



UC San Diego

Policy & Procedure Manual

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Environment, Health & Safety

Section: 516-33

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IMPLEMENTATION PROCEDURES FOR REQUESTS FOR APPROVAL OF INDEMNIFICATION CLAUSES UNDER DELEGATION OF AUTHORITY 2239

1. POLICY SUMMARY

Absent Regental approval, the University typically is prohibited by Regents Standing Order 100.4(dd)(9) from entering into agreements under which the University assumes liability for the conduct of individuals other than UC employees, students, agents, and invitees. However, under the limited circumstances identified in [Delegation of Authority 2239](#), the University may accept an indemnification clause that requires the University to assume third-party liability. The authority to approve such an exception has been redelegated to the UC Office of the President, Research Policy Analysis & Coordination (“RPAC”).

This Policy establishes UC San Diego campus procedures for seeking RPAC’s approval of an exception under DA 2239.

2. DEFINITIONS

Unit: The department, office, principal investigator, researcher, or other unit seeking to enter into an agreement with an indemnity provision that does not comply with Standing Order 100.4(dd)(9), but that may fall within the authority granted by DA 2239.

3. RESPONSIBILITIES and PROCEDURES

- A. The Unit shall provide the following information in RPAC’s Request Form for Exception DA 2239: description of scope of work; text of the indemnification clause; summary of risks presented by the non-standard indemnification clause; campus mitigation efforts; and a description of the Unit’s efforts to negotiate the removal of the indemnification that is not in compliance with Standing Order 100.4(dd)(9).
- B. The Unit shall route the above form with the above-listed information and a complete copy of the proposed agreement to the Office of Campus Counsel and the Office of Risk Management.
- C. The Office Campus Counsel will determine whether the proposed Agreement is within the scope of DA 2239.
- D. If the proposed agreement falls within the scope of DA 2239, the Office of Risk Management shall, in consultation with the Office of Campus Counsel and the Unit and any other administrative officers the Office of Risk Management deems necessary or appropriate, determine whether the proposed indemnification clause and associated risk is acceptable for the project and the campus.

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PPM 516 - 33 Implementation Procedures for Requests for Approval of Indemnification
Clauses Under Delegation of Authority 2239

- E. The Director of Risk Management has authority to sign RPAC's Request Form for Exception DA 2239, which the Unit is responsible for submitting to RPAC.

4. FORMS

RPAC Request Form for Exception DA 2239 (For a copy of the form, please contact Risk Management)

5. RELATED INFORMATION

- A. [Regents Standing Order 100.4\(dd\)\(9\)](#)
- B. [Delegation of Authority 2239](#)

6. FREQUENTLY ASKED QUESTIONS (FAQ'S)

None

7. REVISION HISTORY

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| 06/10/2022 | This policy was issued. |
| 12/16/2022 | Technical edits made to policy and reissued. |