AUTHORITY

Executive Order 1069

POLICY

The purpose of the California State University East Bay Risk Management Policy is to preserve the environmental, health, safety and financial well-being of the campus community and prevent exposure to accidental loss, create opportunities which support the goals and mission of the University, including recognized auxiliary organizations of the University.

RISK MANAGEMENT ASSESSMENT

The campus' Risk Management Program involves a five-step risk assessment:

1. Identify Risk

Identifying potential loss exposures is the responsibility of all members of the campus community, in the day-to-day process of developing and administering the programs within their area of responsibility and expertise. A method for identifying risk exposures is to consider the possible events that might occur due to negligence, lack of instruction, misconduct, oversight or by accident. The Office of Risk Management and Internal Control will provide consultation to campus departments regarding this process.

2. Analyze Methods for Prevention or Reduction of a Loss

When potential risks are identified, possible methods to avoid or reduce a loss are to be considered and evaluated for their effectiveness. These methods may include, but are not limited to: transferring risk through contracts and insurance; eliminating or avoiding the risk; training; and various methods of loss prevention and reduction. Consideration is to be given to the frequency and severity of any identified potential loss.

3. Recommend the Most Effective Risk/Loss Control Method

After identifying the risk and considering available and appropriate methods for risk/loss control, the appropriate risk management technique/s is to be selected, to reduce the frequency and severity of a potential loss. Review by the Risk Manager is required if the selected method of risk/loss control varies from the policy and procedure requirements of the CSU or the campus.
4. Implementing the Selected Method

Once the best risk management technique is selected, the appropriate campus administrator will ensure the technique is properly implemented.

5. Monitoring

Upon implementation of the selected risk management technique(s), periodic monitoring and evaluation of the effectiveness and efficiency is necessary. Alternative methods may then be implemented as determined appropriate. The responsibility for this step resides with the appropriate administrator.

CLAIMS COVERAGE

The CSU Risk Management Authority (CSURMA), which includes California State University, East Bay, provides coverage for incurred losses. The University is responsible for any liability claim, up to a predetermined deductible, brought against the campus and/or its employees, who are acting within the course and scope of their employment. In addition to funding its deductible, the campus also provides the following insurance coverage:

1. General Liability (GL) coverage is provided for the following:

   a) Errors & Omissions Liability
   b) Educator's Legal Liability
   c) Medical Malpractice
   d) Employment Practices Liability
   e) Sudden & Accidental Pollution Legal Liability
   f) Small Watercraft Liability (up to 26 ft. in length)
   g) Defense Costs for Covered Occurrences
   h) Student Professional Liability (SPLIP & SAFECLIP)
   i) Crime (ID Fraud)
   j) Fidelity Crime Insurance

2. Workers' Compensation (WC)

3. Unemployment Insurance (UI), Non-Industrial Disability Leave (NDI), Industrial Disability Leave (IDL)

4. Property damage for campus-owned buildings

5. Auto Liability for third-party claims
6. Athletic Insurance

This coverage is available to students participating in intercollegiate athletics, as a team member or prospective team member through the CSURMA Athletic Injury Maintenance Expense (AIME) Program and the National Association of Intercollegiate Athletes (NAIA). This coverage serves as secondary coverage to the student’s primary health insurance.

7. Special Event Insurance

Rates are established by the University's Special Event Insurance broker based upon a preset formula which includes: a broker administrative fee and taxes, activity hazard level, number of participants and duration of the event. Per Executive Order 849, the University may waive or risk out the necessity for Special Event Insurance after completing a risk assessment.

Special Event insurance is available for purchase to provide liability coverage for events held on campus that fall into one of the following categories:

a. An outside organization that does not possess any or adequate liability insurance.

b. A campus department or unit, a student club or organization, or an auxiliary organization when an event is considered to be outside the scope of the University’s intended function.

c. All organizations, campus departments or units, student clubs or organizations, or auxiliary organizations when an event poses an excess level of risk to the University.

8. Inland Marine Property

This insurance provides coverage for fine arts owned or exhibited by the campus, when identified and submitted for coverage. The campus pays an annual premium for coverage of its permanent fine arts collection, and quarterly premiums for periodic exhibits. Campus units may request and fund coverage by the Inland Marine policy to insure high value personal property of the unit.

9. Foreign Travel Liability Insurance Program (FTLIP)

This insurance coverage is available for traveling faculty, staff and students participating in academic related activities abroad. FTLIP is intended for short-term use. FTLIP provides additional financial protection for exposures in excess of those covered by the campus’ General Liability, Workers’ Compensation and Vehicle Liability Programs, which may be encountered through claims and litigation in foreign countries.

10. Student Travel Accident Insurance

The CSU maintains this coverage for students participating in an approved, supervised campus activity requiring travel. This is an accident policy only and excludes illnesses.
11. Vendor Insurance

This coverage is available for purchase by a vendor or contractor to provide general liability and employee dishonesty coverage to assure that there is insurance in place when entering into a contract with the University. Premium rates are dependent upon the hazard level of the services being provided and the dollar amount of the contract. Vendors or contractors should coordinate an application request through Procurement and Support Services.

RESPONSIBILITIES

Vice President Administration and Finance and Chief Financial Officer (CFO)

The CFO maintains operational responsibility for the overall campus Risk Management Program. The CFO has delegated program implementation responsibilities to the Associate Vice President, Risk Management and Internal Control (“Risk Manager”). The CFO will serve as the appointing authority for the Risk Management Advisory Committee, which is charged with providing support and assistance in establishing risk policies and procedures. Campus risk issues and policy recommendations from the Risk Manager and Committee will be forwarded to the President, through the CFO, for review and approval.

