



Steven W. Cheung
Chair, Assembly of the
Academic Senate
Faculty Representative,
UC Board of Regents
Academic Senate

Office of the President
1111 Franklin Street
Oakland, CA 94607

senate.universityofcalifornia.edu

CAMPUSES

Berkeley
Davis
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MEDICAL CENTERS

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Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

June 2, 2025

Kevin Confetti
Associate Vice President & Chief Risk Officer

Re: Systemwide Senate Review of Proposed Revisions to Presidential Policy
BFB-BUS-63: Risk Transfer and Insurance Requirements

Dear Associate Vice President Confetti,

As requested, I distributed for systemwide Academic Senate review the proposed revisions to Presidential Policy BFB-BUS-63: *Risk Transfer and Insurance Requirements*. Eight Academic Senate divisions and one systemwide Senate committee ([UCPB](#)) submitted comments. These were discussed at the Academic Council's May 28, 2025 meeting, and the compiled feedback is attached for your reference.

Overall, Senate reviewers support the purpose of the policy and agree that insurance and indemnification are important tools to protect the University from financial and legal risk. Most saw the revisions as updates to clarify existing practices, not as major changes.

However, several campuses raised concerns that the policy could unintentionally make it harder for UC to work with small, low-risk, or community-based vendors—especially in research settings where faculty often collaborate with local organizations or need to issue small contracts. These vendors may lack the resources to purchase insurance, and without greater flexibility, the policy could discourage these partnerships. Reviewers also noted that the policy might prevent UC from contracting with large institutions, such as other universities, that are self-insured.

To address these concerns, reviewers recommend adding automatic exceptions or waivers for certain low-risk situations—for example, off-site services, small-dollar contracts, honoraria for community advisors, or work provided by large, well-insured organizations. The Berkeley Senate Division also submitted a Memorandum of Understanding (MOU) developed by its Reducing Bureaucratic Burden Task Force, which outlines categories of vendors that could be exempt from the policy. Berkeley recommends incorporating this MOU into the policy to help balance risk with administrative efficiency.


Reviewers also expressed concerns about how the exception process would work in practice. Some warned that giving local offices too much discretion, without clear and consistent guidance, could lead to confusion or inconsistent oversight—especially in high-volume or complex contracting situations. They also asked for clearer definitions of key terms, such as who qualifies as a chancellor’s “designee,” what counts as an “exception,” and who is responsible for ensuring policy compliance.

Additional suggestions include using consistent language (such as always referring to “written agreements”), clarifying how the policy applies to international partnerships, and providing decision trees or expanded FAQs to make the policy easier for faculty and staff to understand and follow.

In sum, while the Senate supports the intent and technical clarifications in the revised policy, it emphasizes the need for flexibility, fairness, and consistency in how the policy is implemented. The most common recommendation was to create a formal, streamlined exception process that avoids adding unnecessary administrative barriers to collaborations.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have any questions.

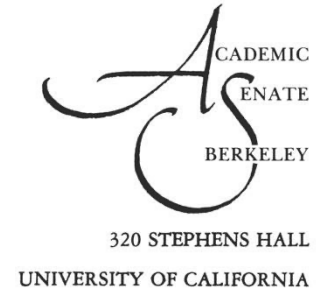
Sincerely,

A handwritten signature in dark ink, appearing to read 'Steven W. Cheung', with a stylized, cursive script.

Steven W. Cheung
Chair, Academic Council

Encl.

cc: Academic Council
Insurance Program Manager Goodrich
Senate Division Executive Directors
Senate Executive Director Lin



May 14, 2025

STEVEN CHEUNG
Chair, Academic Senate

Subject: Systemwide Review of Proposed Revisions to Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements)

Dear Chair Cheung,

On May 12, 2025, the Divisional Council (DIVCO) discussed the proposed revisions to the systemwide Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements). Discussion was informed by written comments from the committees on Academic Planning and Resource Allocation (CAPRA), Faculty Welfare (FWEL), and Research (COR). This cover letter summarizes the committee comments.

BFB-BUS-63 governs contracts between the University and contractors or external users. The revisions seek to clarify indemnification provisions, and introduces a requirement for contractors to carry insurance to meet these obligations. DIVCO finds the intent of the policy reasonable, as requiring insurance coverage helps ensure that damages are covered in cases where a contractor is unable to do so directly.

There was a concern that while ensuring contractor insurance is valuable in principle, it imposes substantial financial and logistical burdens—particularly on small vendors and the faculty or staff working with them. The cost of required insurance often discourages engagement with community-based or low-risk vendors. CAPRA supports the Memorandum of Understanding (MOU) developed by Berkeley's Reducing Bureaucratic Burden task force, which outlines exemptions for certain vendor categories. CAPRA recommends incorporating this MOU into the policy to help balance risk coverage with administrative efficiency. The MOU is attached to the CAPRA comments (see enclosure).

FWEL did not raise major objections to the policy, acknowledging that the revisions largely clarify existing practices rather than introduce new requirements. They recognize that

indemnification and insurance are standard contract elements, especially in contexts involving federal grants. While they acknowledge that the revised policy may present practical difficulties for collaborations with small vendors, FWEL does not view the changes as significantly impacting their activities.

COR's feedback from the research community underscores serious concerns about the policy's impact on research operations. Current insurance requirements have been identified as a source of excessive administrative burden and delays, especially for low-risk, small-scale, or community-based engagements. There are recommendations for standardized exceptions and streamlined processes—such as automatic waivers for remote or low-dollar contracts, categorical exemptions for large institutions, and simplified forms—to reduce the overhead imposed by the policy. Without such changes, the policy may hinder the University's ability to partner effectively and equitably with diverse communities and organizations, particularly in a time of constrained research funding.

Thank you for the opportunity to review and comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amani Nuru-Jeter', written in a cursive style.

Amani Nuru-Jeter
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Mark Stacey, Vice Chair, Berkeley Division of the Academic Senate
Jocelyn Surla Banaria, Executive Director, Berkeley Division of the Academic Senate
J. Miguel Villas-Boas, Chair, Committee on Academic Planning and Resource Allocation
Nancy Wallace, Co-Chair, Committee on Faculty Welfare
J. Keith Gilless, Co-Chair, Committee on Faculty Welfare
Abby Dernberg, Chair, Committee on Research
Milo Knight, Senate Analyst, Committee on Academic Planning and Resource Allocation
Patrick Allen, Senate Analyst, Committees on Faculty Welfare & Research



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

April 25, 2025

CHAIR AMANI NURU-JETER
Academic Senate

*Re: Proposed revisions to Presidential Policy BFB-BUS-63
(Risk Transfer and Insurance Requirements)*

Dear Chair Nuru-Jeter,

On March 17, 2025, the Committee on Faculty Welfare (FWEL) reviewed the proposed revisions to proposed revisions to Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements).

After reviewing the proposed updates to the Risk Transfer and Insurance Requirements policy, FWEL does not have any significant objections. While the policy does present some practical challenges—particularly for teams working with smaller vendors who may struggle to meet insurance requirements—these issues are not new and are generally consistent with existing practices.

