

STANDARD ADMINISTRATIVE PROCEDURE

09.04.99.M0.01 Tort Claims

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Standard Administrative Procedure Statement

Texas A&M University prioritizes the health and safety of its students, employees, and visitors; however, accidents do occur and it is impossible to eliminate all risks that could lead to personal injury and property damage. While the University is generally immune from liability under state law, the Texas Tort Claims Act outlines conditions under which Texas A&M University could be liable for personal injury or death and property damage. Prompt reporting of claims or potential claims against the university is essential so potential legal action can be identified, information needed for the assessment, resolution and/or defense of the claim can be obtained in a timely manner, and other parties, including the Attorney General's office and any applicable insurance carriers, can be notified as needed.

Reason for SAP

This SAP establishes a procedure that all Texas A&M University campuses, divisions, colleges, departments and employees must complete when a claim of property damage and/or bodily injury or death is filed against the University.

Definitions

A tort claim is any claim made against Texas A&M University or its employees for alleged property damage/loss, personal injury, or death.

Official procedure

1. GENERAL

In accordance with System Policy 09.04, all tort claim settlements shall have the concurrence of the Texas A&M University Chief Executive Officer (President) and Texas A&M University System General Counsel. The following process is in place to ensure tort claims are appropriately reviewed prior to resolution or settlement.

2. PROCEDURE

- 2.1 Upon notification of a claim, the department shall immediately notify the Department of Contract Administration, Insurance Services using the Incident/Injury Report Form. The completed report should be sent by e-mail to insurance@tamu.edu or faxed to (979) 862-7130.
- 2.2 Once the Incident Report is received, the Department of Contract Administration, Insurance Services will collect the necessary documentation from the claimant and the University department(s) for submission to the System Office of Risk Management.
- 2.3 System Risk Management, in conjunction with the System Office of General Counsel, will render a legal opinion regarding compensability of the claim under the Texas Tort Claims Act (Texas Civil Practice and Remedies Code, Chapter 101). The Department of Contract Administration, Insurance Services will share this opinion with the University department(s) prior to communicating approval or denial of the claim to the claimant.
 - 2.3.1 Funding for approved tort settlements will typically be the responsibility of the reporting department(s).
 - 2.3.1.1 When applicable, insurance policies secured through System Risk Management will be used to pay claim settlements and the TAMU department will be responsible for the payment of any deductibles.
 - 2.3.1.2 In the absence of applicable insurance coverage, settlement payments must use local funds (accounts in the 200000 to 500000 range or Foundation funds).
 - 2.3.2 If a claim is determined to be compensable, the Department of Contract Administration, Insurance Services will obtain approval for payment from the Chief Executive Officer (President) or designee prior to submitting the payment request to Financial Management Operations.

3. LIABILITY UNDER THE STATE OF TEXAS TORT CLAIMS ACT

3.1. The Texas Tort Claims Act (Civil Practice and Remedies Code, Chapter 101) provides that a governmental unit of the State is liable for; (a) property damage, personal injury, and death proximately caused by the negligence of an employee acting within his or her scope of employment if the damage arises from the operation or use of a motor-driven vehicle or motor-driven equipment and the employee would be personally liable according to Texas law; and (b) personal injury and death (but not property damage) caused by the condition or use of the tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

3.2. The State’s liability under the Texas Tort Claims Act is limited to the following:

3.2.1 Damages in a maximum amount of \$250,000 per person and \$500,000 limit for any single occurrence of bodily injury or death regardless of the number of individuals involved.

3.2.2 Liability for injury to or destruction of property is limited to \$100,000 for any single occurrence.

3.2.3 Texas A&M University emergency services operations are limited to \$100,000 per person with a \$300,000 limit for any single occurrence of bodily injury or death.

Related Statutes, Policies, or Requirements

[System Policy 09.04](#)

Forms

[Texas A&M Incident/Injury Report Form](#)

Contact Office

[Department of Contract Administration, Insurance Services](#)
(979) 845-0099