

# **THE UAB/HSF OFFICE OF RISK MANAGEMENT USER GUIDE**



## **A Practical Guide to the Practices and Procedures of the UAB Office of Risk Management and Insurance**

**Issued: January, 2010; Revised: March, 2010; Revised: September, 2011  
Revised: April, 2013; Revised: November, 2018; Revised August, 2020**

These are general guidelines and are subject at all times to the reasonable discretion of UAB officials including, but not limited to, the Senior Directors in the Office of Risk Management. All coverages and terms described herein are subject to the terms and conditions of the underlying insurance policies in effect and to contravening rules or orders of the Board, Chancellor, President or other administrators. Nothing herein is intended, nor should be interpreted, to create an agreement between UAB and any faculty, staff or other individual.

## **General Information**

### Purpose:

The purpose of this manual is to provide direction concerning the practices, procedures, guidelines and other pertinent information regarding the Office of Risk Management and Insurance (hereafter “ORM” or “Office of Risk Management”).

### Other Programs and Sources of Information:

Please note the following programs that are not administered by the Office of Insurance and Risk Management:

1. UAB On The Job Injury/Illness Program. For information on the OJI Program, contact UAB Human Resources at 934-5548 or refer to information available on the UAB web-site (<http://www.uab.edu/humanresources/home/relations/on-the-job-injury-oji>).
2. UAHSF Workers’ Compensation Program. Contact UAHSF Human Resources at 801-8055.
3. UABHS Workers’ Compensation Program. Contact UABHS Human Resources at 996-4392.
4. Callahan Eye Hospital Workers’ Compensation Program. Contact CEH Human Resources at 325-8535.
5. Triton Health Systems Worker’s Compensation Program. Contact Human Resources at 939-1718.
6. University of Alabama Ophthalmology Services Worker’s Compensation Program. Contact Finance Office at 325-8629.

The Office of Risk Management is not responsible for general safety and loss prevention on the University campus. We consult with the Environmental Health and Safety (“EH&S”) office on numerous projects, but EH&S maintains primary responsibility for campus safety. Policies, guidelines, emergency preparedness and response documents and a wealth of other safety information can be found on the EH&S web site at [www.uab.edu/ehs](http://www.uab.edu/ehs).

UAHSF building safety procedures for the John N. Whitaker building are available through the Human Resources Training office. Contact Pamela Morgan at 731-9265. TKC safety procedures are available on the SCR/SPP web site (<https://scr.hs.uab.edu>).

### The Office of Risk Management:

The Office of Risk Management is responsible for identifying exposures to property and liability losses and determining how to prevent and/or control losses where possible and how to finance those losses that cannot be prevented. That goal is accomplished through staff education, counsel to departments and offices throughout the System, review of contracts, administration of two “self insurance” trust funds and the purchase of commercial insurance.

The ORM is responsible for risk management for the university campus and UAB Medicine. There are two senior directors in the Office of Risk Management – The Senior Director of Risk Management who is responsible for managing the risks associated with patient care and educating and advising staff on patient risk management issues; and the Senior Director of Insurance and Risk Finance who is responsible for managing all risks (campus and medical centers) that are not directly associated with patient care, administration of the two trusts, and the purchase of commercial insurance. The ORM is under the purview of the Vice President for Financial Affairs and Administration at UAB and the Senior Vice President, UAB Health System. (See [Appendix A](#) for organizational chart).

**UAB/UAHSF Office of Risk Management Staff  
2020**

**SENIOR DIRECTORS:**

**Jeannine H. Bailes, ARM**

Senior Director of Insurance & Risk Finance

Direct Number: 934-5552

E-Mail: [Jbailes@uabmc.edu](mailto:Jbailes@uabmc.edu)

Responsibilities:

- Procurement and management of all property & liability insurance including medical professional, automobile, general liability, aviation liability and bonds for the UA System.
- Management of all general liability and employment practices claims and litigation in cooperation with the Office of Counsel.
- Supervises the management of automobile, general liability and property claims
- Automobile, general liability and property loss prevention in coordination with Hospital and Campus Safety and other departments
- General administration of the Professional Liability & General Liability Trust Funds.
- Risk Management Claims Information Systems (Enterprise/Stars)

*Administrative Assistant to the Senior Director of Insurance and Risk Finance:*

**Olivia Thomas**

Direct Number: 205-934-5565

E-Mail: [othomas@uabmc.edu](mailto:othomas@uabmc.edu)

**Claire Black, JD, CPHRM, CHC**

Senior Director of Risk Management

Direct Number: 934-5551

E-Mail: [claireowens@uabmc.edu](mailto:claireowens@uabmc.edu)

Responsibilities:

- Management of UAB Medicine risk management education.
- Management of medical professional liability claims and litigation
- Responding to healthcare provider's questions regarding patient incidents and patient concerns.
- Investigation of sentinel events and root cause analysis in conjunction with Quality Resources and Patient Safety
- Healthcare professional liability loss prevention
- Management of UAB Medicine Incident Reporting and Management System ("Trend Tracker")

*Administrative Assistant to the Senior Director of Risk Management:*

**Shawna Ragland**

Direct Number: 934-5576

E-Mail: [sragland@uabmc.edu](mailto:sragland@uabmc.edu)

## **ASSOCIATE DIRECTOR, UNIVERSITY RISK MANAGEMENT**

**James Erwin, ARM**

Associate Director, University Risk Management

Direct Number: 934-5577

E-Mail: [jerwin@uabmc.edu](mailto:jerwin@uabmc.edu)

### Responsibilities:

- Administration of Riskconnect Enterprise (database for Professional Liability and General Liability Trust Funds)
- Management of general liability, automobile and property claims
- UAB Vehicle Safety Management Program administration
- Assist Senior Director in the procurement and management of commercial insurance.
- Review of insurance and indemnification provisions in contracts.

