



Risk Management for Student Organization Advisors

A NATIONAL CENTER FOR STUDENT LEADERSHIP WHITE PAPER

National Center for Student Leadership

2718 Dryden Drive • Madison, WI 53704

Web: www.ncslcollege.com

Email: support@magnapubs.com

Phone: 800-206-4805

Disclaimer

The information in this white paper is offered for informational purposes only; it is not offered as, and does not constitute, legal advice. This information is not provided in the course of an attorney-client relationship and is not intended to constitute legal advice or to substitute for obtaining legal advice from a licensed attorney. You should not act upon this information to resolve any problem or answer your legal questions, but should instead seek professional counsel for individualized advice.

© 2010 NCSL

Table of Contents

About this White Paper	4
Introduction	5
1. Understanding Risk Management	7
2. Authority	10
3. Defining Your Advisor Authority	12
4. Duty to Care.....	14
5. Negligence	21
6. Determining Tort Liability	23
7. Using Legal Common Sense	25
8. How to Get Sued	30
9. How <i>Not</i> to Get Sued	32
10. The Preplanning Process	33
11. Managing the Risks: P-R-E-F-F	39
Summary	45
Conclusion.....	46
Reference.....	48
Appendix A	49
Appendix B	50
Appendix C	51

About This White Paper

This white paper is based on a National Center for Student Leadership online conference workshop originally held on June 12, 2009, and led by student development specialist Cynthia Olvera.

Cynthia currently works in risk management and organizational development services at Texas A&M University. She is an energetic professional with a sense of humor and years of experience advising student leaders. She takes a practical approach to empowering students and advisors to think proactively regarding such topics as risk management and cultural shifts in student organizations.

Cynthia Olvera wants to spread the word that risk management isn't about being the party police! An organization wants to travel ... to Haiti? A group wants to host a sports car race? With proper planning, there are ways to get to "Yes" for these events while maintaining a high standard of quality in risk management.

Introduction

“Can we barbecue on the quad?”

“Can we travel to an out-of-town student conference?”

“Can we rappel off the highest point in the stadium?”

Hardworking, conscientious student affairs professionals running enriching student organizations are bedeviled by multiple requests, ranging from the simple but concerning to the utterly perplexing.

How can you respond to these petitions in a responsible way, without squelching the enthusiasm, initiative, and freedom of your students? After all, nobody wants to rain on any parades or be the party police! Then again, no one wants to lie awake at night, worrying about all the possible “what ifs” each time a campus event takes place.

The purpose of this white paper is to make you aware of the potential risks and liability that can accompany an advisory leadership role, so that you can take appropriate precautions and develop a defensible framework to guide your decision-making process. More important, however, this white paper is about helping you get to “Yes,” so that together you can find a responsible way for student organizations to pursue the activities they desire.

To wrap your head around the topic of risk management from the point of view of a student organization advisor, you will need to consider the following four major issues: authority, duty to care, negligence, and tort liability.

It’s important to note here that duty *to* care is different than duty *of* care. Duty of Care is the appropriate legal term based on litigation/case law nationwide. Duty to care is an intentional modification of the legal term. This modification allows for discussion of risk management outside the legal realm for those of us who are not lawyers. It also speaks to the internalization of appropriate risk management. Risk management in student affairs should and can come from a place focused on caring rather than simply wanting to protect against being sued. We have a duty to care for those in our organizations and on our campuses.

Authority involves determining your role and responsibility. Duty to care explains the key parts of those responsibilities. It’s necessary to understand the basics of tort law and grasp the concept of negligence, as well. This white paper provides a description of each, including the components that you need to understand in your institutional role. It also describes the different kinds of risks with which you must be concerned and outlines

procedures for dealing with each of these possibilities.

This white paper covers these essential topics while providing a sample case study to consider. It also includes a pre-event planning form, with sample questions, that can be adapted to your own institution to provide a framework for guiding student organizations through every aspect of the event planning process.

You can lead student organizations responsibly, provide them with ample freedoms and opportunities to have fun, all while maintaining your sanity and sleeping well at night, knowing that your school and your personal assets are not at risk. Let's get started.

1

Understanding Risk Management

As a student organization advisor, you must be able to identify, define, and communicate the responsibilities of your position and fulfill your duty to care, accepting that the priority is to understand the legal obligations of this professional role.

Advising responsibly and safely requires being able to articulate effectively the scope of your professional position as it relates to student organizational risk management. This means breaking down how you identify what you are and are not responsible for while advising students.

It is also essential to understand the components of negligence as it pertains to college professionals. Student organization advisors assume certain legal responsibilities, like it or not. Once you know your responsibilities, it is going to be very important to learn the components of negligence and, more importantly how to avoid being negligent.

Another key objective for this white paper is to develop a working knowledge of the basics of tort law and the advisor's liability in working with student leaders and student organizations. Having an understanding of the basic inner workings of a tort will protect you from being found negligent.

To begin, your responsibilities are likely to vary depending upon the type of school you are working in. If you are working in an institution that is part of a larger higher education system, that system may have a shared philosophy that will inform its risk-management model. Such a school's philosophy stems from a shared-responsibility focus that is sometimes called a facilitator university model. A facilitator university model balances rights and responsibilities. It is neither extremely authoritarian nor overly solicitous of student freedom.

A facilitator college seeks shared responsibility between all constituents for the activities of its students rather than advocating responsibility unilaterally or not at all. Because facilitation implies an appropriate and reasonable degree of risk, the goal of the student advisory team is to advise student organizations of the potential and perceived risks involved in their activities on a day-to-day basis.

Such a school takes corrective actions and proactive steps to minimize accidental injury or loss; that helps to maintain checks and balances with students and with the university. For more information about the facilitator university model, review Robert Bickel and Peter Lake's book, *The Rights and Responsibilities of the Modern University: Who Assumes the Risk of College Life?* It is a very helpful resource and a terrific starting place for understanding more about this topic.

Within a facilitator university model, all of an institution's checks and balances go through what are known as "guiding boundaries." As facilitators, student organization members, leaders, and advisors work with administrative faculty and staff to make intelligent, fair, and reasonable choices within the boundaries established by federal, state, and local laws. These choices must also align with the university's mission, vision, and values and the university rules and regulations, as well as with the precepts of any guiding body within the organization's own constitutions and bylaws.

When faced with risk management, it may seem easiest to jump to the response "No" whenever an issue arises. "No, you can't barbecue on the quad." "No, you can't go out of town for a retreat." "No, you can't start a new intramural sport." It certainly seems like the safest way to proceed when uncertainty is involved.

One school actually had one student organization that wanted to rappel off the highest point in the football stadium. Naturally, the first reaction was simply to say "No" to this petition. However, this negative response does not offer a learning opportunity or life experience for the students. Certainly, most folks would say "No" to this unusual request, but in this case, the university wanted to get to "Yes." To make that happen, they had to figure out a way to mitigate the risks involved in this unprecedented activity.

More important, when advisors simply say "No" to a student organization request, everyone loses a teachable moment to find a way to undertake new endeavors through proactive risk management. Advisors should remember that your role is not to approve or deny organizational events but rather to assess whether the event is compliant with existing university rules and regulations.

What does that model look when applied to real life? The answer is that it looks something like the sane midpoint between two well-known comic characters: the obsessive-compulsive TV character Monk and the out-of-control fraternity boy Bluto played by John Belushi in *Animal House*.

At the one extreme, everything is tightly controlled and overly concerned with following pointless, nitpicky rules so that students are restricted to the point that they are always contained in a safe, but unpleasant, little box. At the other end of the continuum, no one is in charge and things are completely out of control. You don't want either one of those unacceptable situations at your school.

When considering those two extremes, the goal is to manage the situation from somewhere in the middle, trying to balance both these concerns: the desire to have fun and the need for structure and safety. This is the tightrope that must be carefully walked.

If you are wondering, “Isn’t this a huge potential liability?” the answer is “Maybe,” depending on the safeguards that are put in place. This underscores the need for a thorough explanation of potential liabilities, along with the need for implementing effective risk-management components so that you have the right balance between the two unacceptable extremes of being too harsh and being far too lenient.

When dealing with issues of risk management for student organization professionals, you first need to understand these main concepts: authority, duty to care, negligence, and tort liability. Let’s consider each of these in turn.

2 Authority

Student affairs professionals derive their responsibilities and power to approve or deny requests from their authority. Authority generally originates from a fundamental legal source, and that establishes the institution as a legal entity.

For those working in state institutions, authority is given by the state. For private schools, it's a bit different. The issue of authority can vary depending on the specific contract between the institution and the students.

