



# Educators Legal Liability Coverage

## Comparative Value Guide

United Educators' (UE) educators legal liability (ELL) policy offers your institution some of the broadest coverage available. Use this checklist to compare the value and benefits of UE coverage with alternatives you might be considering.

First, review the coverage and value of the UE 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 to an issue, ask the underwriter to state their coverage position in writing. Discuss your comparison with your UE representative at any time. We are here to help!

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<b>ELL Coverage Comparison</b>	<b>UE</b>	Other Carrier	Other Carrier
<b>Who's Insured</b>			
The policy covers:			
○ The educational organization, 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, past, present, and future:			
<ul style="list-style-type: none"> <li>• Trustees, directors, and officers as well as their estates, heirs, legal representatives, spouses, and domestic partners</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>• Employees, faculty, student teachers, teaching assistants, volunteers, and committee members, including institutional review board members</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>• Representatives to an education association of which the insured educational organization is a member</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>• Students who are:</li> </ul>			
<ul style="list-style-type: none"> <li>- In a supervised non-professional internship program in satisfaction of course requirements</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>- Performing services primarily for the educational organization</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>- Complying with policies and procedures governing conduct (e.g., "honor code")</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>• Individuals representing the educational organization as directors of a 501(c)(3) non-profit</li> </ul>	Yes		

	UE	Other Carrier	Other Carrier
<b>What's Covered</b>			
The policy protects against claims arising out of:			
○ Termination of individual employment	Yes		
○ Breach of individual employment contract	Yes		
○ Failure to hire or promote	Yes		
○ Constructive discharge	Yes		
○ Tenure-related claims	Yes		
<b>Tip:</b> Reduce your risk of tenure-related claims by following recommended tenure review practices. Ask your UE representative for <i>Problems Arising From Tenure Denials: A Review of Recent Claims</i> .			
○ Violation of Americans with Disabilities Act (ADA)	Yes		
○ Violation of Age Discrimination in Employment Act (ADEA)	Yes		
○ Violation of Family Educational Rights and Privacy Act (FERPA)	Yes		
○ Violation of Title VII of the Civil Rights Act	Yes		
○ Violation of Family Medical Leave Act (FMLA)	Yes		
○ Violation of whistleblower protection acts, retaliation	Yes		
○ Violation of equal pay acts	Yes		
○ Violation of Title IX of the Civil Rights Act	Yes		
<b>Tip:</b> Is all the information technology on your campus accessible to students with disabilities? Ask your UE representative for <i>Understanding Your Institution's Duty to Make Technology Accessible</i> .			
○ Discrimination due to age, sex, race, retaliation, or disability	Yes		
○ Sexual harassment	Yes		

	<b>UE</b>	Other Carrier	Other Carrier
○ Wrongful eviction (i.e., 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		
○ 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 qui tam)	Yes		
○ Professional liability of employed attorneys functioning as general counsel, employed accountants, and notaries	Yes		
<p><b>Tip:</b> 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 <i>Workplace Harassment Prevention</i> learning program available to staff, faculty, and supervisors.</p>			

	UE	Other Carrier	Other Carrier
<b>Payment for Loss</b>			
Payment for loss includes:			
○ Emotional distress damages in employment claims and third-party claims	Yes		
○ Emotional distress and economic injury for loss or release of confidential information	Yes		
○ Amounts owed under contract for denial of tenure to tenure-track faculty	Yes		
○ Back pay and front pay, where covered by statute	Yes		
○ Plaintiff's attorney fees pursuant to statutes (in covered claims)	Yes		
○ Defense costs for equitable relief claims or injunctive actions	Yes		
○ Enhanced coverage for confidential data loss/breach, including \$250,000 sublimit for credit monitoring costs resulting from settlements/judgements	Yes		
○ Punitive damages (if permitted by law) up to \$1 million. Additional coverage may be available subject to supplemental application.	Yes		

	UE	Other Carrier	Other Carrier
<b>Defense of Claims</b>			
<ul style="list-style-type: none"> <li>“Claim” is defined broadly to include any written notice of intent to hold an insured liable for the results of a wrongful act, including arbitration and EEOC complaints, or attorney demand letters.</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>UE will not settle claims without insured’s consent</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Pre-claim advice credit rewards members by crediting self-insured retention up to \$10,000 for seeking advice from counsel selected by UE in situations that become claims</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Defense costs outside the policy limit when using UE-selected counsel</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Defense costs on behalf of the insured are paid on a current basis as billed</li> </ul>	Yes		
<b>Risk Management</b>			
<p>UE members receive complimentary access to EduRisk®, a suite of risk management resources tailored to the educational environment. Resources include:</p>			
<ul style="list-style-type: none"> <li>Access to risk management consultants for tailored guidance</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Claims analyses and advice on hot topics such as concussions, Title IX, campus safety, and short-term international travel</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Dedicated risk management website, <a href="https://www.edurisksolutions.org">EduRiskSolutions.org</a></li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Interactive learning programs for students, staff, and faculty</li> </ul>	Yes		

	UE	Other Carrier	Other Carrier
<b>Seamless Coverage</b>			
Educational organizations that purchase both UE Educators Legal Liability and Primary General Liability policies have “Seamless Coverage” providing the following benefits:			
○ Claims managed by education specialists	Yes		
○ The ProResponse® crisis response benefit, which provides expert services for crisis communications/public relations, e-discovery consulting, sexual misconduct investigation, threat assessment, and/or trauma/grief counselling. Limits apply.	Yes		
○ Emotional distress coverage for students for discrimination	Yes		
○ Lowest retention policy applies with coverage applicable from both policies	Yes		
○ Minimizes potential for coverage gaps	Yes		
○ Creates peace of mind by eliminating disputes between insurance carriers	Yes		

## The United Educators Advantage

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

- Underwriters willing to work with institutions and their brokers to craft coverage solutions for specialized needs
- 24/7 access to claims professionals to assist the institution in the event of catastrophic loss
- Policy non-cancellable except for nonpayment of premium
- No warranty provision applies

	Yes		



## Prevention and Protection for Education™

United Educators (UE), a reciprocal risk retention group, is a licensed insurance company owned and governed by nearly 1,600 members representing thousands of schools, colleges, and universities throughout the United States. Our members range from small independent schools to multi-campus 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 schools, colleges, and universities with a long-term, stable alternative to commercial liability insurance.

EduRisk™ from United Educators provides members with risk management resources to help prevent incidents that put people and institutions at risk. And, when claims do occur, UE protects our schools, colleges, and universities with education-specific coverage and an experienced claims management team. This prevention and protection philosophy enables UE to reduce the overall cost of risk for our policyholders.

United Educators is Rated A (Excellent) by A.M. Best.

For more information, visit [www.UE.org](http://www.UE.org) or call (301) 907-4908.