

Date: 5/12/11

To: Hollie Swanson

From: Research Committee

Re: Liability Coverage for Faculty Research

You charged our committee to examine policy issues related to liability risk for faculty engaged in research and research training as part of their official UK work effort.

Most faculty have the impression that if they are conducting research and research training that is sanctioned by the university as part of their distribution of effort and are conducting the research in accordance with institutional and national regulatory and ethical guidelines, the institution will provide complete liability coverage should it be required.

The Risk Management Office of the University states that the University of Kentucky provides coverage for all faculty and students conducting research involving human participants as an approved part of their employment/training when the human research is being conducted in a manner that is consistent with all University and Professional regulatory and ethical standards. However, there is no formal policy that specifies how this liability coverage will be provided to all faculty.

There are two mechanisms of liability coverage at this time:

Medical Liability Insurance. The University of Kentucky Health Care Enterprise provides medical liability insurance through a program consisting of a self-insured fund and excess insurance. This program provides liability insurance to faculty and students engaged in human research in conjunction with the delivery of health care. To be eligible for medical liability coverage, some research must complete additional review by the University of Kentucky (UK) Healthcare Risk Management Committee (UKHC RMC). It is the faculty member's responsibility to know if his/her research must be reviewed by this committee. If review is required but has not occurred, the faculty member is not covered by liability coverage.

General Liability. The University of Kentucky provides general liability coverage through a program consisting of a combination of self-insurance and excess liability coverage for faculty and students at the University of Kentucky.

There are concerns related to the current system. RMC review process can be lengthy and in conflict with other regulatory processes (i.e., IRB review and approval). Criteria determining which faculty members and which types of research require review by the RMC are not well articulated or publicized. The General Liability policy does not cover health-related research activities at the present time.

The Research Committee continues to meet with representatives of the Risk Management Office and the Office of Legal Counsel for UK Healthcare to examine insurance coverage options that will provide appropriate indemnification coverage and to establish a policy(ies) that will provide clear guidance to faculty in this regard. We recommend that the Research Committee continue to pursue this charge during the upcoming academic year.