



MONTEREY PENINSULA College

ADMINISTRATIVE PROCEDURES

Chapter 3 General Institution

3810

AP 3810 Claims Against the District

College District Responsibility for Injuries to Persons

Except for provision of the student-accident insurance provided for on-campus and athletic coverage, the College District accepts no responsibility for injuries to students or the general public while on College District premises or at College District off-premises events. Claims for injury due to negligence are to be filed with the Vice President for Administrative Services.

College District Responsibility for Private Property

1. Privately Owned Personal Property

It is the intent of the Governing Board to provide supplies, tools, equipment, and other property required for employees to carry out their duties. The College District assumes no responsibility for loss or damage to privately owned property on College District premises or used on College District projects.

2. Vehicles and Contents

The College District accepts no responsibility for damage to privately owned vehicles operated or parked on College District property or for their contents or physical damage of privately owned vehicles used on College District business or field trips.

Receipt of Claims against the College District

The Governing Board, under Government Code section 935.4, authorizes the Vice President for Administrative Services to receive and reject claims filed with the Governing Board as claims of College District liability and to immediately report all property and liability claims, including personal property, theft, or vandalism claims, to the College District's Joint Powers Authority (JPA) or liability insurance carrier for disposition.

If the College District is served with a lawsuit (summons and complaint), including any amended complaint, it will be immediately forwarded to the JPA to determine if the suit falls with the JPA's memorandum of coverage or excess insurer's coverage terms. The College District will be notified if the JPA or excess insurer will not provide a defense.

The College District will identify the date and time service was made and the location where the lawsuit was served. Date, time, and recipient's title are to be written on the front page of the summons and complaint. The College District will retain a copy. The College District may not select a defense counsel or assign a lawsuit independent of the JPA's concurrence. The JPA shall, in all cases, select counsel in consultation with the College District. Defense costs/expenses of counsel not authorized by the JPA may become the College District's sole responsibility.

Government Code sections 910.4(a) requires Monterey Peninsula College to provide a standardized tort claim form that claimants may use to file their claims for submission to the



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College District. The standard claim form must include information specified in Government Code sections 910 and 910.2. If a claim that is not on the College District form contains all of the information that is required on the College District form in a legible manner, the College District may still consider such a claim as "submitted" without the College District form. The College District will provide the claim form whenever it is requested.

If a claim is not submitted on the designated form and it does not contain all of the information required by the College District form, it may be returned.

1. Any claim returned may be resubmitted using the proper form (Exhibit A).
2. Claim forms may be obtained by contacting the Office of Administrative Services.
3. Properly completed claim forms should be submitted as follows: Monterey Peninsula College, Attention: Vice President of Administrative Services, 980 Fremont Street Monterey, CA 93940.
4. Claims against the College District must be filed with the Governing Board within six (6) months after cause of action, as required by Government Code section 911.2.
5. Report all student accidents involving injury on the student-accident report form (Exhibit B). For any serious injury or fatal accident, immediately telephone Administrative Services who will contact the JPA or insurance carrier.
6. Claims filed with the Governing Board (or its designee) are not publicly announced/stated on the Board agenda, nor are the matters regarding rejection announced/stated on the Board agenda. However, all settlements of claims are agendaized and announced in open session. Settlements of claims above \$50,000 require prior Governing Board approval. Filed claims that the Vice President for Administrative Services considers having the reasonable potential to result in litigation shall be properly agendaized and reported to the Governing Board in closed session in accordance with the Brown Act. Final settlement agreements equal to or less than \$50,000 are ratified by the Governing Board in open session.
7. Government Code sections 935.2 and 935.4 authorize the College District to delegate to an employee such functions relating to claims as the College District (i.e., ruling on the sufficiency of claims or automatically rejecting certain classes and approval of settlements up to \$50,000). Pursuant to Government Code sections 910.8, 935.2, and 935.4, the College District designates the Vice President for Administrative Services, or designee, as the person authorized to receive and reject claims filed with the Governing Board under Government Code section 900, et seq.
8. Pursuant to the authority contained in Government Code section 935, the following claims procedures are established for those claims against the College District for money or damages not now governed by State or local laws:



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- a. Employee claims. Notwithstanding the exceptions contained in Government Code Section 905, all claims by public officers or employees for fees, salaries, wages, mileage and any other expenses for allowances claimed due from the College District, when a procedure for processing such claims is not otherwise provided by the State or local laws, shall be presented within the time limitations and in the manner prescribed by Government Code Sections 910 through 915.2. Such claims shall further be subject to the provisions of Section 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the College District.
- b. Contract and other claims. In addition to the requirements of subsection (a) of this section, and notwithstanding the exemptions set forth in Government Code Section 905, all claims against the College District for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Government Code Sections 910 through 915.2. Such claims shall further be subject to the provisions of Section 945.4 relating to prohibition of suits in the absence of the presentation of claims and action thereon by the College District. Claims shall be in writing and shall stipulate date(s), time(s), nature of claim(s).

See Board Policy 3810 – Claims Against the District and the Claim Form (Exhibit A, attached)

References: Education Code Section 72502;
Government Code Sections 900 et seq., 905, 910 et seq., 915 et seq., 935 and 945 et seq.

Approved: November 14, 2024

CLAIM FORM



MONTEREY PENINSULA
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**TO: Office of the Vice President
of Administrative Services
Monterey Peninsula College
980 Fremont Street
Monterey, CA 93940**

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Govt. Code, Section 911.2)
2. Claims for damages to real property or breach of contract must be filed not later than one year after the occurrence (Govt. Code, Section 911.2)

Name of Claimant DOB Phone No.

Address City Zip

WHEN did damage or injury occur? _____

WHERE did damage or injury occur? _____

HOW and under what circumstances did damage or injury occur? _____

WHAT particular action by the District or its employees caused the alleged damage or injury: (Include names of employees, if known) _____

WHAT sum do you claim: Include the estimated amount of any prospective loss insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed; attach estimates or invoices, if possible. (If amount claimed exceeds \$10,000, no dollar amount shall be stated).

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total Amount Claimed \$ _____

If total amount claimed exceeds \$10,000, is this a Limited Civil case? Yes _____ No _____

NAMES and addresses of witnesses, doctors and hospitals: _____

DATE: _____

Signature of Claimant

NOTICE: Section 72 of the California Penal Code provides: "Every person who with intent to defraud, presents for payment to any School District any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment."