

Is the College Insured for That?

Steven Stoeger-Moore

April 21, 2017



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| *Collaborators in Risk Management* |

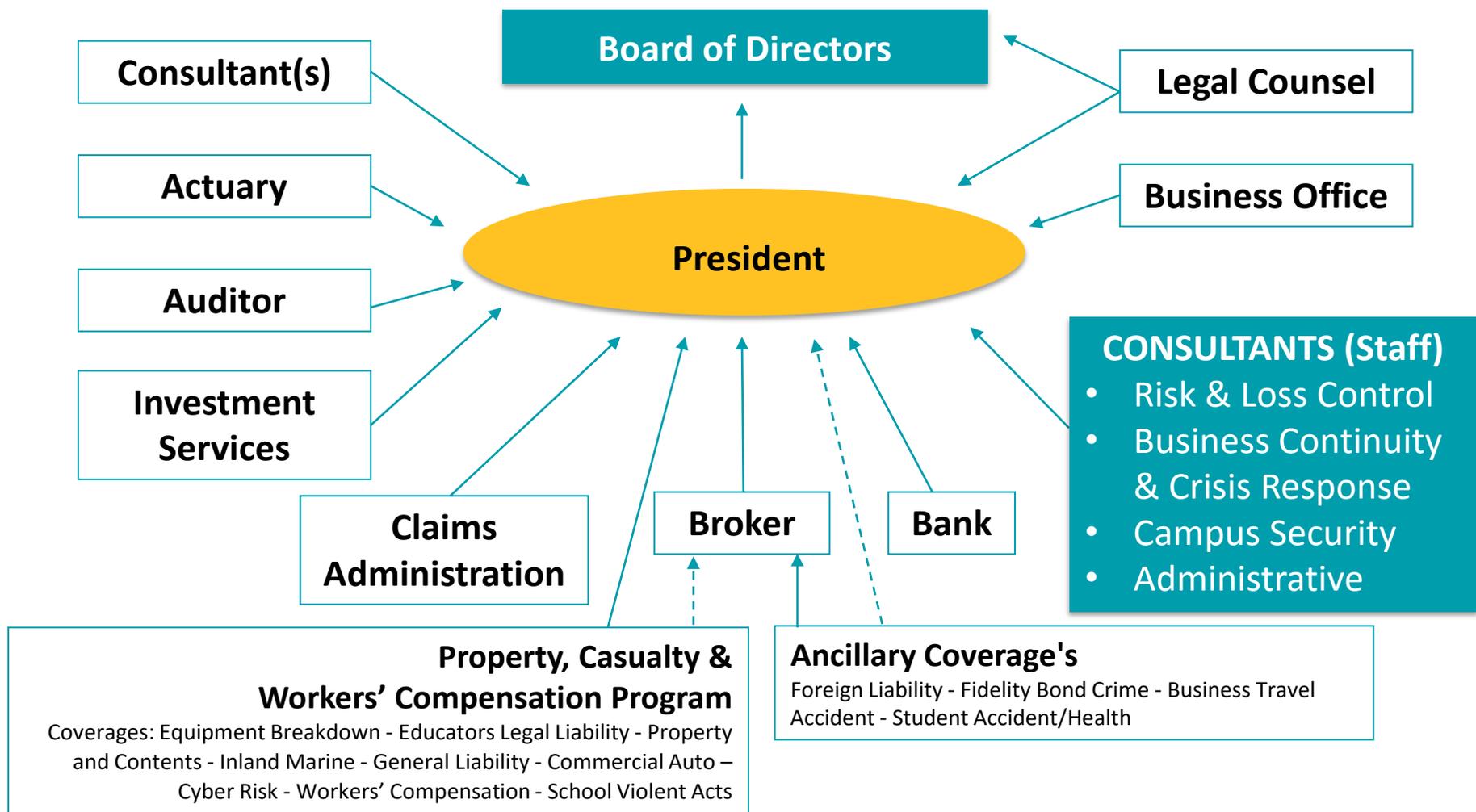
April 2017 - Risk Mitigation Seminar

This presentation is not complete without the accompanying speaker comments and discussion.

Any work product provided by Districts Mutual Insurance and Risk Management Services must be viewed in conjunction with all guidance given by national, regional, and local authorities, as well as your college's legal counsel.

Moreover, the information given and comments made in this presentation should ***not*** be interpreted as legal advice or legal opinion.

