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College and University Risk of Legal Liability Associated with Student Housing Fires

Specific Actions to Reduce Fire Risks and Liability

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Introduction – Why Fire Safety and Liability are Big Issues

Student housing fires are, unfortunately, part of university life. The grim statistics demonstrate that the risk of tragic fire events is persistent and significant. Maximizing student fire safety is thus an imperative, both to save lives *and* to manage university liability.

In November, 2009 the United States Fire Administration (USFA) issued a special report examining the causes and characteristics of fires in college and university residential buildings, including dormitories, fraternity, and sorority houses.[1] According to the report, an estimated average of 3,800 fires occur each year in university dwellings, and fires are responsible for 5 deaths, 50 civilian injuries, and $26 million in property loss on average annually.

The Center for Campus Fire Safety,[2] which tracks documented fatal fires in college environments, reports that since 2000 71 fatal fires have claimed 102 victims.[3] Eighty-One percent of these deaths occurred in off-campus housing.[4] According to Campus Firewatch,[5] which began gathering information in 2000 about all fires in student housing both on and off campus, 140 people have been killed in campus-related fires across the nation[6] between January 2000 and April 2010,[7] with over 84% occurring in off-campus housing.[8] In 2009, 6 people died in such fires. Between January 1 and May 1, 2010, another 5 lost their lives.

Eighty-four percent of all civilian fire deaths in the United States in 2008 occurred in residences.[9] As temporary homes for tens of millions, student residential housing (whether a dormitory, a fraternity or a sorority house, or an off-campus structure) poses the main life-safety threat on and off American campuses. The problem's leading cause is cooking by students unfamiliar with fire safety practices – cooking fires account for 83% of all university housing fires. The vast majority of university housing fires (94%) occur in dormitories and dormitory-type residences, and 6% occur in fraternity and sorority houses.[10]

Wisely managing campus-related fire risks is essential to managing litigation risks. Reducing the number of fires in and about college campuses is a manageable challenge, albeit one requiring focused effort by university administrators. By being proactive and organized colleges and universities can save lives, save money, reduce risks, and reduce liability.

Fatalities by Academic Year

2000-2001	17
2001-2002	14
2002-2003	14
2003-2004	11
2004-2005	14
2005-2006	11
2006-2007	20
2007-2008	18
2008-2009	6
2009-1010	5

Source: Campus Firewatch

Fatalities by Location

Location	No. of Fires	No. of Victims
On Campus	7	9
Off Campus	58	83
Greek Housing	6	10

Source: Center for Campus Fire Safety

Student Housing Fire Liability – Six Big Risks Universities and Colleges Face

1. **Lawyers always go after perceived "deep pockets."** When a fatal or injury-causing fire occurs in student housing, universities and colleges are inevitably embroiled in the associated litigation. This is because parties who suffer losses always try to ascertain whether the school could or should have done *something* that may have saved a life or prevented a disaster. It's part of determining "who's at fault." It's in our nature and the nature of our civil litigation system to assess liability by fixing blame. Important related questions in litigation strategy are: who has the *ability* to pay; who was covered by liability insurance; who has an incentive to settle?

2. **Universities have a target on their backs because "they are in charge."** Some of the questions that end up before courts across the nation when a tragic fire occurs on a college campus include:

   - Who was in a position to do something to avoid this terrible tragedy?
   - Who was responsible?
   - Who had a duty to ensure fire safety?
   - Who *could* have done something?
   - Who had the wherewithal (and resources) to do something?
   - Who didn't do what could have been done?

   When the finger-pointing starts, the answer to such questions is, unfortunately, the University – at least to the mind of victims, their lawyers, the media, and often the judiciary. In fairness to this perspective, Universities *are* in a position of leadership vis-à-vis their employees and their students and can therefore influence behavior.

3. **Unsafe buildings and reckless students are hard to control.** The problem for universities is that "unsafe" properties and careless behavior create risks and liability. Campus and off-campus housing present a unique safety challenge for administrators, primarily because of the youth and inexperience of student housing residents, and the difficulty of monitoring every possible source of fire. If something could have been done to prevent the fire, minimize damage, or make residents safer, and the university failed to take the appropriate action, or implement an *available* solution, someone will attempt to claim that the university has liability. It's very easy to argue that "something" could have been done, especially with the benefit of clear hindsight.

