

**University of Texas at San Antonio
Office of Environmental Health, Safety and Risk Management**

Risk Management and Insurance Plan

i. Review and Signature Page

This Risk Management and Insurance Plan has been reviewed for regulatory compliance and best management practices by the undersigned individuals and is hereby adopted for use and compliance by all employees at The University of Texas at San Antonio.

PRINTED NAME	SIGNATURE	TITLE	DATE
J. Brian Moroney	Signature on File	Director, EHSRM	2/9/2015
John DeLaHunt	Signature on File	Risk and Life Safety Manager	2/9/2015

Original: 11/01/2007

This plan was reviewed / revised on 2/09/2015 and replaces the revised plan dated 6/1/2011. Changes to this plan have been highlighted in gray and are summarized below:

Revised: 2/9/2015

- Page 4 – Building name correction
- Page 5 – Adjustment of statements of insurance coverage
- Page 6 – Departmental name correction
- Page 7 – Departmental name correction
- Page 8 – Clarification of responsibilities
- Page 9 – Add Appendix F to list of Appendices
- Page 16 – Appendix F Added – Risk Management Requirements for Tents and other Temporary Membrane Structures

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iii. PROCEDURES

A. Reporting a Loss:

1. Contact UTSA Police Department dispatch, 458-4242 (x4242 from a campus phone) and request an incident report
2. Contact UTSA Risk Management, 458-5250 (x5250 from a campus phone)

B. CONTACT INFORMATION

For more information about this plan and its implementation, contact:

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I. OVERVIEW

A. Policy

It is the policy of the University of Texas at San Antonio (UTSA) to comply with Texas Administrative Codes regarding insurance, and to conform to University of Texas System insurance requirements.

B. Requirements

UTSA requires:

1. Coverage as an additionally insured party on major contracts,
2. A release of all claims as a condition of settlement of property damage and/or personal injury claims made against the university, excluding workers compensation, and
3. Supplemental insurance and/or comprehensive risk management plans for some exposures.

C. Risk Management

UTSA actively engages in loss prevention, loss control and risk financing activities as means to manage risk. UTSA may apply risk consultation services, safety plan reviews, inspections, investigations, and permit processes to prevent and mitigate losses, in addition to providing insurance coverage.

D. Insurance Coverage

UTSA carries coverage on the following lines of risk:

1. Property Damage (2 lines)
2. Workers compensation
3. Automobiles (4 lines)
4. Fine arts and insurance related to the Institute of Texan Cultures (3 lines)
5. Equipment, itemized
6. Athletics events and camps (3 lines)
7. Directors and Officers
8. Commercial Crime
9. Ocean Cargo

II. SCOPE AND APPLICATION

A. Scope

This plan provides an operational outline of the measures UTSA will implement to create and maintain insurance coverage for campus property and for certain activities of students, staff, faculty, and guests which expose the institution to legal liability.

B. Application

This Plan applies to all UTSA facilities, whether leased or owned, to all buildings and improvements on any land owned by UTSA regardless of management, and to any activities that occur on UTSA land, in UTSA facilities, or as a result of partial or total sponsorship of any UTSA department, agency or group.

III. REVIEWS

A. Review Process

1. Review period

- a. This plan shall be reviewed two years after initial issuance and every three years thereafter.
- b. This plan shall be reviewed, as necessary, as part of any after-action report or events review which occurs following property damage, personal injury, workers compensation or loss of life due to fire and/or life safety factors.
- c. This plan shall be reviewed when requested by the Associate Vice President for Administration, the Vice President for Business Affairs, and/or any member of the President's senior staff.

2. Review participation and leadership

- a. Departments with operational responsibilities shall participate in the review.
- b. UTSA Environmental Health, Safety and Risk Management shall lead the review process
- c. Some campus and system agencies and departments shall have the option of participating in the review, though they do not have operational responsibilities under the plan. These agencies include:
 - 1) UTSA Department of Audit, Compliance and Risk Services
 - 2) UTSA Staff Council
 - 3) UTSA Student Government Association
 - 4) UT System Office of Risk Management

IV. RESPONSIBILITIES

A. General Duty

All campus departments, staff, faculty and students have a general duty to create and maintain situations which reduce potential for loss, to respond to losses in ways which reduce their overall severity, and to engage the services of UTSA EHSRM and the UT System Office of Risk Management to finance recovery efforts through insurance.

