



**Risk Management
Handbook for**

**Insurance Coverage
&
Claims Procedures**

Commonwealth State Risk Management Plan

General Information

As a state institution, Old Dominion University's (ODU) insurance is administered primarily through the Commonwealth of Virginia Risk Management Plan. The State administers

I. Automobile Coverage

General Information

All state/university owned vehicles and vehicles rented by the university for official university business/travel are covered under the State's Automobile Liability Coverage. ODU also carries the elective coverage, CarCare, for physical damage to state/university owned automobiles.

In the event a faculty or staff member is involved in an automobile accident while driving their own personal vehicle, even if they were using the vehicle on official university business, the liability coverage on the car itself is always primary. If a faculty or staff member frequently requires the use of a vehicle to do their job duties, the use of a university vehicle (available from the Motor Pool fleet) is recommended.

NOTE: INSURANCE COVERAGE – TRAVEL OUTSIDE THE COUNTRY - Individuals traveling outside the territorial U.S. (including Canada and Puerto Rico) are required to purchase, and will be reimbursed for, LDW and CDW insurance only. Other types of insurance offered, such as trip cancellation, personal, health or life insurance are .

Automobile Liability Coverage

The Commonwealth of Virginia Risk Management Plan applies to any accident involving:

A ODU driver in a ODU owned vehicle involved in an accident where a non-ODU owned vehicle or non-ODU owned property is damaged and/or there is physical injury involved.

A ODU driver, while conducting official university business, involved in an accident where a non-ODU owned vehicle or non-ODU owned property is damaged and/or there is physical injury involved.

Virginia Auto Count and Car Care System (Vehicle Inventory)

All automobiles purchased or owned by the university (as well as state assigned fleet vehicles) must be recorded in the Virginia Auto Count and CarCare System website: <http://159.169.64.241/vaccs/login.asp>. As soon as any vehicle(s) is added or deleted from the fleet, it must be reported to the Office of Risk Management by the Motor Pool. Both the total vehicle inventory (liability coverage) and CarCare (physical damage coverage) sections must be updated.

Therefore, if a change needs to be made to the vehicle inventory information on the Auto Count and CarCare System website, contact the administrative assistant at x34009 in the ODU Office of Risk Management, as they are the contact person responsible for ensuring the Auto Count and CarCare system are updated and maintained.

When updating Auto Count and CarCare, the total number of vehicles, both ODU owned vehicles and State fleet assigned, should reflect not only vehicles that have

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5. The driver must contact their supervisor and the rental or leasing agency, if a rental or leased vehicle. The driver must complete an “Automobile Loss Incident Report Form.” This form should be in a packet of accident materials in every ODU vehicle. If an accident packet is not in the vehicle, or the driver was in a rental vehicle, copies of the packet contents are available at the Office of Risk Management or at <http://www.odu.edu/about/compliance/risk-management/auto-claims>.
6. The driver must also report the accident to the ODU Office of Risk Management. In addition, the driver must submit the [Automobile Loss Incident Report Form](#) to the Office of Risk Management within 24 hours of the accident as well as a copy of the Police Report, if available. This [Automobile Loss Incident Report Form](#) is to be attached to the Online Incident Reporting form found at <https://ww1.odu.edu/riskmanagement/forms> under online forms.
7. If the vehicle involved in the accident was ODU owned, then the ORM will notify the ODU Motor Pool, but it always best for the driver to also report the accident to the ODU Motor Pool by calling 757-683-6580.
8. The ODU Office of Risk Management will report the accident to DRM, however, it is the responsibility of the driver of the ODU vehicle (or rental vehicle) involved in the accident to make sure the ODU Office of Risk Management and DRM gets the required information as soon as possible. The driver should keep copies of all forms submitted for their personal records.
9. The driver involved in the accident/damage and the university itself will both be required to assist fully in any further investigation or inquiry involved in the claim.

II. Property Loss Coverage

General Information

Only property owned by ODU or required to be covered by contract is covered by our Property Loss/Damage coverage. Our property coverage **DOES NOT** cover the personal property of students, faculty or staff.

