

## LIABILITY CLAIMS REPORTING PROCEDURE -- POLICY AND REGULATIONS

Board of Governors for Higher Education  
State of Rhode Island and Providence Plantations

Adopted: 10/18/84 (BG)

Legal Citation: 16-59

Amended: 5/05 (BG)

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### Policy

In fulfilling its responsibility of oversight of the assets of the state's higher education institutions, the Board of Governors maintains in effect property damage and liability insurance in amounts deemed sufficient to protect the institutions and the Board from serious financial losses. The purpose of the liability insurance program is to assure coverage from claims of third persons in which they allege personal or property damage as a result of activities conducted at the institutions, or acts committed by employees or agents of the institutions, or the Board of Governors.

The Board recognizes that an effective liability insurance program must include a procedure for reporting claims which is consistent throughout the institutions. Uniform and efficient procedures for transmittal of claim information are especially important, given the size and diversity of the state's institutions of higher education, and the need for compliance with time limits specified by many policies. Efficient processing of claims at the institutional level will also promote accurate fact gathering, documentation of claims, preservation of any evidence, obtaining necessary witness statements, etc. The Board's interest would be better protected by such a procedure.

Another objective of a detailed claims reporting procedure is the maintenance of records on claims which could be reviewed annually or at such times as the insurance program is renewed. Coverages might be evaluated in light of claims made, and additional coverages purchased if necessary. In this way the Board would also be more aware of those activities which give rise to litigation. It may seek to monitor these activities more closely, or eliminate them entirely.

As a policy matter, the Board is determined to keep its membership apprised of all pending claims and litigation so that the Board of Governors can direct the course of any litigation, and in conjunction with any legal counsel retained by the Board, make any decisions necessary in this area.

Based on the above, the attached "Liability Claims Reporting Procedure" will be followed by all institutions, the Office of Higher Education and the Board of Governors.

Procedure

All employees of the State institutions of higher education should be made aware of the potential liability of the Board of Governors for certain acts of its employees and other persons acting as agents of the Board. Should personal injury or property damage result from the negligent or wrongful acts of the Board, its agents or employees, the Board of Governors could be legally responsible. It is important for the Board to be aware of any incidents that might give rise to liability, as well as situations where an individual already claims that the Board is responsible to him/her for damages. In this way, accurate information regarding the incident can be obtained quickly, remedial steps taken where indicated, and the proper insurance carriers can be notified.

In the event that any employee becomes aware of any incident which might confer liability on the Board of Governors, he or she should notify his/her supervisor. Incident means any occurrence of personal injury or property damage, or the receipt of notice from any party that it is such party's intention to hold the Board, or its agents, responsible for any wrongful act, for example, acts of sex discrimination, age discrimination, racial discrimination, or any expressions of concern in that regard. Excluded from this reporting procedure are incidents that result from the negligent operation of a motor vehicle owned by the State of Rhode Island. All other incidents should be reported, even if not covered by a specific liability policy. At any step in this procedure, any person given a responsibility to act should consult the institution's legal counsel when he or she deems it necessary.

INCIDENT REPORT  
(to be filed within three days of the incident)

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DATE OF INCIDENT:

TIME:

LOCATION OF INCIDENT:

PARTIES INVOLVED:

DETAILS OF WHAT HAPPENED OR WHAT IS CLAIMED:

IF PERSONAL INJURY OR PROPERTY DAMAGE, DESCRIBE:

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Name and Addresses of Witnesses or those with knowledge of the facts of the incident:

Identify any waivers of liability, informed consent or contracts of indemnity which may be applicable (attach copies).

Has a claim against the Institution/Board of Governors or its employees been made?

Signature of Supervisor:

Name and Address of Reporting  
Party, if not the Supervisor:

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Public Safety Officer