

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.C.09

AREA: Risk Management

SUBJECT: Tort Liability

1. PURPOSE

This document sets forth a policy for processing tort liability claims.

2. DEFINITIONS

Tort Liability Claim: Any claim arising as a result of an alleged wrongful act or negligence by the component university. This excludes injuries to component university employees while in the course and scope of employment, which would be considered a Workers' Compensation claim.

3. POLICY

3.1. Each component university shall designate one representative to receive and coordinate notice and information relative to tort claims.

3.2. All information gathered relative to an incident shall be reported by the component university representative to the System Director, Environmental Health and Risk Management, with a copy to the General Counsel, for appropriate action.

4. PROCEDURE

4.1. The component university representative shall be responsible for gathering the police report, a narrative of the incident, names and information about witnesses, medical information and any other relevant data. This information should be forwarded to the Director, Environmental Health and Risk Management within 24 hours of the incident. A Tort/Liability Incident Reporting Form (Exhibit A) shall be included in the incident report along with all available witness statements (Exhibit B).

4.2. Upon notification of a tort claim, the System Director, Environmental Health and Risk Management shall:

- a. Seek guidance, as appropriate, from the General Counsel in determining liability; and

- b. Coordinate consultation involving the component university representative, General Counsel, Associate Vice Chancellor for Plant Operations and Vice Chancellor for Administration and Finance regarding whether, and to what extent, a settlement offer is appropriate.
- 4.3. Subsequent to the activities in 4.2. above, the System Director, Environmental Health and Risk Management shall:
- a. Implement instructions received from the Associate Vice Chancellor Plant Operations regarding contact with the claimant;
 - b. Coordinate the filing of the claim with the appropriate insurance carrier and payment of damages with the component university representative, as directed by the Associate Vice Chancellor for Plant Operations;
 - c. Generate and distribute an annual status report to each component university and the Office of General Counsel. The component university representative will review the report for completeness and accuracy and notify the System Director, Environmental Health and Risk Management of any discrepancies; and
 - d. Settle uninsured claims up to \$10,000. Settlements in excess of \$10,000 but less than \$25,000 must be approved by the Associate Vice Chancellor for Plant Operations and the General Counsel. Settlements in excess of \$25,000 must be approved by the Vice Chancellor for Administration and Finance and the General Counsel. All agreements relating to settlement of claims, regardless of amount, must be reviewed and approved by the General Counsel prior to execution by the parties.
- 4.4. The authority to settle uninsured claims is as follows:
- a. Uninsured claims up to \$10,000 may be approved by the System Director, Environmental Health and Risk Management and component university officials;
 - b. Uninsured claims in excess of \$10,000 but less than \$25,000 must be approved by the Associate Vice Chancellor for Plant Operations and the General Counsel;
 - c. Uninsured claims in excess of \$25,000 must be approved by the Vice Chancellor for Administration and Finance and the General Counsel; and
 - d. All agreements relating to settlement of claims, regardless of amount and regardless of form (oral, letter agreement, invoice, etc.) must be reviewed and approved by the General Counsel prior to execution by the parties.

4.5. In the event a claimant is represented by an attorney, all activities from that point forward, including activities set forth in Section 4.1. through 4.3. above, shall be conducted under the direction of the General Counsel.

5. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor for Plant Operations

Review: Every three years on or before March 1

6. APPROVAL

Approved:

John Rudley
Vice Chancellor for Administration and Finance

Jay Gogue
Chancellor

Date: 6/20/05

7. INDEXING TERMS

Accidents
Legal Claims
Personal Injury
Property Damage
Risk Management
Slip and Fall
Tort Claims

Exhibit A

University of Houston System Environmental Health and Risk Management
Tort/Liability Incident Reporting Form

| | | | | | | |
|---|---|--|-----|---|----------|--|
| A. Claimant (or Potential Claimant) Name(s) | | | | Campus Police Notified – Yes No N/A | | |
| Date of Incident: | | | | Time: | A.M P.M. | |
| Claimant Status: | Circle one: Student *Employee Visitor/Other | | | * "Employee" includes faculty, staff or employed students | | |
| Building: | | | | Dept. | | |
| Claimant Phone: | Hm. | | Wk. | | Other | |
| Claimant Address | | | | | | |
| Person Filing Report: Title: | | | | Wk. Phone | | |
| B. Incident Description (Use Additional Sheet if Necessary) | | | | | | |
| 1. Where did the incident happen? Provide a full description of the surroundings of the location and photos. | | | | | | |
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| 2. What was happening at the time of the incident? What was the sequence of events leading up to the incident? Include names of person's involved and contact information. | | | | | | |
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| 3. Identify known physical conditions relating to the injury (e.g. hole in pavement). Include only factual information; if contributing causes are obvious, state as such. Include weather conditions if they are a factor. | | | | | | |
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