

Ahead of the Spore

Proactive Strategies on Air Quality Complaints in Campus Housing

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Collaborative. Accountable. Authentic.
Legal Solutions for Business Objectives.



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Introductions



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Today's Primary Objectives

1. To provide you with a practical playbook for managing and addressing air quality complaints that inevitably arise now that students have returned to campus.
2. To give you an approach that emphasizes safety, transparency, and responsiveness when communicating with concerned students and parents.
3. To prepare you with tools to address other issues people may not typically think about when working to address air quality, notably potential insurance coverage and litigation avoidance/protection.



Phase I: Before You Receive a Complaint



Have a Plan

1

Review and follow a robust HVAC preventative maintenance program. Maintain a thorough history and make sure the maintenance team is doing—**AND THOROUGHLY DOCUMENT**—preventative maintenance efforts.

2

CONDUCT REGULAR INSPECTIONS of facilities, bathrooms, areas that could be prone to becoming damp/wet. Again, document any issues, have a plan for follow-up inspection/remediation, and document steps taken to remediate.

3

PREPARE A CHECKLIST of steps that will be taken if you receive a complaint.

4

TRAIN YOUR RESIDENCE HALL STAFF on how to respond to a complaint.

5

DESIGNATE ONE POINT PERSON in the administration who will be responsible for all communications with students and the public in the event of a complaint.

**Have your attorney involved and managing triage upon receipt of complaint.*

A Note on Training Residence Hall Staff

1. “Just the facts.” (*The “Dragnet” approach, for those of a certain age.*)
 - We just want the information relayed by the complaining resident.
 - The residence hall staff member should not provide any opinion, conclusion, assessment, or independent “diagnosis” of the situation.
 - For example, if a student reports mold in his or her room, the residence hall staff member reports: “Student reported mold in Room #____.” The residence hall staff member does not do any independent investigation to conclude mold exists.
2. Provide residence hall staff with contact information to escalate the complaint through proper channels upon receipt so that it is sent directly to the administration and can be given the prompt attention it deserves.

Know Your Insurance Coverage



- + Conduct routine and regularly scheduled insurance policy reviews and audits.
- + Understand and determine if any gaps in residence hall coverage exist.
- + Pay special attention to identifying mold-related exclusions, sub-limits, and limitations.

Phase II: After You Receive a Complaint



Follow Your Checklist

1. Have your counsel supervise and direct the investigation.
2. React promptly to triage the physical situation:
 - a. Designate staff member to perform initial physical investigation to confirm information in complaint. Do not offer comment, commentary, or opinions.
 - b. Once verified, contact air quality professional to come and perform an investigation.
 - c. Coordinate with the air quality professional to document and photograph the situation and identify any additional areas in the relevant proximity that should be investigated.
 - d. If the air quality professional confirms an air quality concern or the presence of an adverse health condition in the room, arrange to relocate any affected resident(s).
3. Coordinate with the designated point person on the communication plan to the affected resident(s) and get the communication out to the affected resident(s).

Communicate With Insurers

1. **COORDINATION:** Involve brokers and insurance coverage counsel before communicating with insurers.
2. **NOTICE:** Notify carriers (property, general liability, possibly others) early to preserve coverage. **CONTENT OF NOTICE IS CRITICAL. DO NOT TALK YOUR WAY OUT OF COVERAGE.**
3. **TRACK COSTS:** Document all losses, including: remediation, testing, and temporary housing expenses for relocated residents.
4. **BE PERSISTENT.** Do not take “no” for an answer.



Questions?