

**DATE:** August 14, 2008  
**TO:** TCCTA Campus Representatives  
**FROM:** Richard Moore, Executive Director  
**SUBJECT:** Professional Educators Liability Insurance Coverage

Participation in the optional Professional Educators Liability Insurance program has grown steadily in recent years. And with the increased numbers has come increased interest in the terms of coverage under the policy.

As membership representatives at our colleges, Campus Representatives are not responsible for interpreting the insurance policy, and are not authorized to determine whether a case is covered under the plan. Campus Representatives are encouraged to refer questions regarding the Professional Educators Liability Insurance policy to the Association's State Office. Members may also review provisions of the policy as posted on the TCCTA Web site, at:

*[http://www.tccta.org/members/campusreps/LI\\_Cert07-08.pdf](http://www.tccta.org/members/campusreps/LI_Cert07-08.pdf)*

For purposes of illustration, the following are summaries of a few recent cases covered under our plan.

**Academic Freedom.** The TCCTA Professional Educators Liability Insurance policy provided legal assistance to a member who was terminated for cause. The member, an instructor of government, had offered several extra-credit assignments, one of which involved attending and reporting on an anti-war rally. Some students complained to the administration, claiming a political bias in the assignment. The policy provided coverage for the instructor, as well as for others involved in the case. Two instructors who had voiced support for their colleague were terminated for other alleged offenses and received legal assistance under the policy.

**Due Process.** A member charged with sexual harassment received legal assistance in the defense of his case. An attorney assisted the member during the internal investigation, helped prepare for the hearing on the charges, attended the administrative hearing, and helped negotiate the disposition of the case.

**Property and Liberty Interests.** A member whom our attorneys believed had been defamed by a former college employee and a current board member was assisted in protecting her employment status and good name. Our attorneys drafted letters on her behalf and accomplished the goal of preventing any further harassment. Under the constitutions of the United States and the State of Texas, individuals may not be deprived of a property interest (such as provisions contained in a term contract) or a liberty interest (including their reputations) without due process. TCCTA attorneys protected these important rights for our member.

**Discrimination.** The Professional Educators Liability Insurance policy provided legal assistance to a member in pursuing a complaint with the Equal Employment Opportunity Commission. This EEOC complaint, which was been approved for mediation, pending agreement by both parties, charged a pattern of discrimination against women at the institution.