

**Policy 5-310: Accident and Liability Reporting and Prevention**

Revision 1. Effective date: June 8, 1977

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**I. Purpose and Scope**

## A. Purpose.

To establish policy and procedure for reporting accidents and liability incidents.

## B. Scope.

[reserved]

## **II. Definitions**

The following definitions apply for the limited purposes of this policy and any associated regulations.

- A. Accident: Any occurrence causing physical injury to property or bodily injury to any person, whether or not a member of the University community, which (a) occurs on University property, (b) involves the use of University vehicle or University machinery or equipment, or (c) involves an act or omission by a University officer or Employee in the course of University employment.
- B. Employee: As defined in Policy 5-001.
- C. Liability incident: Any actions, circumstances, or events, not causing physical injury to property or bodily injury to person, which might reasonably be expected to result in a claim or legal action against the University for damages.

## **III. Policy**

- A. Reporting of Accidents and Liability Incidents.

University Employees have an obligation to report promptly and in writing the circumstances of any accidents and liability incidents in which they are involved, or of which they receive information in the course and scope of official duties.

- 1. Injuries to University Employees in the course and scope of employment shall be reported pursuant to Policy 5-404, relating to workers compensation insurance.
- 2. Accidents and liability incidents involving the University hospital or the student health service, and any affiliated program or activity of the University hospital which provides patient health care treatment, consultation, diagnostic advice, or therapy, shall be reported to the hospital administrator, who shall send a copy thereof to the insurance coordinator. The hospital administrator shall immediately conduct a preliminary investigation of the matter, and file a report of findings with the insurance coordinator.

3. Accidents which relate to any aspect of University activities, other than the University hospital or student health service programs referred to in subsection 2, shall be reported to the director of public safety who shall send a copy thereof to the insurance coordinator. The director of public safety shall immediately conduct a preliminary investigation of the matter, and file a report of findings with the insurance coordinator.
4. Liability incidents shall be reported to the insurance coordinator who shall immediately conduct a preliminary investigation of the matter, and place in the file a report of findings.

B. Insurance Coordinator

1. The insurance coordinator shall be responsible for coordinating and administering University liability insurance programs, except as otherwise provided by Policy 5-404(Workers Compensation Insurance), include the maintenance of a central file of claims, investigation reports, correspondence with insurance carriers, and other documents relating to accidents and liability incidents.
2. The insurance coordinator shall advise the vice president-executive assistant and University counsel, with a copy to each cognizant vice president, of all accidents and liability incidents for which the investigation report indicates a significant liability hazard or a realistic possibility that substantial liability could be imposed which is payable from University liability insurance or from University funds, i.e., where insurance coverage is not available or inadequate.

C. Liability Prevention

1. Each vice president shall establish Procedures for reviewing the report of any accident or liability incident in their area of cognizance for which the insurance coordinator advises that a significant liability hazard or a realistic possibility of substantial University liability appears to exist, and shall initiate such disciplinary or precautionary measures as may be appropriate to

prevent like occurrences in the future. The vice president may request the advice of the Public Safety Advisory Committee before taking such measures.

2. The measures which the vice president is authorized to take include but are not limited to (a) suspension or revocation of the privilege of an Employee to operate a motor vehicle or other equipment in the course of University activities, (b) reprimand, suspension, transfer, demotion, or dismissal of an Employee whose negligent or wilful act or omission caused an accident or liability incident, or (c) a requirement that the Employee, at personal expense, complete specified training or safety instruction courses.
3. The vice president for administrative services shall cause to be suitably posted in all University-owned vehicles written instructions as to actions to be taken and reports to be filed by the operator in the event of accident. Upon recommendation by the director of public safety or the insurance coordinator, similar instructions may be posed in conjunction with other types of equipment or in any area of campus in which a significant risk of accident is believed to exist.

#### D. Reporting of Claims and Lawsuits Against the University

1. A University officer or Employee who receives or is served with any complaint, pleading, petition, statement of claim, or other formal or informal document, setting forth a demand or claim for damages against the University, or against any University department, agency, officer, or Employee, arising out of an accident or liability incident, shall forward the document immediately to the office of the vice president-executive assistant, together with a memorandum or endorsement indicating the date and time of receipt of the document. The vice president-executive assistant shall take appropriate action on behalf of the University in response to the document, including notification of University counsel, the insurance coordinator and the cognizant vice president.

#### E. Notification of Request for Legal Defense

1. If a University officer or Employee desires the University to provide a defense against a lawsuit arising out of alleged acts or omissions during the performance of duty, or under color of authority, they must submit a written request for such defense to the office of the vice president-executive assistant within ten days after receiving service of summons and complaint in the lawsuit.
2. The vice president-executive assistant, after consultation with the insurance coordinator and University counsel, shall promptly advise the officer or Employee whether, and, if so, on what terms and conditions, the University will provide the requested defense and indemnify the officer or Employee. The University's obligation in this regard will be governed by applicable statutes and regulations, including the Public Officers' and Employees' Indemnification Act, 1953 Utah Code Annotated, 63-48-1 to 7.
3. The responsibility for obtaining counsel, filing timely responsive pleadings, and preparing a defense against a claim or lawsuit against a University officer or Employee: (a) remains with the officer or Employee until such time as the University delivers written notice to the officer or Employee of its acceptance of an obligation to provide such defense, and (b) is subject to any conditions which may be imposed by the University in limiting its obligation to provide a defense.

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*Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.*

#### **IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources**

A. Policies/ Rules. [ *reserved* ]

B. Procedures, Guidelines, and Forms. [ *reserved* ]

C. Other Related Resources. [ *reserved* ]

## **V. References**

A. [ *reserved* ]

## **VI. Contacts**

The designated contact officials for this Regulation are

A. Policy Owner(s) (primary contact person for questions and advice): Director of Benefit Human Resources

B. Policy Officer(s): Vice President for Human Resources

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

## **VII. History**

Revision History.

A. Current version. Revision 1.

1. Approved by – Institutional Council April 11, 1977 with effective date of June 8, 1977.
2. Editorial Revisions
  - a. Editorially revised April 18, 2023 to remove gender specific pronouns
  - b. Editorially revised April 18, 2023 to move to current regulations template.
  - c. Editorially revised October 11, 2011 to reflect the changes in employee definitions as set forth in Policy 5-001.

B. Previous versions.

C. Renumbering

1. Renumbered from Policy and Procedures Manual 2-74.