



CAL STATE EAST BAY

RISK MANAGEMENT DEPARTMENT 2018 ANNUAL REPORT

The Risk Management Department works collaboratively to assist the University community in fulfilling their missions by identifying, assessing, and mitigating the risks that threaten students, employees, and guests.



RISK CONSULTATIONS

Business Continuity Planning - Special Events -
Training - Incident Response



COMPLIANCE & INTERNAL CONTROL

Audits - Special Projects - Whistleblower
Complaints

COMMUNITY WELFARE & COVERAGE

Insurance Services - Workers' Compensation -
Employee Disabilities - Ergonomics



ENVIRONMENTAL HEALTH & SAFETY

Work Safety - Lab Safety - Hazardous Materials -
Regulatory Compliance



TITLE IX & INVESTIGATIONS

Discrimination, Harassment and Retaliation - Sexual
Misconduct - Referrals and Training



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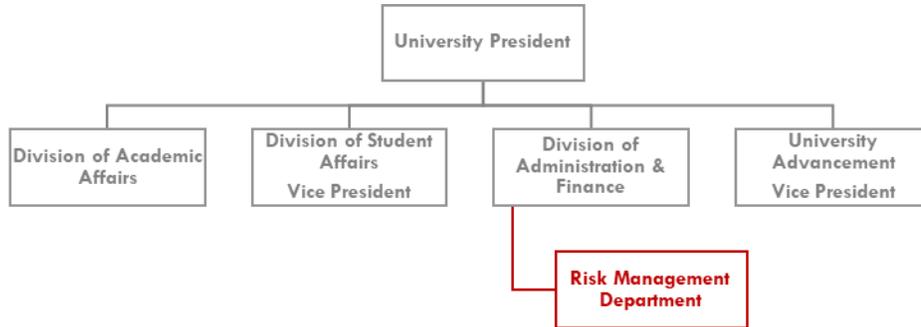
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Risk Management's Role within the University

Cal State East Bay is organized by four distinct divisions. The Risk Management Department resides within the Division of Administration & Finance.

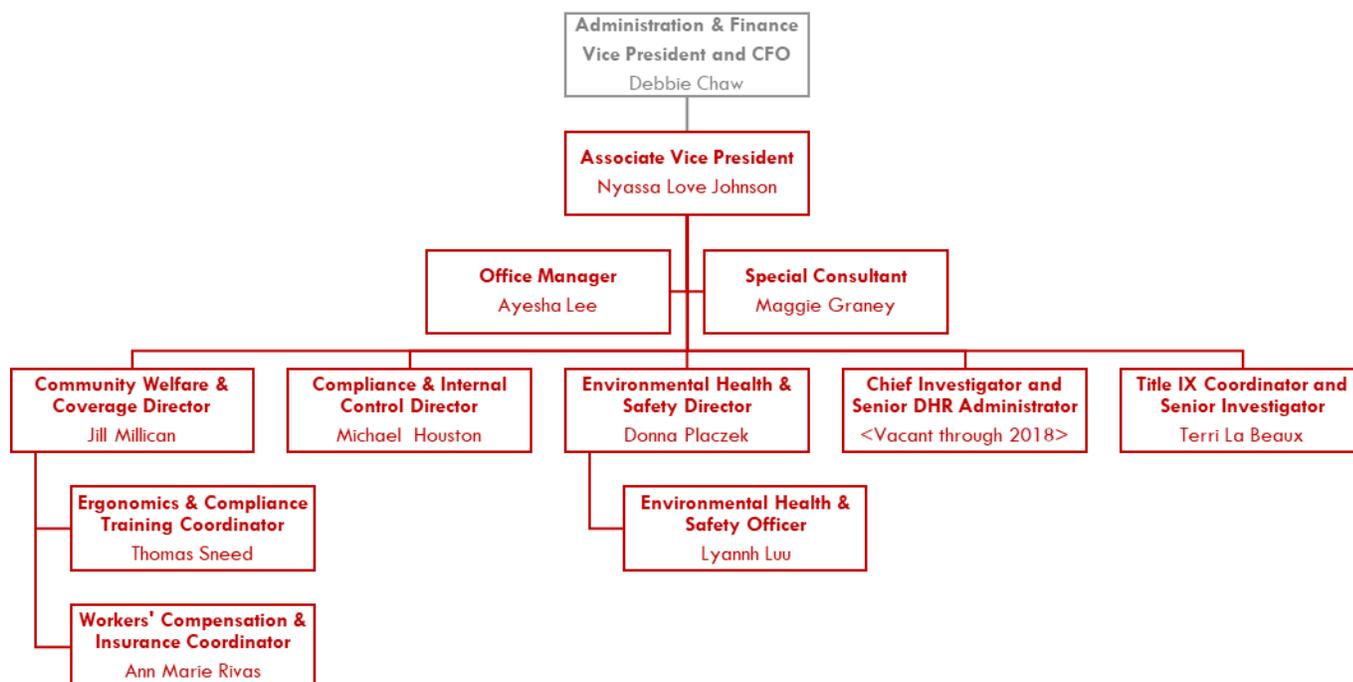
Exhibit 1: General Campuswide Organizational Chart



Risk Management’s Programs and Staffing

The organizational chart below identifies the professional staff members and reporting structures within department.

