



HIGHLIGHT SHEET

EDUCATIONAL INSTITUTION LIABILITY INSURANCE POLICY

FORM TEILE.001 (07/15)

The Educational Institution Liability Insurance Policy is a comprehensive liability policy that provides superior protection to the Educational Entity and its directors, officers and employees. Coverage included within the policy includes:

- Directors, Officers and Educational Entity Liability Insurance
- Employment Practices Liability Insurance – including entity coverage
- Educational Services Liability Insurance

Also available by endorsement is the Legal Expense Coverage Extension. This extension provides defence costs reimbursement coverage for claims brought against the insured involving sexual abuse or corporal punishment of students of the Educational Entity. If these claims are successfully defended, the extension reimburses the insured for the costs incurred in defending itself against these claims.

We apply our underwriting expertise to any class of educational institution, with a focus on the following types of educational entity:

- School boards
- Private Schools
- Montessori Schools
- Colleges
- Universities
- Applied Technology Institutes
- Faith-Based Institutions (Denominational Schools)
- Vocational Schools

Coverage Highlights

- Advanced defence costs on **all** personal conduct exclusions until final non-appealable adjudication of the claim
- Affirmative coverage for:
 - Educational Services Liability
 - Employment Practices Liability
 - Third Party Wrongful Act
 - Personal Injury
 - Publishers Liability
- Broad definition of claim includes:
 - demands for monetary damages, non-monetary or injunctive relief
 - civil, criminal, administrative, regulatory, mediation or arbitration proceedings
 - civil, criminal, administrative or regulatory investigations
 - extradition proceedings
 - any request to toll or waive the statute of limitations
- Broad definition of insured includes:
 - the educational entity (entity coverage)
 - past, present and future deemed or “de facto” directors, officers, trustees, governor, superintendent, administrator, principal, vice principal, volunteers, employees and members of any duly constituted committees
 - students participating on an outside training course, placement or co-operative
 - in-house general counsel
 - board observers
 - risk manager
- Definition of loss includes coverage for:
 - compensatory, moral, punitive, exemplary or multiplied damages
 - civil fines, civil penalties or administrative monetary penalties levied against an insured person

- pre-judgment and post-judgment interest
- Administrative monetary penalties (AMPs) are included in the definition of loss when levied against an insured person. AMPs can be levied against individuals for non-compliance / contravention of legislation and regulations such as the Canadian Anti-Spam Legislation (CASL)
- Extradition Proceedings (not limited to sovereign states) includes formal proceedings to extradite an insured person located in any province, territory, state or country to any other province, territory, state or country
- All risk entity coverage
- Affirmative coverage for statutory liabilities
- Corporate Brand Protection / Crisis Management Expenses Coverage protects the corporation's brands during a claim
- No insured person vs. insured person exclusion
- Entity vs. insured person exclusion includes exceptions for:
 - claims brought by a trustee in bankruptcy, interim receiver, or liquidator
 - independent derivative actions, including "whistleblower" exception
- Pollution coverage includes:
 - full policy limits for defence costs and indemnity for any security holder claims
 - optional sub-limit for defence costs for any claim which is a non-indemnifiable loss
- Narrow "for" language used in our BI / PD exclusion and fiduciary liability exclusion
- BI / PD exclusion contains an exception for:
 - employee claims alleging mental anguish, emotional distress, humiliation or damage to reputation
 - defence costs for any claim against any insured (including the **entity**) which is a criminal proceeding pursuant to section 217.1 of the criminal code (as amended by Bill C-45) or for any claim brought pursuant to the Ontario Occupational Health and Safety Act
- No failure to maintain adequate insurance exclusion
- No hostile takeover exclusion
- No libel and slander exclusion
- Full severability of all exclusions and application form for insured persons
- Optional excess Side A coverage
- No deductible applicable in the event of financial impairment
- No presumption of indemnification provision
- 50% asset threshold for the reporting of newly acquired / created non-profit subsidiaries
 - 90 day automatic coverage for newly acquired / created non-profit subsidiaries that exceed the 50% threshold
- 90 day claims reporting window upon the expiration of the policy
- Blanket non-profit outside directorship liability coverage is included
- Insurer has the "duty to defend"
- Policy is written on a "pay on behalf of" basis and not on a "reimbursement" basis
- Defence Costs Allocation automatically included
- Entire policy is non-rescindable
- Contains a "soft hammer" clause
 - insurer continues to pay 75% of defence costs and loss, if the insured declines a proposed settlement
- Priority of Payments automatically included
- Favourable subrogation provision contains final non-appealable adjudication language
- Spousal and domestic partner liability extension is included
- Non-cancellable by the insurer / 20 days in the event of non-payment of premium
- Insurer must give 60 days' notice of non-renewal
- Bi-Lateral Discovery Period Extension
- No coinsurance clause
- Affirmative worldwide coverage

Available Extensions

- Legal Expense Coverage
- Fiduciary Liability

About Trisura

Trisura Guarantee Insurance Company is a Canadian-based Property and Casualty insurance company, incorporated under the Insurance Companies Act (Canada). As a Canadian owned and operated company, Trisura is uniquely positioned to satisfy mid-market risks in Contract Surety, Commercial Surety, Directors' and Officers' Liability, Fidelity, and Professional Liability including Media Liability.

Trisura is rated **A- (Excellent)** by A.M. Best Company.

For more information and to download our application forms please visit our website at www.trisura.com

Refer to your policy for complete details. In case of inconsistency between this document and your policy, the policy terms, conditions and limitations will apply.