4. **The United States is a highly litigious nation.** All universities and colleges are exposed to both meritorious and spurious claims spawned by our country's "litigious culture." Whether the university was *actually* at fault or not isn't necessarily relevant. In our culture it's not the substance or merit of the claims that counts, it's "the seriousness of the charge leveled" that often governs the dialog. Claims will be filed against universities regardless of actual liability, regardless of the actual facts, and regardless of a claim's actual merit. Why?

5. **Filing legal claims creates leverage to settlement.** It is a very effective tool. Litigation is extremely expensive, and anyone embroiled in it has a very strong incentive to end the conflict (and stop the bleeding) regardless of the substance or merit of the claims. The initiation of litigation requires any party with "potential" liability – even those who did nothing wrong – to allocate substantial time and resources to a very cumbersome and time-consuming process. The burden of litigation, especially high-profile litigation that poses public-relations issues, can be crushing.

6. **The pressure of High-Visibility litigation** – Our litigious (and media-driven) culture is impatient and seeks immediate answers; we no longer offer the benefit of doubt to those we accuse. The seriousness of the charge sparks outrage and condemnation long before all the facts are known or thoroughly examined. Our media gives power to assumption and innuendo. This public and media posture and pressure can lead those with meritorious arguments and legitimate defenses to throw up their hands and settle merely because the weight of popular opinion is against them and they feel compelled to "do the right thing" (i.e., satisfy their critics) instead of defending themselves and getting to the right result. The pressure of such high scrutiny can interfere with the accused party's decision-making processes, which reduces choices and fosters mistakes.

What Are a University's "Duties" Regarding Fire Safety?

Universities are in control of student housing properties because they either:

- own or operate such properties, or
- have approved such properties for student occupancy, or
- have certified that such properties meet the university's minimum safety standards.

Owning or controlling student housing imposes on universities a "duty of due care" to ensure that the structures are safe for their intended purposes. This duty is owed to those who may occupy or use such structures and requires that the university not act negligently in its ownership, operation, or control of them.

One party's "duty" to another is shaped by the nature of liability under the law and the type of claims filed when fire loss occurs. A duty is often equated with "what can *reasonably* be expected of a party in the circumstances, given that party's knowledge, capability, and experience." Findings of negligence do not typically follow those who responsibly fulfill their duty.

College and university administrators are well aware of college-age students' propensity for reckless, ignorant, stupid, or drunken conduct, especially in off-campus housing where supervision and rule enforcement are often absent. There's a certain predictability to student conduct (and misconduct), and universities are in the best position to observe and understand it. It's clear that, generally, these young adults are in many respects still children, lacking the life-management skills, attentiveness, and experience needed to manage personal safety, especially regarding fire. Moreover, the common characteristics and risks of the environments (on and off-campus) in which students live are known or knowable.

Being in this position and having such knowledge arguably imposes a duty on colleges and universities to "govern" students in manner that responsibly addresses these known propensities and shortcomings.

American universities generally have a responsibility to provide a fire-safe environment; the duty includes taking action reasonably likely to succeed in accomplishing the objective, and that demonstrates the exercise of "best efforts" to provide safe lodging for students. The question at hand is: what actions and policy work well, and which are just window dressing or going through the motions? This distinction becomes critical in determining whether the university has fulfilled its duty.

Universities' "duty of care" regarding college fire-safety includes the duty to:

- Develop and implement policies and programs designed to *effectively* address and minimize the risk of fire.
- Provide housing structures for students that are compliant with applicable fire and life safety codes and standards.
- Only approve for student occupancy structures that meet such standards and codes (this includes fraternity houses and off-campus student housing).
- Ensure that owned and non-university-owned student residences they approve for use as student dwellings are properly inspected for compliance with fire-and-life-safety standards and codes.

The duty of ensuring a fire-safe environment includes adequately publishing and disseminating all fire safety policy, instructions, rules, procedures, and information essential to fire safety both generally and as it pertains to particular buildings. **The Higher Education Opportunity Act** (Public Law 110-315 – signed into law in August 2008) requires universities to include in their annual fire-safety reports to the Department of Education their policies on fire-safety education and training programs provided to students, faculty, and staff. Under that Act campuses are also required to publicly provide:

"They owed these kids better," said Matthew R. Basinger, an attorney with Donald A. Shapiro Ltd. in Chicago representing Martha and Paul Punches (whose daughter died in a Wayne Indiana college fire in January, 2009).

