



Risk Management newsletter

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SERVING OUR MEMBERS

We understand that the increasingly broad and complex scope of university operations can present you and your colleagues with many, and sometimes unusual risk and claim-related questions.

It's likely, however, that the CURIE staff, through dealing with the other 61 CURIE subscribers, have encountered issues like yours.

If not, we're highly experienced in finding answers through our network of contacts.

Don't hesitate to call or email us if you have a question. We are here to help you manage your risks and protect your university – and we are always looking for ways to serve you, our valued members, better.

Clinical Trial Liability

Clinical trials are fundamental to the future of healthcare. Before a drug or a medical device can be sold to the general public, the product must be tested to ensure that it is safe and that it functions as it should. Health Canada requires that all drugs and medical devices are first tested in human subjects before they are released to the general public.

Clinical trials have many benefits: they offer hope to patients, granting them access to treatments not yet publicly available, especially in situations where no alternative treatment has been effective. They are also a great way to advance research and are a source of prestige to universities as they help develop the future of medicine. However, this research is increasingly resulting in litigation against the many parties connected to a study, with costly consequences. Like any operation with potential to cause financial loss to an organization, we look to risk management techniques to mitigate the risk, and to insurance programs to transfer some of the risk.

EXAMINING YOUR RISK

Consider the following questions when assessing your university's exposures:

- Are clinical trials conducted at your university?
- In which ways does your university participate in clinical trials?
- What are the risks to your university when participating in a clinical trial?
- What are the potential costs if there were to be a claim arising out of a clinical trial?
- How are you covered for a claim? Or how are you financing these costs?

WHAT ARE YOUR RISKS?

If you are the study sponsor, that is the party that initiates and is responsible for a clinical trial, you are responsible for:

- Developing the study protocol,
- Selecting qualified investigators,
- Providing information needed to conduct an investigation properly,
- Ensuring that the investigation is conducted in accordance with the protocol, as it was approved by Health Canada or other regulatory body, and
- Ensuring Health Canada is informed of significant new adverse effects or risks associated with the trial.



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By (allegedly) failing to fulfill any of these responsibilities, you could be held legally liable for a bodily injury to a study participant. A sponsor can be a person (such as a physician), or an organization (such as a university, a hospital, or pharmaceutical company).

If you are the clinical research organization, that is the party conducting the trial on behalf of a third party sponsor, you may be responsible for:

- Helping select and qualify the investigator,
- Monitoring data collected by the investigator,
- Producing scientific documentation describing research results,
- Regulatory support,
- Managing the clinical trial, and
- Data analysis.

Any errors or omissions in fulfilling these duties may cause a financial loss to the study sponsor, for which the sponsor may hold you legally liable.

If you are responsible for the research ethics committee, that is the party that oversees the trial, with the mission to protect the rights, safety and well-being of the patients, you may be responsible for reviewing:

- Protocol design,
- Scientific principles,
- Patient protection,
- Qualification of the researchers,
- Adequacy of the resources of the site where the trial is taking place, and
- Safety measures.

If the ethics committee (allegedly) fails to fulfill these responsibilities, you could be held legally liable for a bodily injury to a study participant.

CLINICAL TRIAL INSURANCE: WHY IS IT NECESSARY?

- **CONTRACTUAL REQUIREMENTS** – Insurance is usually a component when contracting with third parties.
- **JURISDICTIONAL REQUIREMENTS** – When conducting trials outside of Canada, you may be held to very specific insurance obligations. Many countries have regulations surrounding clinical trial insurance, with mandated specifications regarding coverage, limits and permissible insurers.
- **TRANSFERRING RISK** – Despite risk management techniques to prevent or mitigate claims, there still remains a degree of inherent risk when involved in clinical trials. Acknowledging the potential for costly litigation in the event of a claim, an insurance policy is a cost-effective method of transferring some of this risk.

