

The College of New Jersey License Agreement Insurance Guidance

Licensee is required to adhere to all requirements detailed in License Agreement. The following guidance is provided to assist with insurance requirements and is not intended to replace the requirements set forth in the License Agreement:

The College of New Jersey requires that you obtain Insurance.

Requirements for all insurance policies:

- Insurance company must be:
 - Authorized to do business in the state of NJ.
 - Financially healthy (A.M. Best rating of A- (VII) or better)
- All insurance policy effective dates must be consistent with your event. Some policies are renewed annually, while some policies are specific to an event. Confirm that the policy will not expire prior to the end of the event. Plan ahead for rain cancellations and understand what this means for your coverage. If your event includes setup or take down prior to or after the actual event, make sure that the coverage applies to the entire time you are performing any activities on campus.
- Endorsement section must contain “a waiver of subrogation”. This is typically detailed in the endorsement section of the certificate.
 - Inform the insurance agency that this endorsement section must contain “a waiver of subrogation in favor of The College of New Jersey” and **MUST be written to name “The College of New Jersey (TCNJ), Trenton State College Corporation, the New Jersey Educational Facilities Authority (EFA), and the State of New Jersey, and each of their affiliates, and each of their respective consultants, agents, attorneys, trustees, officers and employees” as additional insureds.**
- Request that the insurance company send you and the TCNJ Coordinator a copy of the Certificate of Insurance.
- It is your responsibility to ensure that TCNJ is provided with all evidence of insurance at least three weeks prior to your event, so that there is time for adjustments, if necessary.

Commercial General Liability (CGL) Insurance:

- Required from ALL licensees, no exceptions.
- Cannot have exclusions without approval of College.
- Refer to License Agreement for specific limits and types of coverage.
- Endorsement section must detail that “The College of New Jersey, the State of New Jersey, and the New Jersey Educational Facilities Authority” are included as additional insureds.
 - An alternative way to accomplish this is if the “Certificate Holder” is listed as “The College of New Jersey, the State of New Jersey, and the New Jersey Educational Facilities Authority” and then within the endorsement section it can state that “Certificate Holder is included as additional insured” on the CGL policy.
- “Per Location” requirement: Most standard insurance certificates include a section to check a box for “Per Location”. This means that the insurance limits of the policy apply specifically to TCNJ and the program activity. If there is no check box, then the endorsement section must specifically detail that the aggregate limits apply specifically to your event. If you have special event insurance that only applies to the event (policy effective dates are typically written just for the actual days of the event), then the per location requirement does not apply.
- If the program involves **minors** as participants, the College requires that the Certificate explicitly state that abuse/molestation coverage is provided as exclusions are not permitted under the CGL policy. This usually involves the CGL limit section of the certificate detailing a specific limit for abuse/molestation coverage. Alternatively, the endorsement section of the certificate can state that abuse/molestation is covered under the CGL policy. If Licensee’s CGL policy will not cover abuse/molestation, then a separate

policy will need to be provided with the same minimum limits specified in the CGL requirements (\$1million occurrence, \$2million aggregate). Please note that separate policies that offer coverage on a “claims made” basis will not be interpreted as meeting the intent of the required coverage, unless the coverage includes a 3 year tail/extended reporting period.

- If your activity includes the use of volunteers you need to make sure that your certificate details that volunteer liability is covered. This typically appears as a separate line in the CGL section of the certificate.
- If your activity includes the use of independent contractors you need to make sure that your certificate details that independent contractor liability is covered. This typically appears as a separate line in the CGL section of the certificate.

Professional Publishers and Broadcasters Liability/Media Liability

- If there is no publishing or broadcasting of program activities, this coverage is not required.

Automobile Liability Insurance:

- If the Licensee is not transporting program participants or the transport of equipment or materials is not a primary activity under the program, then this insurance is not required.
- Please note that if you contract out delivery or transport services, then your contractor is required to be insured to the same extent that you would be and you should obtain evidence of insurance from them. Please note that in some cases, such as carriers that provide interstate passenger transport, the requirements for coverage may exceed what is required by the College.
- Please note that all personal vehicles are required to be insured in accordance with the law, but the College does not require evidence of this to be provided.
- If coverage is required given Licensee activities, then it must also include “The College of New Jersey, the State of New Jersey, and the New Jersey Educational Facilities Authority” as additional insureds.

Workers Compensation/ Employer Liability

- The State of NJ requires that all NJ employers, not covered by Federal programs, must have workers’ compensation coverage or be approved for self-insurance. Even out-of-state employers may need workers’ compensation coverage if a contract of employment is entered into in NJ or if work is performed in NJ (TCNJ’s campus is in NJ). For further details, please visit: http://lwd.dol.state.nj.us/labor/wc/employer/require/insure_index.html
- There are limited exceptions to who is not required to carry this insurance. If you believe you are not required to carry this insurance and are claiming exemption, then you must specify which state-approved exemption applies to you and why. Please note that a common misconception is the employment relationship of individuals who provide a service. One common error is to classify employees as independent contractors. Please note that true independent contractors that you bring to campus are required to have the same insurances that you do, as detailed in the license agreement. So claiming exemption from this type of coverage does not eliminate your responsibility to obtain and provide evidence of other insurances that may be required.