The changes focus primarily on modernizing language and clarifying indemnification provisions rather than introducing entirely new obligations. From the Committee's perspective, the updates do not have material consequences for FWEL related activities or operations.

Given that insurance and indemnification are standard contract requirements, including those involving external grants (e.g., from NASA), FWEL understands this policy as a necessary part of business within the current UC framework.

We appreciate the opportunity to review these changes.

Regards,

A handwritten signature in blue ink that reads 'Nancy S. Wallace'.

Nancy Wallace, Co-Chair
Committee on Faculty Welfare

A handwritten signature in blue ink that reads 'J. Keith Gilless'.

J. Keith Gilless, Co-Chair
Committee on Faculty Welfare

NW/JKG/pgs



May 6, 2025

CHAIR AMANI NURU-JETER
Academic Senate

Re: Proposed Revisions to Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements)

Dear Chair Nuru-Jeter,

During its March 13 and April 17, 2025, meetings, the Committee on Research (COR) reviewed and discussed proposed revisions to Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements). The comments below are based on the discussions.

BFB-BUS-63 mandates indemnification and insurance provisions to be included in contracts between Contractors/External Users and the University. COR members raised numerous questions and concerns regarding the existing BFB-BUS-63 policy and the proposed changes.

BFB-BUS-63 affects a wide range of research-related administrative procedures that involve purchasing and vendor relationships, including but not limited to the hiring of vendors to create websites, edit books, or provide meeting services, or compensating external research partners (i.e., not research participants but community or lived experience experts). As researchers, we have found that existing rules create undue burdens on researchers and contractors, especially “low-risk” and “community-based” contractors (please see examples in the footnote below).

We strongly recommend that policies governing our relationships with contractors, vendors, and suppliers distinguish between high- and low-risk activities and allow for streamlined processes and standard exceptions based on risk level, for example, as done by the Office of Human Subjects through its tiered risk management approach.

Recent studies conducted by UC-Berkeley staff, faculty, and administrators have identified BFB-BUS-63 policies as a major source of burden, delay, and excessive investigator and administrative staff time, especially for small and low-risk agreements. We applaud efforts by campus task forces and Berkeley Risk Services (see below) to explore streamlining efforts. While ensuring that the University is appropriately indemnified and that contractors possess sufficient professional liability and/or are insured at appropriate thresholds, we are concerned about unintended consequences that

may create unnecessary compliance burdens for campuses, including staff and faculty time. Considerations about weighing risk may include the total dollar amount of the contract, where the work will be conducted, and the nature and scope of work.

Crisis Context: Streamlining Opportunity? In the face of current federal funding and budget crises, it is more important than ever that our campuses adopt flexible policies that enable us to conduct collaborative research with industry, community, and state partners. Our transactions with suppliers and vendors are often time-sensitive. For partners such as small business, non-profit organizations, or low-income individuals, the complexities and requirements imposed by BFB-BUS-63 are often untenable.

A key question is whether the proposed changes to BFB-BUS-63 will make it easier or harder to “regularize” automatic or standardized exemptions or waivers for low-risk activities, such as the regularized exceptions in place at some campuses (e.g. UCLA, UCSC)? While the proposed changes may provide clearer guidelines and responsibilities for reviewing and approving exceptions, they do not acknowledge the need for changes such as categorical exemptions and standardized thresholds, which would significantly reduce the administrative workload associated with insurance requirements (see UC-Berkeley report below for context on these recommendations). Indeed, the emphasis on individual review and approval by multiple parties in the revised policy may increase bureaucratic burden. At the very least, it does not clarify how the proposed policy is intended to reduce such burdens.

We specifically oppose any policy changes that might create new barriers to automatic exemptions at the campus level. Further, we strongly urge UCOP to *explicitly encourage automatic exception processes for low risk scenarios* in BFB-BUS-63.

In the footnote below we provide just a few examples of how current policies increase administrative burden and prevent UC from being a good partner to community members and small businesses.¹ **These examples have real costs. A 2023 [UC-Berkeley faculty-staff Task Force](#) convened by the Provost found that current policy (see slide deck) contributes to an administrative bottleneck** for hundreds of staff members involved in

¹ (a) In line with the public mission of the University, many researchers engage community members as part of research projects, often in an advisory role. For example, many state agencies (like California Air Resources Board and the California Interagency Council on Homelessness) require that researchers convene “community advisory boards” to meet 4-6 times a year to review and guide data collection and interpretation. Under current UC rules, these members cannot be provided a simple honorarium, but must be set up as contractors. It is extremely difficult for community members to understand why they would need insurance, let alone to obtain that insurance. In some cases, the \$750 cost of acquiring insurance eclipses the actual payment they would receive, which is often just \$200 - \$400. A regularized exemption for “contractors” who are off-site or joining monthly or quarterly research Zoom meetings would reduce the need for time-consuming waivers and make it easier to find willing collaborators.

(b) Many researchers hire outside contractors to assist with work such as book indexing, copy-editing, publication layout, and web design. The current insurance requirements increase contracting costs (in effect, levying a “Berkeley tax”) and/or require substantial paperwork to get a waiver. One faculty member on COR shared that they hired someone to index their book for \$1500 (\$5/page). Purchasing \$750 of insurance would have either eaten up half the indexer’s fee or increased the cost to the faculty member, if they were to cover it. They applied for a waiver, which took over 3 weeks to process.

(c) Researchers who work with international partners face significant language and administrative barriers in establishing necessary insurance requirements, and the fees are often excessive, especially in the context of countries and partners that have lower incomes.

the day-to-day purchasing at Berkeley, with about \$2 million in staff time spent just tracking insurance certificates. This task force recommended that UC Berkeley adopt reforms that other UC campuses have taken to institute more regularized and expedited exception processes for low-risk contracts. The recommendations of the task force were guided in part by the work of the Streamlining Research Pilot work team spearheaded by the Goldman School of Public Policy, the Vice Chancellor for Research, the Campus Risk Manager, and the Chief Ethics, Risk and Compliance Officer.

We strongly support the Task Force recommendations, and recommend that BFB-BUS-63 should include the following provisions:

- Create automatic insurance waivers for low risk transactions, such as:
 - Work that is conducted entirely remotely and entails research publication or administration support;
 - Payments to advisory board members or other community research partners members that involve no travel or in-person meetings;
 - Lower value/lower risk service contracts under \$10,000 (as UCLA has done)
 - Purchases of materials under \$100,000 (as UCSC has done)
- Categorically exempt large private and public organizations (e.g. Fortune 500, state and federal agencies) who already carry insurance
- Make purchasing more straightforward to address communication challenges with less-technical vendors who might struggle with “insurance speak.” UC Berkeley’s complex forms have a disproportionately negative effect on smaller and minority-owned businesses. This is particularly important given that UC Berkeley purchasing staff are often overburdened and do not have capacity to work individually with every small contractor.

