

Performance Audit Report

Emergency Preparedness at Minot State University

Report No. NP-003-16d

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Transmittal Letter

August 22, 2017

State Board of Higher Education
Members of the North Dakota Legislative Assembly

We are pleased to submit this performance audit. The subject matter of this audit included certain aspects of emergency operations at Minot State University.

We conducted this audit under the authority granted within North Dakota Century Code Section 54-10-30. Included in the report are the audit scope and objectives, findings and recommendations, and management responses.

The in-charge auditor for this audit was Alec Grande, CPA. Craig Hashbarger, CPA, CIA, CFE was the audit manager. Inquiries or comments relating to this audit may be directed to the audit manager by calling (701) 239-7274. We wish to express our appreciation to the staff and management of Minot State University for the courtesy, cooperation, and assistance they provided to us during this audit.

Respectfully submitted,

/S/

Joshua C. Gallion
State Auditor

Executive Summary

Introduction

Emergency operations and continuity of operations plans are essential elements of an institution's security policy. The purpose of our audit was to determine the nature and extent of Minot State University's policies and procedures regarding emergency preparedness. Following is a description of the objective and an overview of the findings.

Objective

- Does Minot State University have an effective strategy regarding the development and implementation of an emergency operations plan?

We determined Minot State University does not have an effective strategy regarding the development and implementation of an EOP.

- Minot State University lacks roles and responsibilities for the collaborative planning team. (pages 7-8)
- Minot State University lacks a formalized emergency operations risk assessment process. (pages 8-9)
- Minot State University lacks documented goals and objectives regarding emergency operations. (pages 9-10)
- Minot State University lacks a formalized training requirements in the emergency operations plan. (pages 10-11)
- Minot State University lacks a formalized process for periodically reviewing and revising the plan at least every 2 years. (pages 11-12)
- Minot State University lacks a comprehensive continuity of operations plan. (page 12)

Background Information

Introduction

Institutions of higher education, as with any other public or private entity, are at risk of being impacted by a variety of emergencies, ranging from natural disasters such as floods, blizzards and tornadoes, to fires, active shooter incidents, and pandemics. These disasters can, and do, result in injury and loss of life, as well as damage to infrastructure and business interruptions.

Emergency Operations Plans

The State Board of Higher Education, in recognition of the importance of North Dakota University System's (NDUS) emergency preparedness, adopted Policy 906 (SBHE 906) effective May 16, 2012. SBHE 906 establishes the requirement for all NDUS institutions to "develop and implement comprehensive Emergency Management Plans." SBHE 906 defines an emergency management plan as "a comprehensive, integrated plan that addresses emergency preparedness, emergency management, disaster and emergency response and recovery, mitigation, and continuity of operations."

The Federal Emergency Management Agency (FEMA) states that emergency preparedness "establishes organizational readiness to minimize the adverse impact of these events by means of active responses to protect the health and safety of individuals and the integrity and functioning of physical structures." (Fundamentals of Emergency Management chapter 9 AEMRC). In other words, the purpose of an emergency management plan is to save lives, prevent or mitigate injury, and prevent or reduce damage to critical infrastructure. An emergency management plan also facilitates timely recovery and restoration of the institution's functions.

The federal government recognizes the importance of robust emergency operations plans in the nation's colleges and universities. Accordingly, in 2013 the US Department of Education, in cooperation with six federal agencies, developed a Guide for Developing High Quality Emergency Operations Plans for Institutions of Higher Education (IHE Guide). The IHE Guide recognizes that "postsecondary institutions are entrusted to provide a safe and healthy learning environment for students, faculty, and staff who live, work and study on campus."

The term "emergency management plan" is used by SBHE 906, and "emergency operations plan" is used by FEMA and the IHE guide. Both terms can be used interchangeably for purposes of this report, but for the sake of clarity we will use the term "emergency operations plan," or "EOP."

