



**University, College and Institute Protection Program
(UCIPP)**

**Employees' Handbook/Guide to
UCIPP Coverage**

September 2017

Web site address – www.bcucipp.org

Foreword

The University, College and Institute Protection Program (UCIPP) provides coverage to all member institutions against liability and loss; it also assists members in their identification and management of risks that may lead to loss or damage to property, or harm to individuals.

This handbook should not be used as more than a general introduction to coverage available under UCIPP. It is not legal advice and does not modify actual coverage wordings. Not all activities or losses are covered. For specific details of coverage wordings or answers to specific questions please refer to your institution's risk management designate or UCIPP.

If you have suggestions or would like to comment on the contents of this handbook, please call or write to:

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Introduction: Why is protection needed?

Institutions, like all organizations and individuals, are exposed to legal liabilities and loss of or damage to property. Litigation against an institution, its employees or volunteers can result from many different types of situations.

Just because someone is injured during an activity or on your premises does not mean the institution is responsible or legally liable.

In addition, all property is at risk at all times; buildings, furnishings, equipment, etc. can be damaged by fire, lightning, wind, theft, water, vandalism or earthquake.

UCIPP assists institutions, their employees and volunteers to respond to legal actions filed against them which are within the scope of coverage, and assists in the replacement or repair of damaged property.

1. When is Coverage Available and who is covered by UCIPP Liability Coverage?

UCIPP liability coverage is primarily designed to protect the institution, and its employees while performing their duties, against liability claims.

To the extent that liability arises from their authorized duties on behalf of the institution, coverage under UCIPP may also extend to include the activities of:

- Boards of Governors, Senate Members, and Foundations
- Members of committees
- Volunteer workers
- Students under certain circumstances
- Students participating in Work Experience/Practicum programs
- Alumni associations (effective July 1, 2013)

a) What activities are covered?

All institution authorized activities are covered. Authorizations for different activities may be given by faculty, instructors or others, depending on the institution's policy. Individuals who are responsible for providing authorization should be familiar with, and follow the policy. For activities which are not part of the regular educational program, faculty/instructors/employees should ensure they have the authorization.

Institution personnel are responsible for carefully considering safety issues before planning any activity. Even if an instructor has been taking students on the same trip for many years without incident, it does not mean a trip is well planned and appropriately managed to ensure it is as safe as possible. For example, an instructor planning a canoeing trip may have 20 years of canoeing experience but may never have received formal training in water safety and may have no real ability to assess equipment requirements or emergency communications systems. We suggest that instructors who sponsor such activities ensure their knowledge is current and seek the assistance of experts if in doubt.

Questions about the appropriateness of any particular activity should be referred to the institution's risk management designate.

b) When is coverage not provided?

The liability coverage will not respond to every type of claim. These exclusions are the most common:

- job-related injuries that are covered under WorkSafeBC;
- criminal or illegal acts;
- errors and omissions arising out of professional services contracts;
- ownership, use or operation of automobiles.

c) Are the actions of volunteers covered under the liability coverage?

There are three commonly raised questions concerning volunteers:

1) Are the actions of volunteers performing volunteer duties on behalf of the institution covered by UCIPP?

Yes. Volunteers' actions are covered, but only while performing authorized duties.

However, not all situations that occur during the activities will be considered part of the volunteer's approved duties. Volunteers should be aware that they may have some personal legal liability exposures. These exposures may be insured under the liability section of homeowners or tenants insurance policies, or under an automobile policy. Volunteers should be advised to check with their own insurance agents.

2) Are volunteer coaches, including volunteer coaches who receive an honorarium, extended coverage by UCIPP?

Yes, however coverage is limited to that time during which they are participating in institution activities.

3) Are volunteers provided any medical or disability benefits if injured while volunteering?

There is no medical or disability coverage for volunteers, unless it was specifically purchased by the institution. However, if they are injured by the actions of other people, they still have the right to sue. If the injury is automobile-related ICBC may provide coverage and ICBC should be advised.

It is most important for volunteers to be advised that they are required to report all incidents to an administrative officer. Please refer to Section 5 for details. This is necessary both for purposes of guidance on required procedures in the event of an accident, and for the Incident Report process.

d) Are the actions of students covered under the liability coverage?

There are four issues commonly raised concerning students:

1) Are student actions against other students covered by UCIPP?

No. Students are not extended coverage by UCIPP, unless they are performing assigned duties at the request of institution staff, or acting at the specific direction of institution staff.

2) Are students covered if a claim is made against them while working in a Work Experience/Practicum placement at a standard work site?