Of course, there are several variables that may affect individual circumstances, so if there are questions about where your authority originates, bring them up in staff meetings. Ask the same questions of your upper administration until you clearly understand the basis of your professional authority. It is essential to understand where that chain of command comes from and where it is written that you have specific authorities.

There are three main types of authority: expressed, implied, and apparent. These provide very clear guiding boundaries for advisors. An expressed authority has a plain written grant of authority. It looks like a specific, written job description of direct responsibilities, including whether your role involves advising student organizations. To determine your expressed authority, simply review your job description to see what it says you are specifically responsible for.

Implied authority is an extension of that, meaning something that is necessary or appropriate for the exercising of an expressed authority. It is, therefore, inferred from the expressed authority. For example, a risk-management specialist may not have the main responsibility for running student organizations but may have an expressed authority for pre-event planning, as directly stated in the primary job description.

While the specialist may not directly advise a particular group, he or she would advise them indirectly through the risk-management processes on the campus. This role has boundaries, however. The specialist probably would not and should not instruct the motorcycle club to change its meeting schedule but could certainly have a discussion about the risks associated with having late-night meetings that keep people from studying and sleep. The participants would presumably heed this advice because the specialist is a university official. That authority is implied by the official role.

The next type of authority is apparent authority. This term is used to describe a situation where someone's actions create a belief in others that authority exists when, in fact, it does not. Be cautious about exercising apparent authority.

A student affairs professional is a university official. However, the specific authority of that role does not extend to instructing a chemistry lab project involving chemicals and Bunsen burners. It would be preferable that this person not walk into a classroom and direct students to fire up their lab equipment. Obviously, that is not appropriate.

Another university official may understand risk management, but it is still not in that person's purview to translate that knowledge into assuming the capability to risk-manage any or every university situation. Nonetheless, this does happen. Sometimes, advisors, staff, or faculty tend to think that because they are university officials they can assert themselves in different circles and that they have the expertise to do so. This is inadvisable. The best advice here is to tread carefully and be very familiar with what your specific role is. Limit your role to what is in your job description and the areas in which you have written authority to act.

It is wise to include specific mention of advising responsibilities in official job descriptions. This is particularly of interest for faculty and staff members at state institutions, given the nature of potential liability coverage that might be necessary for various events and other "situations" that may arise.

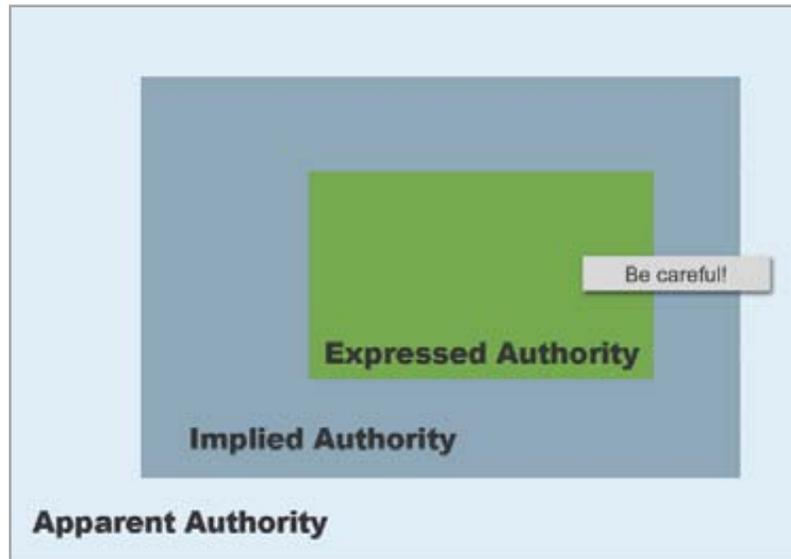
An employee's role and coverage through state institutions would potentially be affected by the written job description and by its expressed authority. What that definition does is allow for recognition that an individual was working under the umbrella of his or her role as an employee of the institution in all matters concerning the advising of the student organization. This provides important protection.

So, begin by defining advisor authority for your position. To define your role and the role of advisors on your campus, here is a very easy model that will help begin a conversation about understanding advisor authority at your school:

3 Defining Your Advisor Authority

The area of expressed authority is the center from which you draw your authority. The rectangle on the right, marked “Be careful!” is meant to represent a diving board, where you leap forward into action, based on your position of authority. When you must move from expressed and implied authority to areas of apparent authority, you will want to exercise appropriate levels of caution, for you will not be as protected. This model is quite helpful to use, particularly with very

young advisors or extremely seasoned advisors. Both of these groups sometimes forget which areas of the pool they can swim in, which is why you could call this the “diving board model.”



Share this model with the advisors at your school and explain the different definitions. Engage in conversation and work out any fuzzy areas until you reach clarity on essential authority issues. When you walk out on the diving board, you do have to be careful. With a clear understanding of authority, it is much easier to know and understand what your responsibilities or duties are within these guidelines. Don't take a leap into the unknown without clearly understanding and recognizing the platform that supports you.

There can be a huge difference in liability depending on whether you are in a position of expressed authority versus implied or apparent authority, given a specific situation. The main difference is that expressed authority involves liability coverage. If authority is expressed or implied, an employee will be covered when acting in a professional capacity. With apparent authority, those protectors are not guaranteed to be in place.

Review the diving board model whenever a question of authority arises. Make sure that you work to stay primarily within the first two areas: expressed and implied authority. Refrain from exercising apparent authority, to ensure that you have maximum liability coverage from your institution.

The division of authority may be somewhat different at small or private institutions compared to larger ones. At small institutions, student affairs professionals often wear

several different hats. One factor will remain the same, though, and that is what is written in the official job description.

If there is ever any question of who is responsible for a particular area, the job description is where to check first. If Greek life is written in your job description, be sure to clarify which components of Greek life that entails. Does that include IFC, the InterFraternity Council? If it does, be sure this is reflected in your job description. The more specificity there is within job descriptions, the better.

The safest way to proceed is to list exactly which groups the job duties encompass. Then, within that description, be sure to clarify specifically what the person is responsible for in regard to that relationship. Whenever it comes to expressed authority, it is vital to articulate as much detail as possible.

As for implied authority, this covers a broader spectrum on a smaller campus. Implied authority sometimes overreaches a bit, because one person is doing more tasks with a smaller population. Nevertheless, avoid overextending your authority. Try to remember that while you can go speak to a class and talk about your specific area, you are still not there to teach the class. At that point, you begin to edge into apparent authority, and you could get into trouble.

At small institutions, it is best to be very focused and descriptive in job descriptions. Have discussions with your administration about the amount of leeway allowed in these definitions. For legal protection, it would be advisable to document these conversations.

Having these discussions is part of using good legal sense. You have to be intentional and proactive about finding areas that are gray and spelling out the details in black and white. It is essential to determine if you are in charge of a particular area as an advisor, or if you are not. The determination will ultimately establish whether you will be covered in a professional capacity or not. Those conversations have to happen and be documented in order to determine the extent of your involvement in any campus activity.

4 Duty to Care

College officials have a legal duty to care for the students in their charge. This cannot be overstated. If you allow that to be your philosophical anchor, then fulfilling the following duties will be simple and you will be well protected against potential claims against you or your institution.

There are five main components of professional duty to care. They are to Train, Supervise, Maintain, Warn of Impending Danger, and Document. In fact, it might be more accurate to list them like this:

1. Train and Document
2. Supervise and Document
3. Maintain and Document
4. Warn of Impending Danger and Document, and
5. Document! Document! Document!

You probably noticed a theme here, and that is that you will need to clearly document everything you do in meeting your official duty to care, in order to protect yourself and your institution against charges of failure to do so.

It is difficult to overemphasize the importance of continuous, thorough documentation in managing risks. You will want to document everything you do and everything you discuss. You must document thoroughly and often. These documentation records must be kept up to date, and you must hold on to them, so that you can refer back to them whenever your actions are called into question. Now, let's consider the rest of these duty to care components one at a time.

Train

Training pertains to making all the participating parties fully aware of the appropriate fundamentals of how the organization or events function. It may help to think of student organizations as a large aircraft. Have you ever noticed the flight attendant who stands at the front of the plane and provides orientation on the safety procedures and apparatus? How often do people pay close attention to the flight attendant's presentation? Most people do not pay sufficient attention, which is somewhat counterintuitive, because that information could save your life.

The presentation is very important, however, whether passengers are listening or not, because this is how the airline takes responsibility for demonstrating part of its duty to care. It is a good metaphor for understanding and remembering an advisor's similar

obligation. Even if it appears that no one is listening to you, going through the preflight training is essential and protects advisors against accusations that they did not fulfill an important part of their responsibilities.

