



## Reporting Claims or Possible Claims Arising Under the Texas Tort Claims Act GA-LA-PR3

Responsible Officer: Vice President for Business Affairs and Controller  
Sponsoring Department: Business Affairs and Controller  
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Errors or changes to: [aim@uta.edu](mailto:aim@uta.edu)

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### PROCEDURE OBJECTIVE

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This fiscal procedure documents University of Texas at Arlington procedures for reporting a tort claim or possible tort claim.

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### RATIONALE

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Under the provisions of the Texas Tort Claims Act, Texas Civil Practice and Remedies Code 101.001 et. Seq., Vernon's Texas Codes Annotated, UT Arlington may be liable for certain claims resulting from the negligence of an officer agent or employee of the University. The type of claim that might arise would include injuries occurring on state premises and involving state property.

UT System Policy UTS114, Reporting Claims (Or Possible Claims) Arising Under the Tort Claims Act requires UT System institutions to establish reporting procedures to ensure that the chief business officer or designee and the Office of General Counsel may be made aware immediately of any incidents that may possibly result in a tort claim.

Prompt reporting of claims or possible claims arising under the Texas Tort Claims Act is necessary so that (1) potential legal action can be identified; (2) complete facts required for the assessment, resolution and/or defense of such a claim can be obtained, and (3) any required third party notifications, including notice to the Attorney General's office or any applicable insurance carriers, can be timely given.

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## SCOPE

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Employees designated to report tort claims and possible tort claims

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## WEBSITE ADDRESS FOR THIS PROCEDURE

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<http://www.uta.edu/policy/procedure/13-6>

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## RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

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UT System Administration Policies & Standards	Other Policies and Standards
<a href="#">UTS114, Reporting Claims (Or Possible Claims) Arising Under the Tort Claims Act.</a>	<a href="#">Texas Tort Claims Act, Texas Civil Practice and Remedies Code, Chapter 101 Motor Vehicles (Procedure 2-48) Accidents (Motor Vehicle Collisions) (Procedure 6-2) Accident/Fire Reporting Policy (Procedure 8-2) Driving Records/Training (Procedure 8-6)</a>

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## CONTACTS

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Subject	Office Name	Telephone Number	Email/URL
All topics in procedure	Vice President for Business Affairs and Controller	817-272-5420	<a href="mailto:hood@uta.edu">hood@uta.edu</a>
Website access	Administrative Information Management	817-272-0222	<a href="mailto:aim@uta.edu">aim@uta.edu</a>

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## DEFINITIONS

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**Claim:** A demand for payment: The amount of the claim depends on the specifics of the incident such as the severity of the injuries and physical damages and the method in which the claim is handled. How we manage the process of handling claims is vital to controlling costs.

**Tort:** A civil (not criminal) wrong that does not arise from a contractual obligation: there are three commonly encountered torts: negligent torts, intentional torts, and strict liability.

- A negligent tort results from a failure to exercise ordinary and reasonable care towards a person or a person's property while performing a regular job duty. If a farmer burns debris and the fire spreads to the neighbor's property and causes damage, the farmer is negligent for failing to exercise reasonable care.

- An intentional tort is done with purpose to injure a person or property. An example of an intentional tort is the purposeful vandalizing of someone's property.
- Strict liability torts involve liability for damages without the necessity of proving fault or negligence. An example would be a person using dynamite to remove rock from someone's property with resulting damage to the property. The fact that dynamite was used and is considered inherently dangerous imposes strict liability on the person using the dynamite.

**Tortious Conduct:** The failure to exercise a standard of care which a reasonable person would render in the performance of a duty for which they are responsible: tortious conduct that is intentional is an intentional tort. Tortious conduct that results from an accident is negligence.

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## RESPONSIBILITIES

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### **Employees Designated to Report Claims and Potential Claims**

- Validate and complete information required and ensure that a *Preliminary Summary Report of Tort Claims and Possible Tort Claims* ([Form 13-9](#)) is prepared within five days after the incident delivered
- Report incident to Office of General Counsel
- Forward a copy of the completed report to the Vice President for Business Affairs or his designee

### **Vice President for Business Services and Controller or Designee**

- Maintain copies of Preliminary Summary Reports for management review

### **Office of General Counsel (OGC)**

- Request additional information if needed for files or for reporting to the Attorney General.

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## PROCEDURES

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### **Section I. Identify and Report Claims and Possible Claims**

Torts, or possible torts, are alleged personal injuries or property damage for which the University might be perceived as responsible. See the definitions section for more information.

- A. Designated employees will determine when to report a tort claim or possible probable tort claim incident to the Office of General Counsel immediately.
- B. Designated employees will complete a *Preliminary Summary Report of Tort Claims and Possible Tort Claims* ([Form 13-9](#)) within five days of the incident's occurrence.

- C. Designated employees will forward a copy of the report to the Vice President for Business Affairs and Controller or designee.

## **Section II. Maintain Documentation**

The office of the Vice President for Business Affairs and Controller or designee will maintain Preliminary Summary Reports for management review.

## **Section III. Follow-up as Required by Office of General Counsel**

Employees designated to report tort claims or possible tort claims will respond to requests for more information to be submitted to the OGC for their records or to forward to the Attorney General.

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### **FORMS AND TOOLS/ONLINE PROCESSES**

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- *Preliminary Summary Report of Tort Claims and Possible Tort Claims* ([Form 13-9](#))

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### **APPENDICES**

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N/A