- Statistics for each on-campus student housing facility, including the number of fires and causes; number of injuries and deaths related to fires; and the value of property damage caused by fires.
- Descriptions of each on-campus student housing facility's fire safety systems.
- The number of mandatory, supervised fire drills.
- Policies or rules on portable electronic appliances; smoking and open flames; evacuation procedures.
- Plans for future fire safety improvements, if needed.
- An annual report to the campus community.

The Nature of Liability Claims Against Universities for Fire Loss

Fire-related lawsuits against universities in the United States have asserted a variety of liability theories and claims. General theories of liability center on breach of the duties described above in general "negligence" and specific "wrongful-death" claims. Lawsuits often assert specific claims that the university failed or neglected to provide or require:

- sufficient fire safety inspections
- reasonably safe housing
- operational smoke detectors in each bedroom and the main living area
- operational and safe electrical outlets
- an evacuation plan

- evacuation plan rehearsal or training
- a sufficient fire suppression system
- fire retardant materials
- housing compliant with fire and building codes

Victim's families also commonly seek damages for the "severe emotional distress" of losing loved ones to fire. Victims suffering life-changing injuries seek damages for "pain and suffering" and "severe emotional distress."

Wrongful death actions are civil tort claims against those persons or entities that can be held liable for a death. Many such suits seek unspecified damages (leaving it to a jury to decide) and often seek remedies mandating action by the university to ensure fire-safe student housing.

Students' families rely on colleges to provide a safe environment; they *assume* that college is a safe place for their children. This reliance and these assumptions are generally deemed reasonable because all parties understand that college-age kids are for the most part away from home for the first time, are very inexperienced with self-governance, and require continued and careful supervision. When fire deaths occur the tragedy is laden with shattered expectations, triggering the wrongful death and negligence damage claims.

> "[T]ragic fire[s] at Universit[ies are] a stark reminder that colleges and universities must be diligent in protecting the lives of the students entrusted in their care."
>
> *-- Report of the New York State Governor's Task Force on Campus Fire Safety, 2000*

Every fire occurring on or off campus involving a student residence and loss of life or serious injury is a potential lawsuit asserting damage claims against the university. The facts and outcomes of such lawsuits vary widely, but the risk, reality, and cost of such litigation can be minimized through effective fire-safety management practices.

Four Specific Actions to Reduce Universities' Fire-Related Liability

Every lawsuit illustrates the liability problems colleges face when they are not proactive; i.e., when they fail to take positive steps to ensure student fire safety. How do universities maximize student fire safety? What should they and other student housing owners be doing to ensure fire safety, and how do these actions save lives?

Below are four very important steps that colleges can and should take to ensure fire safety in student housing. By taking these actions universities are "doing the right thing on behalf of the students," and saving lives. They're also reducing their exposure to fire-safety liability and likely shielding themselves from fire-related liability lawsuits.

1. Develop and Disseminate a Comprehensive Fire Safety Policy Document – Draft, adopt, and *implement* a comprehensive fire-protection policy (with procedures), addressing the needs and facilities of each campus, which at minimum:

- Calls for student training and testing in fire safety. In such a policy document, the **Facility Manager, College Administrative Officer (CAO), or other clearly identified university official** should be responsible for ensuring that residential students, staff and employees are provided with required fire and life-safety training, education, and testing to understand fire safety practices, emergency procedures, and unsafe or unlawful acts.

- Establishes a liaison with a campus fire-safety expert, or establishes the position of "campus fire safety specialist," who is charged with helping the institution manage and address the many complex fire-protection issues affecting student life on and off campus.
- Contains a policy / procedure for securing certification that student housing buildings are in compliance with fire and safety codes and adopted standards; adopts a building inspection program.
- Identifies and establishes the party responsible for ensuring that all fire protection and life-safety systems under his or her control are properly maintained and inspected in accordance with adopted state and national fire codes and standards.
- Contains an effective and reasonable procedure to obtain any reports issued by City, County, or State Fire Inspectors pertaining to any residence structures under the university's jurisdiction, and depicting the nature and extent of violations found.
- Contains a procedure for requiring third-party property owners of fraternity buildings and off-campus apartment buildings to remedy fire safety violations or make improvements recommended by fire safety inspectors within a defined period of time, or face losing the University's approval of the property as student housing.
- Contains a procedure for requiring fraternity and student residence property owners to provide to the university sufficient documentation demonstrating compliance with applicable fire and life safety codes.
- Provides for or requires training for fraternities and other third-party property owners renting to students in how to secure fire-safety inspections, attain fire and life safety code compliance, and secure reliable certification of such compliance.