## **RISK MANAGEMENT ANALYST**

**Karen Whitenite**

Risk Management Analyst

Direct Number: 934-5387

Email: [kwhitenite@uabmc.edu](mailto:kwhitenite@uabmc.edu)

### Responsibilities:

- Management automobile and property claims
- Incident review and follow-up
- Assist Senior Director in the procurement and management of commercial insurance
- Serve as a general risk management resource for UAB campus

## **RISK MANAGERS (MEDICAL/PROFESSIONAL):**

**Margot Andison, PhD, BSN, RN, CCRN Alum**

Clinical Risk Manager

Direct Number: 934-5550

E-Mail: [mandison@uabmc.edu](mailto:mandison@uabmc.edu)

**Erin Lyon, J.D.**

Clinical Risk Manager

Direct Number: 934-5597

E-Mail: [elyon@uabmc.edu](mailto:elyon@uabmc.edu)

**Adrian Zebot, JD**  
Clinical Risk Manager  
Phone: 205-801-7298  
Email: azebot@uabmc.edu

Responsibilities:

- Staff education
- Management of medical professional liability claims and litigation
- Responding to healthcare provider's questions regarding patient incidents and patient concerns.
- Investigation of sentinel events and root cause analysis in conjunction with Quality Resources
- Liability loss prevention for clinical activities and the delivery of patient care

**Kathleen "KC" Bright, RN**  
Risk Management Education Coordinator  
Direct Number: 934-4497  
E-Mail: mandison@uabmc.edu

Administrative Assistant to Risk Managers:

**Tonya Hicks**  
Direct Number: 934-5582  
E-Mail: tnjones@uabmc.edu

**FINANCE STAFF:**

**Marcus Heard**  
**Finance Officer**  
Direct Number: 934-5553  
Email: [marcusheard@uabmc.edu](mailto:marcusheard@uabmc.edu)

Responsibilities:

- Manages the financial affairs of the Office of Risk Management (including general employee matters, payroll information, budgets).
- Manages the financial affairs of the Professional Liability Trust Fund and the General Liability Trust Fund (including premium/rates, invoicing, funding analysis).

**Olivia Thomas**  
**Financial Associate**  
Direct Number: 205-934-5565  
E-Mail: othomas@uabmc.edu

Responsibilities:

- Assists the Finance officer with the financial affairs of the Professional Liability Trust Fund and General Liability Trust Fund (invoicing, premium statements, reconciles bank statements)
- Issues certificates of insurance for the Trust Funds
- Processes new applications for professional liability coverage
- Administrative Support for Senior Director, Insurance and Risk Finance

**SUPPORT STAFF:**

**Kathleen Papagni, BSN**

Data entry and medical record review

## **Forms, Manuals and Programs**

The Office of Risk Management (ORM) forms, manuals and program documents are available on the Risk Management web site ([www.uab.edu/riskmgt](http://www.uab.edu/riskmgt)). Some programs are discussed in further detail in this manual. Documents available on the web site include:

### Downtime Incident Reporting (for use when Stars Enterprise / Trend Tracker electronic system is unavailable)

Downtime Patient Incident Report Form

Downtime Employee, Student, Visitor Incident Report Form

Downtime Visitor/Student Authorization for Medical Evaluation Form

### UAB Professional Liability Trust Fund

PLTF Enrollment Form (to be used only for MD's, DDS, OD's)

PLTF Notice of Change Form and Coverage Cancellation Form

### UAB Vehicle Safety Management Program

UAB Vehicle Management Program

UAB Motor Vehicle Record (MVR) Request and Release

UAB Vehicle Accident Report Form

UAB Monthly Vehicle Inspection Form

UAB Sample Program Review Checklist

UAB Golf Cart/Utility Vehicle Operation Program

UAHSF Vehicle Use Policy

### UAB Property Loss or Damage Claim Guidelines

Property Loss Guidelines

Property Claim Process

Contents Loss Spreadsheet

### UAHSF Personal Aircraft Policy and Application

UAHSF Personal Aircraft Use Policy

UAHSF Personal Aircraft Use Application

### UAB International Travel Insurance Summary and Guidelines

International Insurance Coverage Summary

UAHSF Foreign Travel Approval Form

Global Travel Assistance Card

### State of Alabama Board of Adjustment

State of Alabama Board of Adjustment (web site link)

Alabama State Board of Adjustment Claim Form and Instructions



## Property Insurance Program

### UAB Owned/Leased Property

#### *Insurance Company:*

The State Insurance Fund (SIF) is administered by the State of Alabama Department of Finance, Division of Risk Management (DORM) located in Montgomery, Alabama. Coverage through the SIF is mandatory for all state agencies, K-12 schools and higher education entities.

A schedule of the properties owned and leased by UAB and the associated values is updated annually by UAB Financial Affairs and provided to the SIF. The Office of Risk Management is responsible for the property insurance program.

#### *What property is covered?*

Real property and business personal property owned by UAB and property leased by UAB if UAB is responsible for insuring. Real property includes buildings, fixtures and equipment that are permanently affixed and business personal property includes furniture, equipment, supplies and other property usual to the occupancy of a building.

#### *What types of losses are covered?*

Generally, the policy covers “all risks of physical loss,” but losses caused by certain perils are excluded from coverage or limited. For example, there is no coverage for loss caused by general wear and tear or damage caused by mold or “dry rot.” Also, property that has been vacant for more than 30 consecutive days is not covered for loss caused by vandalism unless special permission has been granted by the State.

Vehicles are not covered under this policy (refer to [page 25](#) - Frequently Asked Questions About Vehicle Use)

The SIF covers certain losses that arise out of equipment breakdown – not breakdown from wear and tear, but breakdown which results in physical damage to the equipment.

Certain property is subject to sub-limits that vary from year to year. These sub-limits can be adjusted on an “as needed” basis upon request to the DORM through the Office of Risk Management. Examples include: Electronic Data Processing Equipment (computers), valuable papers, property in transit, mobile equipment (such as forklift, backhoes).

There may also be coverage for extra expenses and loss of income (medical facilities and scheduled residence halls only) that result from damage to covered property.

### Deductible

For most property damage losses, the SIF provides coverage only after the loss exceeds \$10,000 (per scheduled line item). A \$25,000 deductible applies to equipment breakdown claims. The department owning the building, contents or equipment is responsible for losses within the deductible. Business interruption losses are payable after a 24 hour waiting period.

Losses caused by flood (not bursting/leaking pipes, but inundation of water from another source) are subject to a much higher deductible, currently \$500,000 per occurrence (per campus, if more than one campus is affected). The policy limit is shared with other higher education entities in the state such as Auburn, University of South Alabama, and The University of Alabama.

