

Who Can Use University Vehicles

FIN-INS-07

About This Policy

Effective Dates:

02-20-1997

Last Updated:

07-28-2011

Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

Kutina England

Director, INLOCC

Scope

This applies to anyone using a UNIVERSITY VEHICLE.

Policy Statement

Anyone using a UNIVERSITY VEHICLE shall comply with this policy and included procedures.

Reason For Policy

UNIVERSITY VEHICLES are resources of the University and shall not be used for purposes other than the business of the University nor used in a manner which is unlawful or reflects poorly on the University.

Procedure

1. Who may use UNIVERSITY VEHICLES:

A person or group who meets the qualifications below may use a UNIVERSITY VEHICLE as follows:

- a. Employees or agents of the University may use a UNIVERSITY VEHICLE if the use is for UNIVERSITY BUSINESS and if the appropriate approvals and reservations have been made.
- b. STUDENTS who wish to use UNIVERSITY VEHICLES must:

- i. Be one of the following:

- a. A recognized student group with an active student group account, including Club Sport teams administered through SRSC, that has obtained approval for travel in furtherance of educational or group objectives;
 - b. A RECOGNIZED ATHLETIC TEAM that has obtained approval for travel in furtherance of educational or team objectives;
 - c. A STUDENT or group of students that has obtained approval for travel in furtherance of educational objectives as approved by a "FACULTY MEMBER."

Exception: In the case of student activities or organizations that are typically overseen by University employees other than Faculty Members (such as the IDS or student athletic trainers), approval for the travel shall be obtained from the administrative staff person responsible for the activity.

Approval for this exception must be obtained from the Office of Insurance, Loss Control & Claims ([Exception To Faculty Approval Request](#)).

- ii. Apply for and obtain the appropriate approvals for the proposed travel. (At IUB: <https://onestart.iu.edu/kr-prd/kew/EDocLite?edlName=MOTR.Trip.Doctype&userAction=initiate>); and
 - iii. Be accompanied by an APPROVED UNIVERSITY EMPLOYEE if 6 or more students are in the group. When evaluating applications, the entire number of students undertaking a trip to a given destination will be considered together. Separate applications on behalf of multiple "groups" of five or fewer to avoid the requirement of an APPROVED UNIVERSITY EMPLOYEE accompanying the group will be combined.
 - iv. If, at any time during the trip (i.e., whether driving to or from the destination or short/side trips or incidental driving after reaching the destination), more than 6 students are in the vehicle, the APPROVED UNIVERSITY EMPLOYEE must accompany the group. Groups that have more than one vehicle, and that anticipate that groups of 6 or more students may need to be transported at the same time, should plan to have sufficient APPROVED UNIVERSITY EMPLOYEES on the trip to remain in compliance with this policy at all times.
 - v. A student group that requires more than four vehicles for its trip must arrange for an alternative means of transportation (e.g., a bus) unless the group requests and receives an exemption from this rule from both the Motor Pool and the Office of Insurance, Loss Control & Claims. [Request For Exception To Four Vehicle Limit](#).
 - vi. If a question arises concerning whether a trip is "in furtherance of group/ team or educational objectives," the Office of Insurance, Loss Control & Claims shall make an initial determination of whether the proposed trip is within those objectives. If an application is denied on this ground, the STUDENT or student group may appeal to the Vehicle Use Appeals Committee, consisting of (at least) a representative of OILCC other than the person making the original decision, a faculty representative, a student representative, and a Motor Pool Representative. The decision of this committee shall be final, with no further avenue for appeal by the student or student group. [Vehicle Use Appeal](#).
- c. An individual who is not an employee, agent or STUDENT of the University, or an entity or group that is not affiliated with the University, may, in limited circumstances and in accordance with the Indiana University Motor Pool policies, rent UNIVERSITY VEHICLES. Among other requirements, applicants must provide proof of insurance coverage for liability and damage to UNIVERSITY VEHICLES, holding Indiana University harmless from all liabilities arising from their use of UNIVERSITY VEHICLES. While not a "UNIVERSITY DRIVER" for purposes of this policy or any other purpose, the driver of a vehicle rented under this provision must also comply with Paragraphs 2 and 3 of this Policy. A driver of a vehicle rented under this provision is not covered by Indiana University's workers compensation policy or The Trustees defense and indemnification policy.

Specifically, employees of independent contractors, e.g., agencies providing temporary employees, are **not** authorized to use UNIVERSITY VEHICLES **unless** there is a contractual agreement with Indiana University as outlined in this paragraph. Such contracts must be approved by Purchasing as a part of the contractual process, by Legal Counsel's Office, or by OILCC, and the required insurance documents must be on file with OILCC.

