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# UNIVERSITY OF WEST FLORIDA INSURANCE & LIABILITY MANUAL

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## **I. STATEMENT OF PURPOSE**

### **Purpose**

The purpose of this manual is to provide a method of communicating the University of West Florida's policies, procedures, and guidelines pertaining to its risk management responsibilities. This manual provides a common basis of understanding between the University and its employees and clarifies procedures related the State Self-funded [Property](#) and [Liability](#) Programs.

Information on policies and procedures contained in this manual may be updated periodically and checked each time the applicable section of the manual is referenced.

### **Background Information**

Recommended by the Constitutional Revision Commission, and passed into law by voters in 1998, the Florida Legislature carried out an amendment to the state's constitution by merging the Department of Insurance, Treasury, State Fire Marshal and the Department of Banking and Finance into the Department of Financial Services effective January 2003. The Department is made up of 13 divisions, including the Division of Risk Management.

The Division of Risk Management is responsible for the management of claims reported by or against Florida state agencies and universities for coverage under the self-insurance fund known as the "State Risk Management Trust Fund".

The University of West Florida ("UWF") is a public institution of the State of Florida administered by the University of West Florida Board of Trustees, and its liability coverage is provided through the state risk management trust fund administered by the Division of Risk Management, and limitations to the liability are provided by law. The University is provided with comprehensive general liability insurance pursuant to the terms and limitations of Section 768.28 and Chapter 284 Part II of the Florida Statutes.

In accordance with Chapter 284, Florida Statues, the Florida Property Insurance Trust Fund insures all eligible property owned by UWF and the State of Florida, and the Florida Casualty Insurance Risk Management Trust Fund insures eligible exposures for liability, auto and workers' compensation benefits. These Trust Funds should be the primary source for insurance unless the exposure is ineligible for coverage or unique circumstances require private insurance.

## **II. INSURANCE COVERAGE**

Chapter 284, Part II, Florida Statue, requires the Division of Risk Management to provide the following insurance coverages to UWF through the State Risk Management Trust Fund (the "Fund"), a self-insurance fund.

- General Liability
- Automobile Liability (including Off-Duty Law Enforcement use)
- Federal Civil Rights (including Employment Discrimination)
- Court-Awarded Attorney's Fees

The Fund assesses the university an annual premium and intakes and adjusts claims filed on the coverages provided.

### **General Liability Coverage**

This program provides general liability claims coverage in accordance with the General Liability Certificate of Coverage. The state is liable for damages for injury, death or loss of property caused by the negligence of UWF employees, agents or volunteers while acting

within the course and scope of their employment or responsibilities. The self-insurance coverage includes:

- Premises and Operations
- Personal Injury
- Professional Malpractice Liability

The program has the responsibility of investigating, evaluating, negotiating, defending and making appropriate disposition of claims/lawsuits filed against the University because of a negligent act or omission. Investigations of claims are conducted by staff and/or in concert with a contracted adjusting service. Defense of litigated claims is provided by the Attorney General's Office, contract law firms or state agency attorneys.

In accordance with Chapter 768.28, Florida Statutes, the limits of liability (under the waiver of sovereign immunity law) are \$200,000 per person's claim and \$300,000 per occurrence for all claims occurring after 10/1/2011.

Section 768.28(9), Florida Statutes, provides in part that no officer, employee, or agent of the state or any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of his/her employment or functions, unless such officer, employee or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human, rights, safety or property."

\*Please note, the state will not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting *outside* the course and scope of her or his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

The responsibility for local administration of this program is assigned to the UWF Environmental Health and Safety department; see <https://uwf.edu/finance-and-administration/departments/environmental-health-and-safety/risk-management/uwf-risk-management-information/> for more information.

\*Because the waiver of sovereign immunity does not apply to students, UWF is generally *not* liable for actions taken by UWF students. Accordingly, damages caused by students who are not employees of the University are not covered by the University's general Division of Risk Management policy. UWF students (and other non-employees) who are injured on campus may have a cause of action against UWF (and its insurance policies). However, this does not mean that UWF is liable for damages caused *by* UWF students, nor does it mean UWF is liable for all accidents or injuries suffered by students while they are undertaking educational activities at UWF. UWF is only liable if the negligence of its employees while acting within the scope of their employment has caused the condition that resulted in the injury.