Exhibit 2: Departmental Organizational Chart showing Risk Management’s Staff Members at the end of Calendar Year 2018



Mission and Objectives of the Risk Management Department

The mission of the Risk Management Department is to assist Cal State East Bay and its auxiliaries in fulfilling their missions by identifying, assessing, and mitigating the risks that threaten students, employees, and guests. Specifically, the department:

- Protects the University’s interests and resources.
- Promotes the well-being of the campus community (students, faculty members, staff members, contractors, and visitors).
- Promotes compliance with federal and State laws and regulations, and system rules.

Risk Management's Responsibility

Every day, the Risk Management Department works to protect the University's interests and resources, promote the well-being of the campus community, and promote compliance with federal and state laws and regulations, and system rules. The following are specific responsibilities of the department:

- Review trends to ensure appropriate policy or guidance is in place on matters of significant risk (e.g. business continuity, minors on campus, special events, using valuable items on campus, etc.). Develop plans to mitigate threats as needed.
- Assist in the planning and preparation of departmental and campuswide events and initiatives.
- Advise members of the campus community on operational matters, and compliance requirements.
- Identify, compile, and develop training resources for students, faculty members, staff members, and contractors.
- Facilitate the mitigation of environmental and safety hazards.
- Receive, settle, and refer claims related to administrative matters, bodily injury, and employment practices.
- Advise students, faculty, and staff with information about their rights and responsibilities related to federal, state, and system laws and rules.
- Investigate matters of inappropriate conduct, non-compliance, fraud, waste, or abuse.
- Facilitate the issuance of benefits and payments to employees who suffer illnesses and injuries caused by work.
- Ensure the campus' compliance with environmental ordinances and regulations.
- Enforce student and employee compliance with state ethics requirements.

Department Highlights in 2018

As in previous years, Risk Management engaged in numerous ongoing and one-time activities that served the entire campus community.

Business Continuity Planning (BCP). In accordance with Executive Order 1014, Risk Management led a campuswide business continuity planning effort. As part of this, Risk Management provided customized training to 37 campus stakeholders, identified campuswide mission-critical functions and information systems, facilitated the completion of business impact analyses for mission-critical functions and information systems, and identified recovery time objectives for various business recovery strategies. In addition, Risk Management ensured the testing of major critical functions, and ensured that BCP efforts were publicized to the campus community through a campuswide email, and the creation of a BCP webpage: www.csueastbay.edu/riskmanagement/business-continuity.html.

Website Redesign. In alignment with the campuswide website conversion, Risk Management underwent a complete reorganization of its website and pages. In addition to including new content and eliminating out of date content, the new website is more accessible, and formatted to be more compatible with mobile browsers.

Wildfire Response. Risk Management worked with other campus departments to respond to the California wildfires in November 2018^[DC1]. Among other things, Risk Management facilitated the availability of masks for students and staff members seeking relief from the poor air quality caused by the fires. In addition, Risk Management was involved in deciding to close the campus when air quality reached unhealthy levels, and participated in debriefs to identify future planning needs.

Resources for Pregnant Students and New Parents. As a result of a directive from the Department of Education's Office of Civil Rights, Risk Management led a joint effort with the campus' Accessibility Services and Academic Affairs Division to provide resources to improve accessibility for pregnant students and those recovering from childbirth. Risk Management assisted in training Academic Affairs staff members, wrote memos to campus management employees, faculty members, and students, and created/published a webpage with useful information for students regarding pregnancy and childbirth: ^[DC2]<http://www.csueastbay.edu/riskmanagement/pregnancy-childbirth.html>.

Emergency Management. Risk Management facilitates the Volunteer Team Leaders (VTL) program through which campus employees are trained to respond to emergency situations. The department also provides areas of specialized training on various subjects including fire extinguisher use, building evacuation, radio communications, and evacuation chair training. VTLs are also offered training on first aid, cardio-pulmonary resuscitation (CPR), and the use of automated external

defibrillators. The department also provides the general campus community informational resources to help the campus community respond to emergency events.

Protection of Minors. Risk Management drafted a protection of minors (POM) program and guidelines designed to promote a culture of awareness among employees, students, and volunteers who work with minors on campus. A *Minors on Campus* committee was initiated to assist with development and implementation.