Incidentally, duty to care is not just relevant to advisors or student affairs; it applies to everyone. Proving negligence, having tort, and understanding legal liability matters are important for every type of company and institution. They all implement duty to care procedures, even though we may not always notice it.

Duty to care translates specifically to advisors when we apply it to the student leaders and organizations in our charge. For instance, it occurs when the executive staff of your own particular student organization is trained on how to run the organization effectively. This training should include the rules and regulations of the organization, the university, and any national affiliate guiding boundaries.

Here is another example: a camping club on a campus takes responsibility for training all new members on wilderness safety. If you know your student organization is going to be taking a trip, you need to ask yourself which components they will need to be trained on and make the necessary arrangements. Then, document your efforts.

Some colleges offer a safe ride home program. Basically, a designated student organization responds to phone calls from stranded students on weekend nights. At one school, they pick students up in rental cars and take them home. Some of the people who call for rides are intoxicated; others are not. In some situations, it could be that a student simply does not feel safe walking through a particular area at night and would prefer to be accompanied.

This is a valuable service, but it comes with considerable liability and responsibility. The training component involved here is obviously going to be very important and fairly extensive. The most appropriate training could involve defensive driving, having all necessary insurance and certifications in place, and choosing the right trainers.

Whom are you putting in charge of the training component at your school? To make the right choice, you will need to consider how much risk is involved and whose role appropriately addresses the situation. For instance, the safe ride home program's provision for driver safety lessons is going to be much more extensive than a sewing club's safety lessons. The right training is going to involve finding a balance between assessing the probable risk and the potential impact that an accident could have.

The ride program's training needs to be much more intensive than the sewing club's

training because the potential impact of an accident is larger. The important thing to remember is to determine which training is most necessary for your organization's functioning and then to have the appropriate people deliver that training.

Supervise

The next essential part of duty to care is supervision. Flight attendants on airplanes must be competent, and we must be too. We have to know what's going on in the organizations we advise, although supervising does not equal running the show. It means being aware of the organization's current state of functioning and lending appropriate guidance based on knowledge of facts.

Remember the diving board metaphor. When advisors start acting based on thoughts or intuition rather than knowledge, it could lead to trouble. You have to be able to base your supervision on factual knowledge obtained through the guiding boundaries and the rules and regulations of the organization and the school in which you work.

Returning to the flight attendant metaphor, recall that they are well informed. They tell you where the exit doors are and they explain when and where to find them at the beginning of each flight. The supervising staff on an airplane tells passengers when it is safe to leave your seat and when it is not. They monitor the weather and space considerations to determine when to turn on the seat belt light and when to turn it off. Before the flight even takes off, the flight attendants will go through the entire plane and check to make sure that everyone has pushed baggage under the seats. That effort is an example of supervising, and that is what advisors must do with student organizations.

Before student organizations "take off," advisors need to provide all the knowledge and information necessary to host a successful event and to run a successful organization. For student interactions, this would mean that the advisors would play the part of the flight attendants. Advisors, like flight attendants, must be knowledgeable of guiding boundaries and prepared to show those boundaries when needed.

Part of your legal duty to care obligation is providing appropriate supervision—wanted or not, solicited or not. That can be a struggle with some student leaders who believe they know everything and can get everything done without your input. Of course, the reality is that college students are still in a learning stage, even if they are not aware of it. Whether they seek out your help or not, you still have a legal obligation to supervise them and make sure they are getting the right things done. Supervision does not mean that you are running the organization, however. It simply means you are providing all the information that the students need to run it properly.

Maintain

Maintenance is probably one of the easiest components of the overall duty to care. Duty to maintain means taking care of all the facilities or equipment that student leaders and the organization are using. Along with the action, you must also have constant documentation to prove you have kept up with the maintenance.

The airline metaphor can continue to help illustrate this concept in relation to advisor duty to care responsibilities. Consider an airline that has scheduled flights, but then storms suddenly appear, which makes flying hazardous, given the changing conditions. There are now potential hazards for passengers and also for the planes and the mechanical equipment. In this case, the wisest way in which to proceed may be to ground all the flights, temporarily, to maintain safety and avoid obvious risks.

A responsible airline knows better than to take off in dangerous, potentially damaging conditions. They have a duty to maintain, so it is their responsibility to make sure their equipment is in working order. It may be inconvenient and even costly in the short term, but this is always the safest and most cost-effective way to proceed in the long term.

A sailing club on campus should conduct regular inspections of safety equipment on board as well as inspections of the actual vessels themselves. They must keep a careful record of these inspections and collect all their findings in a binder. They have to store all that information, in case they are ever called upon to prove that they fulfilled their maintenance responsibilities. Three years is the suggested amount of time to hold on to these files, especially when you are advising an organization that uses vans, cars, or other modes of transportation.

The safe ride program can help illustrate the maintenance concept. You may have wondered, earlier, why a school would choose to use rental cars for such a program. This probably seems like an expensive proposition. The reason is that this is a way to transfer the risks involved in maintaining the transportation equipment. If a program rents vehicles from Hertz every weekend, then it is Hertz's responsibility to maintain the automobiles, transferring that risk to the rental car company.

Nevertheless, that does not take away the obligation of organization members to inspect the rental vehicles when they come into the program's care. Whenever you rent a vehicle, you are expected to "walk around" the vehicle before driving off. When you do that walk-around, you are essentially agreeing that the rental car company has taken care of their portion of proper maintaining and duty to care. It is, similarly, very important to keep houses for Greek organizations and similar groups in tip-top shape.

As you begin to pay attention to the ways in which different businesses operate, you will see that these components of duty to care are present in many contexts. Organizations try to transfer their risks whenever possible. The idea of maintaining is fairly easy to grasp because it has to do with equipment. It involves proper upkeep of any facilities that you might have.

Warn of Impending Danger

This last component of duty to care is very important to grasp and implement. When you are flying on a plane, no one likes to hear the announcement “Fasten your seatbelts, folks, it is going to get bumpy.” Everyone hates turbulence, but this is an exact descriptor for this duty. By providing appropriate warnings as events progress, you demonstrate that you are fulfilling your duty to care.

In terms of advising student organizations, consider a student organization that is putting together an obstacle course for a field day event. The location they choose to rent is near a creek, and recently there has been quite a bit of rain in the area. The creek overflowed onto the bank and spread very near to the obstacle course location. Now, although the water did not interfere with the obstacle course, the advisor could foresee the possibility of a participant wandering off and getting into the muddy mess. These are college students, after all, and they may decide to go check it out just to be funny or out of curiosity.

So, as a group, the organization would be wise to post signs warning of the hazardous mud. In addition, before the field day events begin, the club should host an opening ceremony where they discuss the rules of the day, including behavior expectations and a warning about the surrounding grounds, including the mud. This, of course, is similar to the flight attendant’s describing the “rules” of the plane’s operation and expectations for passengers. Then, of course, this needs to be documented.

Warning of impending danger can be as basic as putting up precautionary signs and as important as reviewing safety precautions when weather conditions are treacherous and transportation is involved.

With the safe ride program, advisors should sit with everyone who is working there and warn them of impending danger, such as thunderstorms. Then, they need to document that in specific notes that say, “On such and such date, this is what we talked about.” Everyone present needs to sign to verify that they received the information on that date.

That verification component is essential because someone could come back later and say, “I got this injury because I didn’t know about the rain.” If that happened, the advisor can

pull the documentation and say, “Actually, we had a conversation on this date, at this time. Here are the components that were covered in that meeting, and here’s your signature indicating that you were present during that discussion.”

Warning of impending danger is of very little value without the documentation. In fact, that line of defensive thinking applies to each one of these areas of duty to care. Remember, your documentation is like your receipt and their receipt of knowledge, and that is going to be your proof in case you are ever questioned.

Document! Document! Document!

Yes, document, document, document. It is written three times because it is that important. Documentation is how you are going to prove that you fulfilled your duty to care.

It is also essential to keep personal notes on all students and your discussions with them. When you have a meeting with a student, it is vital to make those notes, especially when you are covering important information that would be categorized in any one of these areas: training, supervising, maintaining, or warning.

These personal notes are not considered a part of the official file as defined by the Buckley Amendments. However, they can be subpoenaed along with emails, so all written notes should portray you in a professional light and be thorough.

Many student affairs professionals have filled out incident reports, so these are fairly familiar. Consider using those as a template for your personal notes and other documentation and recordkeeping paperwork. They provide a perfect model. You want to include information such as accurate date and time and the length of the conversation. Then, of course, you will want to fill in the content of the discussion.