### Volunteers

It is important that UWF employees take appropriate steps to protect the interests of the University as well as the interests of the volunteers working in the capacity as agents for UWF. Principles to remember when considering utilizing a volunteer are as follows:

- An agency relationship exists when there is benefit to UWF and direction/control of the volunteer.
- When a UWF department wants to establish a formal agency relationship with a volunteer, a [Volunteer Agreement](#) must be completed and on file with the UWF Office of Human Resources.

- It is imperative the Volunteer Agreement is completed in its entirety, specifically the description of duties that sets forth the expectations of the work that the volunteer will be doing on behalf of UWF.

### **Student Specified Professional Liability**

This coverage is purchased directly by participating UWF departments and provides liability coverage for claims arising from any negligent act or omission of UWF students participating in activities which are part of and a requirement of the academic program of which they are participating. In addition, this policy provides professional liability coverage for faculty members of UWF with respect to claims arising out of the supervision/instruction of the insured students for covered incidents.

\*The policy only provides coverage for the students of the programs identified in the insurance application. This coverage must be specifically requested in advance and funded by the requesting department. This policy provides for and is limited to \$1,000,000.00 per occurrence and \$3,000,000.00) aggregate per policy year.

Please contact the UWF Risk Manager for more information at 474-2525 or [envhs@uwf.edu](mailto:envhs@uwf.edu).

### **State Employee Workers' Compensation Claims**

The Bureau of State Employee Workers' Compensation Claims is responsible for the administration of all workers' compensation claims filed by state employees and volunteers who are injured on the job. It is the intent of the Florida Legislature that the Workers' Compensation Law be interpreted so as to assure the quick and efficient delivery of disability and medical benefits to an injured worker and to facilitate the worker's return to gainful reemployment at a reasonable cost to the employer. The workers' compensation system in Florida is based on a mutual renunciation of common-law rights and defenses by employers and employees alike. In addition, it is the intent of the Legislature that the facts in a workers' compensation case are not to be interpreted liberally in favor of either the rights of the injured worker or the rights of the employer.

Workers' Compensation is a managed care program administered by the UWF Office of Human Resources. It is important that employees contact the Office of Human Resources, prior to seeking medical care. Emergency notification to the Office of Human Resources can be made through the University Police Department. It is most important that the Office of Human Resources be promptly notified of any employee or volunteer injury. "Volunteers" [as provided for in Florida Statute 768.1355] who are officially registered with the Office of Human Resources are included as "employees" in the Workers' Compensation insurance program.

### **Automobile Liability Coverage**

This program provides auto liability insurance in accordance with the Fleet Automobile Liability Certificate of Coverage for claims arising out of the ownership, maintenance or use of any owned, hired or non-owned automobile by an employee, agent or volunteer of the state, while acting within the course and scope of their employment or responsibilities. This liability coverage is primarily for University employees who drive their personal vehicle on state business.

The program is responsible for investigating, evaluating, negotiating and making appropriate disposition of any auto claims and lawsuits filed against the state. Investigations of claims are conducted by staff and/or in concert with a contracted adjusting service. Defense of litigated claims is provided by the Attorney General's Office, contract law firms or state agency attorneys.

In accordance with Chapter 768.28, Florida Statutes, the limits of liability (under the waiver of sovereign immunity law) for which the state may be sued are \$200,000 per person's claim and \$300,000 for all claims occurring after 10/1/2011.

As of July 1, 2004, Risk Management has offered coverage for property damage to state vehicles sustained when these vehicles are being used in approved off-duty use by a law enforcement officer. Risk Management establishes a premium each year for this coverage and there is a \$500 deductible per incident if the law enforcement officer is determined to be at fault. Coverage is provided per the terms of Addendum to Fleet Automobile Liability Certificate of Coverage for Off-Duty Law Enforcement Vehicle Property Damage.

There is no "collision" or "comprehensive" insurance on UWF-owned vehicles. Damage to UWF vehicles (scrapes, dents, single vehicle wrecks, etc.) are NOT Covered by the State Fund. Repairs or losses are the responsibility of the UWF department using the vehicle when the damage occurs. Damage caused by a wreck involving another public or privately owned vehicle - that is properly insured - will be repaired, as appropriate.