- Provides for or requires a program for training Resident Assistants in fire safety protocols within their residence halls.
- Establishes a protocol identifying who is in charge in each building during a fire emergency, what their duties and authority are.
- Requires the posting of sufficiently detailing fire-evacuation plans (with floor diagrams *and Life Safety Survival Tactics*) in all university-approved student housing, specifically indentifying appropriate posting locations (like on the back of each student's room door), and calls for regular fire drills conforming to those plans.
- Identifies and appoints the individual responsible for ensuring that all policies and procedures contained in the document are properly followed and fully implemented, and details how that individual regularly accounts to the university about the status of fire safety policy management. A good policy document is worthless if it's left on a shelf to collect dust, or if no one is accountable for its oversight and implementation.
- Is conspicuously published in print and online media in a readily accessible locations for all to see (e.g., students, parents, fire safety officials, property owners renting to students, lawyers, etc.), and available for download. The policy document should be updated regularly (e.g., annually) and carry a publication date.

2. Require and Monitor Physical Fire-Safety Inspections – Regular property inspections for fire and safety compliance, and appropriate documentation of each inspection, enable the university to ascertain the fire-safety status of each building within its jurisdiction, take reasonable and timely action to remedy the violations or conditions noted by the fire-safety inspectors, and create a record demonstrating its efforts in this regard. Assuming that someone else is thoroughly inspecting student housing for fire safety is a big mistake.

For universities, self governance regarding inspections is especially important. While fire departments often inspect apartment complex common areas, hallways, and stairwells for smoke detectors, these public inspectors usually *don't* inspect inside the private residences of buildings or apartments[11] (they don't have the resources). Relying on inspection or certification documents provided by third parties (like fraternity houses or insurance companies) may also be insufficient, especially if those documents are not properly scrutinized or sufficiently detailed. Note: certification of compliance with fire/safety codes and standards is different than securing a "certificate of occupancy," and universities should not presume that a building with a valid current certificate of occupancy is fire safe, or code and standard compliant.

The university should require proper and regular inspection of all residence buildings by qualified inspectors, whose reports are sufficiently detailed to ensure fire safety. Any inspection (except monthly inspections) must be conducted by certified personnel in accordance with appropriate NFPA (National Fire Protection Association) Standards and equipment manufacturers' recommendations. Universities should only approve a structure for student housing when it has sufficient documentation *demonstrating* a structure's compliance with fire and life safety standards and codes.

A university's fire-safety policy documents should specifically address and identify:

- What fire safety inspections are required.
- When and how often they must occur.
- Who performs them.
- What inspection records must be maintained.
- Where inspection records are maintained.
- Who is responsible for implementing and overseeing the inspection protocol.

Insurance carriers' annual loss /prevention surveys cannot be relied upon as a substitute for a sound fire safety inspection regimen.

Universities should maintain and publish a complete record of all fire-and-life-safety-related inspections (and reports), and a record of which buildings are certified as code and standard compliant, and which are not. This record should justify a university's approval or disapproval of student residences. Universities should also make sure students and their families *know* that such information is available and how to access it. In this way, students and their families can readily access and understand this useful information and govern themselves accordingly.

By publishing these inspection records, fire safety officials, litigants, and the broader community can more readily ascertain the extent to which a university may have been diligent or negligent in administering property safety inspection policy.

3. Adopt Fire-Safety Standards for Student Housing

What are Fire-Safety Standards?

Fire-and-life-safety standards target a defined risk category, like student housing, and explain in careful step-by-step detail what such structures must have in order to maximize fire safety in *that* environment. They are developed as a reliable tool for targeted users in targeted environments, and are designed to enhance, and fill critical gaps in, existing general life-safety standards or requirements promulgated elsewhere. When written by highly certified fire-safety experts (i.e., those with decades of fire safety and compliance experience), such Standards are focused and complete, and provide highly reliable guidance to inspectors regarding what building conditions *ought* to be.

NIFAST's Standard C1,[12] for example, specifically addresses important fire safety standards for off-campus student housing. To attain NIFAST fire-safety certification, any off-campus housing facility must meet all C1 standards, and property owners, inspectors, and student occupants must complete the associated training and pass the online certification test. The NIFAST C1 Standards are a distillation of common fire codes and established best practices, and are designed to help property owners easily understand the many things that *can* be done to assure that their buildings are fire safe.