Settlements. Claims against the university arose from incidents involving administrative appeals, bodily injury, and disability accommodation. The campus settled four claims. Payments associated with these claims were just under \$10,000.

2018 Highlights of Risk Management's Four Offices

The remainder of this report highlights the work of the department's four offices – Community Welfare & Coverage, Compliance & Internal Control, Environmental Health & Safety, and Title IX & Investigations. Where meaningful and available, data of service outputs and outcomes are included to show the effect of services provided. These data can provide insight on how well the four offices and the Risk Management Department as a whole, is achieving its goals and objectives.

Compliance & Internal Control

Compliance & Internal Control pursues more effective, efficient, and accountable University programs.

Liaison with the Chancellor’s Office of Audit & Advisory Services

Like in previous years, 2018 saw the majority of Compliance & Internal Control’s efforts dedicated to facilitating audits by the Chancellor’s Office of Audit and Advisory Services (AAS). Compliance & Internal Control responded to requests for information and documents arising from AAS audits, and fostered collaboration between the respective staff members of the Chancellor’s Office and the University. After the audits, Compliance & Internal Control worked with University staff and management to formally respond to audits, and implement recommendations timely.

Exhibit 3: Compliance & Internal Control’s Work with the Chancellor’s Office

measures	2015	2016	2017	2018
Initial requests for documents by AAS	Clery Act Information technology procurement	Information security Construction	Emergency management Cashiering Sponsored programs	International activities Cloud computing
# of audit recommendations issued accepted by AAS	Clery Act (6)	Information security (9) Information technology procurement (3) Construction (9)	Emergency management (8) Cashiering (5)	International activities (6) Cloud computing (3)
# of recommendations closed	Clery Act (3) Information security (9)	Clery Act (3) Information security (9) Information technology procurement (3) Construction (9)	Emergency management (7) Cashiering (4)	International activities (6) Sponsored programs (5)
# of recommendations implemented after the deadline	0	0	1	0

Internal Audits, Assessments, and Reviews

The Office uses a systematic approach to identify ways to improve processes, and accordingly recommend improvements to University management. In 2018, the Office completed multiple internal reviews of programs of the University and its auxiliary organizations.

- Pursuant to requirements of the U.S. Department of Education, the Office conducted a “due diligence review” of the services offered to students by campus’ contracted banking services provider. The objective of the review was to ensure that accounts marketed and offered to Cal State East Bay students support the financial interests of the students opening them.
- The Office conducted a performance audit related to the aforementioned due diligence review. That audit sought to determine if the contract between Cal State East Bay and its contracted bank, served the interests of accountholders, students, and the campus community; and to assess how the arrangement between Cal State East Bay and the bank served the interests of the University.
- Compliance & Internal Control partnered with the University Police Department and Facilities Development & Operations on a comprehensive assessment of campus security. This review is expected to be completed in 2019.

Reports summarizing results of the Office of Compliance & Internal Control’s reviews are issued internally to University leadership, and are generally not made public. Just as it does for outside audits, the Office follows-up with relevant University staff to ensure that internal findings are addressed, and recommendations are implemented.

Investigations

The Office maintains a process to receive anonymous inquiries and complaints, consider allegations, conduct preliminary reviews of complaints, and if necessary, plan and perform comprehensive independent and confidential investigations.

Fiscal Improprieties. The Office is the designated repository for suspected “fiscal improprieties.” Pursuant to Executive Order 1104, the Office provides timely notifications to the Chancellor’s Office about potential improprieties involving dollar amounts exceeding \$5,000, and notifies the State Auditor and the Department of Finance about incidents involving amounts exceeding \$50,000. In 2018, Compliance & Internal Control alerted the Chancellor’s Office to 3 separate fiscal improprieties on campus, and provided 10 written updates on these.

Whistleblower Administration. Beginning in January 2018, Compliance & Internal Control assumed responsibility over the campus’ Whistleblower Program, which

facilitates "whistleblower complaints" about potential waste, fraud, and abuse of State resources. This responsibility is codified by the State's Whistleblower Protection Act and the California State University Executive Orders 1115 and 1116. During calendar year 2018, the office fielded numerous inquiries from members of the campus community, and completed 2 investigations. One involving claimed retaliation based on protected disclosures was not sustained. Another involving claims of conflict of interest was also not sustained. Through bulletin postings and email communique, the Office will encourage people to come forward with complaints, and advertise the protections provided by the California Whistleblower Protection Act.

