Quarterly Compliance Report – Health & Safety

This report is for information only.

BACKGROUND

In November 2015, Elizabeth Cherry, Associate Vice Provost, Compliance and Risk Services, presented a report on the University’s new Structural Compliance Program. Over an 18-month cycle, the Board of Regents will receive a quarterly report from each of the six key institution-wide compliance areas:

- Research
- Health & Safety
- Financial
- Information
- Special Areas (e.g. global activities)
- Civil Rights/Employment

Attachments

1) University of Washington Health & Safety Compliance Overview
2) University of Washington Health & Safety Compliance Priority Item 1: Health & Safety Governance
3) University of Washington Health & Safety Compliance Priority Item 2: Accident Prevention Plans
4) University of Washington Health & Safety Compliance Priority Item 3: Safety of Minors in University-sponsored Programs
University of Washington Health & Safety Compliance

Overview

The University of Washington, like other dynamic research institutions, faces a multitude of challenges and opportunities when it comes to compliance with the health and safety laws and regulations promulgated by the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries, just to name a few. Health and safety compliance covers a diverse group of topic areas – campus security, emergency management, and environmental contamination among them – and spans thousands of spaces across multiple UW locations, including: the technician working in the School of Drama’s Scene Shop; the staff of Facilities Services’ Grounds Maintenance Unit keeping the cherry trees pruned and healthy; the sophomore conducting research in a bioengineering lab; the middle-school girl participating in a STEM summer program; and the principal investigator launching clinical trials of a promising new treatment for Alzheimer’s Disease.

Due to the complexity of organizational and operational issues related to health and safety compliance, many universities struggle to develop a robust culture of safety on their campuses. Nonetheless, such a culture is vital and “emanates from ethical, moral, and practical considerations, rather than regulatory requirements.”¹ Challenges to establishing this culture may include: 1) articulating a governance and oversight structure that embraces the wide range of environmental (e.g., chemicals, biological agents, radiation, industrial tools) and non-environmental (e.g., violence prevention, suicide, safety of minors) concerns, 2) insufficient leadership with regard to setting high expectations for safety in departments and units, and 3) availability and allocation of adequate human and financial resources.

UW administrative units – including Environmental Health & Safety, Emergency Management, the Police Department, Student Life Health & Wellness, and others – are the frontline of the institution’s commitment to providing a healthy and safe environment for faculty, staff, students, visitors and volunteers. However, a culture of safety does not take hold without broad acceptance and adoption of role-specific best practices, and the choice to follow them day in and day out. These seemingly routine and repetitive practices, when taken as a whole – and embraced by every member of the UW community, regardless of status – contribute to a culture of safety. As OSHA asserts in its guidance on creating a safety culture, “Any process that brings all levels within the organization together to work on a common goal that everyone holds in high value will strengthen the organizational culture . . . safety and health is a unique area that can do this.”²

The newly-created UW Compliance Services program facilitates and supports this work by providing a unifying framework for the University’s diverse compliance obligations and subject matter experts. It employs seven elements to assess and strengthen the effectiveness and maturity of the University’s compliance functions: 1) leadership and oversight, 2) standards of conduct, policies and procedures, 3) education and outreach, 4) monitoring and auditing, 5) receiving reports and investigating, 6)

accountability, incentives and corrective action, and 7) response and prevention. The program convenes subject matter experts to participate in ongoing assessments that emphasize continuous improvement.

**Assessment**

In February 2016, Health & Safety compliance assessment meetings brought together subject matter experts representing compliance topic areas from across the University: athletics, campus security, construction safety, emergency management, employee health centers, environmental contamination, facilities, risk services, safety of minors, student life, violence prevention, and worker health. Through those meetings, three compliance priority items were identified for focused attention over the next 18 months: Health & Safety Governance, Accident Prevention Plans, and Safety of Minors in UW-sponsored Programs.

**The Health & Safety compliance assessment was led by:**
Elise Chayet | Associate Administrator, Clinical Support Services & Planning, Harborview Medical Center
Elizabeth Cherry | Associate Vice Provost, Compliance & Risk Services
Jude Van Buren | Director, Environmental Health & Safety

**Subject matter experts:**
Emma Alder | Interim Occupational Health & Safety Manager, Environmental Health & Safety
Aliu Ann | Public Safety Director, Harborview Medical Center
Becky Bullock | Director, Risk Financing, Compliance & Risk Services
Steve Charvat | Director, Emergency Management, Facilities Services
Damon Fetters | Director, Facilities Maintenance & Construction, Facilities Services
Ron Fouty | Safety Director, Capital Planning & Development
Gloria Galloway | Commander, UW Police Department
Doug Gallucci | Assistant Director, Environmental Programs, Environmental Health & Safety
Dave Girts | Manager, Violence Prevention & Response Program, Human Resources
Mark Jenkins | Executive Director, Hall Health Center
Liz Kindred | Safety Officer, Harborview Medical Center
Tracey Mosier | Safety Manager, Facilities Services
Mark Murray | Assistant Director, Building & Fire Safety, Environmental Health & Safety
Jackie Mynarski | Associate Athletic Director, Compliance, Intercollegiate Athletics
Anne Newcombe | Clinical Director, Emergency Services, Harborview Medical Center
Pam Schreiber | Executive Director, Housing & Food Services
Sheryl Schwartz | Assistant Director, Campus Preventative Health, Environmental Health & Safety
Anna Stock | Property Rights Manager, UW Real Estate
Ellen Taylor | Assistant Vice President, Student Life and Director, Counseling Center
Gillian Wickwire | Threat Assessment & Management Specialist, Safe Campus
Melinda Young | Occupational Health & Biosafety Specialist, Washington National Primate Research Center
Summary of Priority Items