Continuity of Operations Plans

In addition to risks of injury, loss of life, and property damage, emergencies can also cause an interruption of the organization's essential functions. SBHE 906 defines Continuity of Operations as "a plan to assure the capability exists to continue essential agency or institution functions across a wide range of potential disasters or emergencies." In other words, a Continuity of Operations Plan (COOP) is a plan in which the institution identifies its essential functions and identifies the means to carry out those functions if an emergency event occurs.

In 2009, FEMA, in coordination with its non-federal partners, issued Continuity Guidance Circular 1 (CGC 1), *Continuity Guidance for Non-Federal Entities*. CGC 1 states that “continuity planning facilitates the performance of essential functions during...emergencies or other situations that may disrupt normal operations.”

While a COOP is an important component of an EOP, the mission, goals and objectives of a COOP may not necessarily be the same as those of an EOP. The EOP addresses all aspects of prevention, protection, mitigation, response and recovery, while a COOP focuses on continuing to carry out essential functions of the entity and maintaining them during and after an incident. Moreover, not all emergencies will result in a continuity event, and not all continuity events are a result of an emergency.

The following example illustrates the difference between an EOP and a COOP: If there were a fire in Minot State University's Cyril Moore Science Center, applicable elements covered by the EOP might include detailed evacuation instructions, emergency call information, and other information necessary to prevent and mitigate loss of life, injury and property damage. The COOP, on the other hand, might identify instruction of students as an essential function ordinarily performed in the Cyril Moore Science Center. It might also identify alternate locations in which classes may continue to be held after the fire event until either the building is restored to working condition, or more permanent alternate facilities can be located.

Objectives, Scope and Methodology

Purpose and Authority

This performance audit of Minot State University's (MiSU) emergency operations plan has been conducted by the Office of the State Auditor pursuant to authority within North Dakota Century Code ("NDCC") Chapter 54-10.

Performance audits are defined as engagements that provide assurance or conclusions based on an evaluation of sufficient, appropriate evidence against stated criteria, such as specific requirements, measures, or defined business practices. Performance audits provide objective analysis so management and those charged with governance and oversight can use the information to improve performance and operations, reduce costs, facilitate decision making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability. The purpose of this report is to provide analysis, findings and recommendations with respect to the audit objectives.

Objective of the Audit

The objective of our audit was to answer the following question:

- Does Minot State University have an effective strategy regarding the development and implementation of an emergency operations plan?

Audit Scope

We conducted this performance audit in accordance with *Generally Accepted Government Auditing Standards*. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We primarily used two sources of criteria for developing our findings and conclusions.

SBHE 906, effective May 16, 2012 was implemented with the intention of "meeting federal and state emergency preparedness requirements." SBHE Policy 906 identifies several requirements for all NDUS institutions with respect to the development and implementation emergency operations plans, including specific elements required to be included in each plan.

The IHE Guide, developed in 2013 in cooperation with various federal agencies, is a source of "good practices and matters to consider for planning and implementation purposes." It is not considered to be a source of laws or regulations; rather, it is a source of overarching principles, best practices and implementation guidance to enable institutions of higher learning to develop and implement effective emergency operations plans.

The subject matter for this objective consisted primarily of the Minot State University emergency preparedness policies and procedures in place as of October 31, 2016.

Relevant Laws, Policies, Contracts and Agreements

The most significant applicable policy relating to emergency preparedness is SBHE Policy 906.

SBHE Policy 906.1 states “The Chancellor and each institution president are responsible for ensuring that the NDUS Office and each institution develop and implement comprehensive Emergency Management Plan, including emergency preparedness and continuity of operations, in order to meet federal and state requirements and NDUS and institution needs.”

While federal law is not specifically tested in the scope of this audit, the IHE Guide incorporates several federal laws in its guidance. The most significant of these is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (better known as the Clery Act.) The Clery Act includes institutional notification responsibilities, focusing on emergency notification and timely warning requirements. It also includes requirements for reporting crime statistics and security-related policies, as well as performing a minimum number of tests of the institution’s “emergency response and evacuation procedures.”