Internal investigations. At the request of University leadership, over a three-month period in 2018, the Office led an investigation around suspicious p-card transactions and fiscal mismanagement within a University Program. The work resulted in an investigation report containing specific findings, observations, recommendations, and exhibits. The employee at the center of this investigation, as well as a manager tasked with monitoring the employee have separated from the campus. Because the incident involved a campus employee, and significant monetary value, the Office notified the Chancellor's Office, the state Department of Finance and the State Auditor (pursuant to the aforementioned Executive Order 1104). T

Community Welfare and Coverage

Cal State East Bay is committed to providing a safe working environment for employees. Toward this commitment, in 2018, Community Welfare staff:

- Facilitated the completion of 84 new requests pursuant to the Americans with Disabilities Act, which allowed employees to continue working and performing essential job functions.
- Approved temporary parking passes for 20 employees, which allowed them to park in disabled parking spots while recovering from medical conditions.
- Attended department meetings, provided seminars on proper computer use and stretching techniques, and performed over 400 ergonomic evaluations throughout the campus to provide a more comfortable work environment, increase staff morale and productivity, and minimize injuries.
- Attended department meetings to train staff on ergonomic principles.
- Continued to provide “back safe” lifting training to staff with heavy labor positions. This training was designed to teach proper techniques for various job functions, with the intent to help employees work safer and minimize injuries.
- Developed and published a quarterly Ergonomics newsletter.
- Provided additional automated external defibrillators (AEDs) on campus and added notification decals to all buildings with AEDs.
- Assisted departments in setting up workstations in new locations.
- Educated employees on ways to work smarter and safer upon returning to work from non-industrial and industrial conditions.
- Partnered with Facilities Management to conduct monthly reviews of workers’ compensation claims, and family medical leave claims.
- Attended various workers’ compensation webinars, seminars, and conferences to keep updated on new rulings and changing laws.

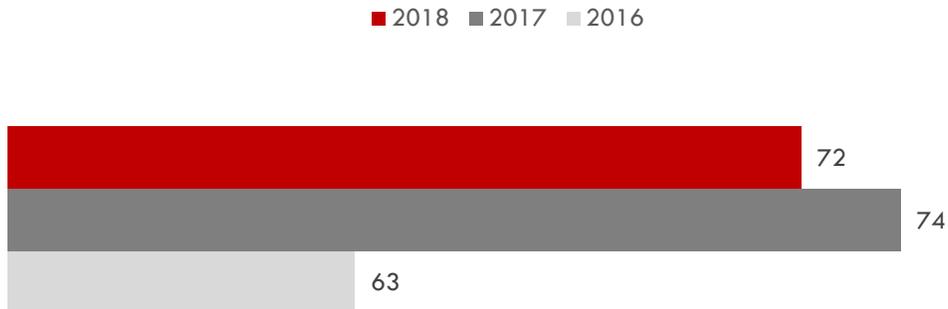
In addition to working to prevent accidents, Community Welfare and Coverage seeks to minimize the impacts on members of the campus community when bad things happen. For calendar year 2018, Community Welfare staff reported the following insurance-related highlights:

- Provided several insurance workshops for international students to instruct them on how to use the international insurance plan should they become ill while attending school in the United States.
- Implemented a more streamlined process for faculty, staff, or students traveling abroad to purchase the required foreign travel insurance.
- Implemented a protection of minors (POM) program and guidelines designed to promote a culture of awareness for all employees, students, and volunteers who work with programs that assist minors on campus.

Workers' Compensation

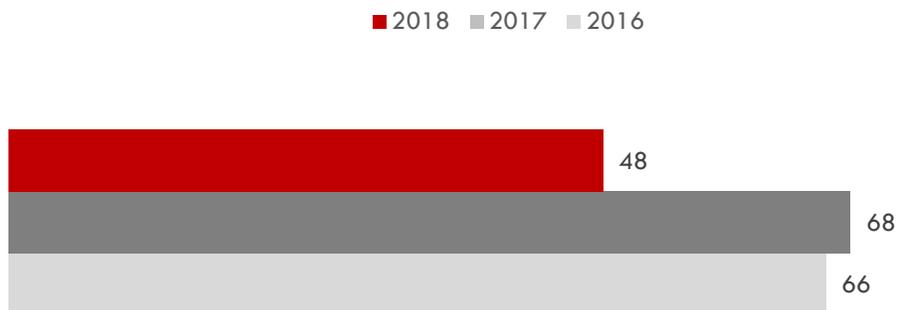
The number of Workers' Compensation claims opened in 2018 was about the same as the number of claims opened in 2017, and about 14 percent higher than the number opened in 2016.