Provide as much detail as possible about the questions that students or other parties ask and how you answered them, and be sure to include any follow-up that you instructed them to undertake. The more detail you use, the better. These notes can and should be written for something as quick and simple as a phone conversation as well as something as lengthy and formal as a planned meeting that you conducted or during which you provided information or advice.

Any relevant interaction you have with a student should also be documented. This does not mean that you have to document a conversation with a student about grabbing some pizza later. Use your good judgment. But if it has to do with anything that, in the future, could turn into a potential risk and that relates to your job description and areas of authority, then the safest course is always to document it. Something that is specific for a

particular advisor would be anything having to do with how an organization runs its meetings and how it handles its judicial processes. That is certainly going to be a key area to document, along with how events are planned and how any risks are addressed and mitigators are implemented.

Again, you will want to have documented information on what students ask, what they plan, how you advised them, and any follow-up conversations. It is crucial to include the dates and times on all this documentation, along with the names of the people with whom you spoke and their positions within the organizations. Be sure to mention what capacity they were operating in when they were having the conversation with you.

Personal notes can also be important, because this is what you will need in defending against a tort liability, often referred to simply as a tort. A tort is a wrongful injury resulting from the breach of a legal duty. Examples can be negligence, defamation, assault, battery, or even false imprisonment. For student organization advisors, negligence is the most crucial and concerning.

Tort law mandates the necessity to act in a careful and prudent manner related to the execution of one's responsibilities. In this line of work, tort liability equals proving negligence in most cases. It is also important to note that proving negligence is extremely difficult, which should be somewhat comforting. It would be particularly hard to prove negligence in cases where there is continuous, extensive, and complete documentation of all ongoing duty to care efforts.

5

Negligence

Negligence is a legal term referring to the failure to do something. It refers specifically to neglecting to perform expected duties. In this case, the duty to care would be what is being neglected. If someone were injured because of this failure to do what is expected, then a person or institution could be found negligent and monetary damages could be awarded to the injured party.

This may seem like a frightening possibility, but don't become overly concerned about being sued. It is fairly hard to launch a suit. Here's why: negligence does not require that we avoid all injury to others, just that we avoid injuring others by our own careless acts.

Still, it is important to understand the concept and requirements so that you can do everything in your power to avoid being found negligent. There are four components of negligence. They are duty, breach, injury, and linkage, and these are interrelated.

Oftentimes advisors think, "I have to prevent my students from getting hurt at all times. I have to prevent them from breaking the rules at all times." The truth is that no, you don't. You just have to be careful that you are not careless and that your carelessness is not the reason why the students broke the rules or were injured.

Generally speaking, everything has to hinge on that specific standard of care, and the four elements that are enveloped within constitute a duty to exercise reasonable care. That duty may be with a specific group or within a specific relationship with a person. The duty may even extend to a complete stranger, when your student organization holds an open event and someone from the community attends. The stranger's attendance automatically makes a relationship between you and this individual, because the person is your guest. So it can be a relationship between strangers, it can be with members of your organization, and it can be with officers.

Exercising reasonable care is defined as training, maintaining, supervising, warning of impending danger, and documenting all these acts. You prevent negligence by implementing your duty to care component; that is how to show it and that is how to defend against tort liability. If you do all the things outlined in this white paper, lawyers or other accusers will never be able to show that you did not perform your duties. Train, maintain, supervise, warn of impending danger, and document. That is your defense against negligence and liability.

The next part of negligence to consider is a potential breach of that duty. Suppose you didn't live up to the duty to care, for whatever reason. Something that you did had a

disconnect; you didn't train or you didn't warn of impending danger or there was a breach there of a trust. Then, on top of that, this breach is the approximate cause of an injury. Someone got hurt or suffered some form of loss as a result of this omission. Because you didn't exercise duty to care, someone got hurt or someone had some form of loss.

To prove negligence, there must be linkage between those two events. That means all the above are linked and result in damages. There is a close causal relationship between a breach of the duty and the injury; put another way, the approximate cause of the injury was the breach of the duty rather than another intervening variable.

Regarding negligence, all four of these elements must be proven to recover damages. If there is no legally recognized duty, then there can be no negligence and therefore no civil wrong for which the liability can be assessed. There must be a duty to care, a breach of that duty, a resulting injury, and a linkage between those two events for negligence to be proven.

Your duty thus becomes extremely important. If you can prove that you did your duty to care, nothing else matters. This is why your documentation is essential. Consider a person who owns a ski resort. There are all kinds of things that can go wrong at a ski resort. People fall down and injure themselves on ski slopes every day.

However, if you are the owner of the ski resort and you have fulfilled your duty to train, maintain, supervise, warn of danger, and practice your duty to care, then there is no way for anyone to show that you have breached anything and there is no linkage. If someone falls down and is injured, while it is unfortunate and you feel sorry about it, you have already done your part to make sure that that didn't happen. All four of these components must be in place to prove negligence, and you can control most of them. Negligence is contingent on proving that liability.

There are several places where you can go to learn more specific information on duty to care. First, talk to your own general counsel. That is always step number one. Talk to your administration about what the expectations are on your own campus. From state to state and from institution to institution, expectations of duty to care will look different.

Once you have determined what is expected within your own institution, broaden your information gathering to include your entire state. This can be accomplished simply by Googling further documentation on the topic. Make the effort to seek out this information. Duty to care is so overarching that it does not apply just to student affairs. You will be able to find multiple examples in various fields, and then you may need to extrapolate those described circumstances to possible situations that might arise on a college campus. You will most likely find this an eye-opening exercise.

6

Determining Tort Liability

Determining institutional tort liability may depend on whether the officer or employee committing the tort was acting within the scope of his or her authority when the breach occurred. This is the reason why it is so essential to grasp the fundamental concept of authority. If you refer back to the diving board model, that is where you can determine your legitimate authority and outline responsibilities relative to other professionals in your institution. This model also helps to indicate where tort liability may or may not exist.

Institutional contract liability may depend on whether the employee entering the contract was authorized to do so. Again, this goes back to the issue of authority. The central issue involves whether the person signing the contract had the authority of the institution to enter into a contract or an agreement with other entities, whether those entities be on or off campus.

There are the two different kinds of liabilities. The big question is how to differentiate between what is personal liability and what is considered institutional liability.

Institutional Liability versus Personal Liability

The answer is that it depends on the scope and role of the participants. This is similar to the diving board exercise, but with a bit more muscle. Institutional liability may be held when the institution is liable by itself or together with an institutional member or university official, in situations where the institutional member was acting within the scope of employment when the injury occurred.

For example, an institution may be considered solely liable if there is a breach of the student contract of enrollment, such as courses being advertised in the catalog that are then not offered. Another example of institutional liability could be when students were suspended or expelled for misconduct without proper due process. The institution breaks that contract, but employees are covered. They can't be sued personally, because they are working within the scope and role of their employment.

Personal liability occurs when student affairs staff and administrators are found to be liable personally for certain acts. Personal liability could result, for example, when a staff member deliberately and wrongfully failed a student without sufficient cause. It could also occur when a staff member did not provide appropriate instruction or reasonable supervision in a student activity and students were injured. In such cases, a staff member may be found liable personally and an award of damages could come out of the staff member's own personal funds.

That probably sounds fairly ominous. It is important to remember that in today's society anyone can sue anybody for anything. Will you be sued? The answer is maybe. But it is not very likely, given the nature of the type of work involved and how well it is performed. It is even less likely that you will be sued successfully, especially since you are going to be thorough and prepared in fulfilling all aspects of your duty to care. By fulfilling that duty, you protect yourself.

Will you be sued, and can you be sued? Those are two different things. Can you be sued? Yes. Will you be sued? It is not very likely. Even if you are, proving negligence is going to be extremely difficult, and you will have ample protections in place by practicing appropriate duty to care. When you are going through your daily activities, remember that you need not and should not always jump to the answer "No" just because of a remote chance that you may be brought into court. Personal liability is hard to prove. Bear that in mind as you go forward into the great deep blue of advising.

Despite the best of precautions, however, accidents can and do occur. An accident occurred in one school's safe ride program recently, and it was a big concern. One of the students failed to yield when he was driving. There was a lot of discussion over who was responsible. He was working for the program at the time.

The program advisors had structured suitable training and put appropriate protections in place. It was a well-managed program. There was proper documentation, and therefore everything worked out the way it is supposed to.

That is what is going to happen with your student organizations. You are going to have everything necessary in place, because now you know what is expected and required. You will have conducted thorough training, you will be supervising, and everything else will be in order so that you will have the most successful outcome should something unexpected arise.

