

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.C.09

AREA: Risk Management

SUBJECT: Tort Liability

1. PURPOSE

This document sets forth a policy for processing tort liability claims.

2. DEFINITIONS

Tort Liability Claim: Any claim arising as a result of an alleged wrongful act or negligence by the university. This excludes injuries to university employees while in the course and scope of employment, which would be considered a Workers' Compensation claim.

3. POLICY

3.1. Each university shall designate one representative to receive and coordinate notice and information relative to tort claims.

3.2. All information gathered relative to an incident shall be reported by the university representative to the System Director of Risk Management, with a copy to the Office of General Counsel for appropriate action.

4. PROCEDURE

4.1. The university representative shall be responsible for gathering the police report, a narrative of the incident, names and information about witnesses, medical information and any other relevant data. This information should be forwarded to the System Director of Risk Management within 24 hours of the incident. A Student/Visitor Accident Reporting Form (available at the Risk Management web site: https://uh.edu/risk-management/docs/student_visitor_incident-report-form.pdf) shall be included in the incident report, along with all available witness statements.

4.2. Upon notification of a tort claim, the System Director of Risk Management shall:

4.2.1. Seek guidance, as appropriate, from the Office of General Counsel in determining liability; and

- 4.2.2. Coordinate consultation involving the university representative, General Counsel, the Associate Vice Chancellor for Finance, and the Senior Vice Chancellor for Administration and Finance regarding whether, and to what extent, a settlement offer is appropriate.
 - 4.3. Subsequent to the activities in Section 4.2 above, the System Director of Risk Management shall:
 - 4.3.1. Implement instructions received from the Associate Vice Chancellor for Finance regarding contact with the claimant;
 - 4.3.2. Coordinate the filing of the claim with the appropriate insurance carrier and payment of damages with the university representative, as directed by the Associate Vice Chancellor for Finance;
 - 4.3.3. Generate and distribute an annual status report to each university and the Office of General Counsel. The university representative will review the report for completeness and accuracy and notify the System Director of Risk Management of any discrepancies.
 - 4.4. The authority to settle uninsured claims is as follows:
 - 4.4.1. Uninsured claims up to \$10,000 may be approved by the System Director of Risk Management.
 - 4.4.2. Uninsured claims in excess of \$10,000 but less than \$25,000 must be approved by the Associate Vice Chancellor for Finance.
 - 4.4.3. Uninsured claims in excess of \$25,000 must be approved by the Senior Vice Chancellor for Administration and Finance.
 - 4.4.4. All agreements relating to settlement of claims, regardless of amount and regardless of form (oral, letter agreement, invoice, etc.) must be reviewed and approved by the Office of General Counsel prior to execution by the parties.
 - 4.5. In the event a claimant is represented by an attorney, all activities from that point forward, including activities set forth in Sections 4.1 through 4.3 above, shall be conducted under the direction of the Office of General Counsel.
5. REVIEW AND RESPONSIBILITY
- Responsible Party: Associate Vice Chancellor for Finance
- Review: Every five years