Revision of BFB-BUS-63 presents an opportunity to reduce administrative burden without increasing risk to the University or its faculty. This is especially pressing in light of the current crisis in research funding, as our campuses must increase efficiency and individual researchers must diversify and streamline collaborations with industry, state and local government, and community partners.

We appreciate the opportunity to provide our perspective and questions.

Regards,



Abby Dernburg, Chair
Committee on Research

AD/pga



May 7, 2025

PROFESSOR AMANI NURU-JETER
Chair, Berkeley Division of the Academic Senate

*Re: CAPRA Comments on Systemwide Review of Proposed Presidential Policy BFB:
Risk Transfer and Insurance Requirements*

The Committee of Academic Planning and Resource Allocation discussed the revision to the systemwide Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements) at its meeting on March 19, 2025. The policy applies to contracts between the university and Contractors and External Users. The revision aims to clarify the indemnification and, in particular, it introduces a requirement for the contractor to carry an insurance policy to satisfy the indemnification obligations.

The aim of the policy to have insurance coverage on the side of the contractor seems reasonable to cover the case in which there are damages. If a contractor is not able to cover those costs, the insurance would step in.

CAPRA has one main comment on this policy. While it is valuable in principle to the university to ensure that all vendors are insured, in practice this creates a significant cost and burden for many small vendors, as well as a hassle for the faculty and staff trying to organize such vendoring. Several CAPRA members highlighted how the cost of such insurance deterred them from several such interactions.

We understand that the Reducing Bureaucratic Burden task force came up with a MOU that outlines categories that would be exempted from the policy above, as well as categories that are covered. Having reviewed that memo, we support its goal and endorse its substance, in aiming to balance coverage of risk with ease of access and the aim of lowering bureaucratic costs. We recommend that the MOU be adopted as part of the policy.

Thank you for the opportunity to comment.

With best regards,

A handwritten signature in dark ink, appearing to read 'J. Miguel Villas-Boas', is located below the text 'With best regards,'.

J. Miguel Villas-Boas

Chair, Committee on Academic Planning and Resource Allocation

Memorandum of Understanding Purchasing Waivers of Insurance

I. Purpose & Scope

This MOU is between the Office of Risk Services and Supply Chain Management (SCM) to streamline the process of collecting insurance for the direct purchase of goods and services, as well as to establish an agreed upon list of blanket waivers for Purchase Orders (POs) regarding low risk, routine or unique services.

Waivers do not apply for insurance contractually required in Business Contracts or Research Agreements.

II. Background:

The University of California, Berkeley (Berkeley) contracts with vendors for materials, equipment, supplies, services and goods which creates an inherent liability risk to the institution.

The University requires its contractors, vendors and consultants to issue evidence of insurance via a Certificate of Insurance (COI) prior to the commencement of work as evidence that the type of insurance and limits required by the contract are fulfilled, and proof that the vendor has the financial means to protect the University should a loss or claim arise out of the negligence on the part of a vendor.

III. Objective:

Supply Chain Management has advised that physically collecting COIs for high frequency, low risk activities poses an administrative burden. Due to the uniqueness of some services provided to the Berkeley Campus, as well as an assessment of the likelihood, frequency and severity of low-risk liability exposures to the campus, the Office of Risk Services (Risk Services) and Supply Change Management (SCM) have created an insurance table to outline when insurance is, or is not required.

Vendors providing contracted services are required to meet the minimum certificate requirements; however purchase orders related to low/no risk, routine goods or service vendors are exempt as specified in the table below.

IV. Insurance Waiver Table (to be reviewed quarterly for update)

Waivers extended for the following goods/services - (COI not required):		
Description of Work	Is Insurance required?	Reason
<ul style="list-style-type: none"> Employee "Vendor" (i.e Submitting Travel Reimbursement or purchase request) 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Employees traveling as part of the course and scope of their University employment would be covered by the University given that the trip is business. External insurance is not required.
<p>Note: WAIVER DOES NOT APPLY TO Employee vendors providing goods & services to the University (see full description in green table below).</p>		
Other Services		
<ul style="list-style-type: none"> ASL Interpreters 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Risk of physical, financial or reputational harm to the University is low.
<ul style="list-style-type: none"> Foreign Language Translators (E: Simultaneous Interpreters who translate 'live' at the same time what is being said, or Consecutive Interpreters translating what is being said during pauses in speech.) 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Risk of physical, financial or reputational harm to the University is low. <p>WAIVER DOES NOT APPLY TO: Foreign language translations of legal documents or contractual agreements</p>
<ul style="list-style-type: none"> Personal Professional Development mentors/coaches (ex. one-on-one public speaking coaching or confidence building coaching for an individual, etc.) 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Risk of physical, financial or reputational harm to the University is low. <p>WAIVER DOES NOT APPLY TO <i>student professional placement</i></p>

		<i>agreements as they require insurance.</i>
<ul style="list-style-type: none"> Engraving, Embroidery, or stationary Printing Services. 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Risk of physical, financial or reputational harm to the University is low.
<ul style="list-style-type: none"> Art Class Models – Art Practice Studio 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Low risk
<ul style="list-style-type: none"> Editing (non-substantive) 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Syntax, punctuation, indexing, grammar corrections
<ul style="list-style-type: none"> Off the shelf (non-custom) retail goods (Products in BearBuy, Office Max, TurboTax, etc) 	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Products are ready-made, off-the-rack, store-bought, Commercial and readily available to the general public for purchase
NOTE TAKING SERVICES		
<ul style="list-style-type: none"> Berkeley Students <p>WAIVER DOES NOT APPLY TO Commercial Note Taking Services</p>	<ul style="list-style-type: none"> No insurance required 	<ul style="list-style-type: none"> Berkeley students are hired to sit in class and take notes, or transcribe a recorded course for peers. Their accuracy can vary based on their knowledge of the subject matter or their ability to capture the information in real time (as is the case for other students in class).
DATA VENDORS (Limited to the specific service(s) listed below)	Is Insurance required?	Reason

<ul style="list-style-type: none"> • Data entry (typing #'s in excel). • Non custom data set, readily available to the public 	<ul style="list-style-type: none"> • No insurance required 	<ul style="list-style-type: none"> • Generally low risk. Involves No Personally Identifiable Information (PII) Refer to green table for data services/products not eligible for a waiver.
WRITERS (Limited to the services listed below)	Is Insurance required?	Reason
<ul style="list-style-type: none"> • Brochures/Programs (ex. Cal performances event descriptions, printed menus, etc.) 	<ul style="list-style-type: none"> • No insurance required 	<ul style="list-style-type: none"> • Risk of harm based on this type of writing is low. Waiver requires Statement of Work remains the same.
<ul style="list-style-type: none"> • “Fluff pieces” (ex. complimentary media coverage of a person, product or event 	<ul style="list-style-type: none"> • No insurance required 	<ul style="list-style-type: none"> • a newspaper article, book, public-relations film, etc., whose purpose is to praise or flatter.
Refer to green table for writing services not eligible for a waiver.		
RETAIL GOODS	Is Insurance required?	Reason
<ul style="list-style-type: none"> • Off the shelf (non-custom) retail goods (ex. Items in BearBuy, Office Max, TurboTax type software, etc) 	<ul style="list-style-type: none"> • No insurance required 	<ul style="list-style-type: none"> • Not required for a standard over the counter in-store or online retail purchases.
FOOD PURCHASES - <i>(Examples used for context - not intended to be an exhaustive list)</i>		
<ul style="list-style-type: none"> • Purchasing/Ordering food from gig delivery service provider such as InstaCart, 	<ul style="list-style-type: none"> • No insurance required 	<ul style="list-style-type: none"> • Refers to direct retail purchases of Food from vendors <u>with no terms & conditions</u>

