

Summary of 10.30.2007 Advisor Roundtable with Mike Cramer Liability Concerns for Advisors

Advisors need to be aware of the opportunities to decrease liability and/or manage risk for the organization, its members, FSU, and themselves.

Educate your executive board of the legal implications of the various risks and liabilities (e.g., alcohol, presence of underage participants, physical dangers, etc.) attendant to planned activities and events. The board needs to understand the difference between organizational and personal liability.

If several members from the organization need to travel a long distance for an activity or event, consider contracting for buses to transport attendees in order to reduce risk. This is especially a good idea if there will be alcohol served at the activity or event.

To reduce organizational and personal liability, as a requirement for participation in an organization's activities and events, the board should have members sign a release/waiver of liability form. These are generally effective in courts. Remember, only 18+ can sign, if younger than 18, parent or guardian will need to sign the form. Consider having all members complete release/waiver forms at the beginning of each year or when they initially join the organization.

Visit www.union.fsu.edu/eventplanning for a sample release/waiver along with several other tips for planning safe and successful events.

To prevent or reduce personal liability, advisors must take reasonable and affirmative steps to stop the organization from engaging in illegal or inherently dangerous activities. Advisors should help the board reduce the risks associated with legitimate organizational events and activities.

Do not ignore information that comes to your attention about informal gatherings of members that give the appearance of being an organization-sponsored event, presence of alcohol at organizational events that were supposed to be "dry," or planned activities that are risky (e.g., rock climbing, water sports, parasailing, mechanical bull, boxing competition, etc.) or initiations that involve what may constitute hazing. Failure to take reasonable steps to inform the board of its obligation to preclude illegal or risky behavior at its events and activities, could result in personal liability in the event an attendee/participant is injured or property is damaged during or as a result of the event/activity.

If an accident occurs, several parties may be sued, including the University and advisor. If the advisor was acting within the scope of his/her duties and performed duties in a reasonable manner, then the advisor will normally be protected under the FSU risk management policy. Risk management will generally provide a separate attorney and cover any legal judgments or costs for the advisor.

Advisors should have documentation from their supervisors or incorporate into their job/position descriptions a statement that includes a duty or responsibility to perform university service, including serving as an advisor to a student organization.