

Your EAN Legal Services Plan and Liability Insurance

For members of the Education Association of Norfolk/VEA/NEA

Avoid the fine print blues!

Homeowner's liability policies and school board insurance is like the emperor's new clothes —



You think you're covered, but you're often quite exposed.

Professional Tort Liability Insurance

Representation in court for negligence suits, civil rights violations, child assault charges



Professional Legal Defense Fund

Representation in evaluations, grievances, panel hearings, dismissals non-renewals



Personal Legal Assistance Plan

Representation for members' personal needs at free or reduced rates



What's in your policy?

NEA Educators Employment Liability Insurance

Coverage Frequently Missing from Other Organizations or Individual Policies

- ☞ Coverage for delayed lawsuits filed after you are no longer a school employee
- ☞ Child abuse charges
- ☞ Awards to plaintiffs for punitive damages
- ☞ Awards to plaintiffs for medical assistance given to another
- ☞ Awards to plaintiffs for violation of another person's constitutional rights
- ☞ Legal defense expenses for assault charges
- ☞ Bail bond reimbursement
- ☞ Your personal property damaged in an assault-related incident

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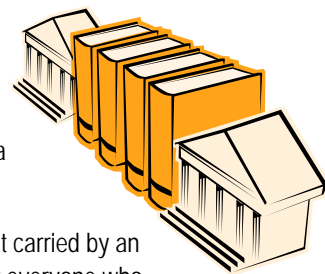
Professional Tort Liability Coverage

Tort insurance — every educator knows it is needed, but what is it? Tort insurance, or liability insurance, provides coverage for losses sustained when a suit is filed seeking monetary damages against a person accused of committing a tort that creates a liability.

Liability losses occur when someone becomes legally obligated to pay compensation for harm done to someone else. The basic concept of United States law holds that one party must prove that the other party was negligent in their actions and caused the loss. For liability risks that are due to an educator's employment, the **NEA Educators Employment Liability (EEL) insurance** contract provides the most comprehensive coverage available. EEL insurance coverage provides individual members **with up to one million dollars of insurance** for lawsuit settlements and legal expenses. *This coverage is automatic for members. There is no additional premium to pay.*

The least comprehensive and understandably inexpensive coverage is that which can be attached as a rider to a homeowner's or renter's insurance policy. These types of policies are greatest in appearance to Swiss cheese. Purveyors of these riders capitalize on an unwitting consumer by promising peace of mind at an incredibly low price. They

normally provide only the most basic coverage and rarely provide reimbursement for legal expenses, only covering actual damages assessed by a court. You usually get what you pay for.



Another type of tort insurance is that carried by an employer. Ostensibly designed to cover everyone who works for the employer, in actuality these policies are for the employer's protection. *If the employer can establish that the employee was acting on his/her own beyond the scope of employment, the employee can be cast adrift to handle the lawsuit alone.*

Interestingly, lawsuits against educators are rarely successful. However, the expense of defending against a lawsuit can run into the thousands of dollars, even when a suit is settled out of court. In other words, it can cost a small fortune just to prove you did nothing wrong or to get rid of a nuisance suit.

The NEA Tort Liability Insurance also covers legal expenses related to criminal charges of assault (including sexual assault) against pupils.

Professional Legal Defense Fund and UniServ Staff Assistance

What comes to mind most often for members when they think about the legal protection of membership is the Legal Defense Fund. This part of the *Legal Services Package* covers employment disputes, usually beginning with assistance from a UniServ Director in the local Association office and then, as needed, an Association attorney.



Matters may be as simple as resolving incorrect placement on the salary scale or as complex as a fact-finding panel hearing in the dismissal of a continuing contract teacher. It may also involve court action to protect constitutional and contractual rights of an individual member, a group of members, or all employees.

Examples of Legal Defense matters include:

- ☞ Sexual harassment charges
- ☞ Threats from students
- ☞ Verbal abuse
- ☞ Worker's comp appeals
- ☞ Plan of Action
- ☞ Nonrenewal of contract
- ☞ Grievance processing
- ☞ Suspension and probation
- ☞ Unfair evaluations
- ☞ Unfair working conditions
- ☞ Discrimination
- ☞ Denial of leave or fringe benefits
- ☞ Special Ed/Inclusion issues
- ☞ SOL instruction and testing problems

Personal Legal Assistance (Attorney Referral) Plan

Of course, not every legal matter encountered by members is tied to the work place. Therefore, the Association provides members with access to an attorney (actually two in the Hampton Roads area) twice each membership year for personal legal consultations. If the member then desires the attorney to proceed with legal work, there is a 30% reduction in the normal fees.

Legal appointments are scheduled directly by the member after first calling the EAN office to have a membership verification provided to the attorney's receptionist.

Examples of personal Legal Assistance matters include:

- ☞ Traffic citations
- ☞ Wills
- ☞ Real estate closings
- ☞ Property disputes
- ☞ Auto accident liability suits
- ☞ Contract preparation and review