Loss can include:

Fire

Flood

Lightning

Theft

Vandalism

Or other forms of physical damage

NOTE: Losses typically exclude glass breakage and tree removal unless the tree has fallen on a building.

If a student, private citizen, faculty or staff member expresses of their own volition that ODU is at fault for damage that occurred to their personal property and

the replacement or repair of the property. The department must contact the ODU Office of Risk Management to notify them of the loss as soon as practical.

2. In addition, the following information will be required for all (repair or replacement):
3. A **State Property Loss Form** must be completed and submitted by the department that experienced the loss. This **State Property Loss Form** is to be attached to the Online Incident Reporting form found at <https://ww1.odu.edu/riskmanagement/forms> under online forms.

- a. Copies of any police or incident reports for the theft or damage. These can be obtained by contacting the Office of Public Safety.
- b. Copies of ALL purchase orders, invoices, and (if applicable) DPO's or requisitions for the original lost, stolen, or damaged property. These documents are required to demonstrate ODU ownership.
- c. Copies of ALL purchase orders, invoices, and (if applicable) DPO's or requisitions for the repair or replacement of the original property.

For all Property Loss claims, the ODU Office of Risk Management will notify the department of any questions or the need for clarification that DRM has regarding the claim. The ODU Office of Risk Management office receives confirmation of all processed and/or rejected claims. Notification of the state's decision will be forwarded to the department.

Statute of Limitations

State agencies have two (2) years from the date of a loss to submit all information for a Property Loss or Damage claim. This can be particularly useful if the department does not currently have the funds to repair or replace the property involved.

If the department wishes to take the full two years allotted for filing a claim, they may choose to wait to submit all or part of the information regarding the claim. If the Department wishes to settle the claim and receive reimbursement immediately, all inquiries and additional requested information must be returned in a timely fashion.

Claim Submissions

The deductible amount and claim submission is on a “per occurrence” basis. Examples include:

Five PC's are stolen from one department, on a single evening. As long as it is certain that all five PC's were stolen at the same time, only one claim must be submitted.

The State Risk Management Plan provides Liability Coverage to the university. The Plan covers any liability action or lawsuit that may be presented against the university for acts, omissions or negligence. In addition, individual employees of the university are provided with Professional and Medical Malpractice coverage in relation to their official duties as university/state employees.

Professional and Medical Malpractice Coverage \$10,000,000 per employee/Artifacts B52 4s

The following guidelines are to be followed when handling liability issues involving the university:

Do NOT “Solicit Claims” – When a potential liability situation arises (for instance someone has been hurt or their property damaged), ODU employees should refrain from making ANY comments regarding whether or not ODU is at fault. Soliciting claims suggests to the person that ODU is or may be at fault and that the injured party should file a claim against the state or the university. **The State Division of Risk Management strictly prohibits this practice.**

In order to avoid soliciting claims, the person who experienced the loss or injury must either:

Request information on how to file a claim against the state/university;
or

Make a statement that they wish to file a claim against the state/university.

IF, and ONLY IF the individual has, on their own, either requested information on how to file a claim or has made a statement that they wish to file a claim, please direct that individual to contact the ODU Office of Risk Management to find out what their rights are (according to Virginia State Law) in filing a claim against the state.

NOTE: The ODU Office of Risk Management does NOT file claims for liability issues. The inquiring party is informed of their right to file a claim directly against the State and contact information for the State Division of Risk Management. The State determines if the individual is to receive compensation. Do NOT indicate that the ODU Office of Risk Management may be contacted in order to receive compensation.

Multiple Claimants

If a large number of people are involved in an incident, the individuals must contact you or your office, for information in filing a claim before you can direct them to the ODU Office of Risk Management. In such instances, do not issue a blanket statement either orally, or in written form indicating that “anyone who wishes to file a claim” should contact the ODU Office of Risk Management. This can lead to the erroneous conclusion that ODU has accepted responsibility for the incident and the person is therefore contacting the ODU Office of Risk Management to receive compensation.