<p>DoorDash, GrubHub, etc.</p> <ul style="list-style-type: none"> • 'Walk-in/Phone orders pizza, bagels, sandwiches etc., from a local restaurant for instant pick up, or drop off delivery • Direct retail purchases from local food vendors, grocery stores, etc. 		
<p style="text-align: center;">WAIVER DOES NOT APPLY TO:</p> <p style="text-align: center;"><i>Catering Services, Food Truck Vendors, or contracted grocery supply vendors (such as food supply deliveries to RSSP dining halls/depts, etc.)</i></p> <p style="text-align: center;"><i>Those contracted services include Terms and Conditions such as arranged drop off/pickup, set up, serving, delivery of goods with agreed upon schedule, etc., and require a COI.</i></p>		

<p style="text-align: center;">COIs ARE REQUIRED FOR THE FOLLOWING GOODS & SERVICES (not an exhaustive list)</p>		
Description of Work	Is Insurance required?	Reason
<ul style="list-style-type: none"> • Employee Vendor (i.e. providing goods & services) 	<ul style="list-style-type: none"> • Yes, COI required 	<ul style="list-style-type: none"> • Employees with an external business seeking to sell goods and/or services to the University are subject to the BUS-63 insurance requirements (as would any other vendor). Employees selling goods/services are also subject to the BUS-43 Employee/Vendor restrictions. • Note: Employees may be approved as a vendor provided the employee is 1) the <u>only</u> (<i>not just preferred</i>)

		<p>vendor who can provide the needed goods/services; 2) the goods/services are not commercially available and; 3) goods/services are not available within the University.</p> <ul style="list-style-type: none"> Note: An employee should not be receiving a W2 and 1099 - absent a sole source provider situation or a Procurement approved exception
NOTE TAKING SERVICES	Is Insurance required?	Reason
<ul style="list-style-type: none"> Third Party Commercial Electronic Note/Dictating Services 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> The University has received accommodation lawsuits as a result of the quality of a professional notetaking or dictation service. If the suit is the result of the accuracy of some of the product, the University would like the ability to seek recovery for damages.
DATA VENDORS	Is Insurance required?	Reason
<ul style="list-style-type: none"> Data providers (transmission, storage, management, manipulation) 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Subject to General Data Protection Regulation (GDPR) rules, possible import/export controls, privacy & cyber controls, etc., and can be subject to data breaches.

<ul style="list-style-type: none"> Cloud based data/service providers 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Generally high risk for intercept, breaches, malware, ransomware, and is subject to GDPR, privacy & cyber controls, etc.
<ul style="list-style-type: none"> Computing services (website design) 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Can be at risk for malware, ransomware, requires cyber controls, etc. Must also be in compliance with ADA accessibility requirements to avoid fines/penalties.
WRITERS	Is Insurance required?	Reason
<ul style="list-style-type: none"> Reporting/profile feature pieces (an article that explores the background and character of a particular person (or group)). 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Type of writing may have an invasion of privacy element, or is investigative journalism approach that may result in the University receiving a Personal Liability claim or lawsuit.
<ul style="list-style-type: none"> Bloggers, social media writers, books. 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Many organizations have faced reputational harm and financial harm (in some cases) as a result of something written/posted online. We want vendors providing these services to have insurance. A liability determination would be extremely fact-intensive. We would look into how much latitude the writer had in the content.
<ul style="list-style-type: none"> Professional Journals 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> If the information is relied upon to guide an industry (ex. Child psychology care, health care standards/protocols,

		etc.) then we would want insurance.
<ul style="list-style-type: none"> Greater Good wellness articles. 	<ul style="list-style-type: none"> Maybe. Contact Risk Services 	<ul style="list-style-type: none"> Some GG vendors provide services beyond article contributions that trigger a service agreement. <p>When services are provided, those vendors would need insurance. Consult with Risk.</p>
Other Services	Is Insurance required?	Reason
<ul style="list-style-type: none"> Photographers 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Services can result in contention over who owns the intellectual property of the photo.
<ul style="list-style-type: none"> Videographers 	<ul style="list-style-type: none"> Yes, COI required 	<ul style="list-style-type: none"> Tripods, cords, cabling, etc. can/has resulted in trip hazards leading to bodily injury claims/lawsuits.

V. Purchase Order Insurance Waiver Criteria

Purchase orders for vendors receiving a waiver of insurance must include the below standard one-way indemnification (**without modification**).

[VENDOR NAME] shall defend, indemnify and hold THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, its officers, employees and agents harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of **[VENDOR NAME]** their officers, agents or employees.

VI. Collection of Contractually Required Certificates of Insurance

Specific procedures for the evaluation of vendor certificates of insurance exist at the Campus level. The Office of Risk Services considers insurance an important condition to be stated in the contract, especially with regards to our service providers.

To assist with the collection of Certificates of Insurance, the Office of the President Risk Services has partnered with [Insurance Tracking System \(ITS\)](#) which provides a dedicated team of procurement professionals that can also actively manage and accept electronic certificates of insurance.

This system ensures contracted party compliance with the University's contractual insurance requirements and allows vendors to upload their current COI directly into the system and sends vendors renewal push notices prior to policy expiration.

The dedicated ITS team provides assistance to the SCM department and respond to inquiries relating to contracted parties, evidence of insurance and insurance waiver request.

Receipt of one certificate from the vendor is all that is necessary for that one year, if the institution has multiple contracts with the vendor.

The University of California,
Berkeley Office of Risk Services

University of California, Berkeley Supply
Chain Management

Signature

Signature

Date

Laila DeBerry

UC Berkeley Campus Risk Manager

Date

Russell Chung

UC Berkeley Chief Procurement Officer



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May 20, 2025

Steven Cheung
Chair, Academic Council

RE: Proposed Revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements

The proposed revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements were forwarded to all standing committees of the Davis Division of the Academic Senate. Four committees responded: Planning and Budget (CPB), and the Faculty Executive Committees of the College of Biological Sciences (CBS), the College of Letters and Science (L&S) and the School of Medicine (SOM).

CPB supports the proposed revisions. CBS expresses concern that the proposed insurance policy may expose the University to financial and legal risks due to inconsistent local implementation and insufficient oversight, as the policy allows for wide discretion at the local level. CBS notes that reliance on self-insured statements without rigorous, ongoing financial review could result in inadequate coverage if contractors default. CBS adds that additional issues include increased administrative burden, non-compliance with Regents' policies, gaps in indemnification enforcement, and poor recordkeeping. L&S and SOM have no comment on the proposed revisions.