### Certificates of Insurance

Documentation of property insurance coverage, which is often requested by equipment leasing companies and others, can be obtained by contacting the Associate Director, University Risk Management at 934-5577 or [jerwin@uabmc.edu](mailto:jerwin@uabmc.edu).

### When you have a loss

Refer to the instructions “What to Do When Your Department has Property Loss or Damage” that can be found at [www.uab.edu/riskmgmt](http://www.uab.edu/riskmgmt) or contact the Associate Director, University Risk Management as noted above. See **Appendix B**.

### Employee Personal Property

The University is not responsible for loss of or damage to personal property that employees bring to the work place. If the employee has homeowners or renters insurance, that policy may provide coverage for the loss, subject to applicable deductibles and the terms and conditions of that policy.

## **Liability Insurance Program**

### Healthcare Professional Liability

Protection for healthcare professional liability, that is liability arising out of patient care activities, is provided through the UAB Professional Liability Trust Fund (PLTF). All UAB full-time faculty members, UAB/UABHS healthcare professional employees, UAHSF associates, and students enrolled in healthcare and allied health curriculum at UAB are provided comprehensive healthcare professional liability coverage through the UAB PLTF. The Trust was created in the late 1970s and is administered by the UAB Office of Risk Management. The coverage applies at any facility where a faculty member is providing professional healthcare services within the scope of his/her assigned duties as a University of Alabama Health Services Foundation member or a UAB faculty or staff member. Coverage does not apply to “moonlighting” activities or to any services that are not provided through a written agreement with UAB/UAHSF.

The coverage is written on a “per occurrence” basis. This means that a Trust participant is covered for incidents that occur during their tenure at UAB/UAHSF, regardless of when the claim is made against them. It is not necessary to purchase “tail” coverage upon termination of faculty activities at UAB. The limit of liability to be provided is determined by the UAB Professional Liability Trust Fund Committee.

All participants in the Trust Fund have certain responsibilities. The Office of Risk Management must be notified of any incident that could give rise to a claim or that should be investigated by a Risk Manager. A Risk Manager should also be notified if a participant is contacted by an attorney concerning a patient incident or if a Summons and Complaint or a subpoena requiring attendance at a trial or deposition is received. Refer to [page 15](#) of this manual for further details regarding incident reporting.

The UAB Office of Risk Management manages all healthcare professional liability claims. If a claim is filed against a participant, a Risk Manager is assigned as an advocate for and representative of the participant. The Office of Risk Management will engage experienced outside counsel to defend any lawsuit and will manage the litigation process.

Any questions concerning the coverage provided through Trust Fund and the services of the Office of Risk Management can be directed to the Senior Director of Insurance and Risk Finance (934-5552) or [jbailles@uabmc.edu](mailto:jbailles@uabmc.edu).

### Medical Faculty Visiting UAB

Medical faculty visiting UAB who will require privileges at a UAB Medicine facility must provide proof of professional liability insurance. Private insurance, insurance through their “home” institution, or coverage through the UAB Professional Liability Trust Fund are acceptable. The minimum acceptable limits of insurance are \$1 million per occurrence and \$3 million annual aggregate. If the PLTF coverage is desired, an enrollment form must be

completed and submitted to the Office of Risk Management and the UAB/HSF department must pay the associated premium. Contact Olivia Thomas at 934-5565.

If the visiting faculty member will not require privileges, but will only be observing, proof of professional liability insurance is not required.

#### Enrolling For PLTF Coverage

All MD's, OD's and DDS' must enroll for coverage through the PLTF. The enrollment form can be downloaded at [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt) under "Forms and Manuals." UAB and UAHSF employees who are not MD, OD's or DDS' and students do not have to complete an enrollment form. Coverage for those individuals is automatic upon hire/enrollment.

#### Certificate of Professional Liability Coverage

Certificates of professional liability coverage can be requested from the Office of Risk Management at [insurance@uabmc.edu](mailto:insurance@uabmc.edu). Please include in your request the physician's name, the contact name, company name and address of the certificate holder and the name and contract information to whom the certificate should be sent (if different from the certificate holder).

#### Information for Applications of Employment and Physician Credentialing Documents

When employees leave UAB and apply for employment or privileges at another medical facility, the new employer often requests information on the prior insurance coverage. That information is provided below. You can also refer employers to the Office of Risk Management at [insurance@uabmc.edu](mailto:insurance@uabmc.edu) for claims histories, a certificate of insurance and other information concerning healthcare professional liability coverage.

|                                   |  |
|-----------------------------------|--|
| <b>Name of Insurance Company:</b> | UAB Professional Liability Trust Fund  |
| <b>Policy Number</b>              | Not applicable (self insured trust)  |
| <b>Limits of Liability</b>        | \$1,000,000 per occurrence;<br>\$3,000,000 annual aggregate  |
| <b>Occurrence or Claims Made:</b> | Occurrence   |
| <b>Insurance Company Contact:</b> | UAB Office of Risk Management<br>500 22 <sup>nd</sup> Street South, Suite 504<br>Birmingham, Alabama 35233<br>205-934-5382 |

## General Liability and Non-Healthcare Professional Liability

Protection for general liability (also known as public liability) for activities not directly related to patient care and for non-healthcare professional liability is provided through the University of Alabama Comprehensive General Liability Trust Fund (the Trust). The Trust is administered by the Office of Risk Management to provide defense for and pay judgments or settlements on behalf of UAB/UAHSF employees when claims are made against them for damages arising out of incidents occurring while the employee is acting within the line and scope of employment. The Trust has specific limits and exclusions that apply. Coverage may be extended to liability arising out of the activities of students when the student is acting within the course and scope of a UAB program in which the student is enrolled, including internships.

The coverage provided through the Trust includes coverage for claims arising out of bodily injury or property damage and claims for money damages that arise out of a wrongful act (also known as errors and omissions coverage). The Trust is funded centrally and no registration or enrollment by individuals, programs or departments is required.

All participants in the Trust have certain responsibilities. The ORM must be notified of any incident that could give rise to a claim or that should be investigated by a Risk Manager. The UAB Office of Counsel and the ORM should also be notified if a participant is contacted by an attorney concerning an incident that relates to their UAB employment or if a Summons and Complaint or a subpoena requiring attendance at a trial or deposition is received.

