

# SPECIAL FEATURES

## Outside Activities

As long as the Educator is within the scope of his/her professional duties, the policy covers liability for injury to students and others while the Educator is conducting visits to industrial and commercial establishments, entertainment centers, outings, picnics and other similar school functions, subject to specific automobile, watercraft, and aircraft exclusions.

## Coverage B

### Reimbursement of Attorney Fees

Such reimbursement as is afforded the member for actions involving tenure, dismissal, revocation of certification and other professional rights and duties is guaranteed under the policy and is not contingent on the approval of a board or review committee, as might be the case where the only available assistance is from a defense fund.

## QUESTIONS AND ANSWERS

- Q 1 - Does this policy cover a teacher or administrator who is also a member of a school board?  
A - Such member is covered while engaged in duties as a teacher or administrator but not while acting as a member of a school board.
- Q 2 - Are libel and slander covered?  
A - Yes, while the member is engaged in activities as a professional educator.
- Q 3 - A student physically injured during a scheduled football practice alleges negligence on the part of the coach. Is the coach covered?  
A - Yes. In a case where the coach instructed a player to "run the bleachers" as discipline for missing practice, the student fell and suffered serious injuries. The claim was covered under Liability Coverage A.

## QUESTIONS AND ANSWERS

(cont.)

- Q 4 - A claim is made against an administrator or teacher for damages as a result of the suspension of a student. Is coverage provided under Coverage A?  
A - Yes, since monetary damages are alleged.
- Q 5 - A suit is filed demanding reinstatement of a student alleging improper suspension by an administrator or teacher. Is coverage provided?  
A - Since this action only asks for "injunctive relief," and since it involves "other professional responsibilities," Coverage B would apply. Reimbursement of attorney fees up to \$10,000 each for administrator and teacher would be paid if the suspension were upheld.
- Q 6 - A claim is made against a teacher or administrator as the result of a student being injured during an experiment in the science lab. What coverage is provided?  
A - This accident falls under Coverage A.
- Q 7 - A claim is falsely and fraudulently made against a teacher for bodily injury to a student alleging negligence on the part of the teacher. Is this covered?  
A - Yes. The duty of the insurance company to defend is far greater than the duty to pay. It pays when an insured is judged liable; but it must defend even if the allegation be false, groundless or fraudulent.
- Q 8 - What coverage is there in the policy for a member who feels unjustly terminated or unjustly censured by a board action?  
A - The policy covers attorney fees up to \$10,000 provided termination or allegations at a hearing are resolved in favor of the teacher. In one case, a teacher was suspended and asked to resign although he felt he had done nothing to void his contract. Negotiations resulted in the teacher recovering requested pay, a contract of release and a recommendation. His attorney's fee was paid under Coverage B.
- Q 9 - An Educator is accused of sexual misconduct with a student or another teacher. Is coverage provided?  
A - Yes, under Coverage B only. This may or may not be a criminal action, but whether criminal or civil, attorney fees up to \$10,000 are payable whether or not the Educator is exonerated.

# EDUCATORS PROFESSIONAL LIABILITY INSURANCE



Available to  
Texas Community College Teachers Association

Offered by



**The John A. Barclay Agency, Inc.**  
8701 SHOAL CREEK BLVD.  
BLDG 2, STE. 201  
AUSTIN, TEXAS 78757  
512-476-6566 - JOHN A. BARCLAY III  
CLAIMS DEPT. - 512-476-6566  
CLAIMS FAX 512-472-8382

Supervising General Agent  
**MYRON F. STEVES & COMPANY**  
P.O. Box 4479  
Houston, Texas 77210-4479  
Phone 713-522-1100

# What the Policy Covers

## Coverage A Broad Insuring Clause Liability

### A True Professional Liability Policy:

- Errors and omissions insurance for claims for damages arising out of a member's duties as a professional educator, including all defense costs.
- The **occurrence** giving rise to such claims is simply defined as an event which results in damages to some other person.

## Coverage B Attorney Fees Reimbursement Clause

This coverage provides for reimbursement of attorney fees in a broad range of situations not insured under coverage A such as:

- Criminal charges, allegations of sexual misconduct - up to \$10,000 without regard to final outcome.
- Actions involving dismissal, revocation of certificate, and other professional rights and duties - payment of attorney fees is contingent on the educator's case prevailing - \$2,500 (for consultation or otherwise) is reimbursed without regard to the outcome.

## Coverage C Provides for payment of premium on bail bonds.

# WHAT THE POLICY PAYS

**COVERAGE A** Up to \$2,000,000 per Insured per occurrence/\$3,000,000 per occurrence, plus the cost of defense, investigation and legal fees.\*

**COVERAGE B** Up to \$10,000 per claim per Insured  
Coverage for criminal proceedings and/or sexual misconduct limited to \$10,000 aggregate per member per policy year.

**COVERAGE C** Up to \$1,000 premium on bail bonds.

\* **Note:** The duty of the insurer to defend extends even to groundless, false and frivolous suits or accusations.

## Why Do You Need This Coverage?

- ▲ A teacher allegedly enticed a student into having a sexual affair for over one year. After the student began exhibiting strange behavior and symptoms of depression, the parents became aware of the affair and charges were filed against the teacher.
- ▲ A group of parents sued a teacher alleging failure to educate, promote and graduate a student.
- ▲ A teacher was alleged to have observed/witnessed student-on-student violence and misconduct. The alleged incident resulted in a lawsuit claiming proper action/oversight was not taken.