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Niles Russ".

Kathryn Niles Russ, Ph.D.
Chair, Davis Division of the Academic Senate
Professor of Economics
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

April 11, 2025

Katheryn Russ

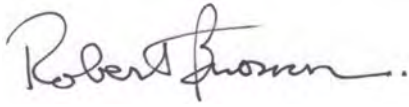
Chair, Davis Division of the Academic Senate

RE: RFC – Proposed Revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements

The Committee on Planning and Budget (CPB) has reviewed the **RFC – Proposed Revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements** and supports the proposed recommendation.

CPB appreciates the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Brosnan", followed by a period.

Robert Brosnan

Chair, Committee on Planning and Budget

May 14, 2025

Katheryn Russ, Ph.D.
Professor of Economics
Chair, Davis Division of the Academic Senate

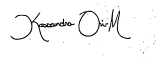
RE: Proposed Revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements

Dear Kadee:

The CBS faculty reviewed the Proposed Revisions to Presidential Policy BFB-BUS-63 and raised concerns that the proposed insurance policy changes may expose the University to financial and legal risk due to inconsistent local implementation and insufficient oversight. While the policy aims to create a more structured process, it still allows for wide discretion at the local level, potentially leading to uneven risk standards—especially where staff lack expertise in domestic or international insurance. Reliance on self-insured statements without rigorous, ongoing financial review could result in inadequate coverage if contractors default. Additional issues include increased administrative burden, non-compliance with Regents' policies, gaps in indemnification enforcement, and poor recordkeeping, all of which could weaken the University's legal defense and audit readiness.

The anonymous, unabridged comments from the FEC faculty representatives are included below.

Sincerely,



Kassandra Ori-McKenney
Associate Professor, Department of Molecular and Cellular Biology
Chair, College of Biological Sciences Faculty Executive Committee, Davis, CA

Anonymized comments from CBS faculty:

Weaknesses of the Proposed Changes

Flexibility vs. Consistency: While the revised policy offers a more structured process for granting exceptions, it still leaves substantial discretion at the local level. This could result in inconsistent application of risk standards across campuses, especially if local leaders lack risk management expertise or if documentation is incomplete.

Self-Insurance Verification: Allowing large, self-insured entities to provide a signed statement instead of a formal certificate of insurance puts pressure on local risk managers to accurately assess financial adequacy. If this vetting is not rigorous or ongoing, the University could be exposed to financial risk if a contractor's financial situation worsens after the contract is signed.

Resource Demands: The new requirements for documentation, review, and exception tracking may increase administrative workload, particularly in high-volume or complex contracting environments.

There is a risk that compliance processes could become perfunctory if not adequately supported with resources and training.

International Agreements: The policy acknowledges variability in international insurance markets but leaves risk assessment to local offices. If local staff lack expertise in international insurance, the University could be exposed to uninsured liabilities in foreign jurisdictions.

Legal Risks

Failure to Enforce Indemnification/Insurance: If contracts do not include the required indemnification or insurance provisions, or if exceptions are granted without careful analysis, the University could be directly responsible for losses caused by contractors or external users. This risk increases if those parties lack the financial means to cover claims.

Insufficient Insurance Coverage: Accepting lower insurance limits or inadequate policy terms-such as missing endorsements or lack of primary coverage-may leave the University responsible for costs that should have been covered by the contractor's insurance.

Self-Insured Counterparty Default: Relying on self-insured statements without thorough and ongoing financial review could leave the University unable to recover costs if the contractor cannot pay, especially in the event of a large or catastrophic incident.

Non-Compliance with Regents' Rules: If a contract improperly shifts liability to the University for the acts of non-University parties, it would violate Regents policy, potentially exposing the University to unauthorized liabilities and governance issues.

Recordkeeping and Audit Failures: Inadequate documentation or failure to maintain records of exceptions and compliance could hinder the University's defense in litigation or regulatory reviews and may lead to adverse findings in audits.

International Liability Exposure: Insufficient assessment of foreign insurance markets or failure to secure appropriate coverage for international agreements could expose the University to uninsured risks in other countries, where legal remedies may be limited.

May 7, 2025

**Steven Cheung, Chair
Academic Council**

Re: Proposed Revisions to Presidential Policy BFB-BUS-63

The Irvine Division Cabinet discussed the proposed revisions to Presidential Policy BFB-BUS-63 *Risk Transfer and Insurance Requirements* at its meeting on May 6, 2025. The Council on Planning and Budget (CPB) and Council on Research, Computing, and Libraries (CORCL) also reviewed the revisions. The councils' feedback is attached for your review.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Valerie Jenness, Chair
Academic Senate, Irvine Division

Cc: Jane Stoever, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director

April 28, 2025

VALERIE JENNESS, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Revised Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

At its April 17, 2025 meeting, the Council on Research, Computing, and Libraries (CORCL) discussed the proposed revisions to Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

The proposed policy revisions largely involve clarifying the existing policy, rather than making substantive changes. In addition, the policy elaborates in more detail the process for each campus's Risk Manager to make exceptions to the minimum insurance requirements, including making clear that if the campus Risk Manager and the campus contracting entity disagree over an exception, the systemwide Risk Officer will make the final determination.

Overall, the CORCL found the proposed revisions to be reasonable. The changes consist of explicit inclusion of indemnification, requirement of indemnification and insurance for international contracts, and clarification on processes and offices responsible for policy, review, exemption, and approval.

The Council offered the following minor suggestion for improvement and clarification in the proposed revisions:

The revised policy is inconsistent in specifying whether its terms apply only to "written agreements" with the University (e.g., Section II, defining "Contractor" as one providing goods or services "under a contract, purchase order or *other written agreement with the University*") or to any "agreement," which could presumably include oral agreements (e.g., "All agreements between Contractors or External Users and the University must include" indemnification provisions). It seems unlikely that the provisions of the policy are intended to apply to any oral agreements, given that an oral agreement would be unlikely to include the provisions specified in Section III.A. If that's the case, the policy should specify "written" agreement more consistently, including in Section III.A, Section III.C. and Section IV.A.1).

The Council had no other recommended changes, assuming that, when vendors/suppliers/contractors are approved by the business offices of schools and colleges (e.g., research activities, purchase orders), these expectations were vetted and approved through this policy. Otherwise, the policy should be revised to clarify the process for faculty, research units, departments, and/or schools to submit evidence of sufficient insurance and indemnification provisions for approval of written agreements.

On behalf of the Council,



James Weatherall, Chair

March 18, 2025

**VAL JENNESS, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

RE: Proposed Revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements

At its March 12, 2025 meeting, the Council on Planning and Budget (CPB) discussed the proposed revisions to Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements.