Organization of DMI



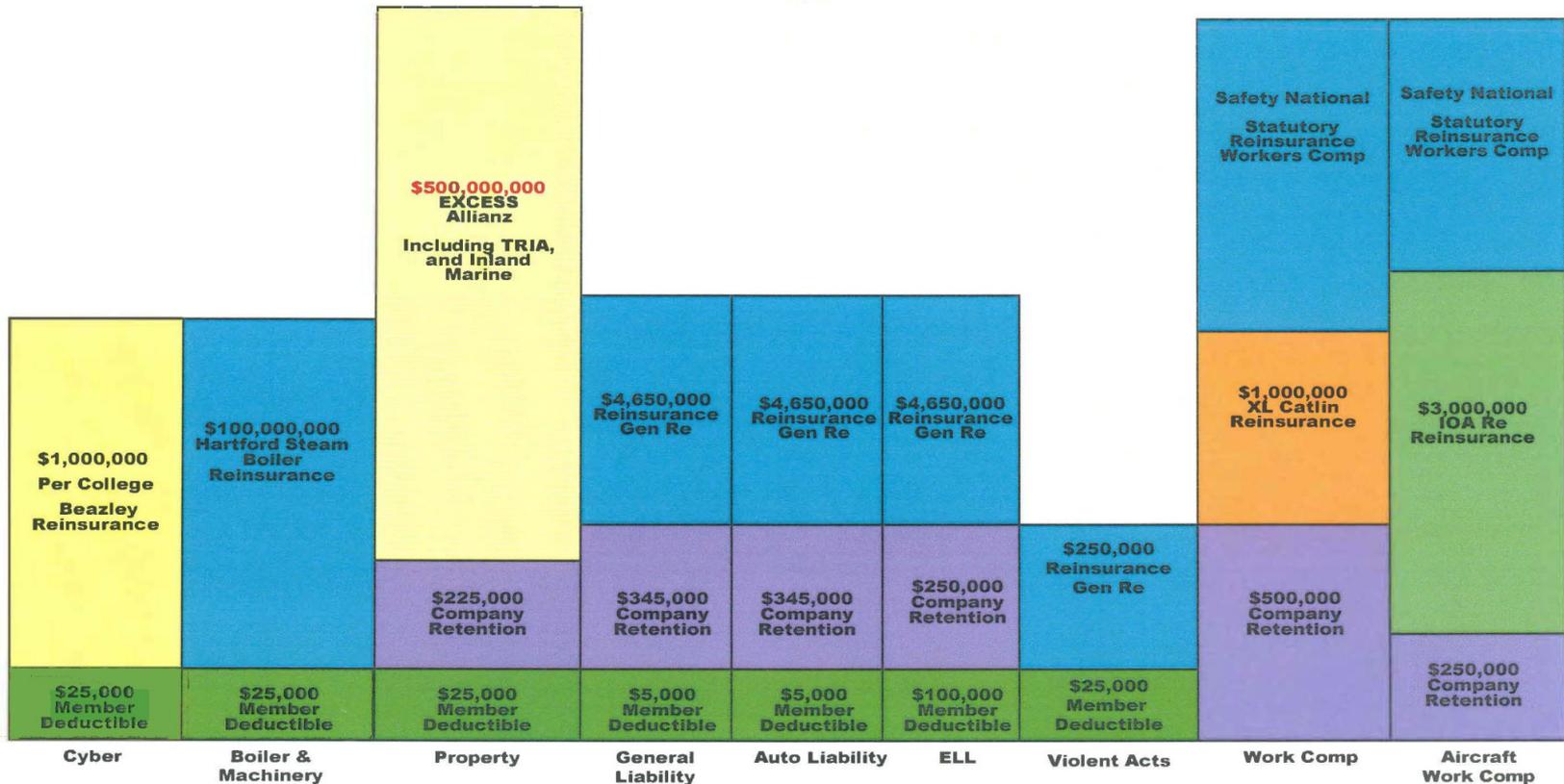
**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| *Collaborators in Risk Management* |