Exhibit 4: Workers Compensation Claims Opened (Last 3 Calendar Years)



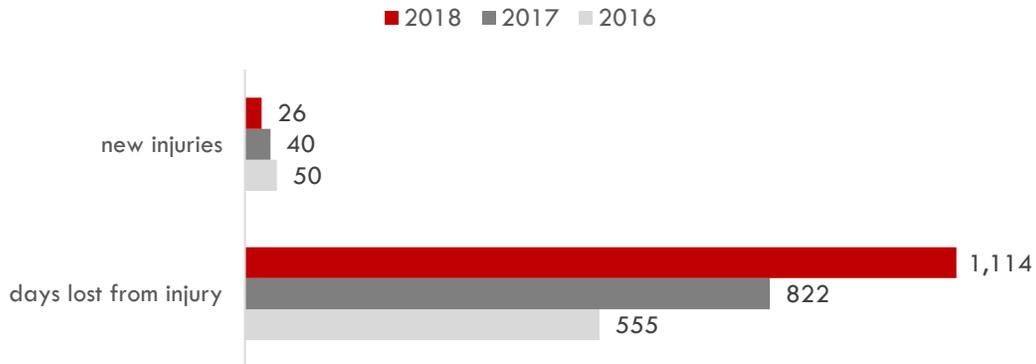
Far fewer claims were closed in 2018 than were closed in previous years.

Exhibit 5: Workers Compensation Claims Closed (Last 3 Calendar Years)



Compared to 2017, 2018 saw a 35 percent increase in days away from work among employees who missed work due to injury (822 vs. 1,114). This increase is due in part to departments' inability to accommodate work restrictions. On the other hand, new injury claims filed in 2018, dropped dramatically from 40 in 2017 to 26 in 2018.

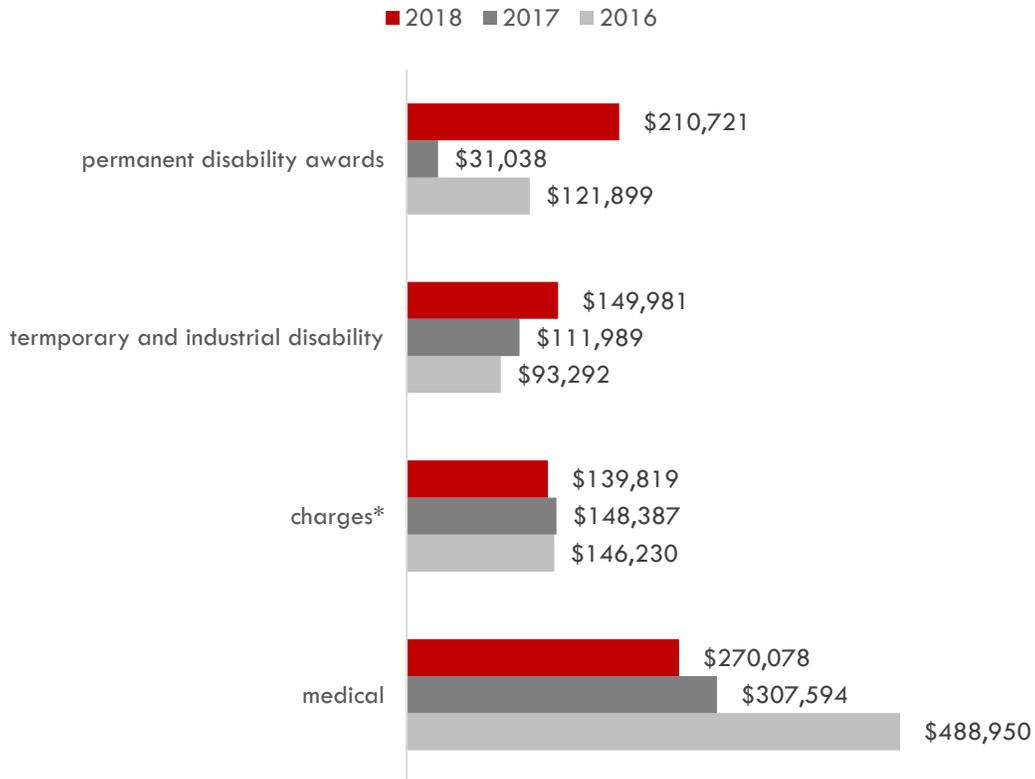
Exhibit 6: Workers' Compensation Injuries and Days Lost (Last 3 Calendar Years)



Community Welfare continues to work with Sedgwick CMS to identify claims which might be settled by way of Compromise and Release (C&R). Community Welfare was able to settle six claims by way of C&R including, three claims from former employees and two claims from current employees. The remainder of the claims were closed for no medical treatment in the last 12 months, first aid claims, or medical only claims that had been discharged from care.

Direct spending on open Workers' Compensation claims in 2018 was approximately \$771,000. This was a 29 percent increase in total payments on claims compared to 2017 when Workers' Compensation claims totaled \$600,000.

