

Legal Liability Protection for Public School Employees

You and your public school have broad liability coverage through the State Risk Management Fund, hereinafter the “Fund.”

Lawsuits are defended by the Litigation Division of the Utah Attorney General’s Office.

FUND COVERAGE SUMMARY

If a civil claim or a civil lawsuit for damages is brought against you for acts or omissions occurring:

- during the performance of your duties,
- within the scope of your employment, or
- under color of authority,

You may have the following rights under the Governmental Immunity Act of Utah:

- to have any lawsuit defended by an attorney at no cost to you, and
- to have any settlement or judgment paid on your behalf.



SECURING COVERAGE

To secure these rights you must:

- Immediately notify your school of any claim or lawsuit;
- Immediately forward to your school all legal documents served on you;
- Make a written request to your school for defense and indemnification within ten days after service of a lawsuit; and
- Cooperate in the subsequent investigation and defense, including making an offer of judgment if requested.

WHAT IS NOT COVERED?

Your rights to defense and payment of claims or judgments do not cover acts or omissions involving:

- Fraud;
- Willful misconduct;
- Impairment due to your use of alcohol or drugs; or
- False testimony under oath.



Criminal Defense Protection

If criminal charges are filed against you for acts or omissions occurring:

- during the performance of your duties,
- within the scope of your employment, or
- under color of authority,

as a public-school employee, you may have the right under Utah Code 52-6 to recover from your employing school reasonable attorneys’ fees and court costs, if the indictment or information is quashed, dismissed or results in an acquittal, unless it is quashed or dismissed on motion of the prosecuting attorney. The Fund does NOT provide an attorney or pay for attorneys’ fees incurred in defending a criminal case; nor does it cover or pay for any fines, fees, or any other costs assessed in a criminal case.



Additional Insurance Options

	Civil Liability Coverages	Civil coverage not provided by Governmental Immunity Act of Utah or the Fund	Criminal Defense Coverages
State Risk Fund	Coverage for employees is generally consistent with the Utah Governmental Immunity Act and the statutory limitations of liability. Primary coverage includes General Liability; Auto Liability; Employment Practices Liability; Errors & Omissions; Directors & Officers; and Faithful Performance, generally with limits of \$10 Million per occurrence.	N/A	No criminal defense coverage.
UEA	Coverage limits: \$1 million per occurrence in damages awarded, \$3 million per occurrence aggregate, \$3 million per member per occurrence for legal defense, except civil rights; \$300,000 per occurrence of civil right claims inclusive of defense costs. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.	Bail bond premiums, up to \$1,000 per bond covered; Personal property damage caused by assault up to \$500 covered; Licensure or credential hearing defense until reasonable disposition of case is reached.	\$35,000 per employment related criminal proceeding if exonerated from all charges, if charges are withdrawn or dismissed or if case is the result of corporal punishment. Up to \$5,000 in defense of criminal charges within the scope of employment, determined on a case-by-case basis. Coverage is excess of any statutory protection, such as UCA 52-6.
AFT	Coverage limits are \$1 million per member and \$2 million aggregate, except \$250,000 per member per year for denial of constitutional rights. Coverage is excess of any statutory protection, such as your Governmental Immunity Act coverage with the Fund.	Bond premium available if required for the defense of a suit; Personal property damage caused by assault up to \$250 covered; \$10,000 assault death benefit covered; \$5,000 defense costs in licensure or credential hearing covered.	\$35,000 per member per year for school related criminal charges if completely exonerated or if case results from corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.
AAE	Coverage limits are \$2 million per occurrence per claim. Coverage applies to legal actions arising out of duties as an employee of education entity.	Bail bond premiums, up to \$1,000 per bond covered. Guaranteed access to attorney if job is threatened with termination, demotion, suspension, transfer, or other disciplinary action. \$35,000 in attorney's fees for injunctive relief (threat to license).	\$50,000 per school related criminal proceeding if exonerated from charges. \$10,000 per member per claim in legal coverage for corporal punishment. Coverage is excess of any statutory protection, such as UCA 52-6.

For additional information about your rights please see the following:
 The Utah Governmental Immunity Act UCA 63G-7; Reimbursement of Criminal Defense Costs UCA 52-6;
 Your Risk Manager or Business Official; or
 The Utah State Division of Risk Management
 4315 S 2700 W
 Salt Lake City, Utah 84129
 (801) 957-7170

*The information provided here is a general description and comparison of coverages. For a detailed explanation of coverages you may refer to the statutes cited above and coverage brochures provided by UEA & AFT.
 AAE – www.aeteachers.org for information.
 AFT - www.ut.aft.org for information
 UEA - www.myuea.org for information