



University of Colorado

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BOARD OF REGENTS

13. BUSINESS AND FINANCE

Policy 13.D: Defense and Indemnification of University of Colorado Employees

~~The Board of Regents acknowledges the University of Colorado's obligation to defend and indemnify public employees of the University of Colorado, including officers, employees, servants, and authorized volunteers, in accordance with the terms of the Colorado Governmental Immunity Act. It is the policy of the University of Colorado to defend and indemnify public employees against claims that arise in the course and scope of public employment, unless the actions of the public employee are determined to have been the result of willful and wanton conduct.~~

13.D.1 Definition

For purposes of this policy, "employee" includes current and former employees, officers, regents, and other persons to the extent required by the Colorado Governmental Immunity Act.

13.D.2 Policy

For claims subject to the Colorado Governmental Immunity Act, the university shall defend and indemnify its employees in accordance with the Act. For claims that are not subject to the Colorado Governmental Immunity Act, the university retains sole discretion as to whether to defend and indemnify. All decisions related to the defense and indemnification shall be made by the decision-making authority as described in this policy.

This policy is not intended to be treated as an employee benefit or contractual right.

13.D.3 Decision-making Authority

~~In all claims made against public employees, other than personal claims against members of the Board of Regents in their personal capacities and officers of the university, the Board of Regents authorizes the president of the university or the president's designee to make determinations related to defense and indemnification under the Colorado Governmental Immunity Act, including, but not limited to: (1) whether the university will provide for the defense of the employee; (2) whether to retain or assign counsel to the public employee; (3) whether to reimburse the public employee for the reasonable costs of legal representation; (4) whether to condition the defense and indemnification of the public employee in any manner; (5) whether to seek reimbursement of defense costs from a public employee when the university is legally permitted to do so; and (6) whether to settle or otherwise resolve a claim against a public employee.~~

In ~~all~~ claims made against the officers of the university personally, the chair of the Board of Regents is authorized to make decisions related to defense and indemnification after consultation with the full Board of Regents in executive session.

In ~~all~~ claims against members of the Board of Regents ~~in their personal capacities~~personally, decisions related to defense and indemnification ~~shall~~may be made by an affirmative vote of the remaining members of the Board of Regents, provided that a quorum of the board may be achieved by the members who are not named as defendants in the action. In the event that such a quorum is not possible, the decision ~~shall~~may be made by independent counsel or other person designated by an affirmative vote of the full Board of Regents.

13.D.4 Punitive Damages

In the event an award of punitive damages is made against ~~a public~~an employee, the university shall not indemnify the ~~public~~ employee for any such damages unless the Board of Regents determines by resolution at a public meeting that it is in the public interest for the university to pay such an award.

History:

- Adopted: February 20, 1997.
- Revised: January 14, 2009; February 13, 2020.
- Last Reviewed: February 13, 2020.