CHILDREN ON PCC PROPERTIES POLICY RECOMMENDATION

Liability Information from PCC’s Risk and Safety Manager
June 4, 2006

Mark Fennell, PCC’s Risk and Safety Manager, provided information about the college’s insurance coverage. PCC is self-insured for $500,000 per incident (which the college has to pay out) and has excess insurance coverage for $4.5 million beyond the first $500,000. Mark provided the following information about liability and possible claims against the college:

Premise Liability – when PCC becomes liable due to an injury or property damage arising out of PCC’s premises or out of PCC’s operations (ie. someone tripping over a tear in the carpet or a light fixture falling onto someone). PCC is built for adults and not necessarily for children. Classrooms, offices, and general college spaces are not childproof or child-friendly (outlets are accessible, railings are high, breakable or dangerous items are within reach of children, surfaces are hard, cabinets are not latched, equipment may not be properly secured, tables/podiums/desks may tip or fall, etc). A child could be injured more easily than an adult.

Negligent Supervision – this is damage or injury caused by inadequate or distracted supervision. The policy on children presumes that a parent, guardian, or attending adult is the responsible one to supervise. However, when a child is permitted in a classroom, the faculty member (and PCC) also assumes responsibility for that child. If a suit is filed, the Faculty member, Division Dean, Dean of Instruction, President, PCC, and the Board Members most likely will be named in the lawsuit.

Discrimination – the practice of allowing children into classrooms at the individual discretion of the faculty member increases the potential of a discrimination lawsuit. If a faculty member allows one child into a classroom in one situation, but does not allow another child into the classroom in another situation, a civil rights violation suit may be filed against the Instructor. *This type of case (US Civil rights violation) is more costly than bodily injury tort claims.* Instructors may have to retrace every child they have or haven’t allowed into a class to see if there is a pattern of discrimination of any kind. Lawyers for PCC have said it’s not a matter of “if” this will happen, it’s a matter of “when”.

M Severson, June 4, 2006, for the Student Development Committee