

	Policy No.	Replaces	Policy
	E. 209	ARM 1008	Executive
	Policy Name		
LIABILITY – AUTOMOBILE AND PROPERTY INSURANCE			
Approved by	Responsibility		Category
Executive	VP, Finance and Administration		Finance
Date Issued	Date Revised	Revision	Related Policies, Reference
March 5, 1990	Sept 10, 2014	4	

PURPOSE

This guideline is a general introduction to coverage available, however, in all circumstances, the Ministry determines the application of its insurance policy and specific details of coverage wordings.

INTRODUCTION

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.

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.

LIABILITY INSURANCE

The liability coverage will not respond to every type of claim and was primarily designed to protect the institution and its employees while performing their duties. 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

VOLUNTEERS

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

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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.

There is no medical or disability coverage for volunteers. 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.

STUDENTS

Students are not extended coverage by UCIPP, unless they are performing assigned duties at the request of institutions staff, or acting at the specific direction of institution faculty or staff.

Students participating in Work Experience/Practicum placements at standard work sites of an employer in BC are covered by WorkSafeBC.

UCIPP does not provide accident coverage to an injured student.

AUTOMOBILE USE

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. This includes bodily injury, property damage or financial costs arising from illegal misuse of hand held electronic devices while operating a vehicle.

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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.

There is no compensation 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.

PROPERTY INSURANCE

The University, through UCIPP, maintains insurance coverage for its facilities and equipment.

All property claims are subject to a \$10,000 deductible.

Effective July 1, 2013, property leased, rented or borrowed for the provision of educational services and programs, except art work, is covered. Prior to taking possession of artwork contact the Director, Contract Services & Capital Planning to arrange coverage under the optional policy.

STUDENTS

Students' personal property is not covered.

EMPLOYEES

Employees' personal property (excluding vehicles), used for authorized instructional or employment purposes, is subject to a \$10,000 deductible per loss with a maximum payout, over and above the deductible, 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:

- a. They can show that the property was being used for instructional or employment purposes;
- b. If they have coverage and have first claimed upon, and exhausted, their own personal insurance; and
- c. The value of the loss exceeds the \$10,000 deductible.

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.

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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.

Personal property of an employee **used on University Facilities for University purposes**, will be included under the University Policy if prior notice is received and permission is granted. The following information is required in the Director of Contract Services and Capital Planning’s office for transmittal to UCIPP to provide coverage of an employee’s personal property:

- a. Description of item
- b. Serial number of item
- c. Location of item
- d. Proposed term item is to be used for University purposes
- e. Name of employee
- f. Value of item (include verification).

REPORTING

Report every incident to Campus Security for completion of an Incident Report Form. Some examples of incidents are:

1. Bodily injury or property damage is suffered by others including a student, volunteer, visitor or bystander.
2. Medical/first aid attention is provided to or obtained by an injured person in connection with a campus or campus activity.
3. A 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 regardless of the value of damaged or lost property.
4. There is any indication that a claim may be made for personal injury. For example, the injured person, or the person’s family expresses a concern or makes a complaint or blames the institution or institution employee for the injury.
5. There is a motor vehicle accident involving injuries.
6. An allegation of discrimination is made or psychological injury is reported. These may include emotional distress, shock, or mental suffering. Allegations may be informal or may take the form of a written complaint or legal document such as a Human Rights complaint.
7. Incidents resulting in damage to or loss of school property.

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8. Crime, theft, or burglary losses occur.
9. A legal action is commenced and legal documents are served (*report these directly to the Director, Contract Services & Capital Planning*)

If in doubt call the Director, Contract Services and Capital Planning for directions.

SUMMARY

The University's ability to enhance the liability coverage is very limited, even if it were desirable. The current coverage, generally speaking, is broader than anything the University could purchase externally, **even if such a purchase were permitted**. The Ministry takes the position that the University is limited in the kinds of external coverage that can be purchased. Specifically, the only kinds of coverage that can be purchased are those which are identified by the Ministry. Such things as separate insurance on leased, but not owned, premises and property; vehicle insurance for University-owned vehicles would be permitted, but insurance that was simply intended to supplement the existing coverage would not.