

RISK MANAGEMENT

PROCEDURES

Implementation Date: 3/07

Revised 03/13/07

Definition San Diego State University (SDSU) has developed a risk management program designed to protect its physical resources, human resources, and financial assets, while reducing exposure to accidental loss. The risk management program **assumes the participation, cooperation, and involvement of all members of the campus community.**

The overall responsibility for the University's risk management program is held in the office of University Risk Management. The operational responsibility for coordinating the risk management program has been delegated by the Vice President for Business and Financial Affairs to the University Risk Manager. The risk management program includes: implementation of risk management practices, as required by the Chancellor's Office; development of appropriate campus procedures, in conjunction with the Chancellor's Office and campus departments; implementation of campus claims coordination with workers' compensation and liability claims; campus litigation coordination; and participation with the CSU Risk Management Authority.

Authority [Executive Order 715, the CSU Risk Management Policy \(10/27/99\)](#)

Scope This policy and related procedures apply to all members of the campus community.

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I. INTRODUCTION

The SDSU risk management program is designed to assist the President in preserving the health, safety, and financial well-being of the campus community, and in preventing and/or reducing campus exposure to accidental loss. The implementation of this program is dependent on the cooperative partnership of all departments and services on campus. The key role of the department is to facilitate the management of risk for faculty, staff, students, and guests (including tangible and intangible assets), both within the University and for risks arising from University activities.

II. RISK MANAGEMENT PROCESS – EVALUATION OF RISK EXPOSURES

A. Risk Management is a continuous process, which begins with identifying and evaluating loss exposures; selecting the best method(s) to minimize the risk exposure; and implementing and monitoring risk exposure through the following steps:

1. Identify potential exposures to loss
 - i. Pure risk
 - ii. Speculative risk
2. Analyze methods for prevention and/or reduction of a loss
3. Recommend the most effective risk/loss control method:
 - i. Risk Avoidance
 - ii. Risk assumption
 - iii. Loss prevention
 - iv. Loss reduction
 - v. Segregation of loss exposures
 - vi. Risk transfer
4. Selection and Implementation of a risk control technique
5. Monitor and revise the program, as necessary

B. The California State University Risk Management Authority (CSURMA)

The CSURMA provides the funding source to the campus, should a loss occur. Premiums for Workers' Compensation and Liability are paid by the campus and are based on loss experience. The campus is responsible for any liability claim brought against the campus and/or its employees, who are acting within the scope of their employment, up to a predetermined deductible selected by the campus.

The CSURMA provides coverage for the following:

- i. Workers' Compensation (WC)
- ii. Unemployment Insurance (UI)
- iii. Non-Industrial Disability Leave (NDI)

- iv. Industrial Disability Leave (IDL)
- v. Liability
 - a. General Liability
 - b. Medical Malpractice
 - c. Employment Practices Liability
 - d. Educator's Legal Liability
 - e. Small Watercraft Liability
 - f. Sudden & Accidental Pollution Legal Liability
 - g. Errors & Omissions
 - h. Defense Costs for Covered Occurrences

In addition to funding its deductible, the campus also funds:

1. State Vehicle Liability
This program is administered by the State of California's Office of Risk and Insurance Management (ORIM) and covers third party claims only.
2. Inland Marine Property
This insurance provides coverage for fine arts owned or exhibited by the campus, when identified and submitted for coverage. Campus units may request and fund coverage by the Inland Marine Policy to high value "personal" property of the unit. Questions concerning this coverage are to be directed to the University Risk Manager at extension X4846.
3. Property
Coverage for campus-owned buildings, not contents.
4. Special Events Insurance
This insurance can be purchased through University Risk Management for events that fall into one of the following categories:
 - a. External groups that do not possess any or adequate liability insurance
 - b. Campus department or organization events that are considered to be outside the scope of the university's function
 - c. Events that pose an excess level of risk to the university

Additionally, campus employees initiating any campus-related activities to be scheduled at off-site locations should contact the University Risk Manager to discuss liability issues and the necessary steps to manage potential liability. These activities may include courses, field trips, internships, or workshops sponsored by the campus or any of its departments or programs. Failure to provide appropriate notification of any campus-related off-site activity and failure to follow

recommended procedures could result in the personal liability of the employee responsible for the activity.