Any questions concerning general liability coverage can be directed to the Risk Management Analyst at 934-5387 or [kwhitenite@uabmc.edu](mailto:kwhitenite@uabmc.edu) or to the Associate Director, University Risk Management at 934-5577 or [jerwin@uabmc.edu](mailto:jerwin@uabmc.edu).

## Accidents on Campus or at UAB/UAHSF Medical or Administration Facilities

Thousands of people are on the UAB campus every day. Despite our best efforts to protect people from injury and their property from loss or damage, accidents do occur. Of course, the first step following an accident is to contact emergency medical personnel if needed and the UAB Police as required. The UAB Police should be contacted in the event of any incident involving bodily injury or property loss or damage that occurs on the UAB campus or on adjacent properties. Incidents should also be reported to the UAB Office of Risk Management either through the on-line incident reporting system, to incident report form found at <https://riskmgt.hs.uab.edu/forms.html>, or by calling 934-8537 or 934-5577.

If an injured party wishes to make a claim for damages, the claim can be filed with the State of Alabama Board of Adjustment (BOA). The Office of Risk Management, through the Risk Management Analyst (934-5387), can provide instructions on how to file a BOA claim. Under special circumstances, a claim may be paid directly by the ORM. The Associate Director, University Risk Management and the Senior Director of Insurance and Risk Finance will make that decision based on the specific circumstances of the incident

and the claim. Claims against UAHSF may also be directed to the Risk Management Analyst at 934-5387 or to the Associate Director, University Risk Management at 934-5577.

Note that this information does not apply to employees who are injured in the course of employment or to claims involving patient care. Refer to [page 1](#) for workers' compensation and on-the-job injury/illness program resources and to the previous section for claims involving direct patient care activities.

### Certificates of Insurance

Requests for a certificate of general/public liability insurance can be forwarded to the Office of Risk Management at [insurance@uabmc.edu](mailto:insurance@uabmc.edu), the Associate Director, University Risk Management ([jerwin@uabmc.edu](mailto:jerwin@uabmc.edu) or 934-5577), and/or to the Risk Management Analyst ([kwhitenite@uabmc.edu](mailto:kwhitenite@uabmc.edu) or 934-5387). Please provide a copy of the associated contract or agreement and provide the name and contact information for the certificate holder.

## **International Travel by UAB/UAHSF Employees**

Both UAB, through the University of Alabama System (“UAS”), and UAHSF have policies concerning business travel outside the U.S. by their employees. Refer to the UAS website<sup>1</sup> or contact the UAHSF Financial Affairs office for more information.

UAB and UAHSF provide limited global medical insurance and medical evacuation coverage for employees who are outside of the U.S. and Canada on a UAB/UAHSF sponsored trip. Refer to the UAS website<sup>1</sup> for the insurance information or contact the Associate Director, University Risk Management at 934-5577 or [jerwin@uabmc.edu](mailto:jerwin@uabmc.edu). This international travel insurance offered through the University of Alabama System is not intended to replace your primary medical insurance. Contact your major medical insurance provider to determine what coverage is available outside of the United States.

UAB and UAHSF employees who are injured while traveling on business may also be eligible for On The Job Injury or Workers’ Compensation benefits. Contact Human Resources for more information.

Full-time employees may also have other travel insurance provided as a rider to the life insurance that is provided to all full-time employees. This insurance is not limited to business travel or travel outside of the United States. Contact Human Resources Benefits office for more information on that program.

<sup>1</sup> <https://uasystem.edu/international-travel-assistance/>

## **Incident Reporting**

Incidents involving patients are reported through the risk management information system, (“Trend Tracker”), an electronic incident reporting and management system that is available to most clinical departments on the ONE site. Many PC’s have a desktop icon for Trend Tracker, but it is also available on the Reporting Incidents page of the Risk Management website on the ONE site

Training on Trend Tracker is provided by the staff of the UAB Office of Risk Management to all UAB Medicine member facilities.

Non-patient incidents can be reported through Trend Tracker, however, access is generally restricted to the ONE website unless you have requested and received special instructions regarding access to the site. You can also call the Office of Risk Management to report an incident (934-8537) or access a downloadable paper incident report at [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt) under Forms and Manuals.



## Contracts

Any contract that commits UAB or UAHSF to a course of action must be reviewed and signed by an authorized official. Please refer to the UAB Financial Affairs/Procurement web-site for further details on the UAB contracting process. All UAHSF contracts must be reviewed and approved by UAHSF General Counsel and signed by the President or the Vice President.

The Risk Management Analyst or Associate Director, University Risk Management can assist with contract review and negotiations regarding insurance terms. There should almost always be references in a contract concerning who is responsible for losses and the insurance that will be required of both UAB/UAHSF and the other party. The type of insurance and the limits required will vary depending on the activity to be undertaken.

The Office of Risk Management has provided standards regarding insurance requirements to the various departments within UAB and UAHSF responsible for contract review and management. The ORM does not review every contract, but assists the Offices of Counsel, University Contracts, Facilities and others in determining the appropriate contract terms related to insurance and the assumption and transfer of risks associated with the activities.

### Indemnification Agreements

An indemnification agreement is an arrangement whereby one party agrees to pay (“indemnify”) the other party for damages and expenses associated with a claim made against the other party, regardless of who is at fault in the incident that gives rise to the claim. As a State entity, the Board of Trustees of the University of Alabama cannot agree to indemnify another party. The Office of Counsel can suggest alternative language that is generally satisfactory to contracting parties.

UAHSF, as a private, non-profit corporation, can agree to indemnify, but will only do so in very limited circumstances based on the activities to be undertaken. UAHSF General Counsel will determine whether indemnity language in a contract is acceptable.

### “Additional Insured” Requests

Some contracts include a request by the other party that they be named as an “additional insured” on the UAB/UAHSF insurance. This request can be accommodated on the UAHSF property insurance policies (i.e. the lessor of a piece of equipment requests to be named as loss payee and additional insured), but not on the UAB property insurance policy. However, neither UAB nor UAHSF can name another party as “additional insured” for liability coverage because we are “self insured” for liability (refer to [page 10](#) describing the trusts) and there is no insurance policy on which to name another party. The Trusts are governed by the financial practices of the State of Alabama and protections under the trust fund cannot be extended to other parties.