In this case, the injury was mild. It was a minor accident and the victim was not severely injured. The organization could breathe easily and not be afraid of repercussions, because it had all these preparations in place. The members pulled together and actually paid the resulting medical bills, which was impressive.

When you create an environment of caring in your organization, that is what happens. You are allowed to relax and not be defensive. You don't have to worry so much about "Are we liable?" and "Are we going to get sued?" You can concentrate on the caring part, which is at the heart of all the things that matter when working with student organizations. Basically, it boils down to using your own legal common sense; that is going to be extremely helpful in making decisions and judgment calls along the way.

7 Using Legal Common Sense

Here are some common sense suggestions for managing risk when advising student organizations. The first one is to conduct periodic and careful reviews of all printed materials to ensure that everything is kept up to date. You will need to include bold and appropriate disclaimers in your printed materials. Disclaimers are important because you don't want people to get the wrong idea about the information that you are presenting.

All written materials can be considered documentation, so they deserve careful attention. They must be current. They must include information that an individual would need to be able to determine what your responsibilities are and what their responsibilities are.

If policies, programs, or procedures are modified, it is important to provide ample lead time and to publish changes long before they need to be implemented. If you know that the organization you advise is going to be hosting an upcoming function, you can't just say, "OK, next week, we're just going to change everything. You guys just wing it." This could open you up to possible liability and serious trouble, because you would not be demonstrating proper duty to care. Instead, you want to allow for one to two semesters of preparation time, to advertise and market the event, to provide the necessary training, to keep documentation about how long you marketed the change, and then to implement the change.

Once the implementation of the change is made, it is very important to provide a grace period in your scheduling. That is going to help with two components of duty to care: supervision and warning of impending danger. Student leaders and participants need to be warned that their guiding boundaries are changing; that is why you need to give them sufficient time to prepare and then supervise them through the implementation of all the changes and the procedures.

A good guideline is that any major changes to policy, rules, regulations, and any of the other guiding boundaries should be conducted over the course of an entire year, or even a year and a half. On campuses, it is common to make changes on a semester basis, but that is not the safest course of action in this case.

When using your legal common sense, you also want to clarify the administrative level at which discretion may be exercised in interpretation of policies and procedures. This includes having a written job description and knowing your responsibilities. There is always some wiggle room in terms of delegating tasks, however, so be sure to have intentional conversations with upper administration at your school about how much leeway can be given. Determine when you are allowed to go out on your own and say,

“I’m going to make this decision” without hurting the school or diving off the diving board into the deep end of the swimming pool.

At the administrative level, this directive on official roles has to come from above. You simply can’t make that decision on your own as a university official. You need to receive that information directly from your boss and your boss’ boss and the boss’ boss’ boss – however far up the chain that needs to go.

Establish and communicate the chain of command for appealing policies and procedures. This is part of due process. Due process includes explaining where people affected by decisions can go to should they disagree with something that has been changed. There should also be a policy in place that spells this out, so that it is all clearly outlined.

Oftentimes, we hear students tell us they dislike getting the runaround. The runaround can lead to trouble. Legal common sense advises having organizational structures clearly defined and posted—which means they are documented—so students know where to go and whom to speak to when they need information. There must be an orderly chain of command, not just for appealing a process, but even simply if students have questions. Then, when students do ask those questions, make sure to document who they are and what the answer is. That is your end of the process.

Within your own work, you have to be able to clearly identify your own duties and what you are responsible for; this also goes back to job descriptions and gaining complete clarity on that crucial issue. It all ties together in an orderly, deliberate fashion.

There is a movement on some campuses by student affairs divisions to include lists in job descriptions of specific organizational advisor responsibilities. This ensures that everything is covered with complete clarity and that there is no confusion. It is not just a broad stroke statement that “you are an advisor of some student organizations.” It means actually labeling which organizations are under your purview, so that everything is specified and spelled out in precise detail.

At some institutions, faculty members are being asked to take on advisory duties for student organizations. This remains a gray area, but most schools should be providing greater clarity on this issue for the sake of extending maximum liability coverage to their employees. Faculty members who have advisory duties should insist on having this listed in their official job duties, although few probably think to do so, at this point. The language should be as specific and focused as it would be for any other advisors.

Leadership on this issue, again, has to come from upper administration. Faculty job

descriptions normally do have service listed vaguely as a job duty; that can be rewritten to include specific language on student organizational advising. Unfortunately, sometimes in higher education there is a large gap between the academic side of the institution and student affairs. It is increasingly important to bridge that gap and draw closer together.

Sit down with the faculty staff members at your school and talk to them about how they need to add one or two lines to their job descriptions that speak to their duties as organizational advisors. It may be a mere one percent of the overall job description, but it is still important. This is also a potential risk area for an institution, because faculty members are being asked to assume advisory responsibilities for which they may not have been specifically trained. Unlike student affairs professionals, faculty members have their main role elsewhere and may need assistance in managing these types of duties. This is an area where additional training would be highly recommended.

When faculty members are asked to serve as advisors of student organizations, they also need to understand that they are taking on potential liability. Part of advisor training, for both faculty and staff, should be to sign an expectation sheet that tells you outright that you are going to be held liable should you be found negligent for certain key responsibilities. Faculty members serving as advisors need to understand that and need to have those responsibilities spelled out for them.

It is true that people will often sign papers without reading them in detail, and then the people conducting the training will put their initials on the papers, but it is still important to conduct this training anyway. If you are going to have faculty members sign that document and take on that ownership and responsibility in the organization, then you must also make sure that you have the necessary coverage in place for them. Ultimately, this means keeping their duties in the scope of their job descriptions. This begins with having those important defining conversations.

In some instances, the name of the organization is left off the written job description because the assignment may change. That is acceptable, as long as specific language concerning advising student organizations is in the job description. Faculty members are generally very willing to have these conversations, because it is about providing protection for them. When it is explained in this way, faculty members are keenly interested in learning how to reduce their potential liability concerns.

When creating publications for organizations and for different divisions on campus, it is also good policy to be guarded about promoting broad claims for outcomes. Those are the sort of statements that can create backlash when a participant or other constituent is dissatisfied, so be careful about making big claims that might be hard to back up later.

This general admonition to exercise caution extends to educating other advisors to be aware of the potential impact of anything they say or write. Advisors often speak to students about “What are you putting down on paper? What are you saying in your emails? Is that something you’d want everybody to read?” That admonition goes double for advisors to student organizations.

Everything you say and write as an advisor can be subpoenaed and brought forward in a court of law. It is therefore advisable to document well and also to document fairly and impartially. Sometimes, advisors will say something flippantly to a student without realizing the impact that it might have later on. Email seems like an informal means of written communication, but it is not. Before email, most “official” communication went through an assistant, and this provided an extra screening mechanism and an impartial reader, which helped to eliminate casual miscommunication. Those days are long gone, and now most employees must screen and edit themselves.

You will be dealing with several different student personalities in an advisory role, as well, and some of them may not appeal to you; nevertheless, you want to speak and document without rancor, sarcasm, or partiality. When documenting, be sure to describe what actually happened in a straightforward fashion, but do not editorialize about it; this can lead to trouble.

Be very intentional about what you say and write. Advisors must understand the idea that anything spoken or written has the potential to become a part of an implied contract with the student. For this reason, do not promise more than you can deliver. Be clear, careful, and guarded in all your communication, because you may have to answer for your words at a later time.

Do not hesitate to consult legal counsel in accordance with institutional practice and do not equivocate or apologize to students for institutional or organizational policies with which you personally disagree. This is extremely important. That kind of disconnect between advisors versus school can get an advisor into personal hot water fast. If you do that and a student leader has a problem for which he or she is considering taking legal action, that will be a clear definition of dividing you from coverage from the school. This is not where you want to be!

If you put in writing that you disagree with a policy, that would mean that you have acted of your own accord; an attorney is going to look at that and say, “Oh, we’ll just go after that person individually.” The university will disassociate itself from you and not give you coverage. That could lead you into a situation where you are dipping into your own personal assets for damages, and you don’t want to have to do that. You want to stay

under the umbrella of the university's insurance coverage at all times, so never disassociate yourself from the university's official policies.

While considering the topic of personal assets, it is worth pointing out the idea of obtaining separate professional coverage. If you have assets that are worth quite a bit of money and they are important to you, look into what it would take to procure some professional insurance to have protection above and beyond what your employer provides.

Now, don't get scared. This suggestion is not to say, "Run out and get insurance right now." However, it does make sense to look at your assets, consider their value, and remember that if you are not fulfilling all your duty to care obligations, there is the potential for litigants to come after your personal assets, so you may want to have some additional protections in place.

