

Protection from the unthinkable.

Sexual Misconduct

Costs of Defense

Endorsement



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Sexual Misconduct Cost of Defense Endorsement

Sexual misconduct can happen at any school at any time. An Associated Press investigation uncovered 17,000 sexual crime reports in K–12 schools from fall 2011 through spring 2015. And, since 2014, The Office of Civil Rights (OCR) at the Department of Education has seen a 500% increase in sexual violence claims.

Schools have a core responsibility to protect children. Although private homes are the most common places sexual violence occurs, schools are the second most prevalent, according to the AP.

The Sexual Misconduct Costs of Defense Endorsement provides coverage for claims alleging negligent hiring, retention or supervision or negligent reporting or failure to report an incident of sexual assault, harassment, abuse, molestation, or other inappropriate conduct of a sexual nature directed against students. The endorsement provides costs of defense coverage for the organization and any Insured Persons (Directors, Officers, employees, Trustees, volunteers, staff members) for actions in their respective capacity with the organization.

Sexual violence investigations by the Department of Education are up **500% since 2014.**

NPR.org

Policy Highlights:

- Without this endorsement, claims for negligent hiring in connection with sexual misconduct are generally excluded from coverage.
- This endorsement does not apply to claims involving sexual harassment of an employee, for which coverage is provided as an Employment Practices Wrongful Act, subject to the policy's other terms and conditions.
- The policy's bodily injury exclusion and assault and battery exclusion are not amended by this endorsement. The Sexual Misconduct Costs of Defense Endorsement does not, and is not intended to, provide coverage for claims against the alleged abuser.
- This endorsement includes a retro date. Thus, a negligent reporting or negligent hiring claim against the organization arising out of an incident that occurred prior to the inception of the Sexual Misconduct Costs of Defense Endorsement would be excluded from coverage.
- This endorsement also includes a prior and pending proceeding exclusion.
- This endorsement provides a sublimit limited to reimbursement of Costs of Defense. The Sexual Misconduct Costs of Defense Endorsement does not include any duty to indemnify loss arising out of an incident of sexual misconduct.
- The Sexual Misconduct questionnaire must be completed, reviewed, and approved before a premium will be provided and this coverage can be bound.
- A maximum \$150,000 sublimit pays for Defense Costs only.