SHELLEY ALMEIDA, CAIB, CIP, CRM, ASSISTANT VICE PRESIDENT
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Hazing – Alive, Well, and Disasterous

HAZING DEFINED

Hazing has been most often defined as “any activity expected of someone joining a group that humiliates, degrades, abuses or endangers, regardless of the person’s willingness to participate” (Hoover, 1999). Others have added to the hazing definition by stating that hazing includes, but is not limited to, an activity, no matter how traditional or seemingly benign, that sets apart or alienates any member of the group based on class, number of years in the group, or ability” Hazing usually occurs as a part of the initiation process and is prevalent in many spheres of society, including fraternities, the military, corporations, and athletics.

HAZING PREVALENCE

The prevalence of hazing has been studied in various groups with Greek letter societies and sports teams garnering the majority of recent research attention. The present article focuses on hazing in the realm of athletics specifically; however, many of the issues described herein would apply in the majority of settings. In research focused on hazing prevalence in U.S. college athletics, Hoover (1999) found that 81% of college athletes reported being subjected to at least one “questionable” hazing act (e.g., dressing up in a costume) as rookies, 51% reported participating in alcohol-related initiation (e.g., chugging alcohol), and 21% reported engaging in an “unacceptable act” (e.g., simulating sexual activity).

Similarly, Allan and Madden (2008) found that 55% of all college students involved in clubs, teams, or organizations experience hazing. Hazing was most prevalent on varsity sports teams with 74% of U.S. varsity athletes experiencing hazing when joining their university team including participating in binge drinking (47%), being verbally harassed (21%), getting a tattoo or piercing (15%), and performing sex acts (16%). Hazing has also been found to be prevalent in U.S. high school athletics with up to 35% of high school athletes reporting participating in hazing activities as

freshman. Comparable rates of hazing have been found in Canadian athletics.

For instance, my research has found that 92% of athletes competing in Canadian university athletics reported being hazed as a rookie at some point in their career, including exposure to “questionable acts” (91% of athletes), alcohol-related initiations (72%), and “unacceptable acts” (42%) (Hamilton, Scott, O’Sullivan, & LaChapelle, 2013) (See Table 1). The following table provides a breakdown of the various hazing activities surveyed in my research and the rate at which athletes experienced them as a rookie.

HAZING IMPACT

Given the nature of hazing activities, the potential for negative outcomes is notable. There have been cases of death, near drowning, burns, cold exposure, acute alcohol intoxication, near suffocation, blood loss, blunt trauma and sexual abuse reported in the media and documented through empirical study (Bunch, 2012; Fineout, 2012; Finkel, 2002; Nuwer, 1999, 2000, 2004; Srabstein, 2008). Hank Nuwer maintains a website chronicling hazing related deaths in the US, where he has documented 174 hazing deaths, 100 of which have occurred since 1980, and with the last entry in September 2013 (<http://www.hanknuwer.com/hazingdeaths.html>). Beyond the physical ramifications of hazing, psychological consequences include suicidal ideation, loneliness, embarrassment, depression and post-traumatic stress disorder (Brackenridge, 1997; Cense, 2001; Konkol, 2009; Sussberg, 2003). Furthermore, while a common justification offered for the perpetration of hazing is its positive role in creating bonding and team cohesiveness, recent scholarship has found that hazing often has strong deleterious effects on team cohesion (VanRaalte, Cornelius, Linder & Brewer, 2007) and sense of community (Johnson, 2011). While the perceived benefits of

Table 1: PREVALENCE OF ROOKIE INITIATION EXPERIENCE FOR EACH CATEGORY OF INITIATION AS WELL AS INDIVIDUAL ACTIVITIES.

