

Office of Risk Management and Insurance
Nakeschi Watkins,
Director
April 20, 2023

Agenda

- Office of Risk Management and Insurance Services
- Department
- University insurance
- CYS-Children and Youth Safety
- Claim management-Incident Reporting
- University Exposures
- Contract Review
- RMI- Resources

Office of Risk Management and Insurance Services

- Assumption of Risk and Hold Harmless
- Domestic and International insurance requirements
- Domestic and International contract review and modification
- Certificate of Insurance request
- Claim Management
- Insurance (cost allocation and all-risk insurance)
- Drones
- Event Review
- Minors/Youth Oversight
- Volunteer Request
- Workers' compensation coverage- international and Domestic

Organization

Risk Management and Insurance

Nakeschi Watkins

Provides enterprise leadership, partnership, and expertise in risk management and insurance.

RMI-Ellie Dodd Risk Financing, Risk Transfer, and Administration of Claims

Provides leadership and support for strategic risk management decision-making.

Administration of Insurance program

Evaluation and allocation of insurance cost

Contract review

Claim Management

Certificate of Insurance

Credentialing Letters

RMI Programs

Provides support for strategic risk management including data analysis & management reports for university leaders.

Risk Management Services

Collection, assessment, and analysis data from multiple sources

- Incident Reporting
- Title IX

Policy review

Children/Youth Safety

Youth Administrator- Paula Hope Griffin

Day to day task administration

Registration

RMI- Tina O'Shea Account Management and Administrative Support

Provides account management and administrative support.

All Risk

- Internal Insurance Billing
- External Insurance Billing
- Admin. Support
- Short-Term All Risk
- Special All Risk
- Workers compensation inquiries
- Caterer list
- Incident reports

Third-Party Resources

Brokers, third-party administrators, actuarial, vendor support for RMI.

Gallagher

- Insurance placement
- Bonds
- COI

Gallagher Bassett (TPA)

- Property
- Auto
- GLX

Willis

- Actuarial services

Tompkins

- Insurance placement

WJ Farmer

- CUEMS

SDN Insurance Agency

- Student Organizations

University Insurance Deductibles/Self-Insured Retentions

Cornell will cover this amount per occurrence. Once the retention is reached, insurance takes over.

\$1M

- Liability
- Auto
- Property
- Boiler and machinery claims
- Defense Base /Act Longshoremen and Harbor Workers Act

\$1.5M

- Workers' compensation
- AOS

\$1M

- Educators Legal Liability
- Directors & Officers
- Cyber Liability

Children and Youth Safety at Cornell

[Program Compliance and Registration](#) ▾

[Message to Families](#) ▾

[Reporting Incidents](#) ▾



[Checklists for Program Directors](#)

[Register a Program](#)

When to Contact Children and Youth Safety

- Planning or registering programs or camps with children and youth
- To determine whether a children and youth program/camp is covered or not covered in accordance with University Policy 8.8, Children and Youth Safety
- To discuss or navigate children and youth safety questions, concerns, or risks
- Results of NYS camp inspection findings
- Incidents involving children or youth during programming and camps

Children and Youth Program Administrator

- Paula Griffin
 - Email
 - phg1@cornell.edu
 - youthprogramadministrator@cornell.edu
 - Phone
 - (607) 254-1578
 - Website
 - youthsafety.cornell.edu

Incident/Accident Reporting

- Injury reporting
 - Student injury and visiting injury
- Auto accident: Police, RMI
- Property damage: Facility coordinator, RMI
Building coordinators

<https://www.risk.cornell.edu/incident-reporting/>

Claim Management/Incident Reporting

- Report Incident within 24 hours
- Do not admit fault or accept liability.
- Collect all documentation.
- Make no changes to documents.
- Reports should be factual and contain no opinions or attempt to place blame.
- Do not communicate with other parties except with the advice of University Counsel or Risk Management.
- Be prepared to tell us what you are doing to recover from the loss.
- Be prepared to provide us with supporting documentation.
- All losses must be investigated before any payments can be made

Exposures

- Anything that affects the department's ability to complete its objectives
- Field trips
- Security of people and property
- Research activities
- Vendors
- New programs
- Travel (domestic and international)
- Athletic events
- Contracts and business relationships
- Alcohol
- Volunteers and interns
- Minors

University Exposure

- Auto outside NYS
- Boats
- Drug trials
- High value property in non-owned facilities
- Employees and Contractors outside NY, including International
- Services provided to US government outside of US
- No ability to transfer risk to Subcontractor
 - Sub-contractor doesn't have appropriate insurance
 - Limitations of sub-contractor responsibility
- Work may be considered by some to be outside scope of university's mission
- International Travel

University Exposure (continued)

- Hazardous work by volunteers/interns/minors
- Work in hazardous areas
- Production and/or Selling new products
 - Product liability concerns
- Professional liability exposures/consulting
- Long tail liability or exposure to downstream liability due to use of research by sponsor.
- Portable equipment, theft, breakage
- Damage to equipment from power surge
- Damage to research samples/data/specimens
- Data protection
 - HIPAA, FERPA, PII, etc.
 - Cyber Liability
- Drones (Unmanned Aerial Vehicles)

Why insurance is needed for Contracts

Cornell's Insurance Programs only cover:

- Cornell faculty and staff while performing duties on behalf of the university
- Volunteer workers performing services on behalf of, and with the express direction and authority of, the university
- Students while serving in a supervised internship program

It doesn't cover...

