communications, and run dining facilities in addition to their core mission of educating students.

7

Risk:

Exposure to a hazard (condition or activity) that may result in harm, loss of life, damage to property, missional deviance or litigation & liability claim against the institution.

8

PRIMARY TYPES OF BUSINESS RISK

Strategic:

Operational:

Reporting:

Compliance:

Reputational:

[University Risk Management and Insurance Association (URMIA)]

9

A GLIMPSE AT COMMON RISK WITHIN THE COLLEGE/UNIVERSITY ENVIRONMENT

Affiliated entities:

- Independent academic organizations and associations which you have membership or identity Internal student and alumni organizations
- Commercial partners who you contractually depend on for services

10

A GLIMPSE AT COMMON RISK WITHIN THE COLLEGE/UNIVERSITY ENVIRONMENT

Athletics:

- Associations and conferences: NCAA, NCCAA Compliance and Legislation
- Injuries and resulting medical care
- Facilities
- Spectator control
- Weather

Brand and reputation:

- Academic excellence
- Free speech and religious expression
- Relationship with key supporters

Community:

- Use of institutional facilities by community members and organizations

Competition:

- Local competition
- Community Colleges
- College rankings
- Shrinking Demographics

Financial:

- Annual budgeting
- Capital improvements
- Deferred maintenance
- Economic conditions

11

A GLIMPSE AT COMMON RISK WITHIN THE COLLEGE/UNIVERSITY ENVIRONMENT

Gender-related issues:

- Equality- Title IX
- Sexual harassment and assault,
- Gender Identity
- LGBTQ issues

Governance and institutional management:

- Access and affordability
- Institutional culture
- Educational technology
- Leadership and strategic planning,

Government support of higher education:

- Financial aid
- Government financial support

Human resources:

- Code of conduct
- Diversity
- Employee productivity
- Benefit management
- Workplace safety and injury
- Wage and hour compliance

International:

- Missions Trips
- Study Abroad
- Global campuses

12

A GLIMPSE AT COMMON RISK WITHIN THE COLLEGE/UNIVERSITY ENVIRONMENT

Property:

- Physical damage
- Inadequate design
- Naming

Public safety:

- Active shooter and terrorism
- Building access and security, crime
- Clery Act requirements (disclose information on campus crime)
- Minors on campus
- National Incident Management System (NIMS) compliance, coordination with public agencies

Safety:

- Fire and life safety
- Laboratory and Art Studio safety
- Pandemic
- Driver training
- Transportation & travel,

13

A GLIMPSE AT COMMON RISK WITHIN THE COLLEGE/UNIVERSITY ENVIRONMENT

Students:

- Academic standards and graduation rates
- Americans with Disabilities Act requirements
- Alcohol/substance abuse
- At-risk students
- Code of conduct
- Healthcare
- Family Educational Rights and Privacy Act (FERPA) requirements
- Student health services
- Mental & Emotional care
- Gaming culture
- Sleep deprivation & student anxiety
- Race relations

Technology:

- Business continuity
- Changing technology
- Mobile devices
- Security and cyber liability,
- System design & interface

14

CONDUCTING RISK ASSESSMENT

Institutions can create a risk management group/team that will identify hazards in the institutional environment and their associated risks.

- This is only useful if
- Create a template that will assist any

15

ELEMENTS OF A RISK ASSESSMENT TEMPLATE

- Identify...
- List affected people...
- Evaluate...
- Determine the existing procedures and evaluate:
 - Are the existing procedures able to mitigate the risks?
 - Do the procedures follows safe working practices? (common man defense)
- What further actions...
- Assign action needs...

16

RISK ASSESSMENT MATRIX		
LEVEL	DESCRIPTION	STEPS
LOW		Proceed with normal expectations of management and supervision
LIMITED		Ensure that enough safeguards are in place to mitigate the limited risks. Contact corresponding institutional departments for assistance.
HIGH		Seek Senior Vice Presidential approval before moving forward with planning. If approved you will be directed to the business office to discuss waivers, contracts and liability. Once approved at that level coordinate with institutional departments for assistance.
EXTREME		STOP DO NOT PROCEED.

17

Risk Enhancing Questions			
<p>After determining your general risk from the Risk Assessment Matrix you are now asked to examine the following questions which point to heightened or enhanced risks. Answer each item. If you have three yes responses, your event will more than likely carry higher risk than first noted in the Matrix. If you have five or more yes responses, your event carries "High Risk" and needs to follow the anticipated protocol.</p>			
#	Questions	Yes	No
1	Is transportation provided by University vehicles?		
2	Would participants be required to attend but utilizing their own transportation?		
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

18

A GLIMPSE AT DEPARTMENTAL RISK ASSESSMENT

- Kitchen
- Gym – bleachers, basket standards
- Fitness Center
- Cafeteria
- Science labs
- Art Studios
- Chapel /Performing Arts Center
- Office Complexes
- Grounds
- Back Property

19

TRAIN PERSONNEL TO CONDUCT RISK ASSESSMENT AS THEY PLAN EVENTS

20

SIX EASY STEPS FOR RISK ASSESSMENT IN PLANNING EVENTS

1. Identify the Event and all that it entails

21

SIX EASY STEPS FOR RISK ASSESSMENT IN PLANNING EVENTS

2. Does the event align with the institutional mission and values?

3. Identify the risks

22

SIX EASY STEPS FOR RISK ASSESSMENT IN PLANNING EVENTS

4. Classify the risks

5. Manage the risks

23

SIX EASY STEPS FOR RISK ASSESSMENT IN PLANNING EVENTS

6. Final evaluation – Is it worth the risk?

24