The ODU Office of Risk Management reviews any evidence the person may wish to present, and will occasionally visit the site of the incident to gather additional information on the incident. The ODU Office of Risk Management forwards this evidence to the Division of Risk Management. If it seems clear that ODU was not at fault, the ODU Office of Risk Management may state that it does not feel ODU is liable for the incident. However, ODU does not decide liability. The cla9(e)3 (l)5 he

Risk Management office will instruct them on how to do so.

Handling Professional Liability, Medical Malpractice and other legal action against individuals or the University

If you, or your office, receive notice that either an employee (current or former) or the University itself is being named in a law suit, please follow these guidelines:

1. Make copies of all pertinent documents for you records; and
2. Forward all originals to the ODU Office of Risk Management so that we may make a copy of our records and notify the Division of Risk Management of the pending action.

The ODU Office of Risk Management will forward the originals to the University’s Legal Counsel Office.

V. Certificates of Coverage

From time-to-time various institutions, organizations, or companies will request Proof of Liability Coverage from the university. The ODU Office of Risk Management prepares and signs all Certificates of Coverage. The Certificate of Coverage states coverage limits under the State Risk Management Plan. We cannot alter the amounts, as they are determined by the *Code of Virginia*, and can therefore only be altered by an act of the General Assembly. If an institution, organization or company is requesting coverage above the amounts provided by the Plan, they must be informed that the university cannot change or alter our coverage or its limits.

Some examples of coverage are provided in the following table.

One exception to this rule is if the university is renting (and using) equipment owned by the entity, in which case, we would need to provide liability coverage should we damage the equipment or somehow cause damage of non-ODU owned property or injury to a person in the process of using the equipment. This requires a separate statement from the Certificate of Coverage and must be handled by the ODU Office of Risk Management. Again, should you have a request for an entity to be named as “additional insured,” contact ODU Office of Risk Management.

Requesting a Certificate of Coverage

The following information is needed to complete the Certificate request:

Name and Mailing Address of the institution, organization or company requesting the Certificate.

Email address of Point of Contact at other institution.

Purpose of the certificate (name of event or activity for which the Certificate is requested).

Range of dates of the activity, internships, or other event (be as specific as possible) Once the required information is available go to

<https://www.odu.edu/riskmanagement/forms>, click on Request a Certificate of Coverage from the Online Forms section in the center blue box or [click this link](#):

ODU Office of Risk Management office will draft a certificate using the standard Certificate of Coverage form approved and provided by the State. The ODU Office of Risk Management will keep a copy and forward the original to the requesting department via email a copy to the requesting department. It is the responsibility of the requesting department to send the original to the requesting institution, organization, or company and to keep an additional copy for their records.

Note: Per Commonwealth Division of Risk Management guidance, Certificates of Coverage are prepared for no longer than one year. The one-year limit is due to yearly changes in certain liability coverage limits. To assure the accuracy of the certificate, they are drafted with a

No university department is authorized to approve, enter, or otherwise execute a contractual obligation or agreement on behalf of the university. Any contracts or potential contractual agreements between the university and an outside entity must be reviewed, approved, and executed by the proper university (and possible state) official. All contracts entered into by the university must go through at least one of several possible channels, p o s T w b 3 r c

aggregate that would mean you could only present a certain number of claims per year, or that there was a dollar limit on how many claims could be paid in a year. The state, and therefore the university, has no such aggregate on its liability coverage. In other words, while there is a dollar amount limit for each individual claim, there is no limit on how many claims can be presented during a single year.

VIII. Procedural Note

Contracts, especially those prepared and submitted to the University by outside entities, often contain legal language and stipulations (such as indemnification statements, coverage limit requirements, and legal jurisdiction statements) to which the State of Virginia cannot legally agree to. If a contract were to contain even one such stipulation, and were to be approved, without having been reviewed and such language edited out, the University would be responsible to uphold the contract in its entirety, without assistance (legal or otherwise) from the Commonwealth of Virginia. This could have significant consequences for the University. For this reason, it is imperative that all contractual agreements are reviewed by the appropriate offices (University Counsel, Risk Management, and Procurement) departments and/or individuals that