

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE
FACILITY AND GROUNDS USE INSURANCE POLICY

<u>Number</u>	06.08.10
<u>Division</u>	Finance and Administration – Office of Risk Management and Compliance
<u>Date</u>	Effective November 2021, Revised April 4, 2023
<u>Purpose</u>	<p>The University of Alabama in Huntsville (“University”) is exposed to a financial risk from negligent/wrongful acts when Third Party Entities and other entities and individuals not covered by University insurance programs use facilities and/or grounds owned by or under the control of the University. To reduce this financial exposure, the University requires Third-party Entities and other entities and individuals not covered by University insurance programs using University facilities and/or grounds to maintain insurance to reasonably protect the financial interests of the University. Some of the activities that may give rise to financial exposure include, but are not limited to:</p> <ul style="list-style-type: none">• Youth Programs or Activities – Including overnight camps, day camps, workshops, classes, lessons, etc.;• Amusement devices (e.g. inflatables, dunk tank, rides, climbing walls, etc.);• Recreational activities (e.g. walks, runs, dances, car smashing, etc.);• Competition sports and/or team activities (e.g. flag football, laser tag, dodge ball, etc.);• Use of equipment and/or demonstration of scientific principles that involve the use of hazardous materials, dangerous substances, pressurized cylinders or vessels, exothermic or endothermic reactions, open flames, lasers, etc.;• Concerts, dances, and events with amplified sound;• Arts and crafts displays or shows;• Sale of commercial goods or services to the public;• Product demonstrations and/or interactive displays;

- Food preparation and/or food sales or service to the public by third-party vendors/caterers including food trucks – includes competitive cook-offs or food festivals;
- Any event where alcoholic beverages will be served;
- Parades or festivals

Note that the use of pyrotechnics/fireworks on the UAH campus are not allowable except as provided for in other relevant University policies, including the Dangerous Weapons & Firearms policy (policy 06.02.05).

Policy

Subject to the exceptions described in this Policy, all Third-party Entities and other entities and individuals not covered by University insurance programs hosting events and/or conducting operations at the facilities or on the grounds owned or operated by the University must provide evidence of comprehensive general liability insurance, unless such event / activity is exempted below, and may also be required to offer evidence of automobile liability and workers' compensation insurance.

Where the financial exposure is deemed either insignificant or more significant, the University's Office of Risk Management and Compliance (ORMC) will review the proposed operation or activity and may require or make adjustments to the insurance requirements to fit the situation.

This Policy does not apply to University-sponsored public events such as scheduled sporting events (including pre/post game activities) and other University-sponsored events unless an outside Third-party Entity or non-University organization or individual will provide a service or conduct some form of activity which poses an increased risk not typically associated with events which are social or educational in nature (refer to above list for examples) or which may include the preparation, service, and/or consumption of food and beverages.

This Policy does not apply to protected expressive activities in outdoor areas of campus that do not involve any notable activities (refer to list above for examples). This Policy further does not apply to business meetings and casual gatherings that do not involve any notable activities and do not involve large crowds (over 250 persons).

This policy does not apply to Student Organization events where audio/visual services such as sound amplification are provided by the University through authorized University units, provided no other circumstance of such event would require insurance coverage.

This policy does not apply to Student Organization events involving small-scale food service (e.g., fundraising bake sales, student-only cookouts, service of pre-packaged foods [non-alcoholic beverages, chips, crackers, etc.], etc.) so long as no other circumstance of such event would require insurance coverage.

Third-party food service vendors and caterers, including food trucks, must provide acceptable proof of general liability and food-service liability insurance when operating on the University campus. Such vendors must be properly licensed and/or permitted by the appropriate public health authority(ies) including the Alabama Department of Public Health. Entities and groups utilizing such food vendors are strongly encouraged to review health department scores for the vendor prior to engaging such services.

General Insurance Requirements

Unless adjusted or waived by the ORMC, Third-party Entities and other entities and individuals not covered by University insurance programs must obtain and maintain in force for the duration of the event or activity the following insurance coverages:

Commercial General Liability (“CGL”)

Each Occurrence – Premises/Operations & Personal Injury \$1,000,000
General Aggregate \$2,000,000
Fire Damage Liability \$100,000

Commercial Business Automobile Liability

(Required if operating vehicles on UAH property beyond the routine transportation of persons to and from the event. Required for all food truck vendors operating on campus.)
Combined Single Limit \$1,000,000

Workers' Compensation and Employer's Liability

(Required if the requesting party has employees working on UAH Property.)

