United Educators

ABSTRACT

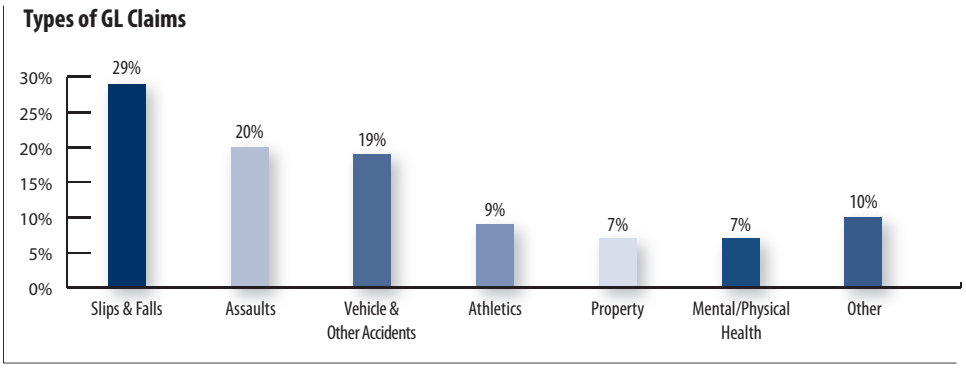
An Inside Look at UE's Student Liability Claims in Higher Education

As an insurer of hundreds of colleges and universities, United Educators (UE) maintains the largest database of liability claims brought against higher education institutions nationwide. UE recently analyzed claims made against higher educational institutions from 2004 through 2008. Students brought nearly 38 percent of these claims.

This report examines allegations of negligence causing bodily injury to students and wrongful acts of higher educational institutions affecting students. Eighty percent of students' claims alleged bodily injuries, and claims of wrongful acts accounted for the remaining 20 percent of student claims. These allegations are covered under United Educators' General Liability and Educators Legal Liability policies.

GL Claims

The primary cause of bodily injury that students alleged in their claims during the five-year period was as follows:



Slips and falls are by far the most common student GL claim reported. The most common injury was broken bones, closely followed by soft tissue damage including sprains. Of 16 fatalities resulting from slips and falls, 11 involved alcohol consumption. Most of the deaths occurred when a student who had been drinking fell down the stairs or from a height.

Nearly 50 percent of all slips and falls on campus occurred outdoors. Just over one-third of the claims occurred in on-campus buildings, 12 percent in residence halls, and only 5 percent occurred off campus. Many of the slips and falls claims were the result of improper grounds maintenance, unrestricted access to rooftops and other high locations, and delayed repair of defective conditions such as a leaky pipe.

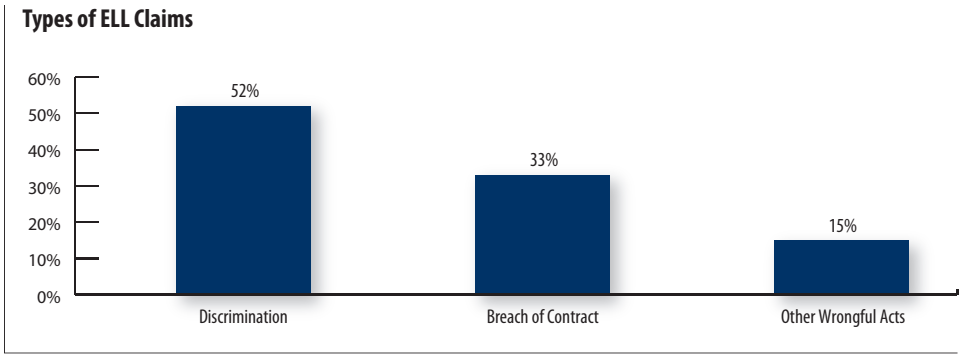
As indicated, sexual assaults accounted for 66 percent of all assault claims. Half of the sexual assault claims alleged that the assault occurred on campus in residential buildings. The others allegedly occurred off campus (24 percent), in nonresidential campus buildings (19 percent), and outdoors on campus grounds (7 percent).

Civil assaults accounted for the remaining 34 percent of all assault claims. Most claims alleged that the assaults occurred in residential buildings on campus (31 percent), followed by nonresidential buildings on campus (25 percent), outdoors on campus grounds (25 percent), and off campus (19 percent).

In at least 29 percent of all assault claims, alcohol use by the perpetrator or victim was a factor. Nearly three-fourths of these incidents were sexual assaults.

ELL Claims

The primary wrongful acts that students alleged in their claims during the five-year period were:



Disability was the most frequently alleged form of discrimination, accounting for 39 percent of student discrimination claims reported to UE. Race was next with 20 percent, followed by gender (13 percent), age (9 percent), and national origin (8 percent). About 5 percent of the claimants alleged retaliation, which is often linked to an underlying allegation of discrimination. The category "other" (7 percent) includes claims of discrimination based on religion, marital status, and sexual orientation.

Claims for breach of contract arose when a student alleged that an institution did not provide a service it had promised, did not provide due process, failed to follow procedures contained in the student handbook, or made fraudulent or other false promises or statements about the institution.

Other alleged wrongful acts included claims of negligence, invasion of privacy, and defamation.

Conclusion

Although the trends that UE has identified may not correlate exactly with risks at individual institutions, our findings can help institutions understand those claims in which liability is most likely and determine the types of claims that will involve the highest expenditure of indemnity and defense costs.

Education's Own Insurance Company.

United Educators

Two Wisconsin Circle, Fourth Floor
Chevy Chase, MD 20815
phone/301.907.4908
fax/301.907.4830
www.ue.org

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UE was created in 1987 to be "Education's Own Insurance Company" on the recommendation of a national task force organized by the National Association of College and University Business Officers. Our mandate is to provide a long-term, stable alternative to the cyclical unavailability and erratic pricing of commercial liability insurance. We understand the special nature of education and are committed to reducing the overall cost of risk for our policyholders. UE members benefit from tailored coverages as well as value-added, education-specific services in claims and risk management. United Educators is Rated A (Excellent) by A.M. Best.

For more information, visit our website at www.ue.org or call us at (301) 907-4908.

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