

## Frequently Asked Questions

# The ProResponse<sup>®</sup> Benefit

*United Educators (UE) often receives questions about the application and use of the ProResponse benefit. These FAQs are intended to provide additional guidance. For more information, visit [www.ue.org/working-with-you/for-members/proresponse/](http://www.ue.org/working-with-you/for-members/proresponse/).*

### 1. How do I qualify for the ProResponse benefit?

ProResponse is only available to qualifying:

- K-12 and higher education members that carry UE's educators legal liability (ELL) *plus* UE's general liability (GL) coverage
- Public school districts with UE's school board legal liability (SBL) and public school liability (PSL) coverage.

Coverage must have been in place both on the date the underlying event occurred and the date that the triggering circumstances arose, depending on the benefit sought. If you have questions about your institution's eligibility for ProResponse, contact UE before taking action.

## Benefit Limits

### 2. What is the ProResponse benefit limit?

The limit is \$75,000 for all ProResponse benefits per benefit period, regardless of the number of ProResponse events. The benefit resets each benefit year with no balance carried over. The benefit period mirrors the member's policy period.

### 3. Will the ProResponse benefit erode our policy limit?

No. ProResponse is a member benefit, not a coverage. The ProResponse limit is independent of the policy limits of liability and expenses covered by ProResponse do not erode any policy limit.

**4. How does the ProResponse benefit affect our self-insured retention (SIR) or deductible?**

Because ProResponse is a separate benefit, benefits paid do not count toward your SIR or deductible and the benefit is available without exhaustion of the policy's SIR or deductible.

## Using the ProResponse Benefit

**5. Can ProResponse be used for an existing claim?**

No. If the matter has been previously reported to UE, is an existing claim, or is the subject of a pending lawsuit, the ProResponse benefit is unavailable. However, the benefit is available if requested at the same time that a claim, including a lawsuit, is reported to UE.

**6. How soon after a ProResponse event occurs must we contact UE?**

You must contact UE within 10 days of the event precipitating the crisis or within 10 days of when the event was discovered/reported to you. Contact UE as soon as possible so that we can help evaluate the circumstances and determine what assistance would be most valuable.

**7. Can the ProResponse benefit be used for multiple services arising out of the same incident?**

Yes. The ProResponse benefit is flexible and can be used for an incident where multiple types of services may be needed. For example, upon an allegation of sexual molestation, the institution may hire a crisis communications expert to help respond to media reports and request a sexual misconduct investigator to help investigate the allegation.

**8. How are ProResponse benefits paid?**

For sexual misconduct investigations, UE will reimburse the institution after the written investigative report is received. UE will directly pay to the provider costs associated with all other benefits.

**9. Can ProResponse benefits be used to pay for disaster or other training for our staff?**

No. ProResponse benefits are only intended to help in responding to a specific situation, not for general media or disaster training. In responding to a crisis, a crisis communications firm may provide specific direction to staff as part of its services.

## About Sexual Misconduct Investigations (SMI)

### **10. Must the sexual misconduct investigator be selected from the approved list?**

Yes. The SMI benefit is only available when a sexual misconduct investigator from UE's approved list is used. A UE analyst will help you select an investigator from our pre-approved list. While we are happy to vet investigators that the institution has worked with in the past, we cannot vet for a current matter or on an as-needed basis. If you have investigators you'd like to use for future matters, please contact Laura Wilkes ([lwilkes@ue.org](mailto:lwilkes@ue.org)), Robin Hart ([rhart@ue.org](mailto:rhart@ue.org)), or Lakisha Pierson ([lperson@ue.org](mailto:lperson@ue.org)).

### **11. Can multiple investigators be used for a complex investigation?**

No, not for a single investigation. The benefit allows for one investigator per investigation. If multiple complainants come forward about the same respondent, the school may conduct multiple investigations and use multiple pre-approved investigators. However, only one benefit is available if a single investigator is used for multiple complainants. Each investigation is subject to the \$10,000 SMI benefit limit, regardless of the number of complainants.

### **12. Do I have to provide the investigative report to UE as a condition to using the SMI benefit?**

Yes. To be entitled to reimbursement for the benefit, provide UE a copy of the investigative report within 14 days of completing it. UE will reimburse the member only upon receipt of the SMI report.

### **13. Can the written SMI investigative report be redacted?**

Yes, but only to the extent necessary to protect identities of parties or witnesses. Names and other significant personal identifying information can be redacted, but pertinent information about the incident cannot be redacted.

### **14. Can ProResponse benefits be used to pay for a Title IX Hearing Officer?**

No. The benefit does not allow for investigators to be used as hearing officers or participate in the adjudication of misconduct allegations.

## ProResponse Benefits: Quick Guide

This chart explains when and how to access ProResponse benefits and when to notify UE.

| ProResponse Benefit                                | Type of Event That Qualifies for the Benefit   | Accessing Services and Notifying UE   |
|--|--|---|
| Crisis Communications (Public Relations)           | Any event that could, in the opinion of your institution's officers or trustees, cause material damage to your institution's reputation or standing in the community                       | Contact a <b>recommended crisis/public relations firm</b> or a firm of your choosing. Up to \$15,000 can be spent for services without UE's prior approval. If services exceed \$15,000, approval by Laura Wilkes ( <a href="mailto:lwilkes@ue.org">lwilkes@ue.org</a> ) must be obtained.<br><br>Notify UE within 10 days of the "ProResponse Event" by reporting the event directly to <a href="http://www.ue.org/report-claim">www.ue.org/report-claim</a> . |
| Trauma/Grief Counseling for Students and Employees | The death of a member of the campus community whether or not the death occurs on campus or during a school activity  | Contact Empathia at (866) 713-1978. Up to \$15,000 can be spent for services without UE's prior approval. If services exceed \$15,000, approval by Laura Wilkes ( <a href="mailto:lwilkes@ue.org">lwilkes@ue.org</a> ) must be obtained.<br><br>Notify UE within 10 days of the "ProResponse Event" by reporting the event directly to <a href="http://www.ue.org/report-claim">www.ue.org/report-claim</a> .   |
| Sexual Misconduct Investigation                    | An allegation of sexual misconduct, whether peer-on-peer, teacher-on-student, employee-on-employee, or involving a third party   | To access a provider, reach out to your UE claims contact and <a href="http://www.ue.org/report-claim">www.ue.org/report-claim</a> . A sublimit of \$10,000 per investigation is available upon approval by UE. For benefit periods beginning May 1, 2022, only one sexual misconduct investigation per benefit period will qualify for reimbursement.<br><br>Subject to benefit limitations.<br><br>Notify UE within 10 days of the "ProResponse Event."       |
| Threat Assessment                                  | Any event that, in the opinion of your institution's officers or trustees, generates concern for the safety of a student or the campus community due to a threat of harm to self or others | Access the portal to view and select an approved provider. There is a \$10,000 cap per incident.<br><br>Notify UE within 10 days of the "ProResponse Event" by reporting the event directly to <a href="http://www.ue.org/report-claim">www.ue.org/report-claim</a> .   |



For more information, visit [www.ue.org](http://www.ue.org) or call (800) 346-7877.

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