



UNIVERSITY OF OREGON

April 11, 2013

The Honorable Mark Hass
900 Court St. NE, S-207
Salem, OR 97301

Dear Senator Hass:

We write in support of the -1 Amendment to SB 225, which would cause the repeal of ORS 30.264.

ORS 30.264 has been rendered superfluous by ORS 351.096, which was enacted as part of SB 242 (2011). ORS 30.264 enabled the State Board of Higher Education to purchase liability insurance coverage for students involved in off-campus experiential activities. However, if commercial liability insurance was not available to the public universities, students participating in these off-campus experiential activities would be entitled to a defense and indemnification as if they were employees.

SB 242 contained a provision authorizing the State Board of Higher Education to purchase any insurance, operate a self-insurance program or otherwise arrange for the equivalent of insurance coverage of any nature. This provision has enabled the Oregon University System to purchase General Liability and Educator's Legal Liability (ELL) policies that provide the universities with broad, cost-effective coverage. These policies include coverage for capstones and other types of supervised internships. The persons covered include students serving in a supervised internship program in satisfaction of course requirements and students while acting at the direction of, complying with policies and procedures governing conduct at, or performing services primarily for or on behalf of, a public university. The Oregon University System also facilitates coverage for students in practicums specific to medical, psychology, and social work training, as well as students in veterinary medicine, architecture, and engineering.

OFFICE OF THE GENERAL COUNSEL

1226 University of Oregon, Eugene OR 97403-1226 T 541-346-3082 F 541-346-6110 www.uoregon.edu

An equal-opportunity, affirmative-action institution committed to cultural diversity and compliance with the Americans with Disabilities Act

The Honorable Mark Hass

April 11, 2013

Page 2

It is our view that the approach enabled by SB 242 provides appropriate coverage for students without unwisely exposing the Oregon University System's self-insurance program to claims resulting from a broad range of activities that students may engage in without university supervision.

I hope that this is helpful as you consider the -1 Amendment to SB 225.

Sincerely,



Randolph Geller
General Counsel
University of Oregon



David Reese
General Counsel
Portland State University



Meg Reeves
General Counsel
Oregon State University