III. PERSONAL LIABILITY OF EMPLOYEES

A. Campus employees **may be held personally liable for their activities related to the campus, if at any time they act outside the scope of their employment or fail to follow the practices and policies of the campus.** Such activities may involve, but are not limited to:

1. Entering into an agreement with another organization (includes other campuses) whether or not the agreement includes use of State funds.
2. Acts of discrimination or harassment.
3. Unauthorized procurements and/or contracts.
4. Misuse of State funds.
5. Vehicular accidents.
6. Any endangerment of another individual.

The University Risk Manager will work with the employee and/or department to determine if there is a need for a facility use agreement, a contract, and/or a liability waiver form. Questions concerning the potential for personal liability should be directed to the Office of University Risk Management.

IV. UNIVERSITY RISK MANAGEMENT

A. Task-Related Areas

1. Vice President for Business and Financial Affairs

Vice President for Business and Financial Affairs holds operational responsibility for the overall risk management program at SDSU. The Vice President has designated responsibility to the University Risk Manager to coordinate the risk management program, including Workers' Compensation.

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2. Diversity, Human Resources & Employee Services

Diversity, Human Resources & Employee Services is responsible for employee-related benefits programs on campus, including unemployment insurance, non-industrial disability insurance (NDI), industrial disability leave (IDL) and catastrophic leave. Diversity, Human Resources & Employee Services handles all complaints regarding harassment, discrimination, retaliation, the Americans with Disabilities Act (ADA) and Family Medical Leave Act (FMLA), fitness for duty and issues regarding workplace violence. Diversity, Human Resources and Employee Services is responsible for analyzing reasonable accommodations for ADA.

3. University Police Services

University Police Services is responsible for the campus public safety programs and police activities. University Police Services is the first contact for incidents involving damage or injury to property (university and personal) or to individuals on university-owned or leased property.

4. Contract and Procurement Management

Contract and Procurement Management is responsible for the procurement of approved and acceptable supplies and services for the campus. The Manager of Contract and Procurement Management, and the Vice President for Business and Financial Affairs, have been designated by the President as the individuals who have authority to enter into agreements and/or contracts with an outside organization on behalf of the university and its department and programs. No other members of the campus community are so authorized.

C. Self Insurance/Purchase of Insurance

1. Insurance purchases and administration of self-insurance programs are the responsibility of the Office of University Risk Management.

D. Claims

1. Accidental loss claims (tort claims) may be filed with the University Risk Manager (ext. 4-4664). The tort claims process is as follows:
 - a) The incident is reported to University Police Services by the person sustaining the loss or injury, or by a witness.

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- b) University Police Services responds, investigates, and files the appropriate report. (Police report or an Accident, Injury and Occupational Illness Investigation form.)
- c) State of California Board of Control (BOC) Tort Claim form may be filed by or on behalf of the individual sustaining the injury or loss. This form is available from the University Risk Manager, ext. 4-4664.

Per State guidelines, a claim must be filed no later than six (6) months after the incident date, if the cause of action is for personal injury, wrongful death, or property damage. Other claims must be presented no later than one (1) year after in the incident date.

The original claim form and any required supporting documentation is to be forwarded to the State Board of Control. For tracking purposes it is preferred that all documents to be sent to the Office of University Risk Management. The claimant may forward the documents to the State Board of Control but it is requested that a copy be provided to the Office of Risk Management.

- f) The campus is authorized to allow or disallow tort claims of less than \$1,000. The campus or the CSU Risk Management Authority may process payment of claims. Each and every claimant involved is required to complete and sign a Vendor Data Record form and sign a full release of claim form.
- g) Depending upon the claim (complexity, dollar amount, etc.), the CSU General Counsel and the State's Attorney General may become involved on behalf of the campus and/or its employees.
- h) The routine claims process may take three (3) to six (6) months for a determination, if all of the appropriate and required documentation is submitted with the initial filing of the claim. Questions regarding the status of a tort claim should be directed to the University Risk Manager at ext. 4-4664.
- i) All claims that involve litigation will be managed by the CSU Office Of General Counsel (OGC), who consults with the campus regarding courses of action. Questions concerning existing or potential lawsuits should be directed to the University Risk Manager (ext. 4-4664), who serves as the campus litigation contact.

