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SOUTHWEST MINNESOTA STATE UNIVERSITY
ADMINISTRATIVE PROCEDURE
ADMINISTRATION OF MINNESOTA TORT CLAIMS ACT

Reference

Minnesota Tort Claims Act, Laws 1976, Chapter 331, Section 30-34

Summary of Law

1. The State and its employees may be sued for alleged negligent acts.
2. The executive Claims Committee, composed of Commissioners of Finance, Personnel and Administration and the Director of the State Planning Agency have issued an operational order for processing Tort claims against the State.

Procedure

1. Any employee, who is involved in, witness to, or is notified of an accident or incident involving injury or death to a private person or damage to private property which could result in a claim against the State or any of its departments or its agencies shall immediately notify his supervisor.
2. The supervisor shall, in turn, immediately notify the agency claims officer.
3. Any employee who is involved in, witness to, or is notified of an accident or incident shall immediately complete an Incident Report Form. Incident Report Forms are available from the agency claims officer.
4. The Victim of the incident should not complete an Incident Report Form. However, he/she should be given the name of the Tort Claims Officer of the University, in the case that he/she does want to file a claim.
5. A list of all witnesses, with addresses and telephone numbers, should be made at this time. The list should be given to the Agency Claims Officer.
6. The Agency Claims Officer will work with the Division of Risk Management in promptly conducting an investigation of all accidents and incidents reported and in filing all necessary reports.
7. An employee shall not aid or assist any claimant in prosecuting a claim against the State. However, an employee may refer a claimant or potential claimant to the Agency Claims officer for such further assistance as may be necessary.
8. Since all employees may be sued for alleged negligent acts, employees are cautioned not to discuss any incident or accident with the potential claimant or his/her attorney except in a formal judicial setting. The only individuals with whom these matters should be discussed are the claims officer or the attorneys who represent the State.

See also:

G-002 Administrative Procedures Decried by Policies Established by External Agencies