Priority Item 1: Health & Safety Governance
Board and committee structures governing health and safety compliance at UW developed over time and have not been comprehensively reviewed for effectiveness and efficiency. Various committees exist – covering a wide range of environmental and non-environmental health and safety issues – but most are advisory in nature and operational rather than strategic. There is presently no oversight body with the responsibility to assess, prioritize, and mitigate health and safety risks from a centralized, institutional perspective.

A task force will be created to review and make recommendations for improving the effectiveness and efficiency of the University of Washington’s health and safety governance structure.

Priority Item 2: Accident Prevention Plans
Accident Prevention Plans (APPs) – mandated by the Washington Industrial Safety and Health Act of 1973 – must be maintained by all UW organizational units. APPs are intended to function as the cornerstone of each department’s health and safety practices. However, plans vary significantly in how current, adequate and effective they are.

Environmental Health & Safety will establish clear institution-wide categories of environmental health and safety risk and develop a basic APP that can be utilized “off the shelf” by low-risk departments. A customizable APP will be created for departments with medium to high risk, and new education and outreach efforts to facilitate APP creation and maintenance will be launched.

Priority Item 3: Safety of Minors in University-sponsored Programs
More than 24,000 minors visit the University of Washington campus every year, participating in over 100 University-sponsored programs. While many of the programs are well established and have demonstrated a remarkable history of safety and success, there is currently no method for the institution to identify, monitor and support the University-sponsored programs that serve children and youth under the age of 18.

To ensure the safety of minors on campus, a comprehensive inventory of UW-sponsored programs will be created, and age- and program-appropriate guidelines and best practices will be established.

Additional Reading

Academic leaders create strong safety culture in colleges and universities, Journal of Chemical Health and Safety (2013); Robert C. Hill Jr., David C. Finster

Citations

Challenge Statement
Board and committee structures governing health and safety compliance at UW developed over time and have not been comprehensively reviewed for effectiveness and efficiency. Although various environmental health and safety committees exist, they are advisory in nature and operational rather than strategic (with a main responsibility to review accident reports and make recommendations for prevention). Non-environmental health and safety areas – including police and campus security, emergency management, safety of minors, employee and student health, and patient safety – have separate committees and functions. There is presently no oversight body with the responsibility to assess, prioritize, and mitigate health and safety risks from a centralized, institutional perspective.

Context
The University has many dedicated units with strong operations in the substantive work of preventing and responding to health and safety issues: Environmental Health & Safety, UWPD, Emergency Management, and Student Life, just to name a few. Environmental Health & Safety is an advisor and a resource for health and safety issues, but its scope of work is limited to environmental health and safety.

The University does not have a strong system of incentives for compliant behavior, consistently-enforced corrective measures for violations, or broadly-communicated accountability for ensuring the safety of faculty, staff, students, and the community. The responsibility for health and safety across UW campuses should lie with the leaders of departments and units themselves. A culture of safety must be embraced by all. Identification and ownership of campus-wide, coordinated health and safety initiatives – including training and education efforts – needs oversight and leadership.

Mitigation Plan
A task force will be created to review and make recommendations for improving the effectiveness and efficiency of the University of Washington’s health and safety governance structure. Items to be considered may include:

- Charters and memberships of existing boards and committees, and their reporting systems
- Identification of gaps in oversight and leadership
- Mechanisms for accountability regarding health and safety objectives
- Existing University policies and procedures, and identification of gaps
- Improved reporting to senior leadership on health and safety risks and compliance
- Leveraging existing resources and encouraging departmental initiatives across health and safety areas – in alignment with TAP objectives

Project Leads
Elizabeth Cherry | Associate Vice Provost, Compliance & Risk Services
David Anderson | Executive Director, Health Sciences Administration
Challenge Statement
Accident Prevention Plans* (APPs) – mandated by the Washington Industrial Safety and Health Act of 1973 (WISHA) – must be maintained by all UW organizational units. Health and safety committees, also required under WISHA, must review the APPs and discuss recommendations for improvement. Plans vary significantly in how current, adequate and effective they are. This poses challenges for the work of health and safety committees and for Environmental Health & Safety (EH&S), the department charged with managing and overseeing the APP Program.