April 2017 - Risk Mitigation Seminar

Program Structure 2016 - 2017

Districts Mutual Insurance

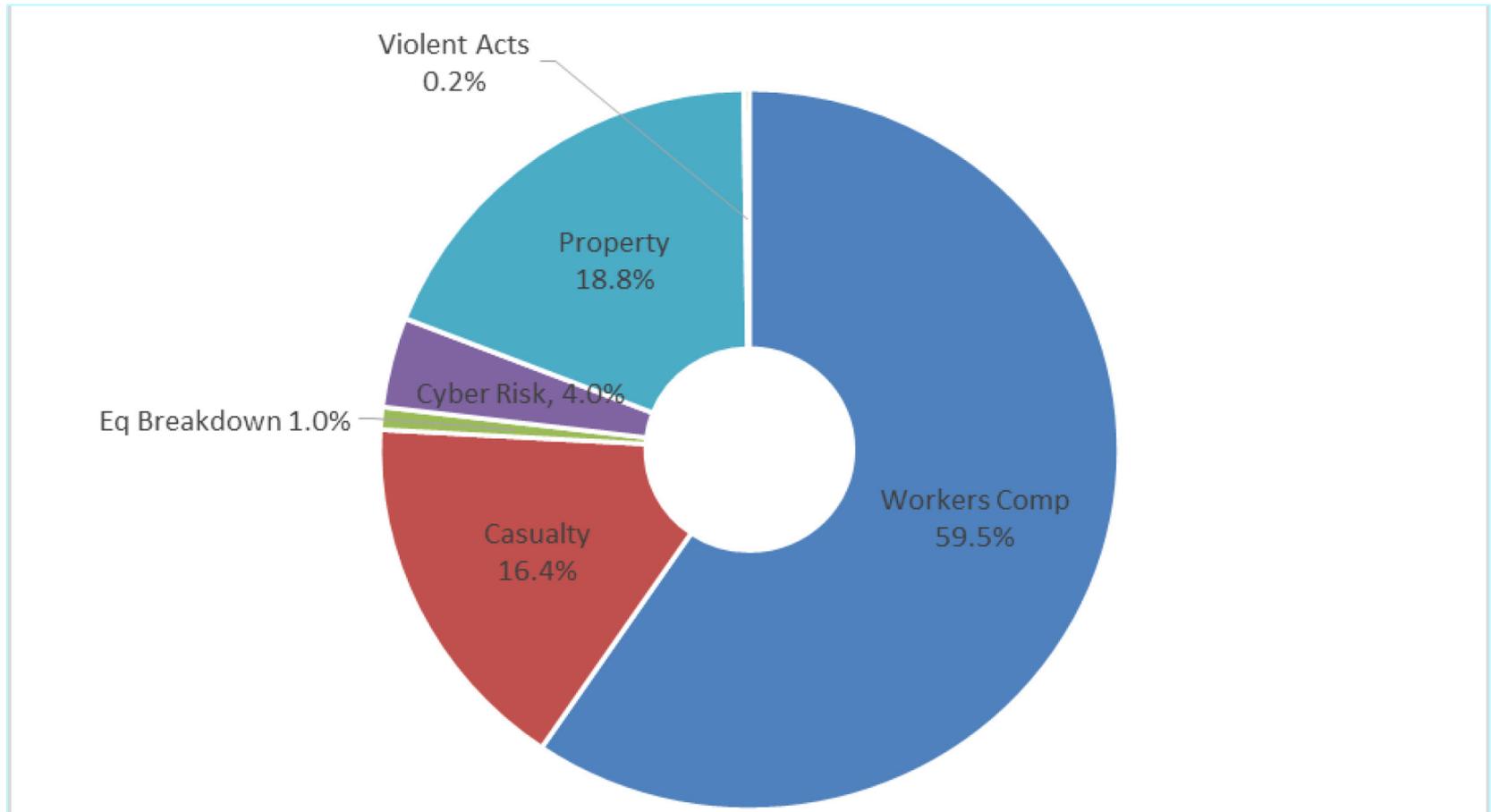


**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

Collaborators in Risk Management |

April 2017 - Risk Mitigation Seminar

DMI Premium Split 2016 - 17



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| Collaborators in Risk Management |

April 2017 - Risk Mitigation Seminar

DMI INSURANCE COVERAGE SUMMARY 2016/17

COVERAGE: BOILER AND MACHINERY BREAKDOWN

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$100,000,000 any one (1) accident, any one (1) policy,
\$25,000 deductible per occurrence

COVERAGE: PROPERTY

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$500,225,000 per occurrence, \$25,000 deductible per occurrence

COVERAGE: GENERAL LIABILITY (INCLUDES AUTO LIABILITY)

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$5,000,000 per occurrence, \$5,000 deductible per occurrence

COVERAGE: CAMPUS VIOLENT ACTS

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$250,000, \$25,000 deductible per occurrence

COVERAGE: AUTO PHYSICAL DAMAGE

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$250,000,000, \$2,500 - or - \$5,000 deductible/occurrence (chosen by College)



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| Collaborators in Risk Management |

