

UNIVERSITY OF PITTSBURGH POLICY 07-06-06

CATEGORY: PERSONNEL
SECTION: Employee Support
SUBJECT: Faculty and Staff Indemnification
EFFECTIVE DATE: May 1, 2002 Revised
PAGE(S): 2

I. SCOPE

This policy establishes the conditions under which the University will provide indemnification and legal defense to faculty and staff.

II. POLICY

- A. Except as prohibited by law, the University of Pittsburgh shall furnish each current and former employee of the University with legal defense and payment of judgments, fines, penalties, settlements and any other expenses actually and reasonably incurred in connection with an actual or threatened action, suit or proceeding, whether civil, criminal, administrative or investigative (such action, suit or proceeding hereinafter being referred to as "Action"), brought against such employee by reason of being or having been an employee of the University, or by reason of serving or having served the University as a member of or representative to a committee, board or other entity outside the University. Any rights that accrue under this policy shall inure to the benefit of the employee's estate in the event of the employee's death.
- B. Defense and/or indemnification under Paragraph A shall be available only if all of the following conditions are met:
- Such employee's actions or omissions were within the scope of his or her University duties and authority in teaching, research and administrative activities for which an employee is paid by the University.
 - Such employee's actions or omissions were in good faith, and in a manner reasonably believed to be lawful and in the best interests of the University.
 - The acts or omissions did not constitute willful misconduct, gross negligence or recklessness.
- C. Subject to all of the limitations contained in this policy and associated procedure, protection in this policy may, at the University's sole discretion, also be extended to:
- Writing or publishing that has been or will be a basis for appraisal of the employee's job performance, that adds to the employee's professional knowledge and experience and that contributes to the employee's professional or academic field.
 - Professional activities, including public service, that are unambiguously related to the employee's function as a representative of the University, that add to the employee's professional knowledge and experience and that contribute to the general society, even though not carried out at the University's direction or under its control, provided such activities are not compensated by any other person or entity (other than for reasonable expenses or by honoraria no higher than the level paid by the federal government), e.g., service on accrediting commissions and on governmental advisory boards, and attendance at professional conferences. The University reserves the right to decide in each case, based on the facts and circumstances, whether or to what extent to extend protection for the activities described in this paragraph C.
- D. The protection in this policy shall not, among other things, extend to consulting or other

outside professional or business activities for which the employee or an entity with which he or she is affiliated is entitled to receive compensation exceeding reasonable expenses.

- E. The protection in this policy shall extend only to Actions in which an employee is a defendant or proposed defendant, and shall not extend to Actions that an employee may affirmatively initiate or propose initiating against any other persons or entities.
- F. The protection in this indemnification policy shall not extend to defense and/or indemnification of an employee in an internal University proceeding. Internal proceedings are those that are conducted by the University under University rules and guidelines. There shall be two exceptions to this provision:
 - 1. An employee shall be eligible for defense and/or indemnification in an internal proceeding that arises from allegations made by an outside individual, agency, organization or interest group, if the outside party is already represented by legal counsel in the proceeding. An employee is eligible for defense and/or indemnification in such an internal proceeding once it reaches a formal stage (e.g., the investigation stage of a research integrity proceeding) and in an amount not to exceed \$30,000.
 - 2. An employee who has been accused of research misconduct under the University's Research Integrity Policy and who has been fully exonerated of all charges of research misconduct in a Research Integrity Proceeding mandated by the federal government shall be eligible for indemnification in connection with his/her reasonable legal costs incurred in responding to the charges under the Research Integrity Policy. If, however, an employee has been exonerated from charges of research misconduct but has been found to have committed research impropriety under the University's Research Integrity Policy in a Research Integrity Proceeding mandated by the federal government, the Committee on Indemnification shall decide whether or not to award the indemnification. An employee is eligible for indemnification in such internal Research Integrity Proceedings for the reimbursement of reasonable legal costs necessary for the defense in an amount not to exceed \$30,000.
- G. The protection in this policy shall not extend to actions or omissions while an employee is on an unpaid leave of absence from the University.
 - Exceptions may be made at the University's sole discretion where an employee on leave is engaged in activities that are an extension of his or her University activities.
- H. The protection in this policy shall not extend to medical or other professional liability with respect to which employees are protected under the University Health Center of Pittsburgh professional liability insurance program.

III. REFERENCE

[Procedure AO 20, Faculty and Staff Indemnification](#) (formerly 07-06-06)