Source: Hamilton, Scott, O'Sullivan, LaChapelle (2013)

INITIATION ACTIVITY	PERCENT EXPERIENCING	
	ENTIRE CAREER	UNIVERSITY TEAM
ALL INITIATION ACTIVITIES	99.7	99.4
ACCEPTABLE ACTIVITIES	99.7	99.1
Attended Preseason Training	93.5	87.6
Team Building Activities	94.1	87.9
Tested for Skill / Endurance	92.9	89.3
Maintained Specific GPA	88.8	86.7
Dressed up for Functions	94.1	85.8
Volunteered as a Team	78.4	63.3
Took an Oath, Signed a Contract	71.6	60.4
ALL HAZING ACTIVITIES	92.3	86.3
QUESTIONABLE ACTIVITIES	91.4	83.4
Yelled or Cursed at	78.7	66.3
Wore Embarrassing Clothes	53.8	45.3
Tattooed, Shaved, Branded	14.2	4.4
Unnecessary Calisthenics	31.7	24.9
Limited Association	28.4	18.0
Acted as a Servant to Veteran	42.9	29.6
Deprived of Sleep or Food	10.9	7.4
Consumed Disgusting Food	37.3	26.0
ALCOHOL-RELATED ACTIVITIES	71.9	63.9
Drinking Contest	65.1	57.4
"Chugged" or "Shot" Alcohol	62.4	52.1
UNACCEPTABLE ACTIVITIES	47.3	33.1
Prank Call/Harassed Others	20.7	10.9
Destroyed or Stole Property	15.1	9.5
Simulated Sexual Acts	21.3	15.1
Engaged in Sexual Acts	8.9	5.6
Tied Up, Taped, or Confined	18.0	8.9
Paddled, Whipped, Beaten	13.0	4.7
Forced to Beat Others	1.8	0.9
Kidnapped or Transported	2.4	0.6
DANGEROUS HAZING	75.4	66.9

hazing remain resistant to change students who choose to carry out these activities are at risk for criminal liability, including fines and prison time as well institutional penalties such as suspension from their team or expulsion from their school. Institutional liability is also a more than valid consideration where hazing is concerned.

Taken together, it is clear that hazing is a highly prevalent activity still occurring at alarming rates in various university groups in Canada and the United States with disastrous legal, psychological and physical effects.

WHY HAZING OCCURS

There are many theories as to why hazing occurs and some of these, including those investigated in my own research, are presented below.

POWER. The division of status, role, and power between returning and new group members may be one factor that enables hazing to occur (Holman, 2004). New members are often joining a cohesive group of returners who already have a power structure in place; a hierarchy where the new members are likely to find themselves at the bottom. Hierarchy is imposed on rookies through the process of initiation. Without the power imbalance it would be difficult for one group to make the other group do something humiliating or degrading. For instance, we rarely (never) hear of cases where rookies haze the veterans.

COGNITIVE DISSONANCE. Dissonance is an uncomfortable psychological state brought about when a person has two contradictory cognitions or thoughts (Festinger, 1957). In a hazing situation, the person being hazed may believe that he or she is a valuable and respectable person. This cognition would be dissonant with the experience of being yelled at and forced to engage in degrading behaviours. After the individual completes the initiation process, he or she is motivated to seek support and reassurance for his/her willingness to be subjected to the hazing.



This typically involves validating and justifying the process endured as important, thereby relieving the dissonance. This process is likely to cause individuals to place more importance on both the group that they joined (it must be a really special group or I wouldn't have allowed it to happen) and the process they endured (doing all those things was important to bond us together). While these thoughts are readily clung to as a dissonance reducing strategy, as they are repeated and affirmed by others they become a prevailing belief about how important hazing really is. These prevailing beliefs serve to fuel the future perpetration of hazing.

MORAL DISENGAGEMENT (MD). Humans have the ability to control their own behaviour – including behaviours related to their morals (Bandura, 1986). When we do things inconsistent with our morals we usually feel bad about it and avoid those behaviours in the future. However, there are times when we feel less moral responsibility, or when we disengage morally. Our proneness for moral disengagement may make it more likely for us to cause harm to others (Bandura, 1990). This process of MD was found to be a significant factor in how much hazing athletes did in my research.