April 2017 - Risk Mitigation Seminar

DMI INSURANCE COVERAGE SUMMARY 2016/17

COVERAGE: EDUCATORS LEGAL LIA.; BOARD ERRORS & OMISSIONS; EMPLOYMENT PRACTICES LIABILITY

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$5,000,000 per occurrence, \$100,000 deductible per occurrence

COVERAGE: INCIDENTAL MEDICAL MALPRACTICE (STUDENTS IN PRACTICUM)

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$5,000,000 per occurrence, \$5,000 deductible per occurrence

COVERAGE: WORKERS' COMPENSATION

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
First dollar coverage for all work related accidents and/or injuries. Statutory limits are in place. All employees covered. Pilot exposure is provided.

COVERAGE: CYBER-RISK

Carrier: Districts Mutual Insurance **Effective:** 7/1/16 - 7/1/17
Limits: \$1,000,000 (aggregate limit)

Damages, claims expense, penalties, PCI fines, expenses and costs. Privacy Breach Response: 1,000,000
Notified Individuals - \$1,000,000 Services; \$25,000 per occurrence deductible



INSURANCE COVERAGE SUMMARY 2016/17

WRITTEN THROUGH THE TRUST

COVERAGE: BUSINESS TRAVEL ACCIDENT

Effective: 7/1/16 - 7/1/17

Carrier: CIGNA

\$1,000,000 Aggregate; \$100,000 Benefits for Scheduled Losses; Applicable for Business or Pleasure Assistance Services, Medical Evacuation, Repatriation.

COVERAGE: CRIME/EMPLOYEE DISHONESTY

Effective: 7/1/16 - 7/1/17

Carrier: Travelers

TYPE OF COVERAGE LIMIT

TYPE OF COVERAGE	LIMIT
Employee Dishonesty	\$750,000
Forgery and Alteration	\$750,000
On Premises	\$500,000
In Transit	\$500,000
Form F	\$750,000
Investigative Cost	\$25,000

Note: The deductible is specified by endorsement for each College location.

COVERAGE: FOREIGN TRAVEL LIABILITY

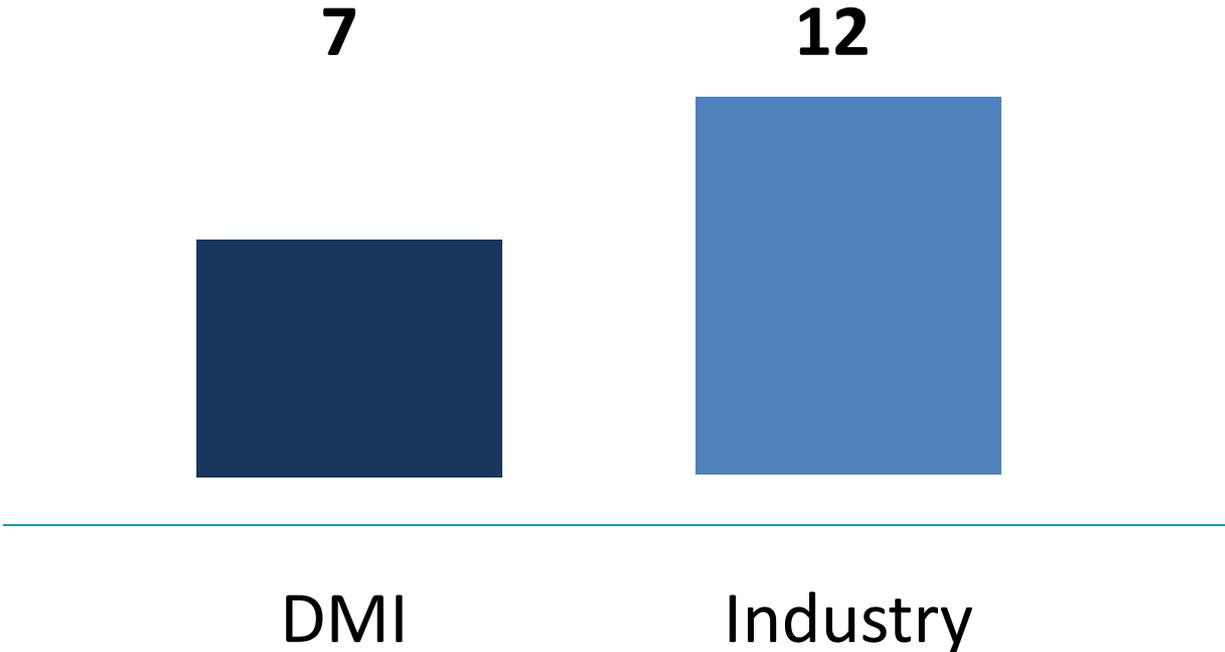
Effective: 7/1/16 - 7/1/17

Carrier: Ace [Coverage provided upon request]

Employee Medical, Employee AD&D, Business Automotive, Liability Limit, Auto Medical Payment, Various Limits and Coverages Provided at the College's Request.