Generally, yes. UCIPP covers the acts of students in the absence of a contrary agreement between the Work Experience employer and the institution.

3) Are students provided any coverage if they are injured while participating in a Work Experience/Practicum placement?

Not by UCIPP. Students participating in Work Experience/Practicum placements at standard work sites of an employer in BC are covered by WorkSafeBC.

4) Are students provided any coverage if injured while at school?

UCIPP does not provide accident coverage to an injured student.

There may be some benefits available to a student, through the Student Accident Insurance, if the institution participates in the available insurance programs.

e) Are the actions of user groups covered under the liability coverage?

User groups are not extended coverage by UCIPP.

Institutions should have formal policies regarding the use of the institution's facilities by outside groups. User groups should be advised that they do not have protection under UCIPP for their use of facilities. User groups are legally liable for their own actions, including bodily injury to persons and any damage to institution property they or their participants may cause.

All user groups should have a written agreement with the institution regarding the use of the facilities. This agreement should have an indemnity to the institution and in most cases a requirement for general liability insurance.

As outlined in the User Group Agreement, all incidents resulting in either injury or property damage, arising out of the user group's activities must be reported to the institution.

2. Automobile Use

a) What does an employee or a volunteer need to know about driving their own or a borrowed vehicle for institution activities?

When an employee or authorized volunteer driver has an accident while operating a licensed vehicle for an approved institution activity, UCIPP has in place with ICBC a Special Excess Third Party Liability Policy that bridges the gap that may exist between the owner's automobile liability limit and \$1,000,000. UCIPP provides excess automobile liability coverage in excess of the \$1,000,000. **However, the vehicle owners' automobile liability is always the primary coverage to the full extent of the limit of coverage carried.**

There are two possible circumstances, which will disqualify the driver and/or vehicle owner for excess coverage under UCIPP:

- 1) Where the vehicle is used for a purpose other than what it is insured for;
- 2) When the vehicle is operated in violation of any motor vehicle regulation or section of the criminal code.

Personal belongings contained within a vehicle are not insured by ICBC or UCIPP. The driver should look to their homeowners/tenants insurance for this coverage.

b) What happens if there is physical damage to an employee's or volunteer's owned or borrowed vehicle?

UCIPP does not provide any insurance for physical damage to employees' or volunteers' owned or borrowed vehicles. It is the responsibility of the vehicle owner to insure physical damage directly with an insurer.

3. What Property is covered by UCIPP Property Coverage?

All property, excluding licensed vehicles, owned by the institution, including leased, rented or borrowed property required for the provision of education services and programs and where the institution has agreed to provide coverage, is covered. There are some exclusions, such as artwork and property transported outside of Canada or the United States of America.

a) Is employees' personal property covered under UCIPP?

Employees' personal property (excluding vehicles), used for authorized instructional or employment purposes, is covered up to a maximum of \$3,000. but only in excess of their personal insurance coverage. This means that employees who have something stolen or damaged can only place a claim through UCIPP if:

- 1) they can show that the property was being used for instructional or employment purposes; and
- 2) if they have coverage and have first claimed upon, and exhausted, their own personal insurance.

Excluded from this coverage is money, valuables, or any other personal property except such items that are specifically used for instructional or employment purposes. For example, personal items, such as purses, wallets, or clothing are not within the scope of this coverage.

Because all property claims are subject to a \$10,000 deductible per incident, employees should review the provisions of their personal home/tenants insurance. *It is likely that the employee is required to notify their insurer if their property is being used away from their residence and for employment purposes.* The UCIPP deductible, in combination with the maximum limit, can severely reduce any claim an employee might make. For example, an employee's computer is stolen from the staff room; here is how the claim would proceed:

- 1) Institution confirms that the computer was being used for instructional/employment purposes;
- 2) The employee checks to determine if personal insurance will cover the loss;
- 3) If the personal insurance does not respond or is not in effect, the employee makes a claim under UCIPP (Incident Report);
- 4) The employee provides proof to establish amount of the loss at \$4,000;
- 5) Maximum coverage is \$3,000 less the deductible of \$10,000, which means there is no claim.

If the claim involved the property of other employees, and perhaps also equipment owned by the institution at the same time, one single deductible would apply over the total loss, and not per employee. This would allow the institution to consider apportioning the deductible over all parties whose property was involved, but would not affect the total maximum, coverage per employee of \$3,000.

b) Is students' personal property covered under UCIPP?

No, it is not.

c) Is Leased, rented or borrowed property covered?

