



Office of Legal Affairs

9201 University City Boulevard, Charlotte, NC 28223-0001
t/ 704.687.5732 f/ 704.687.1673 www.legal.uncc.edu

You have requested that the University of North Carolina at Charlotte provide you with certification of liability coverage in connection with acts of its employees or with use of your facilities.

Concerning general liability, the State of North Carolina claims sovereign immunity and therefore cannot be sued without its permission. However, under the Tort Claims Act (Chapter 143, Article 31), the State has waived its sovereign immunity against suits for negligence of its employees or agents resulting from bodily injury or property damage. When a claim is made against a State employee, the Attorney General (or counsel authorized by the Attorney General) provides legal defense. The Attorney General may refuse to provide defense under certain very limited circumstances, as when the claim was not within the course and scope of the employee's State employment, or the act or omission resulted from the employee's fraud, corruption, or actual malice. When the Attorney General provides or approves legal defense of a State employee, the State agency for which the employee works is required by statute to pay up to **\$1,000,000** of any final judgment that may be rendered against the employee.

The State also provides [excess liability coverage](#) for State employees for losses resulting in injury to person or property caused by acts or omissions of State employees in the performance of their jobs. Excess liability coverage represents an amount of coverage above the limits of the Tort Claims Act. (Currently, excess liability coverage provides \$1,000,000 for tort claims against the State, \$2,000,000 per employee, and \$5,000,000 aggregate for claims against state employees; medical malpractice claims are excluded from the excess liability coverage.) **The coverage is subject to policy terms, conditions, and exclusions.**

I trust the above information will provide the necessary insurance coverage certification needed by your organization.

Sincerely,

Amy S. Kelso
Senior Associate General Counsel