MD happens in eight different ways (each outlined briefly) with each providing clues for intervention (strategies in a subsequent newsletter):

- 1 MORAL JUSTIFICATION** - individuals cognitively reconstruct their detrimental conduct into something that is personally and socially acceptable by deeming that it serves a productive function (e.g., hazing is a means to bonding as a team) (Bandura, 1999). Hazers may say they did it to "bring the group together".
- 2 EUPHEMISTIC LABELING** - it has been found that people behave more maliciously when their actions are stated in less severe or neutral terms (Diener, Dineen, Endresen,

Beaman & Fraser, 1975). Hazers thus use terms like rookie party, team bonding, and welcoming ceremony instead of more accurate descriptions like public humiliation, hazing, harassment or emotional abuse.

- 3 ADVANTAGEOUS COMPARISON** occurs when individuals use the contrast principle in which judgments about an activity largely depend on comparisons (Bandura, 1999). Perpetrators of hazing may engage in any number of exonerative social comparisons including comparing the activities that they are perpetrating to the hazing they endured or to more extreme hazing activities conducted by other groups.
- 4 DISPLACEMENT OF RESPONSIBILITY** involves transferring the responsibility for one's behaviors onto a higher source of authority (e.g., captain, coach, tradition) thereby reducing the personal moral implications.
- 5 DIFFUSION OF RESPONSIBILITY** is also an applicable form of moral disengagement in the hazing context as hazing acts are more often carried out in a team setting than by individuals thereby diffusing personal responsibility. If a single individual were responsible for initiating an incoming group member they would probably be less likely to haze as they would be solely responsible for the actions taken.
- 6 DISREGARD AND DISTORTION OF CONSEQUENCES** occurs as veterans may ignore or minimize the effect of their actions on the rookie athletes. In addition, athletes are often adept at hiding pain, so the consequences of the hazing act (physical, psychological and emotional) are not as salient as with other groups (Gervais, 2004). If the harm being caused isn't observed, is reframed or ignored the potential for moral self-sanctioning is reduced.
- 7 DEHUMANIZATION** is one of the more widely investigated mechanisms of moral disengagement. In sport, rookies

are often made to wear costumes, are referred to as “rooks” or “grunts”; in other groups the term “frosh” or “pledge” is used to dehumanize. It is easier to haze a frosh or a grunt than a “human”.

8 ATTRIBUTION OF BLAME may also enable moral disengagement. In the hazing context, it is possible that rookies get blamed for the hazing because they are too defiant, too compliant, too emotional, or not emotional enough.

GENDER DIFFERENCES

Within the institutions of sport and Greek letter societies, researchers have found that sex differences exist in the hazing experiences of incoming group members (Allan, 2005; Allan & Madden, 2008; Hoover, 1999; Nuwer, 2000). Specifically, men appear to be more involved in hazing than are women. My research cautions the reader that female gender is not necessarily a protective factor against hazing. In my work I balanced athletes across sports and when I did I found very few differences between men and women within a sport. This is to say that women hockey players are hazed about as much as male hockey players, as is the case across the range of sports. Figure 1 below demonstrates that although some gender differences exist in hazing, hazing is more a contextual (in this case sport specific) phenomena than a gendered one.

PAST HAZING EXPERIENCES – THE CYCLE CONTINUES

In my research, the degree of hazing endured as a rookie was the most important determinant of the amount of hazing someone would perpetrate – the more hazing experienced, the more hazing perpetrated. Findings indicated that 76% of participants who were subjected to at least one hazing activity as a rookie went on to

perpetrate at least one hazing activity as a veteran. Conversely, of the 26 (7.7%) participants in this study who had not experienced hazing as a rookie, only three (11.5%) had perpetrated a hazing activity as a veteran. There are a couple of explanations for why this trend occurs.

The first relates to social learning. During an impressionable and vulnerable time in a new social environment, rookies are likely to search for models of appropriate behavior. The most powerful and important models are the veteran athletes on the team. Rookie athletes may learn vicariously how to achieve acceptance and improved status on their new team. Achieving acceptance and status is essential to the first year athlete and they may observe that this is done by doing whatever you are asked to do by these powerful returning members. Incoming members may also become aware of the power hierarchy in their new environment and the behaviours in which those with power choose to engage and the apparent social rewards they receive for doing so.

