

Comparative Value Guide

Educators Legal Liability (ELL) Coverage




Since United Educators’ (UE’s) founding in 1987, our focus has been exclusively on education and finding new ways to meet our members’ insurance coverage needs, manage risks, and efficiently resolve claims. When it comes to liability insurance, UE offers broad coverage. Use this checklist to compare the value and benefits of UE’s educators legal liability (ELL) coverage with alternatives you might be considering.

First, review the coverage and value of UE’s policy. Next, determine if alternative options provide the same comprehensive benefits. Any gaps in coverage or value by the other carrier represent a potential liability. If it is unclear how another policy may respond, ask that carrier’s Underwriter to state the coverage position.

Discuss your comparison with your UE representative at any time. We’re here to help.

ELL Coverage Comparison

 Who's Insured	UE	Other Carrier	Other Carrier
The policy typically covers:			
• The educational institution, any not-for-profit affiliated organizations that share common purpose with the institution and are included in its financial statements	Yes		
• Newly formed and/or acquired entities, including new for-profit entities (automatic coverage for 60 days)	Yes		
• While acting within the scope of their duties to the educational institution:			
• Past, present, or future trustees, directors, and officers as well as their estates, heirs, legal representatives, spouses, and domestic partners for acts of the trustees, directors, and officers	Yes		
• Employees, faculty, student teachers, teaching assistants, volunteers, and committee members, including institutional review board members (at the option of the institution)	Yes		
• Representatives to an education association of which the insured institution is a member (at the option of the institution)	Yes		



Who's Insured

- Students who, at the option of the institution, are:
 - In a supervised non-professional internship program in satisfaction of course requirements
 - Performing services primarily for the educational institution
 - Complying with policies and procedures governing conduct such as an honor code
- Individuals representing the institution as directors of certain 501(c)(3) non-profits

UE

Other
Carrier

Other
Carrier

Yes

Yes

Yes

Yes



What's Covered

The policy typically protects against claims arising out of:

- Termination of individual employment
- Breach of individual employment contract
- Failure to hire or promote
- Constructive discharge
- Tenure-related claims

Yes

Yes

Yes

Yes

Yes

Tip: Reduce your risk of tenure-related claims by following recommended tenure review practices. Ask your UE representative for *Problems Arising From Tenure Denials: A Review of Recent Claims*.

- Violation of Americans with Disabilities Act (ADA)
- Violation of Age Discrimination in Employment Act (ADEA)
- Violation of Family Educational Rights and Privacy Act (FERPA)
- Violation of Title VII of the Civil Rights Act
- Violation of Family Medical Leave Act (FMLA)
- Violation of whistleblower protection acts, retaliation
- Violation of equal pay acts
- Violation of Title IX of the Civil Rights Act

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Tip: Is all the information technology on your campus accessible to students with disabilities? Ask your UE representative for *Understand Your Duty to Make Technology Accessible*.



What's Covered

	UE	Other Carrier	Other Carrier
• Discrimination due to age, sex, race, retaliation, or disability	Yes		
• Employee sexual harassment	Yes		
• Wrongful eviction (such as eviction from a student residence or faculty housing or office)	Yes		
• Failure to provide due process	Yes		
• False arrest or imprisonment	Yes		
• Educational malpractice or failure to educate	Yes		
• Emotional distress	Yes		
• Improper or inappropriate academic discipline	Yes		
• Invasion of privacy	Yes		
• Breach of fiduciary duty to endowments and charitable trusts	Yes		
• Intellectual property (violation of copyright; patent or trademark infringement)	Yes		
• Defamation (libel or slander), disparagement of product or service	Yes		
• Broad media, publishing, broadcasting, and telecasting coverage, with no internet-related exclusions	Yes		
• Defense costs for antitrust and unjust enrichment (except <i>qui tam</i>)	Yes		
• Professional liability of employed attorneys functioning as general counsel, employed accountants, and notaries	Yes		

Tip: A workplace free from harassment fosters a positive work environment, builds a sense of community, and reinforces the shared mission that is unique to educational institutions. Ask your representative about UE's **Workplace Harassment Prevention** course collections available to staff, faculty, and supervisors.





Payment for Loss

UE

Other
Carrier

Other
Carrier

Payment for loss incurred in connection with covered claims typically includes:

- Emotional distress damages in employment claims and third-party claims
- Amounts owed under contract for denial of tenure to tenure-track faculty
- Back pay and front pay, where covered by statute
- Plaintiff's attorney fees pursuant to statutes (in covered claims)
- Defense costs for equitable relief claims or injunctive actions
- Punitive damages (if permitted by state law) up to \$1 million; additional coverage may be available subject to supplemental application

Yes

Yes

Yes

Yes

Yes

Yes



Defense of Claims

- "Claim" is defined broadly to include any written notice of intent to hold an insured liable for the results of a wrongful act. A "Claim" could include demands for arbitration, Equal Employment Opportunity Commission (EEOC) complaints, or attorney letters.
- UE won't settle claims without insured's consent.
- Pre-claim advice credit rewards members by crediting self-insured retention up to \$10,000 for seeking advice from counsel UE selects in situations that become claims

Yes

Yes

Yes



Risk Management

UE members receive complimentary access to our suite of risk management resources tailored to the educational environment. Resources include:

- Access to risk management consultants for tailored guidance
- Claims analyses and advice on hot topics such as concussions, Title IX, campus safety, and short-term international travel
- A dedicated library of online courses for students, staff, and faculty

Yes

Yes

Yes



Seamless Coverage

UE

Other
Carrier

Other
Carrier

Educational institutions that purchase both UE educators legal liability and primary general liability policies have seamless coverage providing the following benefits:

• Crisis response benefits, known as ProResponse [®] , provide reimbursement for expert services for crisis communications/public relations, sexual misconduct investigation, threat assessment, and/or trauma/grief counseling. Limits apply.	Yes		
• Lowest retention policy applies with coverage applicable from both policies	Yes		
• Minimizes potential for coverage gaps	Yes		
• Peace of mind by eliminating disputes between different insurance carriers	Yes		



The UE Advantage

UE is owned and governed by the institutions it insures. We provide value and customer service above and beyond other carriers as evidenced by the following factors:

• Policy non-cancellable except for nonpayment of premium	Yes		
• Underwriters willing to work with institutions and their brokers to craft coverage solutions for specialized needs	Yes		
• 24/7 access to claims professionals to help institutions in the event of catastrophic loss	Yes		
• No warranty provision applies	Yes		
• Claims managed by education specialists	Yes		

Connect With UE

Visit www.ue.org to check out our broker resources and sample risk management offerings.



Education's Own Insurance Company™

United Educators (UE), a reciprocal risk retention group, is a licensed insurance company owned and governed by about 1,600 members representing thousands of K-12 schools, colleges, and universities throughout the United States. Our members range from small independent schools to multicampus public universities. UE was created in 1987 on the recommendation of a national task force organized by the National Association of College and University Business Officers. Our mandate is to provide K-12 schools, colleges, and universities with a long-term, stable alternative to commercial liability insurance.

United Educators is rated A (Excellent) by AM Best.

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

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