Workers Compensation (Coverage Part A) *Statutory limits*

Employer's Liability (Coverage Part B) - Per Occurrence \$500,000

Sexual Abuse and Molestation

(Required for Youth Programs or Activities conducted by Third Party Entities. Consult the University Child Protection Policy for additional requirements.)

Each Occurrence \$1,000,000

General Aggregate \$2,000,000

Acceptable Insurance Carriers

The policies must be issued by an insurance company licensed in the State of Alabama carrying a minimum A.M. Best's rating of A- VII.

Certificates of Insurance

The University must receive a Certificate of Insurance prior to the scheduled event. The certificate of insurance must include the following elements:

- Insured Entity
- Insurance Carrier(s)
- Policy Effective and Expiration Dates
- Policy Number(s)
- Policy Limits
- Cancellation Notice Provision (minimum ten (10) days for non-payment of premium, minimum 30 days otherwise)
- Additional Insured and Waiver of Subrogation Language as Follows:

“The Board of Trustees of the University of Alabama for and on behalf of the University of Alabama in Huntsville, its individual trustees, officers, directors, employees, agents and representatives are included as an additional insured on the Commercial General Liability policy. Unless precluded by law, all policies waive the right to recovery or subrogation against the Board of Trustees of the University of Alabama, its individual

trustees, officers, directors, employees, agents and representatives.”

Insurance Requirement Review and Modifications

In certain cases, the University’s ORMC may waive, reduce, increase, or allow exceptions to the general insurance requirements listed above. For the sake of example only, but not in limitation, a basis for an adjustment to the insurance requirements might include the following:

1. Entities with the financial strength to self-insure part or all of insurance requirements outlined above as evidenced in audited financials reflecting a net worth adequate to absorb self-insured losses.
2. If an entity elects to participate in a self-insured workers’ compensation program, the insurance requirement may be waived if the self-insured entity or group trust is in good standing with the authorizing agency.
3. If an individual or entity is exempted from the workers’ compensation statutory requirements due to the limited number of employees, the coverage requirement may be waived if the event or activity does not otherwise generate a risk or hazard which the University ORMC deems unacceptable. A waiver and/or release of liability may be required if a workers’ compensation exemption is allowed.
4. Any entity or group associated or affiliated with the State of Alabama or a United States governmental agency is typically exempt from all insurance requirements. The University’s ORMC will review on a case-by-case basis requests by other governmental entities (e.g., municipalities) seeking such an exemption.

Requests for review and/or modification of insurance requirements must be submitted in writing to riskmanagement@uah.edu.

Applicability to Student Organizations and Fraternities / Sororities

This Policy applies to all Student Organization classifications with the exception of Sponsored RSOs. Sponsored RSOs are covered under University insurance programs so long as activities are within the scope of the organization’s campus mission and charter. All other RSOs are subject to the requirements of this Policy.

This policy applies to all Fraternity and Sorority organizations. Certain Fraternity and Sorority organizations may be contractually required to provide the University annual proof of general liability coverage by way of a Certificate of Insurance. This annual proof of insurance, when provided and if meeting the above Certificate of Insurance requirements, and when valid for the date(s) of the requested event(s), will be considered to have meet the requirements of this Policy.

Definitions

Student Organization – A group of students (a) currently registered through and in good standing with the University Office of Student Life in accordance with applicable University policy(ies) including the Student Handbook (also referred to as a Registered Student Organization (RSO)); or (b) seeking official registration with UAH's Division of Student Affairs and composed of admitted students that receive or are seeking to receive benefits through UAH.

Sponsored Registered Student Organization – A distinct classification of RSO usually assigned by the University Office of Student Life. Funding in whole or in part comes from student activity fees or University operational funds. Sponsored RSOs typically serve as ambassadors for the University and/or provide university-wide services for students and student groups (e.g., SGA, Lancers, UAH Cheerleading, UAH Pep Band, ACE, Residence Hall Association, SOAR).

Third-party Entities – Outside, non-University organizations or individuals.

Youth Participant – Any individual under the age of 19 or and individual under the age of 21 years old who is incapable of self-care because of mental or physical disability.

Youth Programs or Activities – Any: (1) event, operation, or endeavor operated, conducted, or organized by any Third Party Entity, University department/unit, or any organization supported by or affiliated with the University or occurring on University property, (2) that includes Youth Participants or that otherwise falls under the University Child Protection

Policy, and (3) during which parents or guardians are not expected to be responsible for the care, custody, or control of the minors.

Scope

This Policy applies to all faculty, staff, students, contractors, vendors, Third-party Entities, and other organizations and individuals not covered by University insurance programs and seeking to use facilities and/or grounds owned by or under the control of the University

Review

The Office of Risk Management and Compliance is responsible for review of this Policy every five (5) years or whenever circumstances require.