



Managing Risk & Reducing Liability for Student Leaders & Organizations

Spring 2019

Amanda Balistreri & Steph Sirovatka-Marshall

UW-System Risk Management

<https://www.wisconsin.edu/risk-management/manual/>

“Students volunteering for University events or student organizations holding events which are jointly sponsored by a University department are likely to be considered agents of the University and thus covered by the State Self-Funded Liability Program for acts committed in the scope of that agency.”

Why is risk and liability important for us to discuss?

- ❖ We want to have EDUCATIONAL and FUN events!
- ❖ We want to MANAGE and REDUCE liability that something would happen to our members and/or guests!
- ❖ And we want to SAFEGUARD against the risk of a lawsuit! No one wants to be sued – you, me, UWP staff, your family, the advisor..... 😊

3 Questions to Keep In Mind

1. Can our student organization prevent a lawsuit through proper event planning? Yes!
2. Will our student organization be covered by the State's insurance, special event insurance or my personal insurance? Yes, that is our goal!
3. Will our student organization be held personally responsible or liable for this situation? No, hopefully not.

How will you and your organization respond if something happens?

- We can show we took steps that a prudent and reasonable person would take to minimize or eliminate the risk.
- We can show that we acted within the scope of our organization's mission and our responsibilities.
- And, we can show we sanctioned/approved by the University staff.

... Remember the courts and lawyers are seeking evidence to prove we were negligent or 'are at-fault'....that's their job, so our job is to help mitigate that risk.

State's Self-Funded Liability Program

To be eligible for coverage under the State's self funded liability program university events and activities must be:

- applicable to the mission of the university and appropriate academic department.
- beneficial to the university's mission.
- follow university procedure & policy.
- appropriate to the mission of the student organization.

If Something Horrible Happens Assistance May Include:

- ❖ General counsel provided by UW-System Administration
- ❖ Money for settlements
 - ❖ Punitive damages – damages awarded for no other reason than to punish
 - ❖ Compensatory damages – ‘real’ costs incurred
- ❖ Institutional support (Including but not limited to)
 - ❖ Counseling or rehab services
 - ❖ Academic support or withdrawal
 - ❖ Investigative services

Ways to Reduce Risk

- ❖ Train officers, advisors and members
- ❖ Use an appropriate facility and use the facility appropriately
- ❖ Use appropriate, sanctioned and certified-safe equipment
- ❖ Identify participation risk and take steps to reduce it
- ❖ Complete all paperwork in a timely manner so that it is run through the system of 'checks and balances'
- ❖ Use approved processes, procedures and forms
- ❖ Adhere to institution and state policies
- ❖ And most of all, follow common-sense and sound prevention practices

Minimizing Risk & Liability Starts With.... You!

- ✓ Complete the annual University Recognition for your student organization.
- ✓ Adhere to organization's constitution and by-laws, and maintain a membership that is open to all students (unless otherwise specified).
- ✓ Have officers and membership attend trainings; it takes a whole organization to help it be successful!
- ✓ Use your Executive Board & advisor to problem solve as you plan events; ask them if they see anything missing which could cause harm.
- ✓ Know that your primary advisor(s) must be recognized by campus through an appointment letter and be employed at least 60% by the university.
- ✓ Use and educate your membership and guests about the Code of Conduct (appropriate behavior, non-hazing, hold harmless).
- ✓ Use Private Account and SUFAC funds appropriately.
- ✓ Complete appropriate paperwork and forms in a timely manner.
- ✓ Keep minutes or meeting notes of planning sessions and finances.

Minimizing Risk – cont.

- ✓ Understand that use of campus facilities and services are privileges, not rights. If we tell you ‘no’ it’s because there is case law that doesn’t support your plan.
- ✓ Follow all campus, local and State policies, laws, rules and regulations. You attend a public institution and we have to do that too.
- ✓ Use authorized drivers when traveling, and generally two in all vehicles.
- ✓ Conference and event registration must be approved by membership, advisor and/or Campus Activities & Engagement.
- ✓ Don’t sign a contract, letter of intent or confirm an email unless you intend to be personally liable; once there is a contract follow through on the agreement.
- ✓ Use the Risk Assessment Matrix to develop events that minimize risk.
- ✓ Know that you may need to purchase Special Event insurance if appropriate.
- ✓ Keep Campus Activities & Engagement and campus-recognized organization advisor(s) up to date and informed of your activities, events and trips.

Minimizing Risk – cont.

- ✓ No alcohol: UW-System Administration's General Counsel and the courts do not believe that it is necessary to have alcohol at any student organization and most university events. This includes both on and off-campus events.
- ✓ Hazing is against the law in Wisconsin --- this is a Felony Offense and will not be tolerated or defended. Does not matter if it is considered an organization's 'tradition'.
- ✓ Hazing is very serious and the courts have broadened the definition of what hazing can be. *Any form of mental or physical duress is considered hazing.*
- ✓ Seek help from credible sources and follow recommendations.
- ✓ Ask questions and obtain feedback from credible sources.

Always Remember ~ No matter where you and your organization members are – on campus, in the community, or out of state – you are representing the University, be professional and appropriate!

Resources for Your Team

- ❖ Risk Assessment Matrix
- ❖ Yes, those forms!
 - ❖ Off-Campus Event Permission
 - ❖ Driver Authorization
 - ❖ Travel forms
 - ❖ EMS Reservation
 - ❖ Parkside Contracts & UW System Riders
 - ❖ Behavior Agreements
 - ❖ And others!
- ❖ Student Organization & Advisor Handbook
- ❖ Special Event Insurance for events other than a standard meeting (health insurance is not provided)
- ❖ Police and security to reduce risk & liability
- ❖ Campus advisor, Campus Activities & Engagement professional staff, Student Center staff, Dean of Students and Parkside Police

Related Policies

- ❖ UWP Administrative Policies:
 - ❖ 4: Alcohol Use (not for student organizations)
 - ❖ 21: Dining Service, catering & bake sale
 - ❖ 32: Campus Promotion and Posting (content and appropriateness)
 - ❖ 14: Solicitation of Sponsorship (fundraising)
 - ❖ 34: Raffle (gaming revenue is reportable to State)
 - ❖ 18: Facility Use (reservations)
- ❖ Motion Picture Viewing Policy (Fair Use is limited to academic classes)
- ❖ Copyright Laws – federal laws cover internet, music, videos, and print
- ❖ Dance, Party & Other Events with Police Policy
- ❖ Statement of Compliance for Non-Hazing and Code of Conduct
- ❖ Policies in the Student Organization & Advisor Handbook



*Student organization leadership should be fun,
educational, and rewarding as an experience to grow
and learn.*

*Leadership and organization activities are valuable
services to the campus community and student leaders
need to do their part to ensure a positive experience for
all members & guests.*

Thank you and have a great year!