



THE UNIVERSITY OF MEMPHIS OPERATING PROCEDURE

SUBJECT: Reimbursement and Responsibility for the Loss or Damage
of University Property Due to Negligence

PROCEDURE NO.: 2D:01:05A

DATE: December 1, 1988

SUPERSEDES PROCEDURE NO.: 2D:01:05A

DATED: August 1, 1981

Purpose

To place responsibility for lost or damaged University property so as to ensure accountability therefore, and to establish appropriate procedures to obtain repair or replacement thereof; and to ensure compliance with TN Board of Regents Policy when sanctions are appropriate against an involved employee.

General

It is the responsibility of department chairman/activity heads to advise students and employees that University property may be used only for University purposes. Such property must be safeguarded, maintained, and returned in the same conditions as received with due consideration given to normal wear and tear.

Property lost or damaged through negligence will be paid for by the person(s) determined to be responsible for such loss or damage. Property lost or damaged wherein negligence is not a factor will be repaired or replaced through normal budgetary procedures. Costs of repairs to vehicles for which the University is not reimbursed by the user (The U of M employee) or an insurance company will be charged to the user's department.

In the interest of minimizing reporting procedures, no report to the President and others, as set forth under paragraph 5 below, will be required wherein the property value involved is \$50.00 or less.

Procedures

1. Department chairman/activity heads will notify the Security Department of the loss or damage of University property within 24 hours of discovery of such loss. (Detailed instructions for this notification are contained in University Procedure 2D:01:01H.)
2. Within 48 hours after notification that University property has been lost or damaged, the Security Department will conduct an investigation into the matter. This investigation will normally be completed within a five working day period. Upon completion, the Report of Investigation will be forwarded to the department chairman/activity head concerned.
3. If after reviewing all facts, the department chairman/activity head determines a person negligent, he will schedule a hearing



at which the concerned individual will have an opportunity to rebut the alleged liability and present his/her case. This review of the facts and conduct of any hearing should be completed as soon as possible and normally within five working days from receipt of the Report of Investigation.

4. A determination as to whether or not pecuniary liability and/or other sanctions are justified will be made by the department chairman/activity head after consultation with the college dean/activity director and the vice provost or vice president of the concerned division, as appropriate. This determination will be based upon the facts established in each case.
5. Regardless of whether or not pecuniary liability is determined or other sanctions felt appropriate, a report must be made to the appropriate dean/director with copies to the President, concerned vice provost/vice president, Vice President for Business and Finance, and the Director of Security and Safety Services. This report will indicate the findings and disposition of the case and will contain a specific statement as to whether or not recommendation contained in the Security Department investigation report have been or will be implemented.
6. If it is determined that the individual concerned is liable for the loss or damage, the department chairman/activity head will inform that person in writing as to the findings and that he/she has five working days in which to either reimburse the University or appeal the determination to the Vice President for Business and Finance (see Appeals Procedure).
7. If reimbursement is not made within five working days and the determination has not been appealed, the department chairman/activity head will provide the Bursar with the following information:
 - a. Name, address, and social security number of the person to be billed.
 - b. Complete information concerning the indebtedness, i.e., a description of the equipment/property lost or damaged, The University of Memphis property decal number (if applicable), other information pertinent to the loss, and the amount to be collected.

This information will be used to set up indebtedness against the person concerned as a University account receivable.

8. The Bursar's Office will submit a bill to the person concerned, requesting payment. If the person is a student and the debt is not paid within a reasonable time, the Bursar's Office will inform the Records Office to place a hold on his/her records (including registration materials) until payment is received. If an employee fails to pay an assessed debt, the Bursar's Office will notify the Associate Vice President for Finance who will take appropriate action to obtain reimbursement from the



employee.

9. The department chairman/activity head through his/her area vice provost/vice president are responsible for instituting sanctions other than pecuniary liability when appropriate.

Penalties for Misuse of University Vehicles

1. In accordance with the Tennessee Board of Regents Policy, employees who carelessly operate University vehicles that result in damage to the vehicle or injury to persons or property are subject to disciplinary sanctions, depending upon the magnitude of the misuse and the frequency with which it occurred.
2. Sanctions for misuse shall be as follows:
 - (a) Written reprimand or warning;
 - (b) Suspension without pay; or
 - (c) Dismissal.

Discipline of employee for misuse of University vehicles is the responsibility of the employee's immediate supervisor. (See also The U of M Operating Procedure No. 2D:02:06A)

Appeals Process

1. Individuals who have been determined to be liable and who wish to appeal the decision shall make appeal by notifying the concerned department chairman/activity head in writing within the allocated five working days. Upon receipt of such notification, the department chairman/activity head will forward the complete file, including all records, evidence, documents, and his recommendations, to the Vice President for Business and Finance for review and appropriate decision. After consideration of the facts, the Vice President for Business and Finance will notify all concerned in writing as to his findings. If he concurs in the determination of liability, the concerned individual shall have five working days in which to either reimburse the University or appeal the determination in writing to the President for a final decision.
2. If reimbursement is not made within five working days and the determination has not been appealed, the Vice President for Business and Finance will provide the Bursar with the information listed in paragraph 7a and b in order that he may proceed with the collection process outlined in paragraph 8.
3. If the determination is appealed to the President, the Vice President for Business and Finance will provide the President with all appropriate files pertaining thereto. After review, the President will convey his decision, in writing, to all concerned. If a finding of liability is upheld, the Vice President for Business and Finance will notify the Bursar who



will comply with paragraph 8 above.

4. Appeals for sanctions other than pecuniary liability shall be handled in accordance with appropriate grievance and discipline procedures.