Exhibit 7: Direct Financial Costs of Open Workers' Compensation Claims (Last 3 Calendar Years)



Medical treatment costs continued to decline, due in part by the continued effort to settle open claims as well as the implementation of the insurance Utilization Review Board, which is charged with approving or denying treatment requested by physicians.

Expenses declined slightly while Permanent Disability awards increased dramatically in 2018. This is due mostly to the settling of five older claims by stipulation awards, but keeping future medical care open.

Environmental Health & Safety

The Environmental Health and Safety Office (EH&S) works to provide staff, faculty, students, and visitors with a safe and healthy workplace by mitigating risk, identifying and controlling hazards, decreasing workplace injuries and illnesses, and protecting the environment. EH&S partners with the campus community to provide technical support and regulatory information regarding environmental health and safety.

2018 Accomplishments for Environmental Health & Safety

Statewide Audit and Follow-up. East Bay was one of the campuses inspected by the State of California's Division of Occupational Safety and Health (Cal/OSHA) as part of its safety audit of the California State University (CSU). The inspection led to three findings. All items were resolved.

Regulatory Compliance. Cal/OSHA standards require airflow monitors that indicate whether fume hoods are adequately operating to ensure contaminants are exhausted. As part of its laboratory safety efforts, EH&S worked with Facilities Management and an outside contractor to install 34 new airflow monitors for the fume hoods in the Science Building. The new monitors are digital and provide clear, real-time readings of the hoods' performance.

Indoor Air Quality Assessment. EH&S and an outside consultant conducted an Indoor Environmental Quality (IEQ) investigation on the Concord campus after library staff members complained of periodic odors, headaches, dizziness, and nausea. After no potential source(s) were identified in the investigation, staff members requested an assessment by the National Institute for Occupational Safety and Health (NIOSH). NIOSH issued a report/close-out letter based on their interviews of library staff members and review of the previous IEQ investigation. Overall, the report recommended similar action items as what the University had implemented. No causes to the reported odor or symptoms were noted.

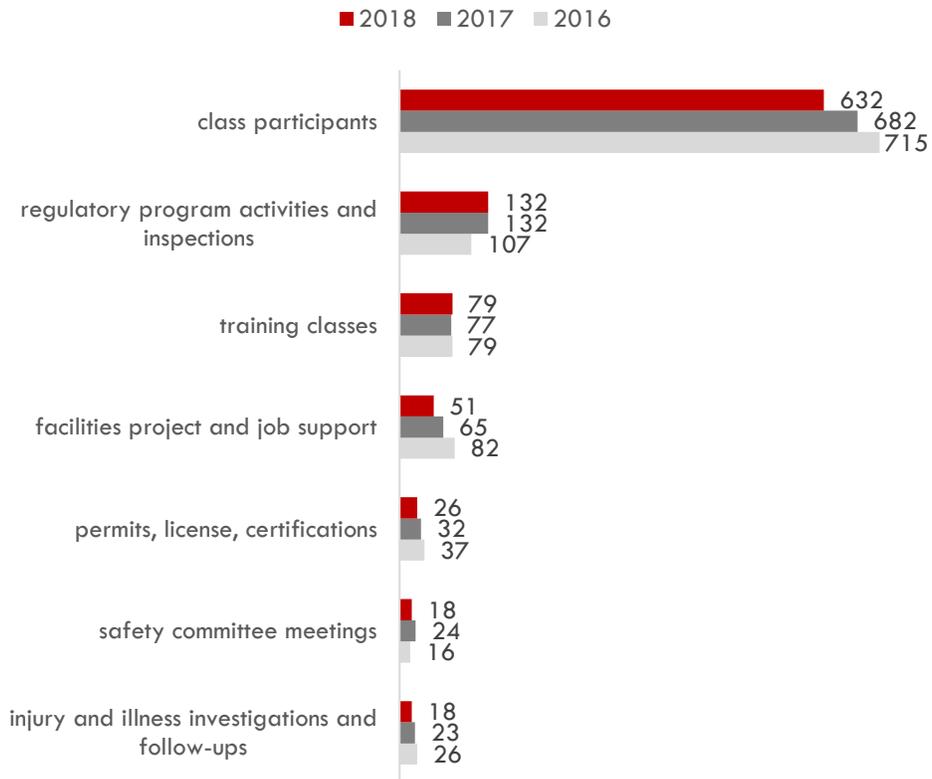
Drinking Water Testing. EH&S partnered with Facilities Management and an outside environmental consultant to sample drinking water on campus for lead testing. Sampling for the Hayward campus was completed in 2018. Results were posted on EH&S' website and shared with applicable departments. For locations where the lead level exceeded EPA recommended limits, drinking water units were taken out of service and were either replaced or added to the queue for replacement.