Effective July 1, 2013, leased, rented or borrowed property required for the provision of education services and programs, except artwork, is covered. Please contact your risk management designate prior to taking possession of artwork, to arrange coverage under the optional policy.

4. Reporting of Incidents/Claims

Prompt notice must be given to UCIPP of any event/incident likely to give rise to a claim and every incident of the types described below. Serious incidents should be reported immediately to UCIPP by telephone (250-356-1794) or fax (250-356-0661).

a) Reporting of Accidents/Incidents and Property Loss/Damage Claims

Report every incident of the types described below, whether it took place during school hours or not. If in doubt, call UCIPP for directions.

- 1) An injury is suffered by a student, parent, volunteer, or visitor while on campus property or during an institution activity;
- 2) Medical/first aid attention is required by a person during an institution activity, on or off the premises;
- 3) Loss or damage to property of others occurs with a value in excess of one hundred dollars (\$100.00); or where the owner has indicated they will make a claim;
- 4) There is any indication that a claim may be made. For example, a demand for compensation is received, there is an indication that a person has retained a lawyer, or a legal action is threatened;
- 5) Reports are also required for incidents that occur during a user group's rental of institution facilities. User group contracts should require that incidents that occur during the group's activities be reported to the institution contact/facilities personnel or security;
- 6) There is a motor vehicle accident involving injuries. Please ensure ICBC is also promptly advised;
- 7) An allegation of discrimination is made or a claim is threatened for emotional distress, shock, or mental suffering;
- 8) Incidents resulting in damage to or loss of institution owned or leased property with a value in excess of \$10,000 (on or off premises);
- 9) Crime, theft, or burglary losses occur;
- 10) Advise UCIPP immediately if any communications are received from a lawyer.
- 11) Advise UCIPP immediately if legal documents are served (i.e. a Notice of Civil Claim) or if any correspondence is received from the Human Rights Tribunal (i.e. a Human Rights Complaint).

STEPS TO TAKE WHEN AN INCIDENT OCCURS

When an incident happens, the following steps should be taken promptly:

All Incidents:

- **Complete an Incident Report Form.** In the case of a serious incident (involving either injury to a person or property damage), do not fill in an incident report form. Instead, immediately notify the Bursar or the institution administration office and the UCIPP Claims Department by telephone (250) 356-1794 or fax 250-356-0661.
- **PLEASE NOTE:** Information on the reporting form should be concise and factual. Reports should not contain opinions regarding fault or responsibility.
- Should you receive a request for a copy of an incident report, please call UCIPP for direction.
- Provide details on approximate value of property loss and whether the property is owned or leased.
- Steps should be taken to protect property from further loss or damage and appropriate emergency services personnel should be called as appropriate (i.e. 911)
- Steps should be taken to secure and preserve any items, equipment or machinery involved in the incident. Such property may be important in determining cause of loss and may be vital to establishing responsibility of others for loss recovery. Call UCIPP for direction.

Motor Vehicle Accidents:

- Advise ICBC. Advise UCIPP as above. If an injury is suffered, advise the RCMP or local police immediately as well.

Damage, Theft and Vandalism of Institution Property and Leased Property:

Advise UCIPP as above, and advise the RCMP or local police if there is:

- damage to school property by vehicles unknown (hit and run) or suspected arson;
- theft of contents;
- vandalism to institution property.

5. Certificates of Insurance

a) How are Certificates of Insurance issued?

All requests for Certificates of Insurance are to be made through the office of the risk management designate. A copy of the contract or written agreement, such as a permit, must accompany the request. The individual who signs the contract, agreement or permit should ensure they have the authority to sign.

Contracts or agreements, which include indemnity and hold harmless clauses and require the institution to be responsible for the negligence of others, should be avoided, or entered in to only with great care.

Institutions are required under the Financial Administration Act to have prior written approval of any indemnity given. Refer and seek advice from your risk management designate.

We issue blanket Certificates as evidence of underlying insurance if no specific contract terms are included e.g. Additional Insured. The term 'Blanket' is used as this Certificate covers all events and activities at various locations throughout the year. It should satisfy many third party requests for evidence of insurance and can be used all year.

a) When should I request a Certificate of Insurance from others?

Any time you have entered into a contract, which requires the other party to carry liability insurance, including, for example, commercial user groups and service providers.

6. How do I get more information on issues not covered in this handbook?

Check the UCIPP web-site: www.bcucipp.org

All matters should be referred through the risk management designate.

Copies of correspondence or questions should be sent to the risk management designate.