UWF employees (including student employees and officially registered volunteers) are covered by Workers' Compensation while on University business. Non-employees (students) may be covered by the "Day Camps/Field Trip policy" **IF** they are officially registered with the UWF Office of Human Resources.

#### Privately-Owned Vehicles Used For University Business

The insurance coverage discussed in this section provides financial protection against any claim for damage to property and/or bodily injury of others arising from a collision with a vehicle operated by a UWF employee or registered volunteer, operating within the course and scope of their employment or agency. This coverage does not cover damage to rental vehicles or your personal vehicle, even if the use of such vehicle is University related.

Damages to the employee's personal vehicle are covered by the employee's own auto insurance, and the employee is responsible for the insurance deductible. Under no circumstances will the State's auto liability coverage pay for an employee's vehicle repairs. It is the employee's responsibility to carry personal auto liability insurance in accordance with Florida law.

#### Federal Civil Rights/Employment Discrimination Coverage

This program provides federal civil rights and employment discrimination claims coverage in accordance with the Federal Civil Rights Liability and Employment Discrimination Coverage Certificate of Coverage. This coverage includes:

- federal civil rights actions filed under 42 U.S.C. 1983 (and other similar federal statutes)
- plaintiff attorney fees/awards (where so provided by the covered federal statutes)
- employment discrimination actions filed under 42 U.S.C. 2000e, Title VII of the 1964 Civil Rights Act, as amended by the Civil Rights Act of 1991
- the Florida Civil Rights Act of 1992, and other similar employment discrimination acts and statutes.

The program has the responsibility for investigating, evaluating, negotiating (settling), defending and making appropriate disposition of any covered action filed against UWF employees, agents or volunteers. Investigations of claims are conducted by staff and/or in concert with contracted adjusting services. Defense of litigated claims is provided by the Attorney General's Office, contract law firms or state agency attorneys.

There are no monetary liability caps associated with federal civil rights actions. Title VII has a \$300,000 cap for compensatory damages, while the Florida Civil Rights Act of 1992 has a \$200,000 cap. Front and back pay (past and future salary amounts determined to be due from a state agency), and plaintiff attorney fees which a state agency becomes liable, can be paid under Title VII and The Florida Civil Rights Act of 1992 cases.

#### **Court-Awarded Attorney Fees Coverage**

This program provides coverage for court-awarded attorney fees in accordance with the Court Awarded Attorney Fees Certificate of Coverage. This coverage pays on behalf of UWF, court-awarded attorney fees and costs in other proceedings (for which coverage is not afforded under s. 284.30, Florida Statutes), in which UWF is not a prevailing party. The State Division of Risk Management has the right to participate in the defense of any suit or appeal with the respect to the payment of attorney fees.

#### **Camps & Field Trips**

UWF may purchase Accident and Sickness Insurance coverage for individuals attending UWF sponsored and supervised camps and field trips. This coverage must be specifically requested in advance and funded by the requesting department.

Please contact the UWF Risk Manager for more information at 474-2525 or [envhs@uwf.edu](mailto:envhs@uwf.edu).

#### **Special Events**

UWF departments may purchase commercial general liability insurance when required for special events such as conventions, seminars, festivals and other meetings and gatherings.

#### **Property, Buildings, & Contents**

The Division of Risk Management provides property damage coverage for UWF-owned buildings and contents, including contents located in leased or other non-owned facilities. This policy covers damage due to fire, storm, flood, lightning, etc., but does not include theft or vandalism. Employee-owned personal property, and other property that is not owned by the University, is *not* covered under this policy. UWF departments that plan to move UWF-owned property to off-campus locations not owned by UWF should contact Environmental Health & Safety to coordinate property insurance coverage.

#### **Electronic Data Processing Equipment**

This policy provides coverage for listed computer equipment owned by UWF. Non-owned items may be covered against "all risks" of direct physical loss (including computer viruses), except as excluded. Owned items are covered against limited perils not covered by the State Risk Management Trust Fund. This policy covers losses due to theft and a police report must be filed to file a claim.