B. Oversight

1. The UTSA Environmental Health, Safety and Risk Management department (EHSRM) provides primary oversight of this plan.
2. Other campus and system departments provide operational support to this plan.

C. Operational responsibilities

1. The EHSRM Risk Management & Life Safety Division provides primary responsibility for:
 - a. Securing and maintaining insurance policies purchased through the University of Texas System Office of Risk Management,
 - b. Coordinating new coverage with UT System ORM,
 - c. Updating all policies to include current assets under coverage,
 - d. Training staff and faculty on risk management and insurance,
 - e. Consulting with faculty and staff concerning insurance coverage,
 - f. Consulting with faculty, staff, students and guests concerning loss prevention and loss control related to their activities,
 - g. Creating, auditing and updating risk management plans with faculty, staff, students and guests, as necessary
 - h. Issuing and managing permits, as necessary, related to special activities involving campus assets, faculty, staff, students, and guests,
 - i. Reviewing major contracts to ensure adequate insurance and bonding,
 - j. Providing letters of indemnity to outside agencies, in lieu of certification of coverage as an additionally insured
 - k. Investigating property damage and personal injury claims to assess UTSA exposure, and
 - l. Reporting as required to UT System ORM
2. The EHSRM Risk Management & Life Safety Division and the Office of Legal Affairs share primary responsibility for:

- a. Settlement of property damage claims against the institution, including releases of all future claims
 - b. Settlement of tortious bodily injury claims against the institution, including releases of all future claims
3. The EHSRM Risk Management & Life Safety Division and Facilities Services share primary responsibility for:
- a. Management and mitigation of campus facility risk issues, whether identified internally or externally
 - b. Management and tracking of certificates of insurance for campus construction projects (see appendix E).

V. APPENDICES

- A. Standard Statement of Liability
- B. Events Management including Joint Sponsorship (in development)
- C. Vehicle Safety and Driver Training
- D. Field Trip Safety (in development)
- E. Management of Certificates of Insurance
- F. Requirements for Tents and other Temporary Membrane Structures

Appendix A

Standard Statement of Liability

It is the stated policy of the State of Texas not to acquire commercial general liability insurance for torts committed by employees of the state who are acting within the scope of their employment. Rather, Chapter 101 of the Civil Practice and Remedies Code states 'that a governmental unit in the state is liable for property damage, personal injury and death proximately caused by the wrongful act or omission or negligence of an employee acting within his scope of employment...' Liability of the state government under this chapter is limited to money damages in a maximum amount of \$250,000 for each person and \$500,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property.

Appendix B

Events Management including Joint Sponsorship (in development)

Appendix C

Vehicle Safety and Driver Training

1. State and federal law, UT System policies, and UTSA policies govern vehicle use for University business at UTSA
 - a. UT System policy UTS 157 governs system-wide insurance and loss prevention at UTSA, including requirements for drivers
 - b. UTSA HOP 5.18 governs student travel
 - c. UTSA HOP 8.9 governs fleet management, vehicle use, and driver requirements
2. Drivers
 - a. Employees who drive UTSA vehicles, including vehicles leased by UTSA for a period longer than a year, must meet minimum requirements to be authorized drivers
 - i. Motor vehicle record (MVR) check annually
 - ii. Defensive Driver training every three years
 - b. UTSA Police Department maintains records of authorized drivers.
3. Insurance
 - a. Employees injured while driving vehicles, whether owned by UTSA or not, in the course and scope of duty shall have access to workers' compensation insurance, if the injuries are compensable under that program.
 - b. UT System maintains liability coverage for vehicles owned by UT System or UTSA, or operated by UTSA under a long-term lease (longer than one year).
 - c. UTSA employees who operate any other vehicle do so at their primary risk, with the driver's personal insurance, or that of the vehicle, providing primary coverage. For this reason, UTSA strongly discourages the use of personal vehicles for university purposes. UT System maintains insurance for hired/non-owned vehicles in excess of primary coverage.
 - d. UTSA maintains physical damage coverage for certain vehicles owned by UTSA, or operated by UTSA under long term lease. The Risk Management office maintains the schedule of assets protected by this insurance policy.
 - e. UTSA maintains physical damage and liability coverage for some vehicles operated under trade-out agreements. The Risk Management office maintains the schedule of assets protected by this insurance policy.
4. Fleet operations
 - a. UTSA does not maintain a pool of vehicles for assignment to campus departments or users.

b. Facilities Services manages fleet operations, including acquisitions of new vehicles.

