

STUDY ABROAD / OFF-CAMPUS ACADEMIC ACTIVITIES

This information contained herein is provided in summary form and for illustrative purposes only. Reference should be made to all appropriate University policies and applicable state and federal laws currently in effect.

The following information is offered as a general guideline for University employees.

- With the exception of those full-time employees who have opted out, all full-time faculty and staff are covered by the Blue Cross/Anthem health insurance plan. Based on the terms of specific plans, health insurance coverage is provided locally, regionally, nationally and internationally. In all cases, there is an in-network and an out-of-network reimbursement or coverage rate. Just as there are official in-network providers locally and regionally, there are also in-network providers nationally and internationally. Information on all in-network providers (locally, nationally, internationally) is available on the website www.bluecross.com. A faculty or staff member planning to lead (or participate in) an off-campus trip should consult this website before departure for the region or country they plan to visit.
- Traveling and studying abroad present several problems with respect to making sure that participants will have medical facilities at which to be treated and the means to pay for such treatment. Most students are covered by their parents' insurance plans and often will not investigate whether those plans will cover them in a foreign country. Faculty program directors should ask students to call their insurance company to determine whether they will be covered in the host country. If so, the students should request that the policy be put into writing and sent to them. For faculty members and students participated in CCSA, KIIS, and ISA study abroad programs, health insurance is already included in the initial program package. If the student/family is not comfortable with the coverage their company provides, international health insurance information is available through the Office of International Programs. Coverage, either through the family's medical insurance or through group insurance plan, is mandatory for all parties in any off-campus study and travel. Please contact Yating Chang, the Study Abroad Coordinator, at 745-6398 for more information.
- University employees who are injured while participating in University sponsored study-abroad or off-campus assignments as part of their job duties or academic assignment are covered by the University's workman's compensation insurance.
- Students and participants other than the employee assigned to the activity should sign standard release forms prior to traveling and an acknowledgment of their obligations to follow University policies and procedures while engaged in these activities. The Office of Risk Management can assist in providing appropriate forms.

- Individual employees of Western Kentucky University may, in limited circumstances, may be found personally liable for their actions, regardless of whether or not that action was completed in the scope of their employment. Faculty and staff leading off-campus learning experiences should always exercise prudence and good judgment to avoid exposing students and other participants to undue risk when traveling regionally, nationally, or internationally.

The Kentucky Supreme Court's most recent and authoritative statement defined official or public employee immunity as "immunity from tort liability afforded to public officers and employees for acts performed in the exercise of their discretionary functions. It rests not on the status or title of the officer or employee, but on the function performed."

As a result, employees of Western Kentucky University enjoy qualified official immunity in certain situations.

Qualified official immunity only applies to the negligent performance by a public officer or employee of (1) discretionary acts or functions (i.e. those acts or functions that involve the exercise of discretion and judgment, or personal deliberation, decision and judgment), (2) made in good faith; and (3) which are within the scope of the employee's authority and job duties.

Note that the employee's act must not only be discretionary to be afforded qualified official immunity, the discretionary act must also have been performed in good faith. Qualified official immunity will not apply if the employee knew or reasonably should have known that the action he/she took within his/her sphere of official responsibility would violate the constitutional rights of another, or if the employee took the action with the malicious intention to cause a deprivation of constitutional rights or other injury.

Qualified official immunity will not apply to the negligent performance of ministerial acts. A ministerial act is defined as one that requires only obedience to the orders of others, or when the employee's duty is absolute, certain, and imperative, involving merely execution of a specific act arising from fixed and designated facts. If the employee performs a ministerial act in a negligent manner, the employee will not be protected by qualified official immunity.

Examples of discretionary acts include rulemaking and hiring employees. Examples of ministerial functions are following and enforcing rules or policies that have already been promulgated.

Insurance

This information contained herein is provided in summary form and for illustrative purposes only. Reference must be made to the policy or policies in effect at the relevant time and for a complete listing of all policy exclusions and conditions. All policy provisions shall control. Nothing herein shall be interpreted as expanding or restricting any coverage so provided by the policy, or obligating the University for any coverage(s) beyond the policy terms, nor shall this information be construed or interpreted as establishing any additional obligations on the part of the University or University employee(s).

