

STUDENT UNIONS/STUDENT GROUPS HOW TO AVOID THE HEADACHES

Presentation to CURIE AGM

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What's causing the headaches

Examples of CURIE Claims

**1991 Mud diving orientation event. Broken neck,
Indemnity \$804,516.62 Legal \$200,711.65**

**1996 Student pub, allegedly impaired, struck 3 females
(rugby players). Damages \$585,187.08 Legal
\$463,247.30**

**1996 Student Judo club. Instructor and assistant both
left while the group still practicing. One individual was
rendered a quadriplegic. Damages \$2,405,700.00 Legal
\$362,589.60. CURIE recovered over \$1 million for Aviva,
insurer for Judo Ontario after a court of appeal
decision.**

Examples of CURIE Claims

2010 Student Union concert. Girl kicked in head by crowd surfer, sustained concussion. Damages \$150,000.00 (50%) legal \$78,509.64 Campus Security were dealing with some of the security at the concert, which led to CURIE's exposure.

2013 Intramural ultimate frisbee, two players collide and plaintiff suffers a concussion. Open file Reserves – Indemnity \$200,000.00 Legal paid and reserved \$70,000.00. The file is still open.

Legislative Reality

**In Alberta – under the Post
Secondary Learning Act -
UA has obligations for
'student affairs'**

University of Alberta Reality

**We were not effectively
managing our relationship
with the Students' Union
and Student Groups**

So What do You Do???

Hire a Cathy Myles



And . . .

hire a GREAT team



So How to Avoid the Headaches

1. **Review and identify issues in your current agreement with the SU**
 - **indemnification language**
 - **clarify scope of work**
 - **broaden insurance language i.e. cyber/privacy breach**
 - **enable University to audit SU work activity**
 - **require annual confirmation of insurance (get the certificate)**

So How to Avoid the Headaches

2. **Develop framework and formal guidelines for use of waivers**
 - **review legal language - don't over collect personal information**
 - **consider exclusion of 3rd parties including SU**
 - **develop a retention schedule for waivers**
 - **develop risk criteria for use of waivers**
 - **identify situations where use of waivers requires focused review**
 - **when to use waivers v institutional agreements**

So How to Avoid the Headaches

3. Clarify criteria for Student Group events covered under CURIE

- No coverage for intentional or illegal act
- No coverage for incorporated/limited society and/or association
- No personal property or equipment
- No coverage for consulting and/or advisory services to third parties not directly approved by the university
- No direct contract entered into by the student group
- Must have stand alone policy for alcohol related event on/off campus or events with over 150 people

So How to Avoid the Headaches

4. **Clarify Students' Union/Groups do not have permission or authority to enter into any agreement on behalf of your University**

So How to Avoid the Headaches

5. **Develop facility use insurance program including onsite and offsite Student Group events**
 - **Require annual policy as well as single event insurance option that includes host liquor liability**

So How to Avoid the Headaches

6. **Support of student group events on SU premises as UA/students as additional insured – no stand alone policy required**

So How to Avoid the Headaches

7. Broaden oversight on event engagement

- online form for risk assessment of event and support of underwriting information
- event inspection / loss control
- emergency preparedness
- recommendations back to SU/Student Group

So How to Avoid the Headaches

8. **Simplify certificate of insurance process for student groups**
 - **develop online submissions, review and document storage processes**

Good Luck