Audit Results

Statement of Objective and Conclusion

The objective of our audit was to answer the following question:

- Does Minot State University have an effective strategy regarding the development and implementation of an emergency operations plan?

We determined that MiSU has developed an emergency operations plan. However, several opportunities for improvement were identified regarding the development and implementation of the plan.

We communicated certain matters of lesser significance in a separate letter to management.

Audit Methodologies

To accomplish our objective, we conducted inquiries of members of management responsible and/or knowledgeable about emergency operations and security at MiSU. We also reviewed documented emergency operations policies and procedures, and meeting minutes of the loss control committee, where applicable.

Findings, Recommendations, and Responses

Collaborative planning team

The IHE Guide recommends the formation of a “collaborative planning team” for developing and implementing the EOP. The IHE Guide recommends the team include representatives from throughout the institution of higher education (IHE), as well as student and faculty representatives as applicable. This helps to ensure the interests of all significant stakeholders are represented. The IHE Guide also suggests the planning team should include first responders, local emergency managers or others who “have roles and responsibilities in IHE emergency management before, during, and after an incident.”

SBHE Policy includes similar requirements of its institutions. SBHE 906.4 requires EOPs to include “establishment of an institution emergency management task force or committee, chaired by the institution’s chief emergency officer.”

Furthermore, the IHE Guide states that “Each person involved in the development and refinement of the plan should know his or her role and responsibilities in the planning process.” These roles ensure that team objectives are met and members are held accountable. SBHE 906 requires “identification of and assignment of responsibilities to officers and employees in different units and various levels within the institution,” as well as “clear and complete statements of assigned responsibilities.”

MiSU recently (June 2016) created a committee called the loss control/emergency management committee which acts as the institution’s collaborative planning team. This committee consists of several members of management and led by Gary Orluck (Director of Safety and Security) as outlined in the committee’s meeting minutes. However, the roles and responsibilities of the committee members have not been defined within the EOP.

Recommendation 1-1

We recommend Minot State University develop clearly defined roles and responsibilities for members of the collaborative planning team.

MiSU Response:

Agree: The Loss Control/Emergency Management committee was created in 2016 prior to the NDUS Audit. The committee was formed to improve MSU's emergency response plan.

Specific roles and responsibilities of committee members will be formally included within the Risk Management / Emergency Operations Committee policy by November 30th, 2017

Risk Assessment

Upon assembly of the collaborative planning team, SBHE policies and the IHE Guide recommend a formalized risk assessment of potential emergency events. This facilitates an appropriately tailored emergency operations plan which allocates each institution's limited resources to the highest risk threats.

SBHE 906.5 states, in part, that "[emergency operations plan] may also include...a threat analysis and risk assessment of potential natural, technological and adversarial hazard which may impact an institution.

According to the IHE Guide, the emergency operations planning team "first needs to understand the threats and hazards faced by the IHE and surrounding community." In order to develop an appropriately tailored emergency operations plan, management should use its internal expertise, as well as that of outside experts as appropriate, to identify a range of potential threats. Upon identifying those potential threats, management should evaluate the risk posed by each threat or hazard. According to the IHE guide, management should consider the probability a threat or hazard may occur, severity of the impact, time to warn students and other stakeholders, and how long the threat may last. Such assessments may take many forms and involve a wide variety of tools and methods.

Because the nature of certain risks may change over time, the IHE Guide states risk assessments should not only occur upon initial development of the plan, but also on an ongoing basis to "inform updates and revisions to the plan."

MiSU does not currently have a formalized risk assessment process regarding potential emergency events.

Recommendation 1-2

We recommend Minot State University implement a formalized risk assessment process to identify and evaluate potential emergency events.

MiSU Response:

Agree: An informal risk assessment process was instituted during the revision of the MSU Emergency Operations Plan in early 2016.

The formalized risk assessment process will be described in the revised Emergency Operations Manual by November 30th, 2017 subject to funding and staff constraints as noted in NDUS policy 906.8.