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Note: Subpoenas naming the campus and/or any of its employees are to be redirected to The California State University's Office of General Counsel in Long Beach, CA. The only time an employee of the campus may accept a subpoena is if that employee is individually named as a defendant in the action.

2. **Workers' Compensation** is a benefit provided to employees who become ill or are injured in the performance of their work duties. Workers' Compensation claims must be filed with the Claims Coordinator, University Risk Management, ext. 4-4664.
 - a) **Employee's Responsibility:** Report all work-related accidents and/or near misses to the manager/supervisor when they occur. If there is a resulting injury or illness, the manager/supervisor will give the employee an "Employee's Claim for Workers' Compensation Benefit" form, available from the Claims Coordinator. The injured employee is to complete the "Employee" portion of the form and return it to the manager/supervisor. An employee has one year from the date of the injury or illness to file a workers' compensation claim with the employer.
 - b) **Manager's/Supervisor's Responsibility:** All work-related injuries/illnesses, with the exception of those not requiring the assistance of a physician, must be reported to the Claim's Coordinator within one (1) working day of notice or knowledge.

Reporting Procedures: If the injury/illness is a medical emergency, dial 911. If medical treatment evaluation is required, complete a "Medical Service Order" (Form #901) and escort/assist the employee to Student Health Services.

Complete the "Employer" portion of the "Employee's Claim for Workers' Compensation Benefits" form and give it to the employee within one (1) working day of the notice or knowledge of an injury/illness. When the completed form is returned, the manager/supervisor is to write in the date received on line 13, and give the employee the last copy marked "Employee's Temporary Receipt."

Complete the "Manager's/Supervisor's Report of Employee Injury or Illness" (Form #903). The last (pink) copy is for the department's records.

The manager/supervisor is to submit the completed forms to the Claim's Coordinator within one (1) working day.

- c) An employee has the right to pre-designate their "personal physician" as their treating physician in the event of a work-related injury/illness. There are very

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specific requirements, should the employee choose to pre-designate their personal physician and they are as follows:

- The employee must notify SDSU (Claim's Coordinator, University Risk Management), in writing and prior to the date of the injury, that he/she has a personal physician they want to be treated by following a work-related injury or illness;
- The employee must be eligible for and part of one of the employer's (non-occupational) group health plans;
- The physician must be the employee's regular physician or surgeon;
- The physician must be the employee's primary care physician who has previously treated the employee, retains the employee's medical records, and is aware of the employee's medical history;
- The physician must agree to be pre-designated as the employee's treating physician.

SDSU retains the right to require prior authorization of any non-emergency treatment or diagnostic service, and may still conduct utilization review of all bills and services.

These physician pre-designation requirements are in accordance with California Labor Code, Section 4600(d). Note: The California Labor Code section regarding an employee's right to pre-designate a personal physician is currently in effect only through April 30, 2007, unless a later enacted statute that is enacted before April 30, 2006 deletes or extends that date.

- d) California Law prohibits an employer from discriminating against an employee filing a claim for workers' compensation benefits.

V. **CAMPUS COMMUNITY PARTICIPATION**

The campus risk management program encourages all individuals to report any incidents that they witness, and to inform the appropriate department(s) of any unsafe practices and/or conditions that they encounter. If an appropriate department is unknown, then the individual should contact one of the following:

Environmental Health & Safety	ext. 4-6778
University Risk Management	ext. 4-4664
Workers' Compensation Claims Coordinator	ext. 4-4664

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University Police Services

ext. 4-1991

In case of emergency call

911

VI. **POLICY UPDATE**

This policy shall be reviewed during each annual report process and revised as needed.