8

How to Get Sued

Of course, no one wants to be sued, but sometimes the easiest way to understand an important concept is to look at it from the other side. So, here are some easy ways to open yourself up to a lawsuit, to make it patently obvious where the trouble zones are.

First of all, keep incomplete records of all your activities. Be wishy-washy and slipshod in all your recordkeeping, and better yet, don't keep any records for overall planning processes. Throw away any waivers and forms. That is a really quick way to get sued.

While discussing the topic of waivers, it is important to point out that a waiver is just a piece of paper if you do not complete the rest of your duty to care. Some advisors will say, "Oh, I'm not going to worry about them when they go on their canoe trip, because they signed a waiver, and that is all I have to do." The answer is "No, that is not all you need to do. That waiver is great, and it is one piece of your overall duty to care for your students, but it is not the whole thing."

Never pin all your hopes on a waiver. You must still have completed all the other components of your duty to care. Don't use a waiver as a crutch and expect it to protect you against all circumstances and contingencies, even when you have not fulfilled your other expected duties. You still have to train, maintain, supervise, warn of impending danger, and document all your duty to care responsibilities. The waiver is merely an added layer of protection and acknowledgment on top of that, but it is not a substitute for all the other requisite parts. It is just a piece of paper in a court of law, especially if you have not done the rest of your work.

No matter how well you do your work and fulfill your duty to care, there are bound to be questions and problems that inevitably will arise as events take place and organizations go about their day-to-day functioning. If you want to get sued whenever these problems arise, be sure to be evasive and dishonest. This way, people will think you are hiding something and they will take additional steps to obtain the information. They will also be angry and annoyed, which will make them take delight in causing trouble for you.

For a few university officials, it seems to be much easier to pass the buck, but obviously evasiveness and dishonesty are not helpful responses to inquiries. The buck needs to stop with the advisor and the student leaders in that relationship, whenever possible. Try to resolve problems first at your level before moving them forward or up the chain of command. Take appropriate responsibility for your area of authority, to the full extent of your ability.

Last, a quick way to get sued is to be mean and difficult. Let's face it: there is almost nothing more fun than suing a jerk. People who are evasive, who are not helpful, and who are just flat-out rude tend to bring the thunder down a lot faster than those who are nicer, more accommodating, and more helpful.

9 **How Not to Get Sued**

Now, let's consider the important flip side of the equation: how not to get sued. First of all, one of the best protections is to always make thorough plans. A comprehensive planning process is a strong defense and deterrent. Texas A&M University, for example, currently has an online system with a pre-event planning form that walks students through planning an effective event, whether it be a meeting, a dance, or something else. This ensures a thorough consideration of all relevant contingencies for each and every organizational event on campus. Consider adopting an online preplanning approach at your school. This can answer a lot of questions for students when you are not available. The preplanning process and associated online forms will be covered in the next section.

Another way to avoid being sued, and to avoid being found liable if you ever are sued, is to maintain accurate and complete documentation and records of all your planning activities and duty to care efforts, as already explained. The importance of this cannot be overstated. This is your greatest protection.

When students or other individuals come to you with questions, comments, or concerns, be honest and open in all your dealings with them. The surest way to invite suspicion is to behave in a secretive and suspicious manner. You will invite problems by behaving as though you have something to hide.

Be courteous and nice in all your dealings and with everyone with whom you come into contact. This is good policy for life, but it is also sound advice for avoiding controversy in a professional capacity. When people like you, they will generally give you the benefit of the doubt and allow you the opportunity to correct your mistakes, rather than seeking to punish you for the occasional oversight.

If anyone has questions, or if you are having an investigation or researching information, get the information quickly and accurately and deliver it promptly. This is going to be easy to accomplish, since you are going to be a great documenter after this white paper.

Finally, make sure that everyone in your organization knows the rules and follows the rules. This means having constant, effective communication and monitoring the situation as people come and go within the organization.

When you follow these simple rules, the odds of being sued become very slim, indeed, while the odds of having a successful and enjoyable career multiply dramatically.

10 The Preplanning Process

The preplanning process for an organizational event includes recognizing possible physical, reputational, emotional, financial, and facilities risks and figuring out how to mitigate them. When students move into the actual planning process for an activity, all these conversations should include the advisor and institutional input.

Think about all the possibilities together and brainstorm the what-ifs. Try to think about what is foreseeable. That is important in preventing foreseeable risks and mitigating possible damages.

An online system can improve and streamline many aspects of this rather lengthy and time-consuming process. It is great to have face time with students, but an online option provides convenience, reduces the workload, and also helps students become better risk managers. Schools using online planning forms have noticed a great deal of improvement in how the forms are filled out by students. Students become more aware and more knowledgeable and provide more complete responses as they become familiarized with the online planning process. They take more responsibility and gain a greater overall view of all the steps involved.

The students learn to do more of the risk management on their own, so the online preplanning option actually empowers and educates them. Also, since the forms are completed online, recordkeeping is reduced and an online database stores all the completed forms. That is considered documentation, so it reduces the paper load. Should anything happen at one of these events, there is a protector in place for the student organization and for the university since they will have kept all these forms.

A form, once submitted, is reviewed on several levels—first by the advisor; then by risk management; and, depending on what will go on at the event, by someone even further up in the institution, based on the specifics of the event. The advisor must look over the form; review all the components; make sure mitigators are in place; and then put his or her initials on it, indicating he or she reviewed it, and submit it to the department of student activities. Then it goes directly to the school's risk-management team.

The risk-management team looks at the mitigators and determines if there are any more empty pockets to fill. This could include matters such as contract reviews, concessions permits, and related issues. There may be additional paperwork requirements that the students have overlooked. Essentially, the team looks for all the guiding boundary components.

Once the review is completed, should a follow-up be indicated, the risk-management team will contact the student organization, usually the chief student leader, and have a one-on-one meeting if major planning seems necessary. In some cases, this may consist of a simple phone call discussion.

Let's take a closer look at a sample preplanning form. This one is from Texas A&M University. First of all, it collects basic background information, such as the contact person, the name of the organization, and the event particulars.

The screenshot shows a web form titled "Description of Event". It contains several sections:

- Title of Event:** A text input field.
- Event Start Date:** A date and time selector with dropdown menus for month (August), day (26), year (2008), time (08:57 AM).
- Event End Date:** A date and time selector with dropdown menus for month (August), day (26), year (2008), time (08:57 AM).
- Event Location:** A text input field.
- Backup Location (For Outdoor Events):** A text input field.
- Estimated Number of Attendees:** A text input field.

Below the date and location fields, there are informational notes:

- Consult the [University Calendars](#) to determine if this is the optimal date for your event.
- Consult the [Scheduling Office](#) to reserve space on campus.

Below the attendees field, there are more notes:

- An "open event" is defined as an on-campus event that is open to the campus, general public, or students from other institutions and is expected to have over 150 participants or attendees. If your event fits that description, you must submit an [Open Event Form](#) to the University Center Complex manager's office in 107 Rudder Theater Complex.
- Contact the [University Police Department](#) for assistance with crowd control or security.

At the bottom, there is a text input field with the instruction: "Please list any other student organizations, affiliated organizations (local, national, or international) and/or departments involved with this event."

The form also asks the student leaders to describe the goals of the event and the ways in which it advances the mission of their organization.

The screenshot shows two text input fields:

- The first field is labeled "What are the goals of this event?"
- The second field is labeled "How does this event help to achieve the mission of your organization?"

Students are asked to provide a complete description of the activities planned for the event, along with staffing information. The form then prompts them, depending on their responses, to consider whether they need to obtain requisite permits, make reservations, or use waivers.

Step 3: Description of Activities
This section pertains to your vision for the activities at this event.

Activity Details

Please describe the activities you are planning for this event:

How is your organization staffing the event (setup, implementation, cleanup, etc.)?

How are you marketing this event?

1 Remember that you may need a [concessions permit](#) to conduct your advertising on campus, if you plan to sell or distribute items.

1 If you intend to advertise with sandwich boards, you will need to review the [reservation information](#) and submit a [request form](#).

Are you required or have you considered purchasing liability insurance for your organization and/or this specific event?

Will participants/attendees be required to sign waiver forms?

1 **If Yes, Select one:**

We are using the Student Activities [standard waiver](#).

We are using a different form or have developed our own waiver (please upload below).

The form walks students through a number of different scenarios to determine what type of risk management is called for. A good pre-event planning form will provide appropriate explanatory links to elaborate upon or probe every question, while providing ready access to all the necessary forms.