Thus, an athletic environment that appears to support hazing satisfies many of the requirements of effective modeling and observational learning. For instance, the hazing behaviors modeled by veteran athletes are salient to rookies who may find themselves in a vulnerable position and motivated to attend. Through this narrowed attention, rookies may learn which behaviors constitute acceptable initiation, which behaviors are rewarded and also foresee themselves receiving these positive outcomes when they assume the role of veteran the following season.

Furthermore, the incentives experienced by veterans are clear and may have a substantial influence on the motivational processes that impact whether a rookie athlete will chose to perform the acquired hazing behavior. For instance, Waldron and Kowalski (2009) found that

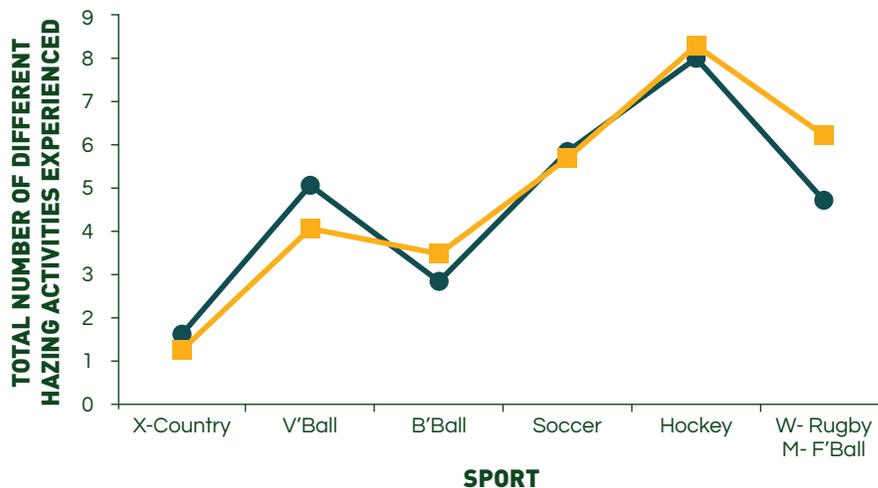


Figure 1: COMPARISON OF THE NUMBER OF DIFFERENT HAZING ACTIVITIES PARTICIPATED IN AS A ROOKIE BROKEN DOWN BY GENDER ACROSS VARIOUS SPORTS

Source: Hamilton, Scott, O'Sullivan, LaChapelle (2013)

MEN WOMEN

veteran athletes reported hazing because it was fun or served as an opportunity to suppress potential threats to their position on the team. These newly observed behavioral patterns and rules, the apparent acceptance of hazing in a particular sport environment, and the response facilitation effects related to the inherent social rewards experienced by veteran hazers, may account for the strong positive relationship between rookie and veteran hazing activities.

CLOSING REMARKS

The term hazing represents a vast number of activities that potentially degrade, embarrass, endanger or abuse incoming group members. These behaviours continue to be highly prevalent as indicated by recent empirical study – in spite of the introduction of anti-hazing policies. The causes and supporting factors of hazing are vast and complex and thus, new rules are often inadequate in quelling these behaviours. Educational initiatives, replacement activities, moral engagement, and leadership moments must all be fostered to prevent the continued and cyclical perpetration of hazing behaviours. These preventative strategies will be discussed in the next Newsletter.

RYAN HAMILTON is an assistant professor of psychology at the University of New Brunswick in Fredericton, NB, Canada and an active sport psychology consultant. Ryan's PhD thesis examined hazing in Canadian University athletics and his program of research continues in this area. In addition to his sport psychology consulting work, Ryan conducts hazing prevention workshops in the domains of athletics, student orientation, and residential life for universities and high schools.