## **Certificates of Insurance Received From Vendors Suppliers and Other Contractors**

The UAB and UAHSF standards for insurance required of contractors and vendors include a requirement that the University or UAHSF be provided with a certificate of insurance. The certificate should be maintained by the department that arranged the contract. The Office of Risk Management can assist the department in determining whether a certificate appropriately reflects the insurance that was agreed upon in the contract. However, the ORM does not review or have access to every contract and therefore cannot attest to the appropriateness of the terms of a certificate that is received from a vendor/contractor directly or from a department without a copy of the associated contract attached. When certificates are received by ORM from departments or directly from vendors with no specific request and without a copy of the associated contract, ORM can only confirm that the insurance companies shown on the certificate are legitimate and ORM will hold the certificate for a period of three years.

One specific item for departments to review on certificates provided by vendors/contracts is the comments section found about three-fourths of the way down the first page of an ACORD certificate. If the contract requires that UAB/UAHSF be named as an additional insured on the contractor's insurance policy, it most likely requires that the "Board of Trustees of the University of Alabama, its trustees, directors, officers and employees" be named – not just "UAB." For UAHSF, the appropriate additional insured would be the "University of Alabama Health Services Foundation, P.C., its directors, officers and employees" – not just "UAHSF" or "The Kirklin Clinic."

## Waivers and Releases

The Office of Risk Management receives frequent inquiries regarding waivers and releases. A waiver or release is a written document by which one party seeks to be excused from future liability. Enforceability of these agreements varies widely depending on the parties to the agreement, the activities involved and the circumstances under which the document is signed.

The use of a waiver is particularly important for events that involve particularly dangerous activities or activities that involve inherent risks such as large carnival rides and canoeing trips and activities/events that include transportation to be arranged by the university. A waiver is generally not appropriate for activities that are required in order to complete a course or activities that benefit the institution.

If you have questions regarding the need for or the appropriate language to be used in a waiver or release, contact the UAB Office of Counsel at 934-3474 or the UAHSF Office of Counsel for UAHSF activities at 731-9762. The Office of Risk Management may also be of assistance – call the Senior Director of Insurance & Risk Finance at 934-5552 or the Associate Director, University Risk Management at 934-5577.

## Camps

Many camps are held on the UAB campus each year. These camps include football, cheerleading and other sports camps as well as band camp, foreign language camps, science camps and others. Most of the participants in these camps are minors (under the age of 19) and special care must be taken to ensure their safety. Refer to **Appendix C** for guidelines to be used for camps to be held at UAB or to be marketed under the UAB name whether the camp is operated by UAB or by a third party. Please note that in addition to these guidelines, the University has other policies concerning activities involving minors and the use of UAB facilities and resources that must be followed. Refer to the UAB Policies and Procedures Library ([www.uab.edu/policies](http://www.uab.edu/policies))

## Special Events Risk Management

A special event can be any event that occurs outside of the normal, day-to-day operations of the university. Special events are usually short term and can include fund raising events, concerts, conferences, festivals/celebrations, parades and other activities.

Ensuring a safe event and protecting the university from unnecessary risk should be an integral part of the event planning process.

The liability that may arise out of a special event sponsored by UAB is covered under the CGL Trust Fund (Refer to [page 12](#)). Most events sponsored by student organizations and external entities are not covered under the CGL Trust Fund. However, general liability and possibly other types of insurance are required of any external entity using UAB resources such as physical facilities (including common areas, mini-park and the Campus Green). Please refer to the Policy Concerning Use of UAB Resources by External Entities and to all other university-wide policies available at [www.uab.edu/policies](http://www.uab.edu/policies). See [page 21](#), of this document for information on Student Organizations and Risk Management.

If the event involves hazardous materials, set-up of tents, rides and other equipment, a review by Environmental Health & Safety (EH&S) may be required. EH&S will serve as a resource to event organizers to ensure the safety of participants and compliance with applicable policies and regulations.

Any third party providing equipment or services for a UAB sponsored event should have a written agreement with the university including certain insurance requirements and other terms and conditions which are explained in more detail on [page 16](#), Contracts. If an organization is required to provide, but does not have general liability insurance, the Office of Risk Management can assist them in obtaining an insurance policy to cover a specific event. The policy is provided through a group purchasing program that is known as TULIP (Tenants and Users Liability Insurance Program) sponsored by the University Risk Management and Insurance Association (URMIA). The cost for a policy begins at \$135 and is based on the anticipated number of participants/attendees and the level of risk. Contact the Associate Director, University Risk Management (934-5577) or the Senior Director of Insurance and Risk Finance (934-5552) for more information.

A waiver or release for event participants may also be appropriate. Refer to [page 18](#), Waivers and Releases, for more details or contact the Office of Counsel or the Office of Risk Management.

## Student Organizations and Risk Management

Generally speaking, the university does not assume any liability for the activities of student organizations. These guidelines have been developed to clarify the extent to which the liability protection provided by the Comprehensive General Liability Trust Fund (CGLTF) (Refer to [page 12](#)) may apply to the activities and functions of student organizations at UAB. While these guidelines should provide clarification, the final decision regarding liability protection ultimately rests with the administrative board of the CGLTF in the event of a claim/loss.

References to “Student Organizations” below include only recognized student organizations. Other student organizations, not officially recognized by UAB, are not provided protection under the CGL Trust Fund for any of their activities.

### Background:

Involvement in a wide variety of activities results in a liability exposure for student organizations and for the University. Claims for negligent acts resulting in personal injury or property damage to others and which result from the activities of that organization may be imposed on the individuals involved, the student organization, faculty and staff advisors, and the university depending on the circumstances.

The university wants to approach these loss exposures pro-actively by providing student organizations with a way to evaluate the level of liability protection that the organization members have via the CGLTF and their potential need for commercial liability insurance. Of extreme importance is the consistent and continual education of faculty, staff and students about their potential liability exposures, the limitations in liability coverage through the CGLTF and the evaluation of their need for outside coverage.

It is not the role of the Office of Risk Management to authorize student organization activities, but rather to assist Student Affairs and other departments in evaluating and managing the liability exposures which student organization activities may create.