- Independent contractors/consultants
- Vendors or Subcontractors
- Other third-parties

Types of Insurance Coverage

Unless RMI explicitly approves a modification or waiver of insurance requirements, all consultants, vendors, and third-parties must carry their own basic types of insurance, including:

- Commercial General Liability
- Workers Compensation & Employers Liability
- Business Automobile Liability
- Umbrella/Excess Liability
- Miscellaneous Professional Liability
- Cyber (depending on the scope of work)

For details, see <https://www.risk.cornell.edu/vendor-provider-main-page/>

Professional Liability and Cyber

Professional liability Insurance :

- Provides financial recovery for the wrongful or negligent act, error, or omission that may arise from service provided
- Provides coverage generally not included under a general liability policy

Cyber insurance covers theft, unauthorized access or use, and unauthorized disclosure :

- Personal Identifiable Information (PII)
- Protected Health Insurance (PHI)

Risk Assessment Process

- What's the scope of work being performed?
- Who from Cornell is overseeing the project?
- What type of risks are involved?
- Where is the work taking place?
- What type of accidents or losses could occur?
- What's the worst-case scenario in terms of financial loss and/or injury to persons or property?
- Is there a potential financial loss that the university could be responsible for?
- Are there any broader impacts?
- What is the ability of the parties to manage the risks and absorb the losses? Would they have the financial resources to meet their contractual obligations outside of insurance?

The Contract

Serves as the governing terms and conditions applicable to the transaction.

- Who does what
- Evaluate risk assumptions individually or as a group.
- Who is responsible and assumes the risk
 - Identification of the risk (and obligations) that **the contractor** is assuming in the contract
 - Identification of the risks (and obligations) that **Cornell** is assuming in the contract.

Start with Cornell standard Terms and Conditions and try to ensure:

- The party doing the work is responsible for their activities
- We accept no more risk than we can finance

Contract Risk Review

Know the terms and conditions of the contract.

Beware open-ended obligations with no finite limitation on expense.

For standard clauses or special situations, consult RMI for:

- Risks we are assuming.
- Evaluation of the contractor's risk management techniques for risks that they are assuming.
- Adequacy of the insurance and indemnification sections of the contract. Can the contractor perform and provide proof of insurance?
- Review of subcontractor's insurance coverage and collection of certificates of insurance.
- Issues that may require additional review by University Counsel or within OSP.
- Indemnity agreements: Regularly used to allocate risk between parties and shift liability to the party more responsible for events giving rise to the liability.

RMI Contract review

- Departments should contact RMI as soon as they are aware of
 - Contract review
 - Review is 2 to 4 days

Request should be sent to the following:

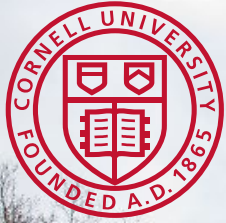
- Submit all request to risk_mgmt@cornell.edu

PI Responsibilities

- Know the terms and conditions of the grant and adhere to those terms.
- Deliver what you promise to deliver when you promised it.
- Conduct your research using the highest ethical standard and following approved protocols at all times.
- Charge only valid time and expenses to your grant.
- Be mindful of the risk of your activities and consult with appropriate university officials to minimize risk and the resulting cost.
- Safeguard confidential information.
- Give appropriate credit for the work performed by others.
- Don't start work until a valid agreement is reached.
- Follow University policies on procurement and engagement of subcontractors and vendors.
- Comply with all Federal, State, and local laws in how the research is conducted but also in how your lab is managed and run.

Resources

- <https://www.risk.cornell.edu/events-and-staffing-main-page/events-involving-food-or-alcohol/>
- <https://www.risk.cornell.edu/travel-main-page/>
- <https://www.risk.cornell.edu/vehicles-main-page/>
- <https://www.risk.cornell.edu/insurance-main-page/>
- <https://www.risk.cornell.edu/events-and-staffing-main-page/cornell-volunteer-program/>
- <https://www.risk.cornell.edu/events-and-staffing-main-page/function-of-risk-or-hold-harmless-checklist/>



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