

Frequently Asked Questions

Traumatic Brain Injury in Athletics

1. Why is United Educators (UE) making underwriting changes with respect to athletic traumatic brain injuries (athletic TBIs)?

No athletic safety issue has garnered more attention recently than concussions and athletic TBIs. The potential for catastrophic injury, coupled with evolving medical and legal developments, makes athletic TBIs a serious safety and liability concern. Ultimately, UE's goals are to increase awareness about the impact of athletic TBIs and to encourage members to adopt practices to advance the safety of student athletes.

2. What has UE done about aggregate policy limits for athletic TBIs?

The aggregate limit changes only apply to the UE GLX policy. GLX policies issued as of June 1, 2014 will have an aggregate limit for all athletic TBIs. No other aggregate or policy limit is affected (both UE CGL and GLU policies already have aggregate policy limits; those are not affected by these changes).

3. Has UE changed the trigger for an occurrence?

For all policies, UE is confirming when multiple claims or incidents involving athletic TBIs may be combined into a single occurrence. Subpart (a) of the definition of occurrence continues to define what must take place or commence during the policy period.

4. Are the listed circumstances (in part iii of the occurrence definition) combined to create one occurrence for athletic TBIs during the policy term?

Whether separate claims or events can be combined into a single occurrence will be determined by the specific facts and circumstances of each event. The endorsements' definition of athletic TBIs states types of circumstances for which athletic TBIs will be combined into a single occurrence.

An important aspect of these revisions is to re-confirm that a single event or pattern will not create multiple occurrences in different policy periods that "stack" policy limits.

5. What kind of “policies and procedures” would group different injuries into a single occurrence?

Part iii of the occurrence definition (athletic TBI) would group “formal or informal policies, practices, procedures, or courses of conduct that commence during the policy period.”

For example: A college athletic director (AD) has an informal “aggressive play” policy that the AD emphasizes with the football and soccer coaches. A football player and a soccer player then both bring claims for athletic TBIs. Those claims would likely be combined into a single occurrence. On the other hand, the absence of a policy linking the two injuries might well result in them being treated as separate occurrences.

6. Does part iii of the occurrence definition mean that all athletic TBIs/concussive injuries occurring during the next policy period will be considered a single occurrence regardless of the injured party, the date of the injury or injuries, or the circumstances of the injury?

No. The grouping criteria in part iii of the occurrence definition refer only to athletic TBIs. The definition’s criteria provide a basis for analyzing the specific facts and circumstances of individual claims to determine whether or not they should be combined into a single occurrence. This language is similar to language that has long been part of UE’s occurrence definition with respect to product liability and sexual molestation claims.

7. What is UE’s interpretation of the term “organized athletic programs”?

“Organized athletic programs” includes any athletic program or set of events which is in some way recognized by the institution and for which the institution has some responsibility for oversight. This could include any intercollegiate, league or conference sports, club sports, courses that involve athletics, or intramural sports.

8. Does UE specifically endorse or require the adoption of any particular organization’s TBI standards?

UE does not formally endorse or require any specific set of concussion or TBI standards established by another organization (e.g., the National Collegiate Athletic Association or National Athletic Trainers’ Association). UE can provide risk management assistance with practices that may advance the safety of student athletes (contact risk@ue.org for more information). In the underwriting process, however, specific steps that our members have taken to reduce risks will be considered on an individual basis.

9. UE appears to require members to obtain participation agreements, including waivers (releases), from all athletic participants. In some states, waivers for athletic events are against public policy. What should a member in those states do?

The enforceability of waivers varies from state to state, depending on the law and circumstances. UE does not require waivers, but does consider participation agreements, including waivers and acknowledgements of risks, to be a useful part of any risk management program. UE's Supplemental Application asks if the institution obtains a signed waiver or assumption of risk form, but the answer to this question will be evaluated on a case-by-case basis. UE provides additional risk management guidance in a [blog post](#) on the topic of releases and assumption of risk agreements in intercollegiate athletics.

10. Question 4 of the Supplemental Application for Intercollegiate Football requires “completion of a TBI or concussion awareness training or education program.” Who should conduct this training?

Appropriate training may be provided by many sources, and UE does not require any particular provider or program. UE does not ask institutions to specify the training provider, but does ask who receives the training and how often it is provided.

11. Does UE expect coaches to conduct medical evaluations of possible TBIs?

Although coaches should be trained to recognize the signs and symptoms of TBIs, coaches may not be medically qualified and should not conduct medical evaluation of possible TBIs. Rather, instances of possible or suspected TBIs should be referred immediately to appropriate medical staff for evaluation. Coaches, players, and parents can find helpful information on the [Centers for Disease Control and Prevention](#) website.

12. Who should sign the Intercollegiate Football Supplemental Application?

The application should be signed by the risk manager or other officer of the Institution.

These FAQs are intended to provide a general summary of United Educators' underwriting changes and do not constitute legal or medical advice. Coverage is provided only by the terms, conditions, and limitations in the actual insurance policy issued by United Educators.



For more information, visit www.UE.org
or call (800) 346-7877.