In this instance, "affiliated" means they are part of the core mission of the University and does not include, in general, External Agencies.

2. Driver Requirements.

A UNIVERSITY DRIVER shall:

- a. Be at least twenty-one years old. **Exception:** An **employee or agent of the University** who is at least eighteen years old and meets all other requirements of this section may operate a UNIVERSITY VEHICLE in the course of their assigned duties
 - on their home campus and surrounding county;
 - between campuses;
 - but shall not carry more than (the driver plus) two passengers at any time.

- b. Possess a valid operator's license of the type required by the vehicle used, and this license must be issued by one of the states, Commonwealths, territories, or possessions of the United States or by a Canadian province; other international licenses are not acceptable.
- c. Comply with all license restrictions.
- d. Obey all laws of the jurisdiction in which he/she operates the UNIVERSITY VEHICLE.
- e. [Submit their driver's license information](#) for a license check before driving UNIVERSITY VEHICLES.

3. Driver Prohibitions.

A UNIVERSITY DRIVER shall not:

- a. Allow anyone who is not a UNIVERSITY DRIVER to operate a UNIVERSITY VEHICLE. More than one STUDENT or employee may be approved as a UNIVERSITY DRIVER for a particular trip; in those circumstances, only those members of the group shall drive the UNIVERSITY VEHICLE. All drivers must have their licenses approved through the Office of Insurance, Loss Control & Claims. Only those drivers who are approved may drive except in extraordinary circumstances as explained in the emergency and rental vehicle exceptions.

The **emergency** exception to this provision is a situation in which failure to allow a person who is not a UNIVERSITY DRIVER to drive would create an unsafe situation. For instance, a university employee is on a long trip and becomes ill or sleepy but is unable to immediately stop for rest. Allowing a properly licensed passenger to drive is clearly the best alternative.

The **rental vehicle** exception is as follows:

- If the "UNIVERSITY VEHICLE" is a rental vehicle
- and it is rented from an "approved rental company" and
- The approved UNIVERSITY DRIVER needs relieved, e.g., they are sleepy, and
- A person accompanying the approved driver but who is not a university employee meets the following requirements
 - They are at least 21 years of age.
 - Possess a valid operator's license of the type required by the vehicle used, and this license must be issued by one of the states, Commonwealths, territories, or possessions of the United States or by a Canadian province; other international licenses are not acceptable.
 - Comply with all license restrictions.
 - Obey all laws of the jurisdiction in which he/she operates the UNIVERSITY VEHICLE.
 - [Submit their driver's license information](#) for a license check before driving UNIVERSITY VEHICLES.

then the temporary replacement driver may drive the vehicle.

Approved rental companies shall provide primary auto liability coverage of at least \$1 million. These include:

- Enterprise
- National

This applies to vehicles operated in the United States or Canada.

- b. Operate a UNIVERSITY VEHICLE with his/her ability to drive is impaired by alcohol or drugs (including legal drugs which diminish the capacity to drive safely).
- c. Transport or consume alcoholic beverages or illegally possessed controlled substances in a UNIVERSITY VEHICLE.

- d. Smoke or use tobacco products, or allow passengers to smoke or use tobacco products in a UNIVERSITY VEHICLE.

4. **INSURANCE COVERAGE:**

- An **employee** who is using a covered vehicle in the course and scope of their duties is fully covered by university insurance and The Trustees of Indiana University Defense and Indemnification Policy. Note that an employee using a vehicle in violation of the law (e.g., driving while intoxicated) will not be deemed as in the course and scope of their duties.
- Coverage shall extend to a family member of the trustees, officers, directors, employees or agents only when such family member is driving a covered vehicle because a failure to do so would be perilous, e.g., an employee's ability to drive is impaired and there is no other option but to continue the trip. In this situation, the limit of self insurance indemnification plus commercial insurance coverage is \$250,000.
- If the covered vehicle is being used by an insured for a non-business use, the limits of liability for self insurance indemnification and commercial insurance coverage is \$250,000.
- Coverage for assigned autos, while being used for personal purposes by a trustee, director, officer, employee or agent is subject to a limit of liability of \$250,000, self insurance indemnification and commercial insurance coverage.
- For any other permissive user of a covered vehicle, including students enrolled at Indiana University while operating a covered auto in connection with an approved student activity, the limit of self insurance indemnification plus commercial insurance coverage is \$150,000.