#### **Fine Art**

This policy insures artwork against physical loss or physical damage occurring during the period of insurance while at the exhibition (including incidental storage) and while in transit, subject to exclusions, basis of settlement and conditions listed in the policy. This coverage must be specifically requested in advance and funded by the requesting department.

Please contact the UWF Risk Manager for more information about any of the policies discussed above at 474-2525 or [envhs@uwf.edu](mailto:envhs@uwf.edu).

### III. **RISK MANAGEMENT AT UWF**

While UWF does have a designated risk manager on campus, it is imperative that all University employees participate in risk management to help protect students and fellow employees from injury. The following advice is provided to assist with this endeavor.

#### Academic Field Trips

For purposes of this manual, an academic field trip is defined as a course-related activity that serves educational purposes and occurs outside of the classroom at a location other than on the campus at which the course is regularly taught. For courses that, for special purposes such as field research, are regularly taught outside of a classroom or at locations away from campus, these same recommended practices apply.

#### Guidelines for Instructors

- All required academic field trips should be clearly identified as such in the course syllabus at the beginning of the term, with detailed information about date, time, locations, means of transportation, and any fees for which the student may be responsible. If an unforeseen educational opportunity arises later in the term, as soon as possible the faculty member should discuss it with the class. In these cases, mandatory attendance for the trip should not be required of all students in the class;
- In the first class of the term, the faculty member should discuss with students any risks associated with the activity of the field trip, expectations for behavior during the trip and, relevant emergency preparedness information. Such a discussion should be repeated no less than a week in advance of the planned trip;
- The faculty member should announce that if any student who is enrolled in the course may potentially need special accommodations, students should speak as soon as possible with Student Accessibility Resources Office for information and assistance;
- Either the faculty member or some other responsible UWF official designated by the faculty member must accompany all academic field trips;
- Whenever practical, the site of the academic field trip should be visited in advance by the instructor, or an appropriate UWF official, to evaluate potential risks and to minimize, through effective planning, any risks associated with the location;
- The faculty member should provide the Dean of their college with the name, title, and cell phone number of a responsible person on campus who has received complete information about the trip and can serve as a local contact in the event of an emergency;
- If a field trip is optional, each student must complete an assumption of risk waiver form. If a field trip is a course requirement, it is not necessary for students to complete waiver forms;
- It should be communicated to students participating in academic field trips that they are expected to conform to the same standards of behavior as published in University Regulation– 3.010 Student Code of Conduct and that any violation of the regulation or local, state, or federal laws may result in disciplinary action by the University;
- It should be communicated in writing to students participating in academic field trips that Students who choose to travel to the site of a field trip early, remain at the site after the planned activity is completed, or who separate from the group, do so at their own risk;
- A contract may be required for the use of facilities or the procurement of other goods or services. These contracts must be reviewed by appropriate personnel and signed by a UWF official with contractual signature authority. These contracts must be submitted to the Office of Procurement and Contracts for review by using the following Service Desk: <https://jira.uwf.edu/service-desk/customer/portal/34/create/267>

## Transportation

- Whenever possible, group transportation should be arranged by using a University-owned or leased vehicle. Public transportation is also an appropriate means of transportation for an academic field trip. Use of personal vehicles is discouraged because it will make those vehicle owners primarily responsible if any collision should occur. It should be communicated in writing to anyone who chooses to take alternative transportation does so at their own risk;
- If a privately owned vehicle is used for group transportation, the following requirements should be met:
  - The driver must be a UWF employee and have a current state-issued driver's license.
  - The vehicle must be have the minimum auto insurance coverage required by Florida law;
  - The vehicle must be current on all maintenance;
  - If the vehicle is owned by someone other than the driver, the owner must give permission for its use;
  - Students may **not** be asked or required to transport other students.
- All traffic and parking citations issued shall be paid by the operator of the automobile whose actions caused the citation to be issued, regardless of ownership of the vehicle.
- For charter bus options and quotes, contact the Office of Procurement and Contracts.

## Internships

Because there are risks associated with student internship placements, there are risk management procedures that should be implemented to create positive and safe off campus learning experiences. Each department's internship/service learning program, while distinct in its learning objectives, has many common issues with all internship/service learning programs with regard to risk management. The best internship/service learning plan is designed to enhance the fieldwork learning experiences and to provide best practices that allow for a learning environment where risk and liability have been minimized.