Hazardous Waste Handling. EH&S supported vivarium and new molecular biology lab in the Science Building by establishing safety protocols and standard operating procedures for labs, setting up medical monitoring program for Principal Investigators and student researchers, and putting together training modules and waste handling/disposal procedures.

Environmental Health & Safety Activities

Below is a summary of EH&S' activities. There was less facilities project support in 2018 than in previous years, because there were fewer projects in 2018 than in previous years.

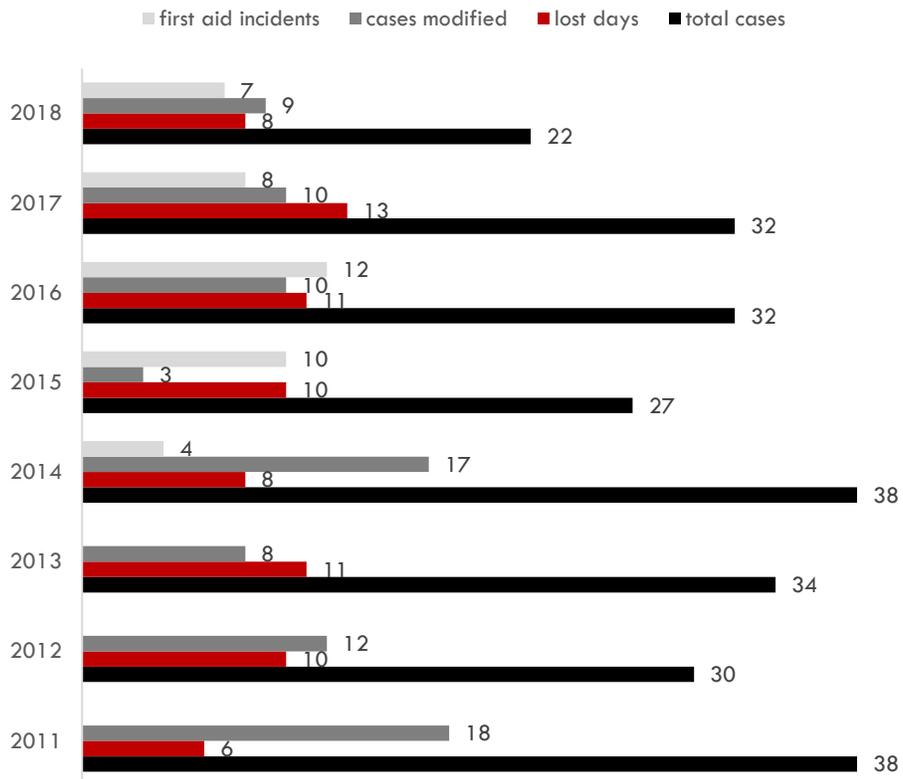
Exhibit 8: Campuswide Environmental Health & Safety Activities



Injuries and Illnesses

EH&S is responsible for developing and implementing the campus' Injury and Illness Prevention Program (IIPP). The total number of injuries was lower in 2018 compared to prior years. Sprain and strain were the campus' top injuries, which have gradually decreased over time. EH&S staff attribute the decreases to its continued efforts on education, training, and a focus on contributing factors.

Exhibit 9: Total Case Incident Rates (Last 8 Calendar Years)



Title IX and Investigations

Risk Management enforces federal and state laws and regulations, as well as systemwide and university policies and procedures related to equal opportunity, civil rights, and non-discrimination. The Office works to provide students, faculty, and staff with information about their rights and responsibilities related to these laws and policies.

Discrimination, Harassment, and Retaliation Cases

The Office promptly handles cases of discrimination, harassment, and retaliation. General caseload from recent academic years are as follows:

- 2017-18 academic year: 114 reports 12 investigations (53 reports of sexual misconduct: 9 fully investigated by Title IX)
- 2016-17 academic year: 156 reports 20 investigations (56 reports of sexual misconduct; 12 fully investigated by Title IX)
- 2015-16 academic year: 63 reports 26 investigations (48 reports of sexual misconduct; 15 fully investigated by Title IX)

For the student population, stalking continues to be an area of opportunity for programming and preventive education. Title IX has tallied thirteen incidents of stalking for the 2017-18 academic year. The higher rates of reporting may be attributed to increased use of technology social media platforms.

Understanding boundaries in intimate relations continued to be a subject of programming.

Among employees, complaints of discrimination and harassment received throughout the 2017-18 academic year included incidents involving uncivil conduct which did not fall within the scope of the prohibited conduct outlined in CSU Executive Orders. Freedom of speech, civility, and disrespectful conduct may be a useful subject for discussions and workshops for students and employees.

