



# Environmental Health and Safety

## STUDENT AND MINOR SAFETY

### ACUA Kick Starter

**ASSOCIATION OF COLLEGE & UNIVERSITY AUDITORS**

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## Background

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- Over the years the number and complexity of safety risks and requirements has steadily grown to the point that a strong safety governance structure is vital to ensure risks are properly identified and adequate resources and management support are in place to address these risks.
- There have been numerous safety incidents at colleges and universities which have had disastrous consequences that have made national headlines.
- Colleges and universities are like small cities, and perform many of the same functions, from operating power plants and medical facilities, housing students, and disposing of trash and waste.
- Safeguarding students and employees is a paramount concern of federal, state, and local governments, as well as the colleges and universities that enroll and hire these individuals.
- As a result, environmental health and safety is a high risk area from both a reputational and compliance standpoint.
- Some common areas of risk at college and universities include: student housing, lab safety, hazardous chemicals, employee safety training, student safety training, research safety, fire and life safety, student travel, faculty international travel, student activities, programs for minors, building access controls, emergency notification systems, emergency management planning, Clery Act reporting, Title IX compliance, safety provisions in vendor agreements.
- Auditing environmental health and safety can be challenging and may require additional training for audit staff as well as the need to break this area up into separate audits due to magnitude of the risk areas.

## Key Risks

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- Student assault and injury
- Student travel accidents and injuries
- Minors assault and injury
- Campus event safety and security
- Non-compliance with laws and regulations such as the Clery Act and Title IX
- Legal and reputational risks associated with lawsuits for incidents

## Key Controls

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### Student Events

- List maintained of all student events on campus
- Risk assessment
- Planning and coordination by appropriate campus areas

### Programs for Minors and Camps

- List maintained of all events involving minors on campus
- Risk assessment
- Background checks on all employees and volunteers (criminal and sex offender)
- Child protection training
- Designated child to counselor ratio
- Completion of required forms (liability waiver, medical authorization, emergency contact information)

### Student Travel

- List maintained of all student trips
- Completion of required forms (liability waiver, medical authorization, emergency contact information)
- Driver training
- Vehicle inspection
- Procedures for verifying foreign travel safety and warnings

### Clery Act Compliance

- Clery coordinator
- Identification and training of campus security authorities
- Daily crime log maintained and available
- Crime data gathered across campus and from local law enforcement
- Proper and timely reporting of crime data
- Timely warnings

### Title IX Sexual Harassment and Grievances

- Title IX coordinator
- Grievance policies and procedures
- Student outreach and prevention education
- Reporting mechanisms for grievances
- Process after complaint received
- Remedies for complainant and accused
- Timely investigations by qualified staff
- Coordination with university police department
- Adjudication process

## Audit Tests

### Student Events

- Select a sample of student activities on campus from a variety of departments and organizations based on the associated risk. Review student activity information and determine whether safety risks have been identified, appropriate campus offices have been

informed and mitigating controls have been assigned if necessary. Determine whether university rules and procedures have been followed.

#### Programs for Minors and Camps

- Select a sample of programs involving minors/camps based on the associated risks and ensure background checks and required forms have been obtained and training has been completed by all employees and volunteers prior to start of program.

#### Student Travel

- Select a sample of student travel trips during the audit period includes trips from a variety of departments and organizations (student organizations, recreational sports, outdoor programs). Review information and documentation for student trips for compliance with rules and procedures.

#### Clery Act Compliance

- Conduct interview with the Clery Act coordinator to gain an understanding of the processes in place to comply with the Clery Act.
- Select a sample of dates and obtain copies of daily crime logs for those dates to ensure they are being completed and made available.
- Select a sample of departments most likely to interact with students on campus and determine whether Campus Security Authorities have been identified and have received training.
- Select a sample of items from the most recent Clery Act Report published by the university and determine whether those items were completed in compliance with the Clery Act Reporting Guidelines.
- Select a sample of warnings and determine whether they were issued timely.

#### Title IX Sexual Harassment and Assault

- Conduct interviews with Title IX coordinator and other relevant university employees about Title IX Sexual Harassment and Assault prevention education, training, investigations and reporting processes, and policies and procedures. Review relevant documentation. Select a sample of grievances and determine whether they were investigated and resolved timely and in compliance with laws and procedures.

## Data Analytics

- Any time a database or spreadsheet of records exist the data can be sorted or filtered to gain an understanding of populations, their associated risks, and select samples using analytical judgments.
- Training records: completion of training, completion of training timely
- Student travel: department responsible for travel, travel destination, number of students, names of students, number of faculty/staff, method of transportation, student driver names
- Student events: group hosting or sponsoring the event, contact name, date, type of event, number of students attending the event, reviewed approved by the university administration, UPD or safety office involvement

- Youth events: group hosting or sponsoring the event, contact name, date, type of event, associated risks, reviewed approved by the university administration, UPD or safety office

## Common Audit Findings

### Student Events

- List of student activities and events is not maintained
- Risk assessment is not performed to identify all safety risks related to student events
- Planning meetings are not held to address safety risks related to student events or do not include all the appropriate individuals across campus

### Programs for Minors and Camps

- List of programs and events involving minors is not maintained
- Risk assessment is not performed to identify all safety risks involving minors
- Required liability, medical, and emergency contact forms are not completed
- Both criminal and sex offender background checks not performed for all employees and volunteers involved with minors on campus
- Required child protection training is not completed prior to program and event

### Student Travel

- List of student travel trips is not maintained
- Required liability and waiver forms are not completed for student travel
- Driver safety training has not been completed
- Emergency contact information has not been gathered
- Current vehicle inspection has not been verified for personal vehicles used for student travel

### Clery Act Compliance

- Campus security authorities have not been identified and have not taken training
- Daily crime logs are not being prepared or are not readily available
- Timely warnings are not issued
- Report not in compliance with laws

### Title IX Sexual Harassment and Assault

- No Title IX administrator
- Lack of training for education on prevention
- Lack of training for Title IX administrator, investigators and other staff
- Insufficient Title IX staffing
- Investigations are not being performed. Investigations are not being completed timely
- Lack of procedures for Title IX processes
- No segregation of duties among functions for investigations and decision-making

## Tips & Tricks

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- Performing a gap analysis between requirements and procedures can be helpful due to multiple tiers of regulations and standards for Clery and Title IX areas
- Auditing decentralized processes and activities can take extra time

## Resources

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- U.S. Code of Federal Regulations at 34 C.F.R. 668.46 - Institutional and Financial Assistance Information for Students
- Department of Education Handbook for Campus Safety and Security Reporting
- Title IX of the Education Amendments of 1972; 34 C.F.R. Part 106 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- State Agencies or Departments such as Department of State Health Services, Department of Public Safety