Goals and Objectives

The IHE Guide recommends the planning team develop goals and objectives for each significant emergency threat and hazard based on the formalized risk assessment. The IHE Guide recommends development of at least three goals for each applicable threat and hazard, indicating the desired outcome before, during, and after the emergency event. Each goal would include one or more specific, measurable objectives for achieving the identified goals.

Each identified goal should include one or more objective(s) which per the IHE Guide are “specific, measurable actions that are necessary to achieve the goals”

The following is an example identified in the IHE Guide of possible goals for an IHE with respect to the threat of fire. These are only examples and are not intended to serve as a substitute for the judgment of the collaborative planning team:

- Hazard Goal Example 1 (*before*): Prevent a fire from occurring in IHE-governed student housing facilities.
- Hazard Goal Example 2 (*during*): Protect all persons from injury and property from damage by the fire.
- Hazard Goal Example 3 (*after*): Provide necessary medical attention to those in need.

The IHE guide provided the following example objectives related to these goals:

- Objective 1.1 (*before*): Provide fire prevention training to all students and resident advisors who use combustible materials or equipment.
- Objective 2.1 (*during*): Evacuate all persons from the building immediately.
- Objective 3.1 (*after*): Immediately notify fire department and EMS personnel of any fire in a student housing facility.

MiSU has not developed formalized goals and objectives with respect to emergency threats or hazards.

Recommendation 1-3

We recommend Minot State University establish formalized goals and objectives for handling threats and hazards to prepare for emergency situations.

MiSU Response:

Agree: MSU will identify goals and objectives for handling threats and hazards as outlined in the current Emergency Operations Manual.

The EOP chapter manual will be updated to include a formal process for ongoing reevaluation of risks and potential emergency events to adapt to changing policies and best practices by March 31st, 2018, subject to funding and staff constraints as noted in NDUS policy 906.8.

Develop the Emergency Operations Plan

The IHE Guide states that, upon identification of the EOP goals and objectives, the planning team should “develop courses of action for accomplishing each of the objectives identified.” In other words, the team should identify and document the specific action items necessary to accomplish the previously determined goals and objectives.

SBHE 906 requires emergency operations to include “Procedures for shelter-in-place, evacuations, bomb threats, fires and explosions, chemical spills, tornadoes, floods, winter storms or other natural disasters, etc.” The extent to which these individual threats and hazards, as well as other potential emergencies, are addressed within the EOP should be based upon the planning team’s individual risk assessment.

MISU has documented procedures in the EOP for several potential emergencies such as severe weather and building lockdown among others.

Implement the Emergency Operations Plan

Both SBHE 906 and the IHE Guide provide guidelines for implementing the EOP.

SBHE 906.4 requires each EOP to include “Minimum training requirements...and assignment of training responsibilities.” It also requires the EOP to include “minimum exercise requirements and assignment of exercise responsibilities.” The IHE Guide also emphasizes the importance of both training and exercises.

Training, as defined by the IHE Guide, involves the following: 1) Hold at least an annual meeting “to educate all parties on the plan;” 2) Visit evacuation sites; 3) Distribute relevant documents regarding the plan to involved parties; 4) Post key information (such as evacuation routes and shelter-in-place locations) throughout building(s); 5) Familiarize the campus community with the EOP and community partners; and 6) Train campus community members on necessary skills to enable them to carry out the EOP.

MISU’s Office of Safety and Security’s policy manual includes minimum training requirements for security. Other emergency response personnel with roles and responsibilities do not have corresponding minimum training requirements. The EOP identifies certain training courses in which the plan recommends all possible emergency response personnel take. Furthermore, the plan does not identify specific personnel and the corresponding training required to execute the roles and responsibilities each position. As a result, EOP related training appears to be recommended rather than required.

Recommendation 1-4

We recommend Minot State University develop and incorporate appropriate training requirements into its comprehensive EOP in accordance with SBHE 906.