Context
The University is a large, multifaceted organization with thousands of discrete workspaces accompanied by inherent and often unique health and safety concerns, for example: research labs, hospitals and clinics, training rooms for Husky athletes, restaurants and cafes, and scene and electrics shops in the School of Drama. APPs are critical documents intended to function as the cornerstone of each department’s health and safety practices, and to describe how employees are protected from occupational hazards particular to their work or role.

Each UW department or service unit is charged with developing and maintaining its own APP. Barriers to successful fulfillment of this function include:

- A burdensome and functionally obsolete template for APPs
- The lack of appropriate training available to those responsible for creating and maintaining APPs
- Ineffective or insufficient guidance provided to health and safety committees on their review of APPs, and
- The absence of clear consequences for departments or organizations that elect not to develop or update an APP

Mitigation Plan
Employing a collaborative approach with organizational units, EH&S will:

- Establish clear institution-wide categories of environmental health and safety risk, based on specific occupational hazards.
- Develop a basic APP that can be utilized “off the shelf” by low-risk departments (e.g. those in administrative offices and basic classrooms).
- Construct a customizable and educational APP template for moderate- to high-risk departments (e.g. spaces with chemicals, radiation, industrial tools, open flames, or are controlled or enclosed).
- Initiate new education and outreach efforts to facilitate APP creation and maintenance.
- Pilot the new program with select departments.
- Create improved guidance for health and safety committees to review APPs.
Project Leads
Emma Alder | Interim Occupational Health & Safety Manager, Environmental Health & Safety
Jude Van Buren | Director, Environmental Health & Safety

Sample of Relevant Laws and Regulations
- Washington Industrial Safety and Health Act: Chapter 49.17 RCW
- Accident Prevention Program: WAC 296-800-130 – 296-800-14025

Additional Reading
*Injury and Illness Prevention Programs: White Paper, Occupational Safety and Health Administration (January 2012)*

*Also known as Departmental Health & Safety Plans*
Challenge Statement
Ranging in age from three to seventeen, more than 24,000 minors participate in over 100 University of Washington programs as varied as the Educational Outreach Summer Day Camps, the Robinson Center for Young Scholars, and the Center for Urban Horticulture Nature Preschool. While many of the programs are well established and have demonstrated a remarkable history of safety and success, there is currently no method for the institution to identify, monitor and support the University-sponsored programs that serve children and youth under the age of 18. Moreover, federal and state laws do not prescribe the specific policies and procedures needed to keep minors safe and healthy.

Context
In the wake of the child abuse scandal at the Pennsylvania State University (Penn State), states across the nation passed legislation requiring college and university employees to report suspected child abuse. As of 2012, Washington state law dictates that such reporting be made directly to law enforcement or the Department of Social and Health Services. UW Administrative Policy Statement 11.8, Reporting Suspected Child Abuse, further details these expectations with regard to faculty, staff and volunteers.

Penn State commissioned the law firm Freeh Sporkin & Sullivan, LLP to perform an independent investigation. The resulting “Freeh Report” was published in 2012 and included recommendations for institutional governance and administration, aimed at protecting minors at Penn State. The UW Office of the President reviewed the Freeh Report and mapped its recommendations to existing UW policies and practices. At the same time, a Safety of Minors Committee was convened; its recommendations included the creation of the UW Youth Programs Development and Support Office, which launches this month.

The University of Washington sponsors many on- and off-campus programs whose primary focus is working with and for minors – their mission, practices, size, age range served, and infrastructure vary widely. Many of the programs offer important educational and mentoring experiences for the UW’s enrolled students. It is in the interest of the institution to ensure that these youth-serving programs operate within the University’s educational and strategic mission, as well as operationalize high standards for safety and compliance with laws and regulations.

Mitigation Plan
To ensure the safety of minors on campus, institutional infrastructure will be developed to identify, monitor and support youth-serving programs:

- Create a comprehensive inventory of UW-sponsored programs and services in which minors participate
- Work with programs to identify, develop and share age- and program-appropriate guidelines that align with University policy and reflect national best practices
• Create and launch a set of educational training and outreach programs for university employees whose work involves programming for or direct interaction with minors
• Identify, prioritize and develop policies that operationalize institutional goals and objectives. Possible priority areas include: screening and selecting employees and volunteers, including background checks; training requirements for employees and volunteers who work with minors; establishing and monitoring standards of conduct for interactions between staff and minors; incident reporting and response; and communication with parents and guardians.
• Provide strategic support and consultation services for the 100+ University programs whose primary purpose is working with minors

Project Leads
Caroline Shelton | Director, Youth Programs Development and Support
Jason Johnson | Associate Dean, Undergraduate Academic Affairs

Sample of Relevant Laws and Regulations
Federal
• Title IX of the Education Amendments of 1972: 20 U.S.C. 1681-1688
• Americans with Disabilities Act: 42 U.S.C. 12101-12213
• Clery Act: 20 U.S.C. 1092(f)
State
• Abuse of Children: Chapter 26.44 RCW
• Report of Child Abuse or Neglect – Reporting Responsibilities: Chapter 28B.10.846 RCW