Faculty/Staff Life Trip Accident Insurance

- \$100,000 (Aggregate Limit \$500,000) Accidental Death and Dismemberment Benefit – All regular and part time employees under the age of 70 while “on assignment or at the direction of the University for the purpose of furthering the business of the University.”
- **Coverage:** This Hazard covers injury resulting from:
 - A) an accident, and
 - B) an accident while the Insured Person is a passenger on , boarding, or alighting from a Civil Aircraft or MAC (Military Airlift Command) Aircraft; or
 - C) being struck by an aircraft which occurs anywhere in the world during a Business Trip.
- **Exclusions:** This Hazard does not cover injury resulting from an accident which occurs while the Insured is on, boarding, or alighting from:
 - A) an aircraft engaged in an Extra-Hazardous Aviation Activity; or
 - B) a Policyholder Aircraft.

This policy does not cover any loss resulting from:

1. Intentional self-inflicted injury, suicide or attempted suicide, whether sane or insane;
2. War or act of war, whether declared or undeclared;
3. injury sustained while in the armed forces of any country or international authority;
4. injury sustained while on any aircraft, unless, and only to the extent, a Hazard specifically describes such coverage;
5. injury sustained while voluntarily taking drugs, including sedatives, narcotics, barbiturates, amphetamines, or hallucinogens, unless the drug is taken as prescribed for or administered by a licensed physician;
6. injury sustained as a result of being legally intoxicated from the use of alcohol;
7. injury sustained while committing or attempting to commit a felony.

Student Accidental Death Insurance – Secondary Medical Expenses

- **Benefits:**

Accidental Death & Specific Loss (United States)

Loss of Life Principal Sum	\$10,000
Single Dismemberment Principal Sum	\$5,000
Double Dismemberment Principal Sum	\$10,000
Loss Period	Loss within 180 days of Injury

Accident Medical Expense – Full Excess (United States)

Maximum Benefit	\$5,000
Accident Medical Deductible Corridor	\$100
Loss Period: Initial treatment received within 30 days of Injury	
Benefit Period: Benefits payable for 52 weeks from accident date	

- **Coverage**

The insured is covered for Injuries received while insured under this provision. Such Injuries must be received while:

- a) participating in activities sponsored and supervised by the Policyholder;
- b) traveling to, during or after such activities as a member of a group in transportation furnished or arranged by the Policyholder.

- **Full Excess Coverage**

Benefits for Medical Expense will be paid only for such expense which is not recoverable from any other insurance policy, service contract or workers' compensation.

- **Exclusions and Limitations**

No coverage is provided for:

- A) suicide, attempted suicide or intentionally self-inflicted injury while sane or insane;
- B) Injuries caused by an act of declared or undeclared war;
- C) Injuries received while in the armed services
- D) Injuries received while acting as a pilot or crew member;
- E) Injuries resulting from air travel, except while as a passenger for transportation only;
- F) Injuries resulting from the Insured's engagement in or attempt to commit a felony or being engaged in an illegal occupation;

- G) Injuries received while under the influence of any controlled substance, unless administered on the advice of a Legally Qualified Physician;
- H) Injuries received while Intoxicated as specifically defined in this provision; or
- I) Injuries sustained while traveling other than as specifically stated in this provision;
- J) The cost of eyeglasses, contact lenses or examinations for either;
- K) The cost of dental treatment, except as specifically provided for Injuries to sound, natural teeth;
- L) Injuries covered by workers' compensation or employer's liability laws; or
- M) Prescription drugs.

Directors & Officers Liability/ Employment Practices Liability

- **Exclusions and Coverage**

An insured person is defined as “any past, present or future member of the faculty, student teacher, teaching assistant, representative to an education association of which WKU is a member, and any president, chancellor, provost, treasurer, vice president, dean, personnel director, executive director, risk manager, university counsel or other comparable senior administrator of WKU, regardless of whether they are considered as an Employee of WKU or an independent contractor”. The following are also insured persons “any past, present or future director, officer, trustee, employee, volunteer, or any committee member of a duly constituted committee of WKU, solely when acting in his or her capacity as such”.

The coverage territory is world-wide.

A covered claim would be an employment practices wrongful act, as defined by the policy terms.

This policy **EXCLUDES** coverage for any of the following whether alleging, arising out of, based upon, attributable to, or in any way involving, directly or indirectly:

- A) Bodily injury, sickness, disease or death of any person.
- B) Damage to or destruction of any tangible property, including loss of use thereof.