Innovation Growth Partners Specialty®

CONTACT US

Dave Perkins, RPLU
(508) 848-4263
dave.perkins@igpspecialty.com

Examples of D&O, Employment Practices Liability (EPL), and Educators Legal Liability (ELL) Claims Against Educational Institutions

Educational institutions face a broad range of management, employment, and professional liability exposures. The following examples illustrate how Directors & Officers (D&O), Employment Practices Liability (EPL), and Educators Legal Liability (ELL) insurance may respond to real-world allegations involving K-12 schools, private schools, colleges, and universities.

Directors & Officers (D&O) Liability Claims

1. Board Mismanagement of Financial Resources

SCENARIO: A private school's board approves a major campus expansion project that significantly exceeds budget. The school later faces financial distress, resulting in program cuts and tuition increases.

ALLEGATION: Parents, donors, and other stakeholders allege that trustees breached their fiduciary duties by failing to exercise proper oversight.

POTENTIAL DAMAGES:

- Defense costs
- Regulatory investigations
- Settlements or judgments
- Reputational management expenses

2. Donor Restrictions and Endowment Misuse

SCENARIO: A university uses restricted endowment funds for purposes inconsistent with donor agreements.

ALLEGATION: Major donors file suit alleging breach of fiduciary duty and improper stewardship of charitable assets.

POTENTIAL DAMAGES:

- Legal defense expenses
- Restitution demands
- Regulatory scrutiny
- Governance remediation costs

3. Enrollment and Financial Disclosure Disputes

SCENARIO: A private school promotes projected program expansions and enrollment growth that do not materialize.

ALLEGATION: Families and donors claim they relied on inaccurate representations when choosing the institution or contributing funds.

POTENTIAL DAMAGES:

- Defense costs
- Settlement expenses
- Board member personal exposure

4. Regulatory Investigation of Institutional Governance

SCENARIO: State education regulators investigate allegations that school leadership failed to implement required compliance procedures.

ALLEGATION: Trustees and officers are accused of inadequate oversight and governance failures.

POTENTIAL DAMAGES:

- Investigation costs
- Defense costs for board members
- Crisis management expenses

Employment Practices Liability (EPL) Claims

5. Wrongful Termination Claim

SCENARIO: A long-tenured teacher is dismissed during a restructuring initiative.

ALLEGATION: The employee alleges the termination was pretextual and based on age discrimination.

POTENTIAL DAMAGES:

- Back pay
- Front pay
- Defense costs
- Settlement or judgment amounts

6. Discrimination in Hiring and Promotion

SCENARIO: A university administrator is repeatedly passed over for leadership positions.

ALLEGATION: The employee alleges discrimination based on race, gender, disability, or other protected characteristics.

POTENTIAL DAMAGES:

- EEOC or state agency investigations
- Defense costs
- Monetary settlement

7. Retaliation Following Whistleblower Complaint

SCENARIO: A faculty member reports concerns regarding misuse of grant funding.

ALLEGATION: After receiving negative performance reviews and being denied tenure, the employee alleges retaliation.

POTENTIAL DAMAGES:

- Defense costs
- Lost compensation claims
- Reputational harm

8. Sexual Harassment Allegations

SCENARIO: Multiple employees allege inappropriate conduct by a senior administrator.

ALLEGATION: The institution failed to adequately investigate complaints or prevent ongoing harassment.

POTENTIAL DAMAGES:

- Defense costs
- Settlement payments
- Training and remediation expenses

Educators Legal Liability (ELL) Claims

9. Failure to Prevent Student Bullying

SCENARIO: Parents allege school administrators repeatedly ignored reports of severe bullying that caused emotional harm to a student.

ALLEGATION: The school failed to provide appropriate supervision and intervention.

POTENTIAL DAMAGES:

- Defense costs
- Emotional distress claims
- Settlement payments

10. Special Education Services Dispute

SCENARIO: Parents contend that a student was denied accommodations required under an Individualized Education Program (IEP).

ALLEGATION: Failure to provide legally mandated educational services.

POTENTIAL DAMAGES:

- Legal defense costs
- Tuition reimbursement
- Corrective educational services

11. Student Discipline and Due Process Claim

SCENARIO: A student is suspended or expelled following alleged misconduct.

ALLEGATION: Parents claim the school failed to follow established disciplinary procedures and denied the student due process.

POTENTIAL DAMAGES:

- Defense expenses
- Re-enrollment costs
- Settlement payments

12. Field Trip or Study Abroad Program Oversight Failure

SCENARIO: A student is seriously injured during a school-sponsored trip.

ALLEGATION: Parents allege negligent supervision, inadequate risk assessment, or failure to follow established safety protocols.

POTENTIAL DAMAGES:

- Defense costs
- Settlement expenses
- Investigation costs

Executive Summary

Educational institutions are uniquely exposed to three distinct management liability risks.

D&O Liability protects trustees, board members, officers, and the institution against allegations of governance failures, fiduciary breaches, financial mismanagement, and regulatory investigations.

Employment Practices Liability (EPL) addresses employee claims involving discrimination, harassment, retaliation, wrongful termination, failure to promote, and other workplace-related allegations.

Educators Legal Liability (ELL) protects schools against claims arising from educational decisions and professional services, including student discipline matters, special education disputes, bullying allegations, admissions decisions, and supervision failures.

For K-12 schools, private schools, colleges, and universities, these claims can generate significant defense costs even when allegations are ultimately unfounded. A comprehensive management liability program helps protect institutional assets, board members, administrators, faculty leadership, and the organization itself from the financial impact of these increasingly complex claims.

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