

XVI. CLAIMS FOR DAMAGES ON UNIVERSITY PROPERTY

The University, by operation of the Kansas Tort Claims Act (KSA 75-6101 et seq and amendment), may be held liable for damages caused by the negligent or wrongful act or omission of any of its employees acting within the scope of their employment. Employees may also be held liable for tortious acts in the course of their employment.

The University shall provide for the defense of an employee named as a defendant in a civil lawsuit in either his/her official or individual capacity on account of an act or omission in the scope of his/her employment; provided, however, that a request for such defense be made in writing to the Vice President for Administration within fifteen (15) days after service of process upon the employee.

The University may refuse to provide for the defense if the University determines:

1. The act of omission giving rise to the action was not within the scope of the employee's employment; or
2. Such employee acted or failed to act because of actual fraud or actual malice; or
3. The defense of the action of proceeding by the governmental entity would create a conflict of interest between the governmental entity and the employees; or
4. The request for defense was not made within fifteen (15) days of service of process.