Safety issues and subjects not addressed in fire safety Standards like NIFAST's Standard C1 are sufficiently dealt with in existing ICC, NFPA, or IBC[13] standards (or standards issued by other city-or-state-approved entities). Where such targeted standards appear to conflict with other existing standards, NIFAST recommends that readers follow the more stringent standard.

By carefully developing or adopting fire-safety Standards designed to address the unique circumstances and common problems of on-and-off-campus student housing college administrators take positive action to reduce the risk and incidence of fire and the related risk of liability. With such standards universities also contribute to the general body of fire-safety knowledge available, demonstrate proactive diligence regarding fire safety, and *diminish* the prospect that they will be found negligent in a fire-loss context.

4. Provide Student Fire-Safety Education and Training – Reducing fire-and-life-safety risks requires effective, proven tools. When used in combination with actions 1 – 3 above, the most important thing universities can do is mandate and provide (or make available and strongly recommended) student fire-safety education and testing. While colleges don't have a duty to teach fire safety, and may not be able to mandate it, they *do* have a duty to ensure a fire-safe environment. One of the best, most effective ways to foster a fire-safe environment is to proactively ensure that students are well educated in fire safety, so they are ***prepared.*** Knowledge and training is the key to preventing students from becoming statistics.

Handing out an abbreviated fire-safety pamphlet or an instruction booklet won't successfully convey to students the seriousness or range of fire safety issues.

<u>A prepared student body is the best defense against fire risk, and fire liability</u>. A university can mandate or implement all the fire-safety hardware available (detectors, sprinkers, etc.) in all university-approved student housing, but those important devices can only do so much, and they're only part of the liability puzzle. The same is true of inspections. Ultimately, individual

knowledge and preparation enable students to take responsibility for their own security and safety. By ensuring that students have this knowledge and preparation, universities maximize the *effectiveness* of other fire safety systems and precautions. Working together, knowledge (a prepared student body) and technology maximize the "fire-safe environment." They're both essential components of fulfilling the university's duty.

By making fire-safety training programs available to students (i.e., by disseminating knowledge), colleges demonstrate positive action to maximize student safety, provide the *opportunity* for fire safety, create a "culture" of fire safety (to counter the common recklessness of youth), and make their student body more fire safety capable.

Because the knowledge and training necessary to fire safety is essential, it should be readily available and easy to acquire, should start with freshman orientation, and should extend to all students. The program should be all inclusive and instituted for all those sharing campus life: students, faculty, and support staff. Every individual with fire-safety knowledge can prevent campus fires.

Why is this true?

The *need* for fire safety training among college students is palpable. Of all fire fatalities, 81% occur in a residential setting. Sadly, because of apathy, poor planning, no-training, and alcohol, too many college students have lost their lives in dormitory, off-campus, and spring break condo fires that could have been prevented. In over 50% of college fire fatalities, alcohol is cited as a contributing factor.

For most students, college is the first extended time spent away from the safety, security, and rules of home and family. With less supervision, students are governing themselves for the first time, face many new experiences, and have a lot on their mind. Without the university's advocacy or mandate, it's unlikely that young students will pay any attention to fire-safety issues in their new environment. Universities should therefore directly and deliberately market the student fire-safety programs to students and their parents.

This can be accomplished through an awareness campaign, which could include a university web page devoted to the subject of student fire-safety training with links to appropriate resources and information. Such an awareness campaign empowers students to seek fire-prevention information and report fire-safety hazards and related issues and observations to university officials.

What is Effective Fire-Safety Training? – A problem for universities is understanding what *effective* fire safety education and training really is, discerning the difference between various programs, and recognizing what will actually "sink in" for young, easily distracted students. The university has a vested interest in students *really understanding* the subject (the more they understand, the lower the fire-loss risk). Some programs accomplish this, but most don't. Handing out an abbreviated fire-safety pamphlet or an instruction booklet, or offering short video

presentations, won't successfully convey to students the seriousness or range of fire-safety issues. Why? The nature of the subject, fire safety and preparedness, doesn't lend itself to a superficial or casual review.

What's the difference between the programs that work and those that don't? Which courses fulfill the university's duty to ensure fire safety, save lives, and limit liability? Which don't? Which programs work and why?

Real, substantive, effective student fire-safety training should:

- Treat the subject of fire safety in and about the student / campus environment comprehensively.
- Be designed to focus on the fire risks, issues, and challenges peculiar to particular environments, like colleges, student housing, or residence hall dwellings. It should take account of the low level of knowledge most students have in this area.
- Require testing on the course material to verify knowledge gained.
- Be user-friendly, easy to use, and designed for convenience to encourage high participation levels (no classes to attend or books to purchase).
- Measure and record each student's test results, and so monitor the effectiveness of the training.
- Pass (certify) only those students who demonstrate a sufficient understanding of the material.
- Provide feedback to those students who don't pass, until they gain sufficient proficiency.