The proposed revisions are largely technical or intended to clarify ambiguous language in the policy. These revisions consist of:

- Clarification that the scope of the policy includes both indemnification and insurance requirements to be included in contracts between the University and contractors or external users
- Modification of the responsible parties at each location, to allow for location designation
- Clarification of the exception process; and
- Expansion of the FAQ section to provide additional information and clarification.

Overall, the Council found the revisions reasonable and offered the following comments for consideration:

Compliance/Responsibilities

- The process of determining compliance with this policy is not clearly delineated. The initial provision states that the Chancellor or designee ensure the requirements of the policy are met (including determination of exceptions), yet there is no mention of needed counsel or review by the Risk Management Office before an agreement/P.O. is made. Subsequent provisions, however, state that the Risk Management Office/officers make the determination of exceptions. The process of determining compliance (including exceptions) and responsible parties within each process step should be clarified.
- It is unclear who can be considered an appropriate “designee.” Leaving this classification undefined can lead to inconsistencies in application of the policy and in determining accountability if issues arise. (IV. Compliance/Responsibilities, A. Campus and Medical Center Responsibilities, 1.)
- An attempt should be made to describe what can be considered an adequate/acceptable “exception.” Without adequately defining what an “exception” is, there could be inconsistencies in making these determinations. (IV. Compliance/Responsibilities, A. Campus and Medical Center Responsibilities, 3.)
- The revision removes the self-insured large company certificate exception (and associated working capital/risk rating requirements). How will situations with self-insured companies be handled going forward?

Frequently Asked Questions

- Questions 5 and 6 make mention of an “additional” insurance endorsement, but there is no mention of when this additional endorsement is required. Consider adding a section in the

policy document or FAQ relaying circumstances that would require such an additional endorsement be obtained.

- Question 10 leaves open the question of international agreements. International agreements are complex because they involve US and international laws (country of agreement). This is a problem because the US law is extremely demanding and stringent in terms of protection and potential lawsuit versus other countries. It would be useful to clarify upon what circumstances (if any) and under which authority the local RMO would agree to relax the rules. Perhaps give examples of situations where minimum insurance requirements may be relaxed with a foreign partner.

On behalf of the Council,



Alyssa Brewer, Chair
Council on Planning and Budget

CC: Jisoo Kim, Executive Director
Gina Anzivino, Associate Director
Michelle Chen, CPB Analyst
Stephanie Makhoulouf, Cabinet Analyst



May 8, 2025

Steven Cheung
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

Dear Chair Cheung,

The divisional Executive Board (EB) reviewed the Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements and divisional council feedback at its meeting on May 8, 2025. EB members had no comments for consideration. Please find attached the feedback from the Council on Planning and Budget.

Thank you for the opportunity to advise on this matter.

Sincerely,



Kathleen Bawn
Chair
UCLA Academic Senate

Encl.

Cc: April de Stefano, Executive Director, UCLA Academic Senate
Andrea Kasko, Immediate Past Chair, UCLA Academic Senate
Megan McEvoy, Vice Chair/Chair Elect, UCLA Academic Senate

March 26, 2025

Kathleen Bawn, Chair
Academic Senate

Re: (Systemwide Senate Review) Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

Dear Chair Bawn,

At its meeting on March 10, 2025, the Council on Planning and Budget (CPB) reviewed and discussed the Proposed Presidential Policy BFB-BUS-63 Risk Transfer and Insurance Requirements.

Members commented on the challenge of having resources available for campus units to engage expeditiously with one-time vendors and community entities that may be unable to meet the policy requirements for insurance. The costs of compliance and potential consequent loss of collaborative benefit could particularly be disadvantageous to units such as Public Health, Social Welfare, and other entities that work with nonprofit organizations and student groups.

A few members also noted that the new configuration of FAQ item 13 is unclear and unhelpful as it states, "Can the recommended insurance requirement be waived in its entirety? No, the insurance requirement should not be waived." Members wondered about the potential challenges of the ambiguity and who would be authorized to waive insurance, given that the prior policy dated 1/5/2020 was clearer and more firm in its declaration that "No, the insurance requirement cannot be waived."

If you have any questions for us, please do not hesitate to contact me at smith@anthro.ucla.edu or via the Council's analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Best regards,



Monica Smith, Chair
Council on Planning and Budget



OFFICE OF THE ACADEMIC SENATE

Kevin Mitchell, Chair of the Academic Senate
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 North Lake Road
Merced, California 95343

April 24, 2025

To: Steven Cheung, Chair, Academic Council

From: Kevin Mitchell, Chair, UCM Divisional Council (DivCo)

Re: [Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements](#)

The *Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements* was distributed to the Merced Division Senate Committees and School Executive Committees. The following committees offered comments for consideration. Their comments are appended to this memo and summarized below. We encouraged you to refer to the appended memos for further detailed feedback.

- Committee on Academic Planning and Resource Allocation (CAPRA)
- Committee on Research (CoR)
- School of Natural Sciences Executive Committee (SNSEC)

CAPRA supports the policy and offers some technical suggestions for clarification:

- Section VI, third bullet point – It appears that two distinct items may have been unintentionally combined in the previous version: “Certificate of Insurance evidencing the University’s self-insurance” and Regents’ Standing Order 100.4(dd)(9) <https://www.ucop.edu/risk-services-insurance/resources/certificates.html>” may have accidentally merged two separate items (Certificates of Insurance and Regents’ Standing Order) in the previous version.
- Section VII: Item 5 – CAPRA suggests spelling out “GL” in full.
- Section VII: Item 7 – The phrase “Campus Connexions and Student Group Coverage” is formatted like a hyperlink but does not currently direct to a webpage.

CoR acknowledges that the document is primarily an updated version of an existing policy, with revised language regarding contractors and their insurance and indemnification obligations when working with the university. CoR raises one point for clarification: Section IV lists multiple entities responsible for compliance and managing exceptions—namely, the Chancellor (or designee), a Risk Manager, and a local Risk Management Office, with potential involvement from the UCOP Office of Risk Services and the University Chief Risk Officer. While the latter roles are clearly outlined in part B, CoR suggests it would be helpful to designate a single

primary contact at the local level to serve as the main point of accountability for compliance and exception management.

SNSEC finds the policy overly broad and legalistic, making it difficult to interpret its impact on research and instructional activities within the School of Natural Sciences. To clarify its implications, SNSEC recommends seeking guidance from campus administration on the approval process, how to identify when insurance requirements apply to collaborators, compliance steps for off-site activities, and available support resources. They suggest that a flowchart or guidance document would help faculty navigate the policy more effectively, especially given the growth of experiential and interdisciplinary programs.

During its April 22 meeting, the Divisional Council discussed this policy along with the comments provided by various committees and agrees with the various committees' viewpoints.

We thank you for the opportunity to review this proposed policy.

Cc: DivCo Members
SNSEC Chair Manilay
UCM Senate Office

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PLANNING AND RESOURCE ALLOCATION
MICHAEL BEMAN, CHAIR
mbeman@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

April 11, 2025

To: Kevin Mitchell, Senate Chair

From: Michael Beman, Chair, Committee on Academic Planning and Resource Allocation (CAPRA)

Re: Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements

CAPRA reviewed the Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements and offers the following comments.