### Issues:

Because liability protection extended to individual employees, officers and agents is not absolute, it is impossible to determine, in advance, whether liability protection will exist for individuals involved in a given specific student organization activity. In determining the potential for coverage, the first step is to determine whether the individuals involved are agents of the university. Often it is quite difficult to determine whether an individual agent will be covered for liability without knowing the details of the specific situations from which the liability may arise. Liability protection will be judged based on the specific activities of the individuals. Therefore, student organizations and members of the organizations should not assume liability protection merely by virtue of their association with the University.

One key factor in determining the liability protection for a given situation is the level of benefit and control that exists between the organization and the University, and the agency status of the individuals involved.

#### Benefit and Control Analysis:

In general, in order for liability protection through the CGLTF to exist there must be a direct relationship between the purpose of the organization and the activity. For an activity of a student organization to show benefit to the University, it must fall within the mission of the university. For example, benefits to the university may be economic in nature or may enhance the community outreach goals of the institution as well as enhancing the academic and student development goals of the institution. If the activity is for the exclusive benefit of an organization outside the university, such as the YMCA or primarily for the benefit and enjoyment of the organization's members, then the individual members and the organization probably will not fall within the scope of liability protection provided by the CGLTF.

In addition, some level of control by the university over the activities of the organization must be evident. If the university maintains some degree of control over the activities that take place, then it may be appropriate to extend liability coverage through the Trust. Some controls that the university might have include supervision or direction, limiting of activities, organizing or providing resources such as vehicles, the opportunity to review the safety and risk management processes and procedures in place for the event and implement additional measures if needed.

#### Acting "On Behalf of" The University:

Liability protection is afforded through the CGLTF for officers, employees and individuals acting on behalf or under the direction of the university and within the scope of the duties assigned by the university. Although it may be a simple matter to identify officers and employees of the University, it is less clear who is considered to be acting on behalf of the university. The use of documentation may help to clarify the status of an organization's members, but the ultimate determination is based on a case-by-case analysis. Examples of helpful documentation include but are not limited to: letters of invitation, documents showing the involvement of university staff in the planning of an event/activity, organizational charters and bylaws.

#### The Role of Faculty and Staff Advisors to Student Organizations:

Faculty and staff advisors who have been designated as such are provided liability protection for their actions when acting within the scope of that designation. Ideally, the advisor designation should be included as part of the employee's position description or, at a minimum, should be in writing and copied in the employee's personnel file. Faculty and staff advisors should be active when working and advising student organizations. They should take responsibility for questioning the activities of a student organization and voice

disagreement if they see a problem with a proposed event. These actions are within the scope of their designation as faculty/staff advisor.

### Minimizing Risks:

The appropriate safety and risk management measures will vary depending on the specifics of each event. Generally, the risks associated with any event/activity can be minimized by:

- Preventing/controlling risks through training and adequate supervision.
- Avoiding activities that are of obvious high risk (sky-diving and bungee jumping for example).
- Transferring risks through third- party waivers or releases when appropriate (refer to [page 18](#)) and through vendor contracts through the use of indemnification agreements and other methods (refer to [page 16](#)).
- Transferring risks through personal liability, health, travel and/or life insurance.

### Insurance for Student Organizations:

As noted above, there may be instances where the CGL Trust Fund will provide liability protection for students involved in student organization activities. However, there will also be many activities that present the risk of a claim against a student member and for which the university cannot provide protection. The organization should strongly consider securing a special-events insurance policy or maintaining “permanent” insurance for liability of the organization. Consult with an insurance agent to purchase insurance for the organization and weigh the merits of hosting any event to determine how it benefits the organizations versus the risk it imposes to the organization and to its members.

For additional information and official guidelines concerning UAB student organizations, see [www.uab.edu/students/involvement/student-orgs](http://www.uab.edu/students/involvement/student-orgs).



## Vehicle Use

### UAB

Refer to the Vehicle Safety Management Program which can be accessed at [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt) under “Forms and Manuals.” Also refer to the Golf Cart/Utility Vehicle Operation Program on the Risk Management web site.

Also available at that site are:

- UAB Motor Vehicle Record Request and Release Form
- UAB Vehicle Accident Report Form
- UAB Monthly Vehicle Inspection Form
- UAB Sample Program Review Checklist
- UAB Golf and Utility Cart Operation Program

Refer to [page 25](#) for the answers to some frequently asked questions regarding the use of vehicles on UAB business.

### UAHSF

Refer to the written guidelines available on the ORM website. These guidelines were developed by the Office of Risk Management in cooperation with UAHSF Human Resources and under the authority of UAHSF General Counsel and Executive Vice President. Go to [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt) and click on Forms and Manuals.

## *Frequently Asked Questions Regarding the Operation of Vehicles on UAB Business*

### Introduction

The use of vehicles on UAB business is governed by the UAB Vehicle Safety Management Program. Anyone who operates a vehicle on UAB business should be familiar with the Program and must operate in compliance with the conditions outlined in the Program. The Program and associated forms and other documents are available on the ORM web site at [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt) under “Forms and Manuals.”

The following are answers to some frequently asked questions.

1. Can I drive my own vehicle on UAB business? UAB owned vehicles should be used for UAB business whenever possible. However, there are positions within UAB that require employees to use their personal vehicles on UAB business. Please refer to the *You and UAB Handbook* for further information.
2. Can I drive a UAB owned vehicle for personal use? UAB vehicles must not be used for personal purposes except as stipulated by State law or as approved by the UAB President.
3. When I rent a car for UAB business, should I purchase the insurance offered by the rental car company? No. UAB’s insurance policy provides coverage for damage to rental cars used on UAB business and UAB provides coverage for liability resulting from the use of rental cars on UAB business. If you are going on a business trip and will be renting a vehicle, you can contact the UAB Office of Risk Management at 934-5387 for a certificate of insurance to take with you. If you plan to use the rental vehicle for personal reasons, such as a sightseeing trip, you may want to purchase the coverage offered by the rental car company. However, you should check with your personal auto insurance agent/company and/or your credit card issuer to determine if protection is already provided to you for liability arising out of personal use of the rental vehicle.
4. Can students drive their own cars for UAB sponsored activities? A student using his or her own vehicle to transport him/herself and/or others to a UAB sponsored event does so at their own risk. Insurance coverage for the vehicle would be provided by the student’s own personal auto insurance. UAB does not provide primary auto insurance to students (or employees) using their personal vehicles.
5. Can a student drive a UAB owned vehicle on UAB business? Anyone operating a UAB/owned or leased vehicle on UAB business must be at least 21 years of age, have at least three (3) years of driving experience, and must maintain a valid U.S. drivers’ license. Any student operating a vehicle (personal or UAB owned/leased) on UAB business must have his/her motor vehicle record reviewed against criteria approved by UAB’s liability insurance company. The forms required (with instructions regarding submissions) are available on the web site.