MiSU Response:

Agree: Specific training requirements for MSU emergency response personnel will be included in the Emergency Operations Plan by November 30th, 2017 subject to funding and staff constraints as noted in NDUS policy 906.8.

Exercising the EOP is separate from training. The IHE Guide defines “exercises” as follows: “Exercises provide opportunities to practice with community partners including first responders and local emergency management as well as to identify gaps and weaknesses in the plan.” In other words, exercising the plan involves practicing the implementation of the plan under various emergency scenarios. Exercises typically include some combination of tabletop exercises, drills, functional exercises, and full-scale exercises. Minot State’s EOP states that the Security department is responsible for executing at least one exercise or training event each calendar year. MiSU conducted exercises during 2015 and 2016 in accordance with the EOP.

Maintain the Plan

As with any statement of policy or procedures, the EOP should include a process for reviewing, revising, and maintaining the plan. As the planning team learns new information and insight, or the risk related to certain events increases or decreases, the plan should be modified accordingly.

SBHE 906 includes several requirements related to maintaining, reviewing and updating the EOP. SBHE 906.4 requires each plan to include “a process to review and update the Plan as necessary, not less frequently than every four years.”

The IHE Guide suggests that each part of the plan should be reviewed and revised at least once every two years. It suggests that an IHE may find it useful to review specific portions of the plan rather than reviewing the entire plan all at once. It also recommends each institution consider reviewing and updating the plan after certain events such as actual emergencies, formal exercises, changes in key personnel, or changes in threats or hazards.

MiSU currently has a process for reviewing the EOP. The EOP states that it is a “living document” in which the plan is updated by incremental changes, modifications, and adjustments as conditions change. However, the EOP does not have a formal periodic review process. Furthermore, there is no minimum timeframe in which the plan and other significant emergency preparedness documents are to be reviewed.

Recommendation 1-5

We recommend Minot State University implement policies for periodically reviewing and revising the EOP. The policy should ensure all parts of the plan are reviewed at least every two years.

MiSU Response:

Agree: The Minot State University Emergency Operations Plan has been revised annually each of the past two years. A formal statement will be included in the EOP manual requiring future review and revisions to occur every two years at a minimum.

The President, or designee, will review the revised Emergency Operations Plan and if approved, will sign the document accepting the plan into official Minot State University Policy

The revised process will be included in the Emergency Operations manual by November 30th, 2017 again subject to staff constraints as noted in NDUS policy 906.8.

Continuity of Operations Plan (COOP)

In addition to risks of injury, loss of life, and property damage, emergencies can also cause an interruption of the organization's important functions. SBHE 906 defines Continuity of Operations as "a plan to assure the capability exists to continue essential agency or institution functions across a wide range of potential disasters or emergencies." In other words, a Continuity of Operations Plan (COOP) is a plan in which the institution identifies its essential functions and identifies the means to carry out those functions if an emergency event occurs.

SBHE 906.1 requires each institution to have a continuity of operations plan as part of its comprehensive EOP. SBHE 906.4 requires institutional EOPs to include "identification of critical infrastructure, key assets and **essential functions**." (emphasis added)

The IHE Guide provides some examples of "essential functions" applicable in a higher education setting. These may include: business services such as payroll or purchasing; facilities maintenance; safety and security; and continuity of instruction. The IHE Guide suggests that the COOP should be designed "so that it can be activated at any time and [the identified essential functions] sustained for up to 30 days."

As of October 31, 2016, MiSU did not have a formalized COOP in place. As a result, in an emergency or other continuity event, there was an increased risk of extended interruption of some of MiSU's essential functions, or excess cost and effort needed to maintain such functions.

Recommendation 1-6

We recommend Minot State University implement a comprehensive continuity of operations plan.

MiSU Response:

Agree: The development process of a Continuity of Operations Plan will encompass various departments across the University and will require coordination and collaboration to ensure the plan is thorough.

Minot State University will develop and incorporate a Continuity of Operations Plan into official Minot State University policy by June 30th, 2018 subject to funding and staff constraints as noted in NDUS policy 906.8.