The Risk Transfer and Insurance Requirements policy was established in 2010, reviewed in 2020, and then reviewed again in 2024. The policy establishes the required indemnification and insurance provisions to be included in contracts between Contractors/External Users and the University. The current revisions are in large part technical or for clarification. The key issues include clarifying the scope of the policy, the responsible parties at each location, the exception process, and expansions of the FAQ section to provide additional information.

The policy requires Contractors/External users to obtain adequate insurance, which protects the university from damage or loss due to Contractors/External users and possible legal actions. The revisions make the content more concise and up to date. The policy ensures preventative as well as indemnity procedures if incidents from Contractors/External Users occur and save the university from the associated financial and legal burden. Since the policy has been implemented and the revisions are mostly technical clarifications, there should be no extra cost of resources due to the revisions. Therefore, CAPRA supports the revisions.

Technical comments:

1. Section VI: Third point – It seems “Certificate of Insurance evidencing the University’s self-insurance Regents’ Standing Order 100.4(dd)(9) <https://www.ucop.edu/risk-services-insurance/resources/certificates.html>” may have accidentally merged two separate items (Certificates of Insurance and Regents’ Standing Order) in the previous version.
2. Section VII: Item 5 – It will be clearer to spell out “GL”.
3. Section VII: Item 7 – The term “[Campus Connexions and Student Group Coverage](#)” looks like a hyperlink but it does not direct to anywhere.

We appreciate the opportunity to provide comments.

cc: Senate Office

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH (CoR)
TAO YE, CHAIR
tye2@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

April 11, 2025

To: Kevin Mitchell, Senate Chair

From: Tao Ye, Chair, Committee on Research (CoR)

Re: Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements

CoR reviewed the Presidential Policy BFB-BUS-63: Risk Transfer and Insurance Requirements and offer the comments below.

CoR notes that this is just an updated version of an existing policy document, mostly updating language in how it refers to contractors etc. who need to show they are insured when doing work for the university, and to show that the university is indemnified in case of issues created by these external users.

CoR points out one issue with the policy that might benefit from clarification. In Section IV Compliance/Responsibilities, it does refer to several entities as being in charge of compliance and managing exceptions: The Chancellor (or designee) and a Risk Manager and a local Risk Management Office. Further, there are cases when the UCOP Office of Risk Services and University Chief Risk Officer might become involved. The latter is fairly clearly spelled out in part B of Section IV, but it would perhaps be better to list one entity at the local level who is the main contact point and arbiter of exceptions and ensuring compliance.

We appreciate the opportunity to opine.

cc: Senate Office

From: [Jennifer Manilay](#)
To: [Fatima Paul](#); [ucm senatechair](#)
Cc: [Anne Kelley](#); [Lin Tian](#); [Teamrat Ghezzehei](#); [Susan DeRiemer](#); [Shilpa Khatri](#)
Subject: RE: [Systemwide Review Item] Proposed Revisions to Presidential Policy BFB-BUS-63: Risk Transfer & Insurance Requirements - Comments due by April 11, 2025
Date: Friday, April 11, 2025 3:40:00 PM

Dear Fatima and Kevin:

Thank you for the opportunity to share our thoughts on the proposed revisions to Presidential Policy BFB-BUS-63: *Risk Transfer and Insurance Requirements*. As currently written, the policy is broad, legalistic, and difficult to interpret in terms of its concrete implications for research and instructional activities within the School of Natural Sciences (SNS).

To better understand how this policy may affect faculty efforts, NSEC believes it would be useful to request clarification from campus administration on the following questions:

- What is the current approval process for activities that may trigger risk management review or require proof of insurance?
- How are faculty expected to distinguish when a partner or collaborator (e.g., a “supplier,” “vendor,” or “contractor”) falls under the insurance requirements outlined in the policy?
- In cases where faculty organize off-site instructional or experiential learning activities (e.g., site visits, clinical engagement, fieldwork), what steps are required to ensure we are in compliance with risk and insurance requirements? Who is responsible for initiating those reviews?
- Are there existing support mechanisms or points of contact within Risk Services or SPO to assist faculty in navigating these requirements proactively?

Given the expansion of experiential and interdisciplinary programs across our campus, it would be helpful to clarify how policy BFB-BUS-63 is operationalized at UC Merced. A flowchart, decision tree, or guidance document outlining required steps and points of contact would be especially valuable.

Sincerely,

Jennifer O. Manilay, PhD
Professor, Dept. of Molecular and Cell Biology
Chair, Natural Sciences Executive Committee AY-24-25
School of Natural Sciences
University of California, Merced
jmanilay@ucmerced.edu

Pronouns: she/her/hers



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

Kenneth Barish
PROFESSOR OF PHYSICS AND ASTRONOMY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-5023
EMAIL: kenneth.barish@ucr.edu

May 14, 2025

Steven Cheung, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

Dear Steven,

On May 12, 2025, the Riverside Academic Senate Executive Council discussed the *Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements* along with comments received from divisional committees. Council had no comments to add to those received.

Some committees had no comments or concerns, while others were supportive and viewed it as beneficial policy. A noted misspelling on pg. 4 of 8 in section 4.3. should be addressed: "Exceptions to the Minium Insurance Requirements ..." should be, "Exceptions to the Minimum Insurance Requirements..."

UCR's Committee on Planning and Budget supports the proposed changes and appreciates the clarifications added to the FAQ section. Specifically, they noted the positive inclusion of a process where the local Risk Manager, with review from senior leadership, can assess if a Contractor/External User has the financial capacity to meet their obligations to indemnify and defend the University as required by contract.

The UCR School of Medicine faculty executive committee has observed that the mandatory insurance requirements for all UC vendors and contractors are causing problems for faculty. This is because some contractors, particularly those offering low-risk, off-site services crucial for SOM research (like expert consultants and community-based organizations, including those from disadvantaged backgrounds), are struggling to meet these insurance demands or obtain exceptions from the risk management office. To ensure equitable opportunities for diverse contractors and because these low-risk contractors pose minimal threat of loss, injury, or damage to UCR from negligence or intentional acts, the FEC recommends creating more adaptable exception procedures to the standard insurance requirements.

Sincerely yours,

A handwritten signature in blue ink that reads "Kenneth Barish".

Kenneth Barish
Professor of Physics and Astronomy and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

April 30, 2025

TO: Ken Barish, PhD, Chair, Academic Senate, UCR Division

FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

SUBJECT: **Systemwide Review** of Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

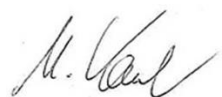
Dear Ken,

The Committee reviewed the Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

Pursuant to the Minimum Insurance Requirements and Exceptions (outlined in Section IV A2 - A5), the FEC notes that faculty in the UCR SOM have encountered multiple difficulties conducting key work due to the requirement that all UC vendors/contractors must meet insurance requirements "as a contractual obligation that must be complied with by the Contractor/External User before commencing work, providing goods, or using University facilities."