5. **Limitations on Use:**

UNIVERSITY VEHICLES will be used only for UNIVERSITY BUSINESS, or as permitted by Internal Revenue Service regulations governing 501(c)(3) entities. **Incidental use is permitted.** UNIVERSITY DRIVERS may use the UNIVERSITY VEHICLE as they reasonably see fit while on an approved trip. However, the Trustee's defense and indemnification and worker's compensation policies will apply only to incidental uses necessitated by the UNIVERSITY DRIVER'S absence from home due to the UNIVERSITY BUSINESS purpose (e.g, driving to and from meals) and will not apply for incidental uses such as recreation or entertainment. In the latter case, any loss must be covered by the UNIVERSITY DRIVER'S personal auto, health or other applicable insurance.

6. **Limitations on Coverage of Workers Compensation and The Trustees of Indiana University Defense and Indemnification Policies.**

In the event of an accident, the university's defense and indemnification policies and worker's compensation coverage will **NOT** apply in the following circumstances:

- a. If the driver is using a UNIVERSITY VEHICLE, but is not on UNIVERSITY BUSINESS.
- b. If the driver's ability to operate the vehicle is impaired by alcohol or drugs.
- c. If the driver is on sabbatical or other leave from the University.

Definitions

UNIVERSITY DRIVER: An employee or agent of the University, at least twenty-one years old, who is approved to drive a UNIVERSITY VEHICLE under this policy; also employees or agents of the University, at least eighteen years old, but subject to the limitations specified above in Driver Requirements; and,

A **STUDENT**, at least twenty-one years old, who is approved to drive a UNIVERSITY VEHICLE under this policy. The approval process for STUDENT drivers can be completed at the IUB Motor Pool prior to rental of a vehicle, or through the Office of Insurance, Loss Control and Claims prior to using any UNIVERSITY VEHICLE or commercially rented vehicle.

There may be more than one UNIVERSITY DRIVER for a particular trip. **All approved drivers must be listed on the vehicle rental form when a vehicle is rented from Motor Pool. Only those drivers listed may drive except in extraordinary circumstances as explained in the exception.** For all vehicles not rented from Motor Pool (e.g., departmental vehicles), it is the responsibility of the department to maintain a list of approved STUDENT drivers.

A person on leave from the University (e.g., FMLA) shall not be approved as a UNIVERSITY DRIVER.

STUDENT: For the purposes of this policy, a "student" is any person who is pursuing an education at Indiana University student and not, within the scope and time of the vehicle use, acting as an employee of the University.

UNIVERSITY VEHICLE: All licensed vehicles owned, leased, or rented by or for Indiana University. (See the Related Information section concerning IC 34-13-3.) This definition includes personal vehicles when operated on UNIVERSITY BUSINESS.

UNIVERSITY BUSINESS: those activities that further the mission of the university and, in the case of an employee of the university, are within the scope and authority of that person's employment. For example: normal student transportation activities, e.g., handicapped students shuttles, Campus Bus, are deemed to be "in furtherance of educational objectives" within the course of their normal use. E.g., driving a personal vehicle on an university errand or from one location to another to teach is university business. This definition applies whether the driver is reimbursed for use of a personal vehicle or not.

APPROVED UNIVERSITY EMPLOYEE:

- A full time employee as defined by Human Resources policies;
- an instructor who holds the rank of Associate Instructor or higher;
- a coach, assistant coach, or part-time assistant coach employed by the Athletics department;
- a Resident Assistant;
- a Graduate Assistant;
- an Adjunct Faculty member;
- a "Trip Coordinator" for IMU Outdoor Adventures;
- Any other parttime employee who works at least an average of 20 hours per week as approved by Insurance, Loss Control and Claims and is at least twenty-one years old, or twenty years old with approval of the Office of Insurance, Loss Control and Claims based on verified experience or approved training.

It is the drivers' responsibility to read this and all associated policies and procedures, understand them and follow them. Failure to do so may result in suspension of university driving privileges and/or disciplinary action.

RECOGNIZED ATHLETIC TEAMS: Those teams operating under the aegis of the athletic department of any campus.

FACULTY MEMBER: The faculty shall consist of the Chancellors and all professors and instructors with tenure-related appointments at the various campuses, and professional librarians with tenure-related appointments.

INSURANCE COVERAGE: In some instances, for the sake of brevity, "INSURANCE COVERAGE" is used to describe a combination of self insurance and commercial insurance. Self insurance is used for indemnification of persons identified here and other places and is not "insurance."

Sanctions

Violations of this policy may result in suspension of UNIVERSITY VEHICLE driving privileges for an appropriate period of time. In addition, the operator may be subject to university disciplinary procedures.

History

This policy was established on February 20, 1997.

Related Information

[FIN-INS-02, Driving Privileges](#)

Related Forms

[Exception to Faculty Approval Request](#)

[Request for Exception to Four Vehicle Limit](#)

[Vehicle Use Appeal](#)

[Authorization Form for Motor Vehicle Records Check - web form](#)

[Authorization Form for Motor Vehicle Records Check](#)