

To: MSUM EMPLOYEES

From: Edward Choate
Director of Human Resources

Phone: 2066

Date: October 2006

Re: TORT CLAIMS/INCIDENT REPORTS

As winter approaches, the possibility of tort claims filed against the University increases. Tort Claims are filed by **non-employees** (students, guests, vendors, etc.) who are injured or their property damaged while on University's premises.

This is a reminder that all accidents and personal injuries that happen on university property must be reported.

The Human Resources office is responsible for processing tort claims. Please find (attached) a copy of an incident report, which must be completed by any and all witnesses, when an injury or damage to property occurs. (Please make copies for your use.) After completion, the report must be timely forwarded to the Human Resources Office.

Please note that it is the policy of MSU Moorhead to send the Department of Administration, Risk Management Division all tort claims from such incidents. That agency is to promptly and fairly consider and, within the statutory limits, settle those claims found to be meritorious as quickly as possible. This policy requires that uniform, routine and effective reporting, investigation, record-keeping and claims procedures be established and implemented.

It is the responsibility of any state employee who witnesses such an incident to act in the following manner:

- 1) Report the incident immediately to Security (2449) and Human Resources Tort Claims Officer - Deb Lewis (2158).
- 2) Get the name(s) and telephone number(s) of victims and witnesses, if possible.
- 3) Complete an Incident Report (attached) in a timely manner - Any information pertaining to the incident should accompany the report when it is sent to Human Resources. This might include notes about the weather, lighting conditions, physical conditions of the site, or even a map, picture or drawing identifying exactly where the incident occurred.
- 4) Make sure not to admit any liability --- do not give statements to anyone other than the state's claim investigators or MSUM's representative. If the individual requests payment for medical bills or damages, advise the individual to report their claims to their own insurance

and that they may file a claim against the University/State by contacting Human Resources (Deb Lewis - 2158). The claim will then be submitted to the Department of Administration, Risk Management Division for review.

PLEASE NOTE: An employee shall not aid or assist any claimant in prosecuting any claim against the University/State. Claimants should determine and initiate their claims against the University/State without the aid of any State employee, relying upon their own knowledge and records for the propriety and substance thereof. However, employees contacted by claimants or potential claimants may furnish to such person information as to his rights to make a claim against the University/State and the procedures and forms for presenting such a claim. Such information shall include, but not be limited to, the name, address and telephone number of the claims officer. No other information should be provided.

These procedures apply to all incidents or accidents involving personal injury, death or damage to private property which could result in a claim against the State.

Please share this information. If you need further information or assistance, please contact Deb Lewis at 2158.

ATTACHMENT