5. Reporting damage or theft

a. In case of damage or theft to UT owned vehicles, vehicles leased or rented by UTSA, or personal vehicles used for institutional purposes:

i. On UTSA property, notify the UTSA Police Department.

ii. Off UTSA property, notify local law enforcement.

b. Report all accidents, damage, or theft to the Risk Management office as soon as the damage is discovered.

6. Employee Acknowledgement (sample)

ACKNOWLEDGMENT FOR USE OF PERSONAL VEHICLE ON OFFICIAL UNIVERSITY BUSINESS UNDER POLICY UTS157

In consideration for the right to operate a personal vehicle on University business in accordance with Policy UTS157 - Automobile Insurance Coverage for Officers and Employees and General Requirements for Use of Vehicles and to receive reimbursement for mileage and other benefits in accord therewith, the undersigned hereby agrees and represents to the University that he/she:

1. has a valid Texas driver's license;
2. has a driver's license that is not currently suspended or revoked;
3. carries auto liability insurance to meet the State of Texas' minimum requirements;
4. knows that pursuant to Policy UTS157 - Automobile Insurance Coverage for Officers and Employees and General Requirements for Use of Vehicles, the UT System "Hired/Non-Owned" policy of insurance is secondary to the undersigned's personal auto liability insurance described in #3 above in the event of any claim or litigation arising out of the operation of said personal vehicle on official University business;
5. knows that if any statement above is false at the time made, or false at any time subsequent while employed by the University and while using a personal vehicle for official University business, the undersigned employee would be in violation of the General Requirements for Use of Vehicles contained within Policy UTS157, and would be subject to discipline, including termination.

Appendix D

Field Trip Safety (in development)

Appendix E

Management of Certificates of Insurance (COI)

1. The UTSA EHSRM Risk Management & Life Safety Division provides:
 - a. Oversight and tracking of COI for institutionally managed construction projects where insurance for construction and design contractors is required by contract documents, including
 - i. Determination of insurance capacity relative to required limits
 - ii. Determination of currency of coverage
 - iii. Requests for evidence of continued coverage for certificates with expired policies (new certificates), as follows:
 1. EHSRM notifies Facilities of lapse in evidence of coverage
 2. Facilities acquires new COI from contractor, if necessary
 3. Facilities transmits new COI to EHSRM
 4. EHSRM adds new COI to oversight and tracking process
 - b. Collection of certificates of insurance for other contracts, as requested, and as those certificates become available.

Appendix F

Requirements for Tents and other Temporary Membrane Structures

1. Application:
 - a. This Appendix applies to tents and other temporary membrane structures when:
 - i. They are installed by UTSA employees for any purpose, OR
 - ii. They are installed for any event sponsored or organized by UTSA
 - b. This Appendix does not apply to tents and other temporary membrane structures when:
 - i. They are installed by others, AND
 - ii. They are installed for an event not sponsored or organized by UTSA
2. Tents and other temporary membrane structures shall be installed and maintained in accordance with published standards and practices. These include, but are not limited to:
 - a. Manufacturer's instructions
 - b. The Industrial Fabrics Association International (IFAI) Procedural Handbook for the Safe Installation and Maintenance of Tentage, 2nd edition (available to UTSA staff through EHSRM Risk and Life Safety Division)
 - c. NFPA 101, *Life Safety Code* (currently applicable edition, per UTSA EHSRM Fire and Life Safety Plan)
 - d. NFPA 1, *Fire Code* (currently applicable edition, per UTSA EHSRM Fire and Life Safety Plan)
3. Roles and responsibilities during installation and use of tents or other temporary membrane structures
 - a. The tent owner is responsible for ensuring that tents or other temporary membrane structures are maintained in accordance with applicable standards
 - b. The tent installer is responsible for ensuring that tents and other temporary membrane structures are erected or installed in accordance with applicable standards
 - c. The Risk Management and Life Safety Division of UTSA EHSRM is responsible for providing a review of tent and other temporary membrane structures, when
 - i. Requested by the event operator and/or the tent installer, or
 - ii. Deemed necessary by EHSRM
 - d. The event operator is responsible for ensuring that tents and other temporary membrane structures are occupied in accordance with applicable standards