6. What do I do if I have an accident? Of course, first seek medical attention for anyone injured in the accident. All accidents must be reported to the police regardless of damage or injuries. A UAB Vehicle Accident Report Form must also be completed and forwarded to the Office of Risk Management. That form is available at [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt). For questions regarding automobile accidents, contact the Risk Management Analyst at 934-5387 or the Associate Director, University Risk Management at 934-5577.
7. How old do I have to be to drive on UAB business? You must be 21 years of age, have three years of driving experience and a valid U.S. drivers license in order to operate a vehicle (your own or one leased or owned by UAB) on UAB business. If you operate a vehicle on UAB business on a regular basis, you must also have an approved Motor Vehicle Report (history of accidents, tickets, etc.) on file with Risk Management. These MVR reports are run annually on all regular drivers upon request by the department.
8. My regular driver is sick/on vacation. Can another employee drive the department vehicle just for today? Yes, as long as the employee meets the minimum eligibility requirements established in the Vehicle Safety Management Program. Specifically, the employee must be 21 years of age, have three years of driving experience, and possess a valid driver's license issued in the United States to drive a vehicle on UAB business. The replacement driver would be an "irregular" driver, and an MVR review would not be required prior to the employee driving a UAB vehicle in this particular, temporary situation.
9. Our department provides transportation for clients who are unable to drive to UAB. Are the client's family members or friends allowed to accompany the clients in UAB vehicles? Parents, guardians, spouses, children and/or caregivers may, for various reasons, need to accompany patients or research clients to their appointments at UAB. It is acceptable for these people to accompany the patient/client in a UAB vehicle as space in the vehicle allows and any children are properly secured in an appropriate child restraint system.

**Risk Management Frequently Asked Questions**  
(See **page 25** for FAQ regarding vehicle use)

1. **Our department's laptop was stolen. Do we have insurance for that?** Maybe. UAB's property insurance has a \$1,000 electronic data processing ("EDP") deductible per loss, so coverage might be available. Losses below the \$1,000 deductible are the responsibility of the department.
2. **The company that leases us our copier has asked for a certificate of insurance. Where do I get that?** Forward a copy of the lease agreement and the certificate request to the Office of Risk Management, Risk Management Analyst at [kwhitenite@uabmc.edu](mailto:kwhitenite@uabmc.edu).
3. **I came into the office Monday morning and found water all over the place. What do I do?** Contact UAB or UAHSF Maintenance first. Then notify the Office of Risk Management at 934-5387 if there is extensive damage from the water. Additional information can be found at [www.uab.edu/riskmgt](http://www.uab.edu/riskmgt), on the Forms and Manuals page, in the Property Loss Guidelines section.
4. **One of the physicians in my department is going to Haiti on a mission trip. Will his medical malpractice insurance cover him there?** Yes. The coverage provided by the UAB Professional Liability Trust Fund applies anywhere in the world for charitable services provided by UAB/UAHSF employed physicians.
5. **Is Dr. Jones covered for malpractice for services at another hospital?** The UAB Professional Liability Trust Fund extends coverage for liability arising out of services at non-UAB facilities if: 1) services are provided under an agreement with UAB/UABHS/UAHSF, 2) the activity has been approved by the appropriate department chair, and 3.) the physician is not being paid directly by the other hospital.
6. **Our department is holding a holiday party at a local hotel and the hotel wants to be named as additional insured on UAB's liability insurance. How do I do that?** The general (aka "Public") liability protection for UAB is provided through a self-funded trust. We do not have a primary liability insurance *policy* and cannot add "additional insureds" to the trust fund. You can contact the Risk Management Analyst at 934-5387 or at [kwhitenite@uabmc.edu](mailto:kwhitenite@uabmc.edu) to assist with this issue if needed.
7. **One of our department employees is traveling to Europe on business. What happens if he has a medical emergency or is injured while traveling?** UAB and UAB Medicine employees are covered under the UAS International Travel Assistance program that provides some insurance for employees traveling on business. Refer to **page 14** of this manual for further information.

8. **One of our employees is taking his wife and children on an education abroad trip to Europe. What coverage does UAB provide for the family members? His wife will be a chaperone on the trip.** UAB, through the UAS International Travel Assistance program, provides travel accident insurance for employees and chaperones acting on behalf of UAB on a sponsored trip. There would be no travel insurance coverage provided through the program for the children. If the spouse is responsible for supervising the children, it is unlikely that he/she could also really be chaperoning the students as well. However, if the spouse of a faculty is truly acting as a chaperone on a UAB sponsored trip, UAS's travel insurance will extend protection to the spouse. Visit the UA System International Travel Assistance website at <https://uasystem.edu/international-travel-assistance/>.

**Appendix B:**  
**What to Do When Your Department has Property Loss or Damage**

The following information is intended to assist departments in navigating the immediate aftermath of a flood, fire, theft or other property loss or damage event. The first priority is to protect employees, patients, students and visitors from harm, and then efforts should be directed to mitigate the loss of property.

1. **Implement Emergency Response.** In the event of a significant property loss event, contact the appropriate emergency responders. **IF HAZARDOUS CHEMICALS PRESENT – PAGE EH&S IMMEDIATELY.** Telephone numbers are listed below:
  - a. Police, Fire, or Paramedics: 911, or use a Blue Help Phone
  - b. UAB Police (Non-emergency): 934-4434
  - c. TKC Security 801-8999
  - d. JNWB Security 731-9655
2. **Contact the EH&S, Maintenance, and Facilities departments.** In the event of a significant property loss or damage event, after the emergency calls have been made, contact Environmental Health & Safety, Maintenance, and facilities support departments to report the event, begin assessment of the damage, arrange any necessary temporary repairs, and protect other buildings or floors from further damage.
  - a. Environmental Health & Safety: 934-2487
  - b. Maintenance: 934-5353 (Campus Buildings)  
934-6181 (Hospital Buildings)
  - c. Concierge Construction Services: 934-4775
  - d. TKC/HSF Facility Support Services 801-8645
3. **Call Risk Management** to report the loss and determine if any insurance coverage may apply. If necessary, you will receive instructions on how to file a claim with the appropriate insurance carrier.
  - a. Risk Management: 934-5577 or 934-5387
  - b. Risk Manager on-call: 934-3411 (UAB Paging)
4. **Begin documenting the loss.** To the extent possible, take pictures of the damage before any temporary or permanent repairs are made and before any furniture or equipment is removed from the affected area. Risk Management may assist with this important step, if necessary. Failure to properly document the loss or making repairs that jeopardize the adjuster’s ability to fully investigate the loss could limit your monetary recovery from the insurance carrier.
5. Assign someone in the department to serve as the primary contact and coordinator for the repair/reconstruction efforts and as the insurance claim contact.
6. Create a separate ledger account number to capture all expenses related to the loss.