The training should accomplish the following:

- Increase students' fire safety awareness.
- Teach students how to prevent fires and fire-related injuries, and create a fire-safe environment.
- Enable students to effectively create and use a fire plan.
- Teach students to react correctly when a fire occurs.
- Enable student proficiency in inspecting available fire safety equipment.

"[A] comprehensive fire safety program should be provided to all college and university students. Appropriate standards should be identified for students living on campus as well as those residing off campus."

Report of the New York State Governor's Task Force on Campus Fire Safety, 2000. http://www.campusfiresafety.org/uploaded/campusfireNY.pdf

How to Get it Done – Another issue for universities is determining whether to create their own fire-safety training materials and programs, or adopt and customize programs already developed by industry experts. Few universities have the time and flexibility to design and implement solid fire-safety training solutions on their own.

Creating comprehensive fire-safety programs from scratch is an arduous task, and more complicated than it may at first appear; getting it done requires more than just money. This discourages large institutions from accomplishing the task properly or timely, even when grant funding can be found to defray the significant development costs. Moreover, when such programs are created by committee the process can be cumbersome and very time consuming; it can suffer from project-management problems, complicated processes, and non-fire-safety-related agendas, politics, or compromises.

Because of this, and the perceived need to take "some action," universities may be tempted to simply provide abbreviated information or instruction so they can say they have addressed the problem. Scratching the surface, however, won't solve the underlying problem, and won't fulfill the university's duties in this regard.

Training programs produced independently by fire-safety experts are now available through convenient online platforms, enabling universities to affordably implement highly-effective student training without having to develop the programs themselves (why reinvent the wheel?). Instead of having to budget for large development costs and worry about implementation and regulatory compliance, universities can fulfill their duties by seizing the advantage of comprehensive fire-safety training programs *immediately* for a modest cost. These fire-safety training programs don't require large funding commitments; in fact, the modest investment required can quickly turn into a cost savings if the program results in even small fires being prevented. These are big advantages.

Fire Safety Courses Now Available – Only two independently produced online fire-safety courses are now available to Universities that focus on students and include post-review testing. They are very different from each other. In fact, they're in different leagues; one is in the nature of an "overview," while the other delivers "in-depth" fire-safety knowledge and a real *solution* to the problem of effective training.

"Igot2kno," produced by the People's Burn Foundation (www.pbfeducation.org/home), is a program comprised of a series of 3 or 4 online narrated videos or game-style presentations about fire safety. This program's development was funded by a grant from the U.S. Department of Homeland Security Fire Prevention and Safety Grant Program; as a result, the program is provided free of charge to universities who subscribe. Here students and others can watch a 23-minute video production, which contains some strong basic pointers and successfully conveys the gravity and importance of the subject. It opens the door to general fire-safety awareness.

While the 10-25-minute video presentations are well-produced and visually effective, they are limited in scope, addressing only general fire-safety concepts and highlights in an entertaining format. About one-half of the video is devoted to witnessing the terrible suffering of burn victims, and a series of photos of college students who lost their lives in fires. While the imagery conveys the traumatic and serious consequences of fire, the program isn't designed to cover *many* fire-safety issues and the substantive detail critical to preventing fires and enabling safe escape when fire strikes. Moreover, the game-style videos can detract from the seriousness of the subject (making fire safety "fun" is somewhat incongruous with the subject).

A brief 19-question exam follows the main video; shorter quizzes follow the game segments. These post-presentation fire-safety tests are also limited in scope, though useful in verifying that test takers were paying attention to the presentation's limited subject matter.

One appeal of the "Igot2kno" approach is that it's available for free; it's helpful, and good for what it is – an "overview." It encourages interaction on fire safety, and this is certainly better than nothing. While it's easy for universities to adopt this general non-customizable program, it should not be mistaken for a "fundamental solution" that addresses the root problem. There is a cost: it is not comprehensive and leaves students only *somewhat* informed about fire safety. Anything free has limitations, and "Igot2kno" is really only a start – it does not provide the kind of knowledge or testing necessary to make students "fire safe." Even programs like "Igot2kno" developed with significant grant funding don't cover what needs to be covered. It's not customized for each university, and its ability to track results for subscribing universities is limited.