Average Months to Close a Workers' Compensation Claim



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

Collaborators in Risk Management |

April 2017 - Risk Mitigation Seminar

Workers Compensation

RTW



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| *Collaborators in Risk Management* |

April 2017 - Risk Mitigation Seminar

Workers Compensation

Modified Duty

Alternate Duty

Transitional Work

<http://www.asse.org/assets/1/7/Return-to-WorkProgramsArticle.pdf>



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| Collaborators in Risk Management |

April 2017 - Risk Mitigation Seminar

DMI Value Added Services

ESTIMATED TOTAL VALUE
[thru November 2016]

\$2,857,224.00



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| *Collaborators in Risk Management* |

April 2017 - Risk Mitigation Seminar

EDUCATORS LEGAL LIABILITY, EMPLOYEE BENEFITS LIABILITY AND FIDUCIARY LIABILITY

CLAIMS MADE COVERAGE

This endorsement modifies insurance provided under the following:

DISTRICTS MUTUAL INSURANCE – CASUALTY COVERAGE FORM

Schedule:

Limits of Insurance: Per Claim:	\$5,000,000
Educators Legal Liability & Employee Benefits Liability Deductible: Employee Benefit Program – Clash Deductible	\$100,000 per claim Refer to DMI – CLASHDED 5-15
Fiduciary Liability Deductible:	\$1,000 per claim N/A
Educators Legal Liability Retroactive Date: Employee Benefits	N/A
Liability Retroactive Date: Fiduciary Liability Retroactive Date:	January 1, 2009

SECTION I – COVERAGES

A. INSURING AGREEMENT

1. We will pay those sums that the insured becomes legally obligated to pay as damages because of “wrongful acts” to which this insurance applies.
2. This insurance applies to “wrongful acts” (regardless of whether or not such allegations prove to be groundless, false or fraudulent) arising out of the discharge of duties by or on behalf of the Named Insured, individually or collectively, provided that:
 - a. The claim or “suit” on account of such “wrongful act,” is first made against the insured and reported to us during the policy period, in compliance with SECTION V, or any applicable reporting period under SECTION IV.
 - b. The “wrongful act” occurs within the

- c. “coverage territory”;
- c. The “wrongful act” takes place on or after the retroactive date, if any shown in the Schedule and before the end of this policy period; and
- d. As of the inception date of this policy, you did not have specific knowledge of any circumstance likely to result in or give rise to a claim.

For the purposes of paragraph 2., if, during the policy period or any applicable reporting period under SECTION IV, the insured gives written notice to us, in accordance with SECTION V of a “wrongful act” likely to result in a claim, then any claim that may subsequently be made against an insured arising out of such “wrongful act” shall be deemed to have been made during the policy period or any applicable reporting period hereunder.

DMI – ELL,EBL&FL 5-15



| Collaborators in Risk Management |

April 2017 - Risk Mitigation Seminar

Claims Made Policy Reporting Requirements

The Educator's Legal Liability, Employee Benefits Liability policy is a claims-made-and-reported policy.

A prerequisite to coverage existing in the first instance is that the claim be made against the College and reported to District Mutual Insurance within the applicable policy period.

Timely reporting is not merely a part of the procedure required to access coverage.



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| *Collaborators in Risk Management* |

April 2017 - Risk Mitigation Seminar

Claims Made Policy Reporting Requirements

Timely reporting is an intrinsic element and condition precedent to coverage existing in the first instance.

Notice to DMI is not simply a formulaic procedural aspect of the policy. Timely reporting to DMI is a prerequisite to the existence of coverage. Without timely notice, there simply is no coverage.

This reality of the nature of claims-made-and-reported policies was reaffirmed by unanimous Wisconsin Supreme Court in 2015.

Final Questions?

Thank you!

steve@districtsmutualinsurance.com - Telephone (605) 422-2655



**DISTRICTS MUTUAL INSURANCE
& RISK MANAGEMENT SERVICES**

| *Collaborators in Risk Management* |

April 2017 - Risk Mitigation Seminar