The image shows a screenshot of a web-based pre-event planning form. It is divided into two main sections: 'Travel' and 'Financial'. Each section contains a question with a 'No' button and an information icon. The 'Travel' section asks if the event involves traveling 25 miles or more from the university. If yes, it provides instructions on transportation methods (Personal Vehicle, Rental Vehicle, University Vehicle, Charter Bus, Commercial Plane, or Other) and links to a travel registration form, a waiver form, and an application form. The 'Financial' section contains three questions: 1) Does the event involve the sale or distribution of items on campus? If yes, it links to a concessions permit request form. 2) Does the event involve a contract with a non-university vendor? If yes, it links to a contracts information page. 3) Will you need to release funds from your account prior to the event? If yes, it links to the Student Organization Finance Center.

For instance, if the form asks, “Is there physical activity involved in the event?” and they answer yes, the online form pulls up a series of links that say, “OK. Since there’s physical activity, you should consider using a waiver. Here’s the link to the university-approved waiver.” The students then click on that, they go to the waiver, they fill it out, and they print it out.

The form above asks students to indicate whether the event will involve long-distance travel. At Texas A&M, for instance, there is a university rule that states if an organization travels over 25 miles from the institution, it must file the event with the critical incident response team. So, the students would be directed to that form, as well. The response team maintains a list of all students who are participating in the event, along with their student ID numbers and their emergency contact information. That is all kept in a database during the event.

That way, everybody knows who is on the road that weekend. The pre-event planning form captures all this information and then stores it, simplifying both the planning and the recordkeeping processes.

It is a good, solid system that saves a lot of time and fills in a lot of gaps. It also helps the students plan for facilities by reminding them that they need to make necessary reservations. Students don't automatically know this information. There is a list of all the facilities on the pre-event planning form. It provides a basic walk-through of every component of almost any event that students could possibly plan. The form asks all the questions that are going to help mitigate the possible risks. It gets the students thinking about all the ramifications, and it also helps eliminate duplication of effort by making sure that all relevant documentation is gathered in one central location, which is accessible by students 24 hours a day.

As organization advisors, it is important to be intentional when formulating the questions on a pre-event planning form, to be certain that it covers all the duty to care components. The form literally walks students intentionally through all those issues so they can mitigate those risks.

The image shows a screenshot of a web-based pre-event planning form. It features several questions with dropdown menus for 'No' and 'Yes' answers. Each question has an information icon (i) and a list of instructions or links for the 'If Yes' scenario. The questions are: 1. 'Will this event require assistance for parking or traffic control?' with instructions to contact Transportation Services. 2. 'Will you be serving or handling any food products at this event?' with instructions to read food handling policies and obtain a health permit. 3. 'Will alcohol be present at this event?' with instructions to review alcohol rules and visit a specific website. Below the questions is a text box for 'What equipment and/or supplies are you using for this event?'. At the bottom, there is an information icon and a link to 'Review a list of the open campus areas with regulations on sound equipment.'

This form even provides a list of campus areas with regulations on sound equipment, so that students can review this during the planning process and avoid breaking rules that they might not even have been aware of.

Making thorough pre-event plans is essential to managing risk, with appropriate mitigators in place. These mitigators are there to reduce possible damage in the event of foreseeable incidents. What is foreseeable? If I'm in the pogo stick club and I like jumping around on my pogo stick, what is the probability that I'm going to fall down? It is probably going to happen once or twice. We know that is a foreseeable risk. It is probably a good idea to have a trained first aid person available on that team. This is good planning. Consulting with your organizational risk manager along the way is probably a good idea. The conversations about who does that training should include the advisor, as well.

There are general planning considerations to bear in mind, such as avoiding hazing or misuse of the university's licensed logos. These are issues that college students may not even understand, so the form points out these hazards and makes everything explicit.

Step 5: Organization Impact
This section prompts you with questions about the effects of this event on your organization and the university community.

Are you using a university logo or trademark in association with the event (t-shirts, flyers, etc.)?
If Yes:
• Ensure that your design is approved by [Collegiate Licensing](#).

Does this event pertain specifically to new members of your organization (orientation, training, etc.)?
If Yes:
• Familiarize yourself with the student rules regarding [hazing](#).
• Please explain how this event pertains to new members:

Could the event be perceived as controversial (demonstrations or protests, political issues, sensitive subjects, etc.)?
If Yes:
• Review the university rules for [expressive activity](#).
• Please explain how this event could be perceived as controversial:

How does this event affect the reputation of your organization, and how are you planning accordingly?
For each reputation risk listed, explain how you will manage the risk.

It is difficult to overstate the many ways in which a complete online planning form, developed in consultation with all relevant campus departments, can streamline and facilitate an effective and efficient risk-management program for organization advisors. Because all the information is presented and collected in writing with automatic recordkeeping and data storage, students cannot possibly claim that they were not informed of these important requirements.

11 Managing the Risks: P-R-E-F-F

One good way to run through the full array of potential risks is to remember the acronym PREFE. Just remember that you “*PREFER*” not to have problems (with an extra “F” in the word “prefer.”) This helpful acronym stands for Physical, Reputational, Emotional, Financial, and Facilities risks.

When you sit down with students to plan for an event or activity, you have to consider every risk that could fall into any one of those five categories. Talk with them about the potential probability of an incident happening, and if you foresee a risk, help them find a way to mitigate it. This is not important merely for the sake of your job and protecting the university, but it also helps the students to develop their critical thinking and problem-solving skills, which is central to the missions of higher education institutions.

Let’s take a closer look at the five areas: physical, reputational, emotional, financial, and facilities risks. There could be damage to any one of those areas. Physical risks would be the potential for any minor or major injuries and how the organization is mitigating that.

Let’s say your school has a sewing club. The probability of a member of the sewing club poking a finger with a needle is pretty high. So the club should probably have a first aid kit as a mitigator for any of their events. They may want to have some bandages and some antiseptic available. They may also want to use thimbles as they sew, to guard against that risk of minor injury.

Now, remember this physical risk relates to probability versus the impact to the organization of this foreseeable event. In the event of the sewing club, the risk of injury is high, while the impact of such an injury would be quite low. Consider the balances, because while the sewing club will probably need to have a first aid kit, they probably will not need an emergency medical technician at their events.

Just because there is a potential for someone poking a finger and bleeding does not mean that you need to have a doctor present. Provide mitigation in moderation, according to the level of apparent, potential physical risks. Here is how this risk is presented on the pre-event planning form at Texas A&M:



How will your organization prevent physical harm to your members/participants/attendees at this event?
For each physical risk listed, explain how you will manage the risk.

The image shows a screenshot of a form with a light blue border. The text is centered at the top of the form area. Below the text is a large, empty rectangular box for writing the answer.

Reputational risks are a little different. It is a good idea to look at reputational risks in three layers. The first layer is the reputation of the individual. Student organization leaders will need to consider the kind of leaders that they are, the kind of people that they are, and how they wish to be perceived.

Students have their personal reputations to consider in all their organization dealings. What their actions are, what they say and do as student leaders, will reflect on them. Students may not be considering the impact of their organizational leadership on their personal reputations, and advisors may need to make this apparent to them. This may cause the leaders to be more careful about the kinds of activities they want to support.

The next layer of reputational risk is the organization level. What are the things that the organization is doing, and what does it say about the specific organization? How will the handling of this event affect the overall perception of this organization in the future? Again, students may not be adept at taking a long-term view when thinking about issues like this, and they may need the wisdom and greater life experience of their advisors to guide them through considering all the potential ramifications of their actions. The following questions on the pre-event planning form are meant to probe for these intangible types of risks:

The screenshot shows a digital form with a light blue background. On the left, there is a dropdown menu with 'No' selected. The main text asks: 'Could the event be perceived as controversial (demonstrations or protests, political issues, sensitive subjects, etc.)?'. Below this, there is an 'If Yes:' section with two bullet points: 'Review the university rules for expressive activity.' and 'Please explain how this event could be perceived as controversial:'. A text input box follows. The second question is: 'How does this event affect the reputation of your organization, and how are you planning accordingly? For each reputation risk listed, explain how you will manage the risk.' Below this is another large text input box.

Then, of course, there is the institution and its reputation to consider. Are the organization's behaviors supportive of the mission, vision, and values of the school? Are the members living up to that? Does the planned event have the potential to cause reputational damage to the university?

Emotional risks tend to deal with issues of inclusivity. One example of this became apparent when a student organization was completing a pre-event planning form and the advisor happened to know that a member of the organization used a wheelchair. The event they were planning was a field day, with many different field day events. The

advisor called the student leader in. She was very excited. She described a series of fun events the organization was going to host, including a three-legged race and other physical activities. Then she said, “And everyone’s going to have a great time.”