Specifically, contractors providing low-risk, off-site services (e.g., expert consulting) critical to the execution of SOM research—including community-based organizations and scientific consultants from disadvantaged backgrounds—have been hindered from contracting with UCR due to contractor difficulties in securing the minimum required insurance or exceptions from the local risk management office. Given the importance of providing equitable opportunities for contractors from diverse and disadvantaged backgrounds, developing flexible and appropriate exception processes to the minimum insurance requirement when contractors present low risk to UCR "for loss, injury or damage caused by the negligent or intentional acts" is recommended.

Yours sincerely,



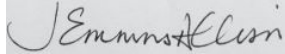
Marcus Kaul, Ph.D.
Chair, Faculty Executive Committee School of Medicine

PLANNING AND BUDGET

April 16, 2025

To: Kenneth Barish, Chair
Riverside Division

From: Juliann Allison, Chair
Committee on Planning and Budget

A handwritten signature in black ink, appearing to read "Juliann Allison", is placed over the printed name in the "From:" line.

RE: [Systemwide Review] Proposed Revisions to Policy: *Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements*

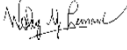
At our meeting on April 8, 2025, the Committee on Planning and Budget (CPB) reviewed the proposed revisions to *Presidential Policy BFB – BUS-63 Risk Transfer and Insurance Requirements*. CPB is generally supportive of the proposed revisions to the policy and appreciates the changes made in the FAQ section, including the clarification that the local Risk Manager should have an exception process reviewed by senior leadership and/or administration by which they can determine whether a Contractor/External User has the necessary financial resources to guarantee payment if and when required to indemnify and defend the University pursuant to the contract.



College of Humanities, Arts, and
Social Sciences
EXECUTIVE COMMITTEE

April 9, 2025

TO: Ken Barish, Chair
Riverside Division of the Academic Senate

FROM: Wesley Leonard, Chair 
CHASS Executive Committee

RE: Proposed Revisions to Policy: Presidential Policy BFB - BUS-63: Risk Transfer
and Insurance Requirements

The CHASS Executive Committee reviewed the Proposed Revisions to Policy: Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements and had no comments.

The committee noted a misspelling on pg. 4 of 8 in section 4.3.: “Exceptions to the ~~Minium~~ Insurance Requirements ...” should be, “Exceptions to the Minimum Insurance Requirements...”



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

May 16, 2025

Professor Steven Cheung
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

Dear Chair Cheung,

The proposed revisions to Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements were distributed to San Diego Divisional Senate standing committees and discussed at the May 12, 2025 Divisional Senate Council meeting. Senate Council had questions that they would like to see addressed prior to the revisions being implemented. Council offered the following comments for consideration.

Reviewers acknowledged the need for revisions to the policy but noted a few areas that require clarification. Specifically, the elimination of an allowable exception for large, self-insured entities warrants further review, as it may inadvertently prohibit the university from contracting with entities such as other large universities who may be self-insured. Additionally, the term "designee" is used throughout the policy, but its meaning is often unclear. To ensure contractors understand their obligations, further clarification is needed regarding the indemnity clause and insurance coverage requirements. It seems unlikely that a company would be willing to accept indemnification liability in cases where their insurance coverage is insufficient. There was also concern that the revised policy may impose an undue burden on small companies, which comprise a significant portion of the university's partnerships, due to their limited resources for navigating complex contract requirements. Moreover, the potential impact of these revisions on existing business partnerships, small businesses in particular, has not been adequately addressed, and reviewers recommended that this be considered to mitigate any potential negative effects.

The response from the Divisional Committee on Faculty Welfare is attached.

Sincerely,

A handwritten signature in cursive script, reading "Olivia A. Graeve".

Olivia A. Graeve
Chair
San Diego Divisional Academic Senate

Attachment

cc: Rebecca Jo Plant, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Monica Lin, Executive Director, UC Systemwide Academic Senate

April 29, 2025

OLIVIA GRAEVE, CHAIR
Academic Senate, San Diego Division

SUBJECT: Systemwide Review of Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

The Committee on Faculty Welfare (CFW) reviewed the proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements at its April meeting. The CFW endorses the proposed policy revisions. It is clearly important for the University to not be held responsible for harm or loss caused by negligence of a company we contract with and having insurance is important. But the complexity of the language and requirements for insurance might lead contractors to not want to work with us.

The committee proposed clarification on the following language:

Are we to understand correctly that there will be no exceptions for large “self-insured” entities? Does this mean, for example, that we can’t contract with another large University?

How can a company possibly agree to indemnify even if its insurance does not cover it? (See FAQ 4)

The word “designee” is used in several places and it’s not always clear what the referent is for this word.

Provide clearer links to IV.A.3 and any other sections referenced.

There is reference to GL/Auto in one of the FAQs – is that meant to be an example? It’s not clear.

In C2 on pg. 6 it says “The Regents of the University of California are an additional insured as described in the contract” should there be another word between “additional” and “insured” maybe something like “entity”

Sincerely,

Patrick Mercier, Chair
Committee on Faculty Welfare

cc: R. Plant



UC SANTA BARBARA

Academic Senate
Rita Raley, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
<http://www.senate.ucsb.edu>

May 14, 2025

To: Steven Cheung, Chair
Academic Senate

From: Rita Raley, Divisional Chair
Academic Senate

A handwritten signature in blue ink, appearing to read "R. Raley", is placed next to the "From:" line.

Re: Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements

The Santa Barbara Division distributed the Proposed Presidential Policy BFB - BUS-63: Risk Transfer and Insurance Requirements to the Council on Planning and Budget (CPB) and the Council on Research and Instructional Resources (CRIR). Both groups declined to comment.

Thus the Santa Barbara Division elects not to opine on the proposed policy at this time. We thank you for the opportunity to review.



Academic Senate

Office of the President
1111 Franklin Street
Oakland, CA 94607

senate.universityofcalifornia.edu

UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)

Tim Groeling
groeling@comm.ucla.edu

April 4, 2025

CAMPUSES

Berkeley
Davis
Irvine
UCLA
Merced
Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz

MEDICAL CENTERS

Davis
Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

Steven Cheung
Chair, Academic Council

RE: Proposed revisions to Presidential Policy BFB-BUS-63 (Risk Transfer and Insurance Requirements)

Dear Chair Cheung,

UCPB welcomed the opportunity to respond to the proposed revisions to the policy covering insurance for subcontractors to the university. The policy requires that provisions for insurance and indemnification of the university be included in contracts into which the UC enters.

The committee members noted that the revisions allow for each campus to use language that suits their processes for granting exceptions, such that “appropriate senior leadership and/or administration” can apply to the appropriate division offices.

Processes for resolution of disagreements among campus personnel in the exception granting or approval process are laid out, with the Office of the President as the final arbiter.

UCPB found the changes to be reasonable and saw no reason to disapprove of the proposed policy changes.

Sincerely,

Tim Groeling

Chair, UCPB

cc: UCPB