



State of Utah

GARY R. HERBERT
Governor

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Lieutenant Governor

Department of Administrative Services

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Executive Director

Division of Risk Management
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Director

LEGAL LIABILITY PROTECTION FOR SCHOOL DISTRICT EMPLOYEES

CIVIL LIABILITY PROTECTION

Your district and its employees are covered for liability by:

- *The Utah State Risk Management Fund. (Hereafter the Fund)*

Lawsuits are defended by:

- *The Litigation Division of the Utah Attorney General's Office.*

YOUR UTAH STATE RISK MANAGEMENT FUND COVERAGE RIGHTS

As a school district employee if:

- *A civil claim or*
- *A civil lawsuit*

for damages is brought against you for acts or omissions occurring:

- *During the performance of your duties;*
- *Within the scope of your employment; or*
- *Under color of authority,*

then, under the Governmental Immunity Act of Utah you may have the right:

- *To have any lawsuit defended by an attorney at no cost to you;*
- *To have any claim settlement paid on your behalf; and*
- *To have any judgment entered against you paid for you.*

SECURING COVERAGE

To secure these rights you must:

- *Immediately notify the district of any claim or lawsuit;*
- *Immediately forward to the district all legal documents served on you;*
- *Make a written request to the district for defense and indemnification within ten days of the service of a lawsuit; and*
- *Cooperate in the subsequent investigation and defense, including making an offer of judgment if requested.*

WHAT IS NOT COVERED

Your rights to defense and payment of claims or judgments do not cover acts or omissions involving:

- *Fraud;*
- *Willful misconduct;*
- *Impairment due to your use of alcohol or drugs; or*
- *False testimony under oath.*

COMPARISON WITH COVERAGE BY OTHER ENTITIES

Limits:

- *Fund - Coverage for employees of school districts under the Governmental Immunity Act is generally consistent with the Utah Governmental Immunity Act damage caps. The Fund may cover school districts' obligations to their employees up to \$10 million per occurrence. Coverage is primary and pays before other coverages. Punitive damages are not covered.*
- *UEA - Coverage limits are \$1 million per occurrence in damages awarded, \$3 million per occurrence aggregate, except civil rights; \$300,000, per occurrence for civil right claims inclusive of defense costs. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.*

- AFT - Coverage limits are \$1 million per member and \$3 million per occurrence, except \$250,000 per member per year for denial of constitutional rights. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.
- AAE - Coverage limits are \$2 million per occurrence per member and all legal fees are covered, except sexual harassment or abuse. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.

Activities covered by the Governmental Immunity Act/Fund not covered by other commonly available programs:

- District vehicle usage, other than driver training instructors as passengers, is excluded.

Civil coverage by other commonly available programs not covered by the Governmental Immunity Act/Fund:

- UEA - Bail bond premiums, up to \$1,000 per bond covered; Personal property damage caused by assault up to \$500 covered;
- AFT - Bail bond premium up to \$1,000 per bond covered; Personal property damage caused by assault up to \$250 covered; \$10,000 assault death benefit covered; \$5,000 defense costs in licensure or credential hearing covered.
- AAE – Bail bond premiums, up to \$1,000 per bond covered. Legal consultation for workplace employment issues.

CRIMINAL DEFENSE PROTECTION

YOUR UTAH STATE RISK MANAGEMENT FUND COVERAGE RIGHTS

As a school district employee if:

- Criminal charges are filed against you

for acts or omissions occurring:

- During the performance of your duties;
- Within the scope of your employment; or
- Under color of authority,

then under the terms of Utah Code 52-6 you have the right to recover from your employing school district reasonable attorneys fees and court costs, if the indictment or information is quashed, dismissed or results in an acquittal, unless it is quashed or dismissed on motion of the prosecuting attorney.

- The Fund does NOT provide an attorney nor pay for attorneys fees incurred in defending a criminal case, nor does it cover or pay for any fines, fees, or any other costs assessed in a criminal case.

COMPARISON WITH COVERAGE BY OTHER ENTITIES

- UEA - \$35,000 per school related criminal proceeding if exonerated from all charges, if charges are withdrawn or dismissed or if case is the result of corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.
- AFT - \$35,000 per member per year for school related criminal charges if completely exonerated or if case results from corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.
- AAE – \$50,000 per member per claim in legal coverage for sexual misconduct; \$10,000 per member per claim in legal coverage for corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.

ADDITIONAL INFORMATION

For additional information about your rights please see the following:

- The Utah Governmental Immunity Act UCA 63G-7;
- Reimbursement of Criminal Defense Costs UCA 52-6;
- Your District Risk Manager or Business Official; or
- The Utah State Division of Risk Management
5120 State Office Building
Salt Lake City, Utah 84114
(801) 538-9560
- The information provided here is a general description and comparison of coverages. For a detailed explanation of coverages you may refer to the statutes cited above and coverage brochures provided by UEA & AFT.
- AAE – visit aaeteachers.org for information.