

Property Claim Example

Scenario:

According to a report completed by the Chapter Advisor, there were three chapter members conversing about the fire escape outside the window of the second floor. One member, who admitted she had previously been out on the escape, showed the other two new members that it was possible to go out onto the fire escape from the window of the room. The older member successfully got out on the escape. One of the freshman women attempted to do the same and slipped and fell one story to the ground. The women fractured her jaw in 8 places requiring surgery, lost 7-8 teeth and received various soft tissue injuries related to the fall from 15 feet.

Result:

Parents of member have retained an attorney and a reserve of \$350,000 has been placed on the claim by the insurance company.

Liability Concerns:

The fire escapes were used by the house residents as “balconies.”

- **Risk Management solution: Written rules, by laws, contracts, handbooks or other correspondence methods should address inappropriate use of roofs, bodies of water, fire escapes, basements, attics, etc.**

The prior House Director knew that the residents were using the fire escape as balconies.

- **Risk Management solution: A specific person or persons should be responsible for making sure that rules are adhered to. This person or persons must have authority and make sure all persons conform to these rules. Persons living in the house must be held accountable to these rules.**

The access ways to the fire escape had no signs posted.

- **Risk Management solution: Signage is very important for instructions and awareness purposes. Post signs in access ways that clearly indicate that the fire escape is to only be used for emergency purposes.**

A light which was affixed to the wall just above the fire escape was not working.

- **Risk Management solution:** The appropriate employee should be conducting comprehensive house inspections and giving the property manager written items that need correction. This should also include a follow-up procedure to make sure that corrections are made in a timely fashion.

The witnesses all stated that they have never been advised of any prohibitions against using the fire escape.

- **Risk Management solution:** House Corporation should have a meeting with the Chapter members once every semester to educate the members on the House Rules and the minutes of the meeting should reflect said instructions. Signs should be posted near the escapes that state “for emergency use only.”

A chair was present on the third-floor fire escape which had been present for three years according to one witness.

- **Risk Management solution:** An assumption could be made that the members were using the chair to sit in while using the fire escape in an improper manner. Clearly communicate to employees the procedures for reporting to the House Corporation any House Rule violations.

One witness stated that the house members regularly used the fire escapes as balconies and were never told not to.

- **Risk Management solution:** House Corporation should have a meeting with the Chapter members once every semester to educate the members on the House Rules.