Sexual Misconduct Training

Among students, for whom training had long been mandatory, the total numbers of students completing mandatory training were as follows:

- 2017-18 academic year: 17,346
- 2016-17 academic year: 19,590
- 2015-16 academic year: 13,690

Registration holds continue to be placed on student accounts and removed upon completion of mandatory training. In March, there were 1,354 holds placed on student accounts. The

holds were removed upon completion of the training.² The Office continually pursues new ways to encourage students to complete their training requirements before they suffer registration holds. Typically, completion rates for students peak around registration periods

Title IX and Investigations Accomplishments

- In the 2017-18 academic year, the campus' Student Success team expanded the optional training menu to include supplemental training for at-risk populations on campus. The optional trainings menu was utilized by campus partners to strengthen club programming during retreats and events. Title IX and Investigations continued to use reports of alleging misconduct to informally resolve matter by assigning students to supplemental trainings designed to reinforce and remind students of healthy and good behaviors, along with bystander intervention.
- Sexual Harassment Prevention for Non-Supervisors and Sexual Harassment Prevention for Supervisors will be available and assigned appropriately mid-year 2019.
- The online vendor, "Not Anymore" continues to provide learning modules for the student population for the 2017-18 academic year for freshman and transfers and returning students. Added to the learning modules for the 2018-19 academic year was the mandatory assignment of Not Anymore Alcohol and other Drugs assigned to freshman and transfers. There have been over 3,000 freshman and transfers who completed the new program. The optional programs made available by the vendor titled: Title IX Essentials for International Students and Campus Leaders and Athletes, have been utilized by these groups.
- Employees continue to comply with state and federal mandates for Sexual Harassment training. The campus will make available new compliance requirements in summer 2019 for employees which will include Sexual Harassment. All new employees through the onboarding process are assigned the CSU Sexual Prevention Training accessed online.

Looking Forward to 2019 and Beyond

Business Continuity Planning

In 2019, the University may identify a permanent Business Continuity Coordinator. The person(s) fulfilling this role will be tasked with ensuring the continued maintenance of the Business Continuity Plan, and testing of critical functions. Risk Management will be key in preparing for this work.

Compliance & Internal Control

Goals in 2019 include:

- Continued performance audits and reviews of programs that present high risk of non-compliance and inefficiency.
- Continued measurement of effectiveness by monitoring recommendation status, the timeliness of implementing those recommendations, and estimating the monetary value of recommendations.
- Continued advisory contributions to University management and staff as a member of campus committees like the Assistive Technology Initiative Steering Committee.

Community Welfare and Coverage

Risk Management anticipates the following challenges:

- Continued increases in litigated claims, due in part to the medical treatment delays or denials by the insurance company's Utilization Review Board (UR).
- An increase in surveillance costs due to questionable claims.
- In 2018, Risk Management changed its carrier for international student insurance. However, the new carrier may not have completely met students' needs. Risk Management may consider returning to the previous provider.
- Increased utilization rates for international student insurance have resulted in higher premiums.

Environmental Health & Safety

Risk Management has identified several goals for EH&S for 2019:

- Hire a replacement for the EH&S Director who is retiring in January 2019.
- EH&S' goal is to put together specific lockout/tagout procedures for at least 80 percent of the equipment at the Hayward and Concord campus by the end of 2019. While the campus was not cited, it was advised by Cal/OSHA during May 2018 inspections, to have lockout/tagout procedures for each piece of equipment on campus.
- EH&S will continue to work with the College of Science on its implementation of RSS laboratory software and will provide training/assistance as needed. The goal is to have chemical inventory input into the database and all lab spaces in the Science Building (both classrooms and research), assessed and inspected by August 2019.
- Assist the College of Science in updating and implementing its Chemical Hygiene Plan and developing written procedures for procuring chemicals.
- Going forward, the Risk Management Department will use this Annual Report to outline key environmental health and safety performance indicators the Chancellor's Office annually collects from the campus.

Title IX & Investigations

- With collaboration and oversight by Risk Management, programming and prevention education efforts – particularly in the areas of respondent services and bystander intervention – will be transitioned to Student Affairs.
- Due to recent court rulings affecting respondents in sexual misconduct cases, CSU has adopted new interim Executive Orders 1096, 1097, and 1098. The revision of the Executive Orders largely impacts the manner in which these cases are processed after the fact-gathering process has concluded. In the implementation period of the new policy, the campus continues to explore additional ways to support complainants and respondents, and renew efforts to strengthen the early resolution options to resolve matters and mediation.
- The distribution and implementation of Interim Policy regarding Sexual Misconduct Cases involving students will become effective March 29, 2019 and will be distributed to the student community upon returning to campus after spring break. The new interim policies are on the website along with Frequently Asked Questions.