The second is NIFAST's "Flashpoint" Fire Safety Training course (www.nifast.org)**.** Flashpoint presents a different and stronger value proposition. (This program was developed by private industry experts with private funding.) While not free, its *value far exceeds* its cost precisely because it meets *all* criteria noted above. Rather than just scratching the surface of fire-safety awareness, Flashpoint is a real solution to the problem of ensuring that students are fire safe.

"Flashpoint" presents a simple, common-sense approach that teaches in-depth fire safety through an easy-to-use, self-paced online presentation (students can read and review the material on their own time), coupled with feedback-oriented testing and certification. Universities that choose to offer NIFAST's "Flashpoint" program demonstrate a genuine commitment to student safety.

Flashpoint is unique in its scope of coverage and its testing methodology, exposing students to fire-safety practices many times during the process. The course is interactive – permitting questions and answers or clarification as students read each section; its instant results, testing, scientific answer compilation, and instructional feedback ensure a thorough understanding of the subject. Its test covers a lot of ground in 50 questions (which are randomly drawn from 300-400). The "Flashpoint" College Program:

- Instructs enrollees online.
- Follows-up with an online assessment.
- Provides instant results and instructional (auto-correction) feedback, reinforcing learning.
- Incorrect answers generate an auto-explanation of correct procedures.
- Directs students who fail back to read the course material again before attempting the test again.
- Re-assesses until mastery is achieved – online; tutorial corrects wrong answers and gives in-depth answers to missed questions.
- When student passes, program issues a customized "Course Completion Certificate" for immediate download. (Note: Flashpoint doesn't issue a certificate *until* test taker passes.)
- Provides the employer, municipality, or university with access to test data, thus enabling the tracking of overall progress. The reporting and tracking capabilities are strong, the detail is extensive, and the data provided to the host institution can be customized based on the institution's needs.
- Tracks all testing data to continuously improve material.
- Flashpoint can be quickly customized to meet any university's unique circumstances (e.g., to add specific floor plans and related university documents), and easily implemented. There is no need to wait for grant money to secure such customization.
- Is designed to accommodate upgrades and enhancements.

Convenience, easy access, and affordability encourage student usage.

The Flashpoint programs are easily purchased online through individual "point of sale" transactions at NIFAST's web store, or through group sales to Universities and other large enterprises.

Large group participants may access the program (course materials and test) through a customized online interface (a portal with a unique IP address) developed for each university. The course materials may also be quickly adapted to an institution's unique circumstances.

Results – Through these features, "Flashpoint" fire-safety courses deliver tailored knowledge and real survival tools. By the time test takers receive their NIFAST certification, they have:

- Been exposed to all proper safety procedures relevant in the circumstances.
- Read and viewed fire-safety materials designed specifically for their living environments.
- Completed an assessment and confirmed mastery of these life-saving skills and procedures.
- Received the #1 fire survival tool – In-Depth KNOWLEDGE.

The result is increased safety awareness, lower risk of fire-related injury, and fewer fire fatalities. Students trained and tested in this manner are safer today and for the rest of their lives, and so is every person who shares a residence building with even one Flashpoint student who "got it" because of this comprehensive training and testing.

While "Flashpoint" and "Igot2kno" are really not comparable, each makes a positive contribution to understanding fire-safety issues. Each offers a useful "entry point" for fire safety among student populations, but only Flashpoint delivers the full knowledge base needed for true fire safety.

Six Ways Colleges Benefit From Training Students in Fire Safety

Saving Lives – Colleges that offer, encourage, or advocate fire safety training courses save lives. Quite simply, fire-safety knowledge increases the odds of avoiding and surviving fires.

Risk Reduction – With a well-trained student body and staff, colleges also reduce their exposure to fire-related risks, including the risk of liability for death, injury, and property damage, and the related costs.

A Verifiable Record of Fire Safety Action – With NIFAST's Flashpoint programs, and to a lesser extent with Igot2kno's video program, colleges can prove that students were tested, because a record is created for each exam. With Flashpoint, the number of students who take the test is known, their identities are known, their scores are known, and time frames are known; Flashpoint's administrator can provide *evidence* that a particular student took the test, and evidence of what cross section of the student body is taking the test. With such thorough tracking evidence in hand (demonstrating the scope of a university's efforts in student fire-safety training), the university can much more readily diffuse or defeat legal claims alleging that it negligently failed to provide a fire-safe environment.

