

LIABILITY INSURANCE

The information in this leaflet is presented as a guide to District policy with respect to areas of potential District liability. It is not intended as a statement of District insurance coverage, that being a many-page document subject to legal interpretation and the many variables of each claim situation. The intent of this information is one of risk management aimed at risk reduction and eventual insurance savings; a second purpose is to make employees aware of their potential exposure to liability claims resulting from unauthorized activities. The District's insurance carrier has not and will not endorse the accuracy or content of this paper, fearing that to do so might result in a claim court utilizing this paper as an extension of the existing insurance policy.

If, after reading this leaflet, you have questions, please contact Dale Fink, Accounting Officer, at the District Office in Martinez, 229-1000, extension 25.

ARE YOU LIABLE?

The nature of the community college operation and the statutory liability involved expose both the college and its personnel to liability suits. In California, community college districts have a legal responsibility for the negligence of their employees and for dangerous or defective conditions of college property. Liability may result from any of the following circumstances.

1. *Injury to students resulting from failure to provide adequate supervision.* The college has a responsibility to provide supervision of students. Failure to provide this supervision may be construed as negligence.
2. *Injury to person or property resulting from the negligence of personnel authorized to act for the college.* In general, negligence means failure to act as a reasonably prudent person would be expected to act under similar circumstances. Since the definition is subject to a very broad interpretation, both the college's and the employee's exposure to a liability claim may be considerable.
3. *Injury to person or property resulting from failure to maintain a safe place or to conduct operations in a safe manner.*

ARE YOU PROTECTED?

The District's comprehensive bodily injury and property damage liability insurance policy covers members of the Governing Board and employees of the District when acting solely within the scope of their office or employment. The liability policy coverage includes:

1. Investigation of all liability claims.
2. Defense against all liability suits brought against the District, members of the Governing Board, or employees, whether the suits are justified or not.

3. Payment of all court judgments or payments in anticipation of possible judgment, within the limits of the policy, in which liability has been charged but not proven (settlement out of court).

4. Payment of all court costs levied against the District, Board members, or employees and of interest accruing after entry of judgment, as well as premiums in attachment, appeal and bail bonds.

WHAT ABOUT PUNITIVE DAMAGES?

Most lawsuits or claims ask for damages covering actual out-of-pocket expense plus general damages for such items as pain and suffering, loss of service and various areas of inconvenience. The District's liability policy provides coverage against these types of claims.

On some occasions, a claim includes punitive damages. This is a form of civil fine payable to the claimant for an *intentional* type of wrong and *cannot* be insured. To receive an award for punitive damages, it must be shown that there was actual fraud, malice or oppression. The District's policy *will defend* an employee against all liability suits involving punitive damages, whether the suits are justified or not. The District's policy *will not* pay any judgment for punitive damages.

WHAT ABOUT A CRIMINAL COMPLAINT?

A person may seek a criminal complaint against a college employee. Insurance is not available to provide coverage against criminal complaints. If you should be so involved, contact your College President immediately. It may also be necessary for you to consult private legal counsel.

WHAT TO DO IF YOU ARE INVOLVED IN AN ACCIDENT OR CLAIM

It is important that the college Business Office be notified of any accident involving injury or of any

situation which might result in a claim for damages. An accident report, or if more appropriate a memo, should be sent to the college Business Office, setting forth all details and indicating exactly what happened. The report or memo should not attempt to place any blame or responsibility. It is important that you not discuss the incident with anyone other than a college or District official or someone representing the District and in possession of valid identification. *DO NOT* make any offer of settlement such as "the college will take care of it," since this could negate any insurance coverage. If you receive or are served with any papers, they should be forwarded to the College President immediately. In many cases, responses must be filed within a restricted period of time, and failure to do so could result in summary judgment against the District or the individual employee.