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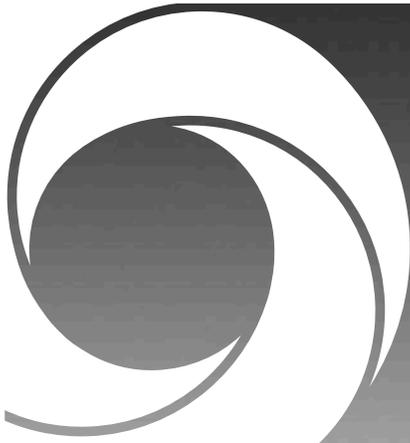
Statement of Income & Expenses

For the 3rd quarter ended September 30, 2014

	2014	2013
Written Premium	24,451,362	23,769,375
Earned Premium	18,342,297	17,781,656
Less Reinsurance Costs	917,784	897,425
Net Earned Premium	17,424,513	16,884,231
Net Incurred Claims	17,730,540	9,056,514
Net Loss Ratio	101.76%	53.64%
UNDERWRITING PROFIT (LOSS) BEFORE OPERATING EXPENSES	(306,027)	7,827,717
Operating Expenses	2,592,936	2,622,411
Net Operating Expense Ratio	14.88%	15.53%
Combined Ratio	116.64%	69.17%
UNDERWRITING PROFIT (LOSS)	(2,898,963)	5,205,306
Income from Investment	868,383	789,885
Other Income + Realized Gain (Loss) on Investments	1,515,844	347,056
* Other Comprehensive Income (Loss)	3,366,889	2,456,495
NET PROFIT (LOSS)	2,852,153	8,798,742
SUBSCRIBERS EQUITY (SURPLUS)	69,445,529	64,696,563

* Other Comprehensive Income (Loss) represents unrealized gains (losses) on available-for-sale securities.





CURIE Member Up Close: Stephen Caine



Manager, Risk Management Simon Fraser University

Of all things, a poor paint job on Stephen Caine's car began him on the path to a career in risk management. In the process of trying to get satisfaction from the manufacturer, Stephen mentioned his investigation to the then Risk Manager at Simon Fraser University, with whom he occasionally commuted to work. At the time, Stephen was working in the Health and Safety Department at the university and had no background in risk management. During the course of their discussion, it became clear that Stephen had an interest in the investigative process, so it was suggested that he take some courses in risk management.

Stephen graduated from the University of Victoria with a Bachelor of Science degree in Environmental Biology, and followed that up with a Masters of Science in Occupational Health & Safety from the University of British Columbia. He spent his early career working for BC Public Health investigating environmental health issues before moving on to Simon Fraser's Health & Safety Department in 1999. It was when he was working in this capacity and taking his risk management courses that he was asked to help out part-time in the Risk Management Department at the university. During that time, a number of losses, including a \$2.5 million loss in the sciences department occurred. Combining his science background and his new career path led him to immerse himself and in 2008, when the university found itself without a Risk Manager, he was offered the role.

As it happened that year was unusually cold and 23 pipes

burst over a 3-day period. "I quickly had my feet wet!" says Stephen. Many of the skills he had developed during his time in Health & Safety transferred well to many aspects of risk management such as identifying, assessing, and mitigating risks, but Stephen quickly realized two aspects of the role, insurance and law, required a steep learning curve as they used terminology that he was not used to. Despite this challenge, Stephen has found his role in risk management to be a rewarding one.

"It is the pioneering aspect of risk management that is so rewarding — building a program where nothing existed and everything is so new. In a way, it is like health & safety was 20 years ago."

Simon Fraser University has a student, faculty and staff population of 45,000 and covers three campuses, the largest of which is Burnaby Campus, covering 430 acres and situated 1,200 feet above the rest of the city. Along with experiential learning and entrepreneurial ventures at the university, there has been a growth in community partnerships, all of which have meant an increase in the need for risk identification and the growth of risk management.