For every student a college can prove was tested, the college takes steps both to ensure a fire-safe college environment (i.e., saving lives), and to reduce its prospective liability for negligence in managing student fire risks. To wisely manage the risk of prospective legal liability for fire loss, being able to prove that it trained students and measured their understanding of fire safety issues will go a long way to establishing that the university acted responsibly and reasonably in the circumstances to ensure fire safety for students.

Demonstrate Proactive Fire-Safety Efforts – Universities that choose to offer thorough fire-safety programs are able to demonstrate their understanding of the problem and their *commitment* to student safety. Advocating or requiring effective fire-safety training and testing, and adopting Building Standards as a goal, enable colleges to demonstrate their "proactive stance" in educating students about fire safety, and advocating fire-safe structures. Every proactive step / action the university takes to enhance fire safety diminishes the prospect of negligence liability for fire loss or death. Conversely (given the availability of *effective* training programs), *not* training students, *not* enabling such training, and not adopting standards increases the risk of a fire and leaves students unprepared to safely evacuate and survive a fire. This, in turn, increases the risk of liability for the university.

A Better Campus-Wide "Fire Safety Profile" – The "Flashpoint" program's thoroughness and ability to provide measurable results (for inexperienced students living on their own) is a vast improvement over other fire

safety programs because it improves the university's fire-safety profile. For every student that is tested, many others will learn about the test, the subject matter, and the importance of fire-safety knowledge (through campus "chatter"). This leads to a "culture" of fire safety.

Reputation for Fire Safety – Another advantage of requiring that students be tested on and pass a student fire-safety education and training course is that it enhances the University's *reputation* for effective action and policy on student fire safety, which in turn attracts more students and safety-conscious families to enroll.

The annual fire safety report that universities must now file under the Higher Education Opportunity Act (Public Law 110-315) requires detail on student fire-safety training. The record of testing created by "Flashpoint" programs enables universities to readily provide detailed testing information as a part of these reports. Publishing this information is a comparative advantage when marketing to prospective students about a school's safety and security. Such a reputation, in itself, serves the broader purpose of increasing fire-safety awareness.

Next Steps

Act now to learn about how fire-safety Training Programs, and Campus Building Standards and Policy Documents can be customized to meet the needs of your university environment, and reduce both fire-safety program costs and the prospective liability of inaction – contact Jill Marcinick, Live Safe's President and Board Chair, directly at **614.207.6872**, to schedule an appointment.

We also encourage you to visit www.live-safe.org to join the conversation on reducing fires, saving lives, and fulfilling campus-related fire-safety duties.

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Endnotes

[1] United States Fire Administration, Topical Fire Report Series, Volume 10, Issue 1, "University Housing Fires," http://www.usfa.dhs.gov/downloads/pdf/tfrs/v10i1.pdf.
[2] http://www.campusfiresafety.org/
[3] Source: Center for Campus Fire Safety, http://www.campusfiresafety.org/assets/media/useruploads/files/firefatalitystats_%282%29.pdf
[4] Source: Center for Campus Fire Safety, http://www.campusfiresafety.org/assets/media/useruploads/files/firefatalitystats_%282%29.pdf
[5] Campus Firewatch monitors wire services daily to identify campus-related fire deaths. See, www.campus-firewatch.com, for more information.
[6] Campus Fire Watch has developed a useful Google Map compilation of fatal campus-related fires and their locations throughout the country: http://maps.google.com/maps/ms?hl=en&ie=UTF8&msa=0&msid=115991696693412527503.0004379baf95fb5098106&z=3&om=1
[7] Source: Campus Fire Watch, http://www.campus-firewatch.com/resources/resource%20center/fatalcampusfires.html.
[8] Source: "Campus-Related Fatal Fires January 1, 2000 to February 8, 2009," http://www.campus-firewatch.com/resources/fatal%20firelog%20compilation.pdf.
[9] United States Fire Administration, FEMA, Quickstats, http://www.usfa.dhs.gov/statistics/quickstats/index.shtm.
[10] United States Fire Administration, Topical Fire Report Series, Volume 10, Issue 1, "University Housing Fires," http://www.usfa.dhs.gov/downloads/pdf/tfrs/v10i1.pdf.
[11] Fort Wayne, Indiana Fire Department Assistant Chief James Murua, the city's fire marshal, commenting on …
[12] NIFAST is the National Institute for Fire and Safety Training.
[13] ICC is the "International Code Council." NFPA is the "National Fire Protection Association." IBC is the "International Building Code."