A best practices internship/service learning plan should have the following features:

- Be sure that faculty and students understand their role and responsibilities; this may include documenting faculty member's discussions regarding the student's responsibilities and include some practical guidelines with regard to the student's safety and accident prevention;
  - A discussion with the students that details the students' responsibilities at the site should include practical requirements with regard to safety and accident prevention. These guidelines could present some relevant procedures that students are expected to follow for their personal safety and successful completion of the fieldwork experience;
- Select and contract with the best fieldwork sites available with an understanding of the risks involved with such sites; be sure to require that affiliates provide an appropriate orientation to students concerning the facilities and the rules, policies and procedures of the affiliate and other related material;
  - Departments should consider developing a checklist, to help ensure the necessary details to achieve these mutual needs are covered in discussions with affiliates where students may be placed.

- This checklist could help focus attention on the requirements and expectations of both the site and the UWF Academic Program. Such a checklist may prompt new questions and hopefully answer some unusual specific questions that may come up.
- Understand and apply the risk reduction techniques provided in this manual; this includes documenting that students have been advised of all the requirements and the risks associated with the placement.

The placement of students for academic credit requires a formal agreement between UWF and the institution that students are placed for fieldwork experience. Once a potential affiliate has been located as a suitable placement site, select the applicable Student Internship Agreement template from the Office of General Counsel's website at <https://uwf.edu/offices/general-counsel/office-of-general-counsel/legal-forms/student-internship-agreements/>. These agreements have been developed by the Office of the General Counsel to reflect an acceptable level of liability protection and to protect students from various perils, including discrimination and harassment.

To better assist each department with the process of entering into a formal agreement with a potential affiliate, an Affiliation Agreement Service Desk has been created by the Office of General Counsel. This office requires all requests for Student Internship Agreement review be submitted through the link at: <https://jira.uwf.edu/servicedesk/customer/portal/7/create/295> Once received, an internal tracking number and an attorney will be assigned to complete the review.

Exercising risk management principles with regards to student internship placements requires having a signed Student Internship Agreement and to stick as close to the template agreement as possible. This provides strong support for the University and faculty against liability claims without compromising the protection and due diligence we should afford participating students.

The following items should be considered when placing a UWF student at a host site to participate in an internship:

### **HOST SITE SELECTION**

If the department plays a significant role in selecting the host site or has been made aware of host site problems by students, the faculty advisor may want to consider whether the host site is acceptable and evaluate whether it continues to meet the department's minimum standards for health and safety and supervisory oversight of the intern. In addition, affiliates should be instructed to notify the faculty advisor of any subsequent changes to any health and safety conditions while UWF students are participating in an internship at the site.

### **STUDENT READINESS AND ORIENTATIONS**

The faculty advisor may want to assess the student's readiness for the internship. Students should be thoroughly oriented by the faculty advisor concerning the internship program and its objectives. The orientation should also include the expectations of host site. Students should also be oriented by the host site advisor prior to beginning any work or other related activities. Orientations should include a number of topics such as the intern's responsibilities and duties, compliance with policies and procedures and reporting of safety, health, discrimination or harassment concerns.

## **INJURIES TO STUDENTS**

All injuries to UWF students during internships must be reported to the UWF Risk Manager. It is advisable for all students to maintain health insurance coverage while participating in an internship. If the student is being paid by the affiliate, the student should also be eligible for Workers' Compensation benefits from the affiliate.

## **TRANSPORTATION**

Generally, the student is responsible for transportation to and from the host site and should have a valid driver's license and carry automobile liability insurance as required by Florida law. The student should know whether the host site expects the student to use his/her own vehicle for transportation related to internship activities and prepare accordingly. It should never be suggested or requested by UWF staff or faculty that students transport other students.

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The Office of General Counsel and the University Risk Manager are available to provide training and issue guidance for faculty and/or departments regarding the issues discussed in this manual. Requests should be submitted through the service desk at:

<https://jira.uwf.edu/servicedesk/customer/portal/7/create/631>.