

Trends in Accident Investigation Claims *Podcast Transcript*

Prevention and Protection a United Educators Risk Management Podcast

September 21, 2016

Guests:

Joe Vossen, risk manager counsel at UE

Dina Marsie Hazen, claims analyst at UE

JOE: Hello, and welcome to Prevention and Protection, the United Educators Risk Management Podcast. I'm Joe Vossen, risk management counsel at UE. In today's podcast, we'll be chatting about accident investigations. Joining me is Dina Marsie Hazen, a claims analyst at UE who supervises three claims handlers who handle a variety of claims for our members around the country. Welcome, Dina.

DINA: Thank you, Joe. I'm delighted to speak with you.

JOE: Before we get started, I want to let listeners know that in addition to this topic, you can find other podcasts and risk management publications on our website, EduRiskSolutions.org.

Dina, you came to me a few months ago after you noticed a few trends in some of the accident investigation claims your team handles for UE. What are the most common accidents?

DINA: Certainly slips and falls. These can be caused by rain, ice, snow, any wet or slippery substance that can be dropped or spilled.

JOE: And those really occur in any season, not just winter, right?

DINA: Absolutely, Joe. I approached you about this topic just before the winter season started, as that's the time of year when we see a higher volume of claims. But we do see slips and falls year round.

JOE: Dina, let's tell the listeners briefly why accident investigations are so important. I bet a lot of these slip and fall incidents seem minor at the time, and most institutions probably have a standard operating procedure that they follow whenever there's a minor injury like this on campus, but you're saying that these accident investigations are more important than they realize.

DINA: Definitely. A well-written incident report helps us effectively evaluate a claim, if that person who slipped and fell, whether or not they said they were fine at the time, suddenly shows up on your campus to be compensated for damages. The goal is, by the time that occurs, we're prepared to defend the allegations presented. Also, when they're done correctly, these accident investigations may lead to changes in policies and procedures.

For example, the people on your campus who complete these reports, typically these are the security and safety departments, or the risk manager on campus, will probably start seeing a pattern. "Oh, wow, there are a lot of slips and falls outside the performing arts facility," or "I see a lot of people falling down when they leave the basketball field house." These kinds of observations can lead to beneficial changes on your campus, and that really makes your campus a safer place when you correct known hazards.

JOE: And I should point out that making these smart changes can really decrease institutional liability.

DINA: Correct. You should be well prepared for a potential claim if you're following your accident and investigation process. In order to properly defend a claim, a solid early investigation is key. That should include things like saving security video, taking photos of the scene. And if there is a deviation, take a photo using a ruler to show how much deviation may exist.

JOE: OK, define deviations for us.

DINA: Well, let's say two slabs of concrete that make up a sidewalk are not completely flush. We want to know the difference in height between those two slabs, or the deviation, in other words. Someone might say, "Well, there was a gap where my heel got caught," or "One slab was higher than the other and caused me trip and fall." Inspecting the site and taking measurements of this deviation will go a long way in assisting us to defend a potential claim.

JOE: That's interesting, I wonder about the people involved in an accident. What do you need to record or find out about them?

DINA: Well, you'll want to take statements for the individual that had the accident, and any witnesses. In addition, it's also useful to make any factual observations you observe about the individual's condition. Did they smell of alcohol? Was their speech slurred? And in slip and fall cases, it's useful to take note of what type of shoes they were wearing. Were they wearing flip flops and it's 10 degrees and snowing outside? Was the victim carrying anything? Did they appear disoriented? You should also include observations on their mobility, such as whether they were using a cane or a walker.

JOE: And I know that in your experience, good institutions sometimes forget to do small things that could really improve their accident investigation process. So what do you see?

DINA: Preserving evidence promptly. Again, I can't stress this enough. Speaking to the victim and witnesses on exactly how the accident happened. What were they doing before they fell? Was there something that took away their attention, like a cellphone? Taking photos and saving the video footage that might exist. That is so important. If a claim is made against an institution after an accident, we need to figure out if the institution is liable. You may have the best investigation team in the world, but if they haven't preserved the evidence and documented their process, that makes UE's job of evaluating and defending the claim so much harder.

JOE: And speaking of evidence, what are some of those types of evidence that schools commonly forget to preserve?

DINA: Broken chairs. If a chair breaks when someone sits down, save that chair. I mentioned earlier security cameras. We want to know whether there were functioning security cameras in the area that may have captured the incident, if the security video caught the incident and whether that footage was preserved. It's extremely important for schools to review this video as soon as possible and preserve the portion of the video that captures the incident on a separate drive or device that can be stored safely for several months, since we may not immediately hear from the injured party.

JOE: And where else should institutions look for this evidence?

DINA: Well, your facility staff or custodian services or maybe even a third party vendor might have been called in after an accident to clean or repair something. Find out the name of that person who comes to do that work, and you should also ask for a copy of their report to determine if they may have discovered something that was not apparent to us previously.

JOE: Earlier, you used a performing arts venue as an example, and I wondered what special considerations there are for different areas on campus. Maybe some trouble spots that we should tell our listeners about.

DINA: Let's say for athletic accidents, identify the coaches or other staff that may have been present at the time, find out the names of any players in the area at the time, and if a waiver was signed by the individual. You should also determine whether protective equipment, like helmets and pads, were being used in contact sports. If athletes are in the weight room, are they following recommended practices like using spotters or having coaches and trainers present?

JOE: And these are good reminders that slip and falls or personal injury accidents can happen anywhere—inside, outside—regardless of age or where you are on campus. We know vehicle accidents are also a common cause of injury, so what do you recommend in those cases?

DINA: For vehicle accidents, focus on three things. First, the drivers involved and the presence of any passengers and anyone that may report any injuries. Then second, focus on the location. Were there traffic control devices involved? And who maintains those? Find out whether there were prior issues with those control devices that may have been reported. And finally, the vehicles themselves involved. What was their operating condition? How were the tires, the brakes, the signals, the wipers?

JOE: OK, Dina, I think we have time for one more question or issue here. Is there one more trouble spot maybe that you want to tell our listeners about?

DINA: Well, I would say science laboratories. If a student is injured in a chemistry lab, let's say, document whether appropriate safety equipment was available, such as safety goggles, gloves, or other protective gear.

JOE: We're almost out of time, but I want our listeners to know that, together, Dina and I updated the EduRisk Accident Investigation Checklist, based on the trends she and her team saw in the claims department. That publication, "**Checklist for Investigating Accidents Causing Personal Injury,**" was written by my colleague, Hillary Pettegrew, and is available at EduRiskSolutions.org. And of course, there are a lot of other great resources on our website, too.

We hope you found this podcast interesting and helpful to all the work you do managing risk on your campuses.

Dina, thanks again.

DINA: It's been a pleasure, Joe.

JOE: From United Educators Insurance, this is the Prevention and Protection Podcast.



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