

Comparative Value Guide

# Educators Legal Liability (ELL) Coverage



United Educators (UE) brings nearly 40 years of education-focused experience providing liability insurance and risk management solutions for educational institutions. We are committed to helping our members address evolving liability risks through personalized service, proactive risk management, and expert claims resolution.

UE offers broad claims-made coverage with options to meet institution's unique needs. Use this guide to compare UE's educators legal liability (ELL) coverage with alternatives. Begin by reviewing the coverage and value provided by UE's policy. Then determine if other options provide the same comprehensive benefits. Consider that gaps in coverage may represent a potential liability. If policy coverage or benefits are unclear, ask that carrier's underwriter to state the coverage position.

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

## ELL Coverage Comparison



### Who Is Insured

#### The policy typically covers:

- The educational institution and any not-for-profit organizations it controls that are included in the institution's financial statements
- Newly formed and/or acquired entities, including new for-profit entities (automatic coverage for 60 days, subject to policy conditions)
- While acting within the scope of their duties to the educational institution:
  - Past, present, and future trustees, as well as their estates, heirs, legal representatives, and the spouses or domestic partners of the aforementioned as long as their involvement in claims is solely because of their status as spouses or domestic partners
  - Directors and officers
  - Employees, faculty, student teachers, teaching assistants, volunteers, and committee members, including institutional review board members (at the option of the institution)
  - Representatives to an education association of which the insured institution is a member (at the option of the institution)

	UE	Other Carrier	Other Carrier
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		



## Who Is Insured

	UE	Other Carrier	Other Carrier
<ul style="list-style-type: none"> <li>At the option of the institution, students who are:               <ul style="list-style-type: none"> <li>In a supervised non-professional internship program in satisfaction of course requirements</li> </ul> </li> </ul>	Yes		
<ul style="list-style-type: none"> <li>At the institution's direction, performing services primarily for the institution and within the scope of their duties to the institution</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Individuals who, at the request or direction of the institution, are representing the institution as directors of certain 501(c)(3) nonprofits</li> </ul>	Yes		



## What Is Covered

### The policy typically protects against claims arising out of:

<ul style="list-style-type: none"> <li>Breach or termination of individual employment contract</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Failure to hire or promote</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Tenure-related claims</li> </ul>	Yes		

**Tip:** Reduce your risk of tenure-related claims by following recommended tenure review practices. Ask your UE representative for *Prevent and Respond to Tenure Denial Claims*.

<ul style="list-style-type: none"> <li>Retaliation against an individual for exercising rights or duties under certain laws</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Americans with Disabilities Act (ADA)</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Age Discrimination in Employment Act (ADEA)</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Family Educational Rights and Privacy Act (FERPA)</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Title VII of the Civil Rights Act</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Family Medical Leave Act (FMLA)</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Equal Pay Act</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Violation of Title IX of the Civil Rights Act</li> </ul>	Yes		

**Tip:** Plan and conduct layoffs in a way that is fair to employees and minimizes your risk of liability. Ask your UE representative for *Checklist: Employee Layoffs Driven by Financial Pressure*.



## What Is Covered

	UE	Other Carrier	Other Carrier
• Discrimination due to age, sex, race, or disability	Yes		
• Employee sexual harassment	Yes		
• Failure to provide institutional student due process	Yes		
• Educational malpractice or failure to educate	Yes		
• Emotional distress caused by a wrongful employment practice	Yes		
• Academic discipline	Yes		
• Charitable trust management performed by an employee of the institution for or on behalf of the institution	Yes		
• Intellectual property (violation of copyright; patent or trademark infringement)	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* for faculty, staff, and supervisors.





## 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.
- UE will not settle claims without insured's consent.
- Eligible members benefit from our pre-claim advice credit, which reduces their self-insured retention when they seek early advice from UE-selected counsel for an incident that later becomes a claim.

UE	Other Carrier	Other Carrier
Yes		
Yes		
Yes		



## Risk Management

**Eligible UE members receive complimentary access to our extensive suite of education-specific risk management services and resources.**

- Resource library: Publications, tools, and media addressing key risk topics
- Risk advice: Access to UE consultants for tailored guidance
- Online training: Interactive courses for students, staff, and faculty
- Risk Management Premium Credit (RMPC) program: Up to a 6% premium credit for eligible activities

Yes		
Yes		
Yes		
Yes		





## Seamless Coverage

UE

Other Carrier

Other Carrier

**Institutions that purchase both ELL and a general liability policy from UE have seamless coverage. Benefits include:**

• ProResponse® crisis response services, including media relations support; trauma and grief counseling; sexual misconduct investigation; and threat assessment consultation. <i>Limits apply.</i>	Yes		
• Lowest retention policy applies with coverage applicable from both policies	Yes		
• Minimized potential for coverage gaps	Yes		
• Peace of mind by eliminating disputes between different insurance carriers	Yes		



## The UE Advantage

**UE provides deep education expertise, proactive risk management, and personalized customer service.**

• Policy noncancellable except for nonpayment of premium	Yes		
• Underwriters who work with institutions and their brokers to craft coverage solutions for specialized needs	Yes		
• Claims managed by education specialists, with 24/7 access to professional support in the event of catastrophic loss	Yes		
• Financial efficiency to meet the cost of claims and manage the volatility of long-tail liabilities	Yes		
• Mission-driven reciprocal risk retention group partnering with the educational institutions that own and govern us	Yes		

For more information about our liability insurance and risk management solutions, visit [www.ue.org](http://www.ue.org) or contact your insurance broker.



## Education's Own Insurance Company™

UE provides liability insurance and risk management solutions to meet the unique needs of K-12 schools, colleges, and universities. UE serves members from large university systems to small, independent K-12 schools, providing coverage and tools to help institutions confidently manage education-specific liability risks. Founded exclusively for education, UE has received an A (Excellent) financial strength rating from AM Best every year since 1998. UE is among Ward's 50® top-performing insurance companies.

This document is intended to provide a general summary of coverage provided by United Educators' policies. This document should not be interpreted as a promise that all coverages are available to all members or that all claims will be covered. The information contained in this document does not amend or extend the actual policy of insurance. Coverage is provided only by the terms, conditions, and limitations in the actual insurance policy issued by United Educators.

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