Every university has its own share of unique challenges and aspects associated with risk management, and SFU is no different. Stephen believes that SFU's proximity to the



United States, where litigation is so prevalent works in his favor; “Many of our researchers are from the US, or have worked there, so they are already very aware of the value of risk - (can we use management instead of avoidance?).” In addition to this, Stephen feels that due to its location, SFU risk management has some unique needs; “we need to look closely at earthquake risk and maritime vessel compliance. We’ve recently had to update our vessel guide – 25 boats varying from motorboats to fishing vessels for research were included in a program to ensure registry and compliance as mandated by Transport Canada.”

During his six years as Risk Manager at SFU, Stephen has seen risk management evolve from being an insurance and claims centre to an integrated component of the university’s processes. “From Facilities Services, to Research Services, we are consulted daily on a wide range of activities and we work closely with academic and administrative departments to develop programs, relationships and most importantly, to develop solutions”. For the past three years, Stephen’s department has been integrated with the University’s Safety and Risk Services Unit. A physical amalgamation in 2014 has further enhanced opportunities for collaboration with Emergency Planning, Environmental Health & Research Safety, and Security. Stephen feels that this amalgamation has streamlined the process, paving the way for less duplication and more efficiency. “We’ve seen less duplication and more efficiency. We are on the threshold of a changing risk culture.”

Stephen and his assistant handle 800+ inquiries a year. Their current challenges are balancing the time needed to develop and publish university-wide procedures while also ensuring immediate issues are comprehensively addressed. As services have increased, there has been a demand for the development of guides that cover virtually everything a faculty, staff or student might do.

Stephen has also initiated departments to start their own risk assessments, specific to their situation and has made common forms like , waivers, and consent documents accessible along with other guidance documents pertaining to insurance, claims, equipment use and vehicle operation. Many department staff have contributed to these documents. This sharing not only enhances efficiency, it indicates how everyone at SFU is onboard with Risk Management.

CURIE has been a constant since he began in Risk Management. He has attended all the AGMs and says the nuances of issues are what you can depend upon gleaned from these meetings. “It gives you the confidence that you are sharing information that comes from a consortium of 61 other universities. It is both useful and extremely credible. CURIE’s programs also play a role in keeping our claims down. The Risk Registry is an example of a wonderful tool. It allows us to see every aspect of the University while also educating our community here about risks in their specific areas.

As for the future, Stephen believes that as risk management becomes so richly engrained into daily processes, people at SFU will easily know how to identify and mitigate their own risks. 

Upcoming Events

MARCH 9 AND 10, 2015

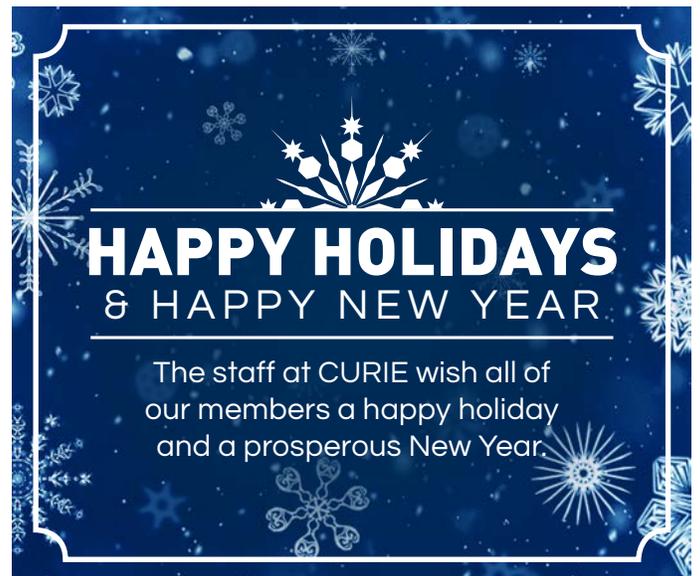
Campus Fire Safety, Security and Risk Management
Professional Development Conference and Expo
Columbus, Ohio

APRIL 26 – 29, 2015

RIMS 2015 Annual Conference and Exhibition
New Orleans, Louisiana

JUNE 14 - 16, 2015

CAUBO Annual Conference
Saint John, New Brunswick



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