7. The various departments within Finance, Facilities, and Information Services (if applicable) will work with the affected department to arrange repairs, reconstruction, and temporary workspace.
8. If the total costs associated with the loss are expected to exceed the deductible (\$10,000 for UAB, \$25,000 for TKC/HSF), the insurance carrier will send an adjuster to view the site and try to determine the source of the damage. The adjuster will also inspect any damaged furniture or computer equipment. Risk Management will provide detailed instructions on working with the adjuster upon the department's request. **DO NOT BEGIN PERMANENT REPAIRS OR DISPOSE OF ANY DAMAGED EQUIPMENT OR FURNITURE UNTIL YOU HAVE SPOKEN WITH THE ADJUSTER.** Contact Equipment Accounting prior to disposition of UAB property to ensure that all applicable State policies are followed.
9. If an insurance claim is filed, the insurance carrier will only **reimburse** the department for covered expenses. The insurance carrier and the Office of Risk Management cannot pay service providers or product vendors. In most cases, the department experiencing the loss must pay for services and products required as a result of the event and then seek reimbursement from the insurance carrier.
10. The claim process is not fast. The Office of Risk Management will, however, assist the affected department(s) recover all covered expenses and make the process as easy as possible.

**Appendix C:**  
**Camp Guidelines:**

1. If a camp is not offered by UAB, as in the case of sports camps offered by athletic coaches:
  - a. There must be a written agreement between UAB and the camp that includes indemnification of UAB by the camp. Sample language: “The camp shall indemnify, protect, defend and hold harmless The Board of Trustees of the University of Alabama, The University of Alabama at Birmingham (UAB), its officers, employees and agents from and against any and all claims, demands, judgments or causes of actions, including costs and attorneys fees, directly or indirectly arising out of the operation of the camp including claims alleging negligence on the part of UAB, its officers, employees or agents”. An exception can be made for liability arising out of the sole negligence of UAB.
  - b. The written agreement should state that persons operating or employed by the camp shall not be regarded as employees of UAB or be eligible for any UAB employee benefits while performing any activity for or on behalf of the camp, and they agree that any activity for or on behalf of the camp is outside the scope of any separate employment relationship that might exist with UAB.
  - c. The operator of the camp must purchase and maintain commercial general liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate naming the Board of Trustees of the University of Alabama, its divisions, employees, directors, officers and agents as additional insured. The insurance must be written on an occurrence form with an insurance company rated A- V or better by A.M. Best Company. The written agreement should define this insurance requirement and require that the camp provide proof of insurance to the managing UAB department at least 10 days before the first day of camp.
2. The camp operator must secure signatures from all parents on a consent form.
3. The agreement should state that the camp is responsible for the safety of the campers, but UAB Police and Public Safety should be given advance notice when there will be large groups of children on the campus – particularly for residential/overnight camps.
4. The camp staff and the campers must be familiar with UAB safety procedures including but not limited to building evacuation procedures for facilities to be used by the camp.
5. The camp must comply with all local, state and federal laws including, but not limited to, the Alabama Child Protection Act, which requires background checks on anyone in the education/training/coaching setting who will have unsupervised access to children.



6. All advertising and marketing materials must be approved by a designated UAB employee within the department offering the camp. These materials must clearly state the name of the entity operating the camp and that it is being held at UAB. Materials should also state clearly the skill level required of camp participants, if any.
7. Children should not be transported in UAB vehicles or any vehicle operated by a UAB employee acting within the scope of his/her UAB employment. If transportation of campers is planned, contact the UAB Office of Risk Management for guidance (James Erwin, 934-5577; or Jeannine Bailes, 934-5552)
8. The camp should require evidence of accident/medical insurance for the campers, coaches/instructors, camp staff (non-UAB employees) and volunteers.
9. There should be no participation by campers in any inherently dangerous activity, such as bungee jumping or rock climbing without appropriate supervision and signed waivers.
10. Campers using UAB aquatic facilities must be supervised by camp staff at all times, and there must be a lifeguard on duty at all times. Additional lifeguards may be needed, depending upon the number of children swimming or the nature of the activity.
11. Camp staff should be aware of particularly hazardous areas of campus, including, but not limited to, areas under construction, and be instructed to avoid those areas or be made aware of any special safety procedures that should be followed in relation to those areas.
12. The camp is responsible for advising the campers and all parents/guardians as to the risks associated with participation in the camp and for providing safety instructions to all campers before the camp activities begin.
13. The camp must maintain emergency contact information for every camp participant at all times during the camp.
14. The camp, camp staff and campers must comply with UAB policies, rules and regulations.
15. Camps must comply with generally accepted safety guidelines for camps. Some resources: [www.acacamps.org](http://www.acacamps.org); [www.campfire.org](http://www.campfire.org); *Basic Camp Management 9<sup>th</sup> Edition*, published by Armand and Beverly Ball, 2018.

The foregoing guidelines and requirements are not intended to be an exhaustive list, but are provided to make those associated with camps offered on campus aware of the

expectations of the University and sound practices to help assure a positive camp experience for all concerned.

These are general guidelines and are subject at all times to the reasonable discretion of UAB officials including, but not limited to, the Senior Directors in the Office of Risk Management. All coverages and terms described herein are subject to the terms and conditions of the underlying insurance policies in effect and to contravening rules or orders of the Board, Chancellor, President or other administrators. Nothing herein is intended, nor should be interpreted, to create an agreement between UAB and any faculty, staff or other individual.