Office of Risk Management and Internal Control

The Risk Manager is responsible for developing and maintaining campus risk management policies and procedures and the implementation of an effective risk management program that includes:

a) Providing consultations, guidance, tools, and coordination in the implementation of risk financing and risk controls.

b) Identifying and assessing risks and developing methods for risk control.

c) Developing and implementing effective Loss Prevention and Control Programs.

d) Assisting Procurement and Support Services to ensure that contracts and other agreements include appropriate insurance and indemnification clauses.

e) Providing training, education and communicating sound risk management risk management practices to the campus community.

f) An annual review of the campus Risk Management Program policies and procedures, the outcome of which is included in the annual risk management report.

g) Maintaining a close working relationship with the system-wide Risk Manager and CSURMA, to include serving as the campus representative on the system-wide Risk Managers Affinity Group and as the representative for the CSURMA Board of Directors.

h) Preparing the annual risk management report to the President.

i) Coordinating Industrial Disability Leave (IDL) benefits with Payroll and Human Resources and Equal Opportunity.
j) Designated as the campus coordinator for litigation matters and coordinates the efforts of the University to assist the Office of General Counsel, or their designee, with lawsuits that involve the campus and/or its employees.

k) Receive and process protected disclosures by employees and employment applicants regarding improper governmental activity pursuant to the California Whistleblower Protection Act and reported complaints of retaliation in connection with such disclosures.

l) Receives employee complaints of discrimination or harassment and manages all training and complaints pertaining to harassment, discrimination, retaliation, the Americans with Disabilities Act (ADA), California Fair Employment & Housing Act (FEHA), the Family Medical Leave Act (FMLA) and Title IX.

m) Analyze reasonable accommodations under the ADA, for determining fitness-for-duty and for concerns regarding workplace violence.

**Risk Management Advisory Committee**

The Risk Management Advisory Committee serves in an advisory role and assists the Risk Manager in developing risk management policies and procedures. The Committee meets annually or more frequently as determined necessary, to discuss current issues and trends. The Committee provides advice and information in support of the full performance of risk management functions. Committee members include the following:

a) Associate Vice President, Risk Management and Internal Control, Chair

b) Chief, University Police

c) Director, Environmental Health and Safety

d) Director, Human Resources and Payroll Services

e) Associate Vice President, Facilities Development and Operations

f) Associate Vice President, Student Support and Development, Student Health Services

g) Director, Intercollegiate Athletics

h) Director, Compliance and Internal Control

**Human Resources and Payroll Services**

The Office of Human Resources and Payroll Services is responsible for all employee-related benefit programs, including Unemployment Insurance (UI), Non-Industrial Leave (NDI) and Catastrophic Leave.

Payroll Services manages benefit payments to employees, campus benefit reconciliation and coordinating reimbursement from CSURMA for Unemployment Insurance (UI), Non-Industrial Disability Leave (NDI), and Industrial Disability Leave (IDL) Programs.
Associate Vice President Financial Services

The Office of Financial Services is responsible for offering a proactive approach to reducing financial risk and providing reasonable assurance that the University’s goals and objectives will be achieved through appropriate internal controls. Internal controls are a means to ensure regulatory and fiduciary compliance accomplished through physical safeguarding of assets; separation of duties and accountability in delegation of authority, policies and procedures and training.

Procurement and Support Services

Procurement and Support Services is responsible for verifying appropriate language in all procurement documents including leases; student placement agreements; affiliation agreements; and service, construction, and performance contracts to ensure that liability to the campus is minimized. The Director of Procurement and Support Services, the Associate Vice President for Finance and the Vice President, Administration and Finance and Chief Financial Officer have been designated by the President as the individuals who have authority to enter into agreements, memoranda of understanding and/or contracts with an outside organization on behalf of the University and its departments and programs. Procurement and Support Services must be contacted prior to entering into negotiation of any type that may result in any form of an agreement, memorandum of understanding or contract.

University Police Department

The University Police Department is responsible for protecting and serving the campus community and securing the physical assets of the University. The specific risk management role of UPD is to provide safe, pro-active law enforcement and establish and maintain programs for emergency preparedness, fire safety and personal safety/crime prevention education.

Administrators and Supervisors

Administrators and supervisors are to assist in controlling the loss of financial and human resources to the campus resulting from injuries to students; employees and visitors; or losses or damages to persons, property or campus image. Administrators and supervisors will conduct departmental risk assessments and implement policies, practices and/or programs to eliminate or reduce the exposure to such losses. Administrators and supervisors are responsible for the following:

a) Providing management support and dedication of financial resources to develop, implement and monitor Loss Control Programs and settlement reserves.

b) Instructing employees on performing tasks in a safe manner, including job orientation.

c) Providing information and guidance to new supervisors on the basics of employee supervision techniques, hazard recognition, employee motivators such as incentives or disciplinary procedures, human resource issues and workers’ compensation.

d) Integrating safety into standard operating procedures.
e) Establishing measurable safety goals in job performance.

f) Adhering to approved campus policies and procedures and ensuring employees are familiar with same.

**Employees**

Employees are responsible for complying with campus policies and procedures as well as identifying and managing risks in the scope of their daily activities.

**Recognized Auxiliary Organizations**

Recognized auxiliary organizations of California State University, East Bay include the Associated Students, Inc., the Cal State East Bay Foundation, and the California State University East Bay Educational Foundation. These are separate legal entities, which have elected to individually participate in CSURMA’s Auxiliary Insurance Programs. Each maintains their own, separate insurance coverage for their respective organizational activities; however, this risk management policy applies to all recognized auxiliary organizations and has been adopted by those entities as a condition of recognition.