The advisor said, “*Everyone* in your organization? Really?” The student thought about it for a moment, the lightbulb went off, and she said, “Oh my gosh, I completely forgot about this one member.” That led to a good conversation about inclusivity.

It would have been an awful risk for a member to show up and not be able to participate in the event at all. Did the school have to include the student who used a wheelchair in every single activity? No. That was not possible. But they did have to include her in most, and they could, through some intentional and proactive planning. The event went off without a hitch, and they did a great job. It was a big success. It is important to have that conversation about inclusivity as an emotional risk and think things through. Here is a question that addresses this crucial issue from the planning form:

How are you considering the emotions of your members, participants, attendees, etc. in the planning of this event? For each emotional risk listed, explain how you will manage the risk.

Next in the PREFF acronym is financial risk. How are the students going to handle money associated with the event? Is there a plan in place? It is necessary for organizations to be careful with their money, both outgoing and incoming. Unfortunately, many college students are fairly naïve about these issues. You will need to make sure your organization members are trained in how to handle the financial components of the event, because accusations about money handling can lead to a great deal of trouble. Consider asking question like this:

How does this event affect the financial health of your organization? For each fiscal risk listed, explain how you will manage the risk.

If you have an on-campus bank for your student organizations, students can usually obtain training there on how to use that resource appropriately and how to fill out a check request form, making sure they know how to use their money and handle it intelligently. Don't overestimate the abilities of undergraduate students when dealing with money, receipts, and banking. For many, this will be their first experience.

When it comes to events, there are many student organizations whose eyes are bigger than their stomachs. They often have unrealistic expectations for what is possible and what can be funded. Their thinking is likely to be "pie in the sky." At one school, a student organization said, "We're going to bring this country singer to campus. He's brilliant, and everyone's going to show up. We don't need to presell any tickets. We'll just have them available at the event."

The institution advised repeatedly that this was not safe. The students were informed that this was a risky choice because they would be left with a lot of bills if the students failed to show up in the expected numbers. The students were unmoved, insisting, "Oh, everybody likes so and so. He is the best country singer ever. Everyone's going to show up." As it turned out, the organization paid \$25,000 to \$30,000 to host the event and they only had about 20 people show up. It was a financial disaster.

They did not presell any tickets, so they didn't make any money. They did have some advertising money, but it was not enough to deliver the audience. This organization learned very quickly that their finances were nothing to gamble with, no matter how popular they thought the entertainer was. Financial risk is a huge concern at most schools and for most student organizations, and students may need professional and firm guidance to navigate this risk successfully.

The final "F" in PREFF refers to the facilities risk. This includes the necessity to maintain facilities, as already discussed. This might be equipment that an organization is using to host a temporary event or any facilities that they inhabit on a permanent basis. For a boat club, it would mean their vessels. Their equipment would include their personal floatation devices, their horns, and their lights. It also refers to protecting any rented facilities. The pre-event form should address the facilities risk in a straightforward manner:

How will your organization ensure the safety of the facilities you are using for this event, and how will you properly maintain the facilities during and after the event? For each facilities risk listed, explain how you will manage the risk.

--

Pre-event planning includes sitting down with students, or getting them on the phone, at the very least, and talking to them about all the different potentialities. You will need to walk them through each one of these PREFF contingencies. Usually, what happens during these conversations is that the students' eyes grow large and they are shocked at all the things that can go wrong. They start thinking things through, which is good. It would probably be wise to list all the different risks within these categories on your own, before you sit and talk with the students, and then see how many of these risks they can foresee on their own. It is best to draw out as much information as you possibly can from the students themselves before filling in with your own thoughts and experience. This makes it a better learning experience.

As you can see, a well-thought-out preplanning form can save countless hours of meetings and explaining risk management to students and prevent innumerable foreseeable events from occurring. It also serves to educate and inform the students as they complete it. As they fill in the required boxes, they suddenly become aware of many issues they probably had not contemplated, so it is a very important exercise for them. A complete copy of the entire pre-event planning form used at Texas A&M is available for review in Appendix C of this white paper.

After the students have completed the pre-event planning form, they are likely to have questions or need assistance in formulating a plan for how to best manage the event and minimize potential problems. The form should have opened their eyes to the risks and complications involved in planning something as simple as a dance or an outdoor event. At this point, you would want to meet in person to develop an action plan together for how to mitigate those risks and prevent damages. Finally, have students develop a backup plan in case unforeseeable events occur, despite all the precautions already in place.

As the advisor, you will want to keep complete records of all your activities throughout the entire process, including documentation of the event planning efforts. You will also want to use waivers whenever possible and consider having additional insurance in place for specific events.

Maintain all waivers for the recommended three-year time period. The longer you keep your documentation, the better. For paperless recordkeeping, you will probably want to save your records to thumb or flash drives, which can be kept even longer than three years. This way, you will always have your documentation ready to go whenever you need it.

Keeping complete records can also mean documenting the phone calls that you have with students. When the phone rings and you find yourself talking to a student organization

leader, you should automatically reach for a pen and paper to keep track of the conversation. You simply do not know if the conversation could rise to the next level of importance. It may be a casual conversation, but it may quickly turn into “Hey, we’ve got an issue.”

Also, it is amazing how quickly the content of a telephone conversation can be forgotten or twisted around, without an accurate record composed at the time of the actual discussion. Remember the game children used to play where a line of kids would whisper a message into one another’s ears and then the last person in the chain is supposed to repeat the original message? Normally, the message is so distorted and garbled by the end of the game that it bears little resemblance to the original statement and everyone falls over laughing. It is not funny when the original statement contained important instructions, however! Also, students may claim that they never heard particular instructions at all. When you have complete, ongoing documentation of phone calls, you can guard against these types of communication problems.

Always be ready to answer the questions that are going to come your way, and take notes on whatever is discussed. Save all this documentation and keep those personal records updated. Also, it is important to always be honest and open with your students. If you don’t know the answer to a question, say so and tell them you will find out the answer. Keep your word. If there’s a problem, work to find a solution.

In general, you want to be sure to work with people rather than become an annoying roadblock. Sometimes we get caught up in our work and we get so busy that we are not as helpful as we would like. Try not to lose sight of the fact that advisors work in service of the student organization—not the other way around. It is worth reiterating that it pays to be nice to everyone. People will think twice about filing a lawsuit against a nice person. If parents call you over an issue that happened at an event, they are going to be less likely to sue you if you are a nice person and you show you want to work with them.

When a student walks in disgruntled about not having a grade check completed as quickly as she would like, be understanding and helpful. It is true that millennial students would like to have things done yesterday for them. They are easily annoyed and inconvenienced. However, if you are nice to them and you show them that you are working hard to resolve their problem, they are less likely to pursue any type of action against you or the organization for any perceived shortcomings or oversights. It is always important to project an attitude of competence, caring, and general helpfulness.

Summary

Duty to Care:

- Train
- Supervise
- Maintain
- Warn of Impending Danger
- Document

Negligence:

Negligence is a legal term referring to the failure to do something. It means neglecting to perform expected duties. In the case of student organization advisors, the duty to care would be what is neglected. If someone were injured because of this failure to do what is expected, then a person or institution could be found negligent and monetary damages could be awarded to the injured party.

Negligence does not require that we avoid all injury to others, just that we avoid injury to others by our own careless acts.

Proving negligence requires that four components be present:

- Duty
- Breach
- Injury
- Linkage

Tort Law:

The necessity to act in a careful and prudent manner related to the execution of one's responsibilities.

Tort Liability:

A wrongful injury resulting from the breach of a legal duty. Examples include negligence, defamation, assault, battery, or even false imprisonment. For student organization advisors, tort liability equals proving negligence in most cases.

Managing Risks—PREFF:

- Physical
- Reputation
- Emotional
- Financial
- Facilities

Conclusion

Managing risks is an important part of being a successful student organization advisor. It may not be the flashiest part of the job, but it need not be frightening or overly burdensome, either. Bear in mind that proper risk management is what makes many exciting student events at your institution possible. In that sense, it is highly positive and should be welcomed—not feared. With adequate training and understanding, the risks become manageable and the potential hazards can be substantially reduced. With knowledge and foresight, you can help the organizations you advise get to “Yes!”

By practicing all five components of duty to care, by maintaining adequate documentation and storing these records, and by providing competent and comprehensive counsel to student organizations, you can minimize the chances of injury or adverse events from occurring during campus-sponsored events at your college or university. In the unlikely event that an injury occurs despite all your precautions, you will have the necessary protections in place to prevent you or your institution from being found negligent in your duties.

With a proper understanding of your role and the extent of your authority, the coverage provided by your institutional role, and the steps necessary to protect yourself from charges of breach of duty, you gain the confidence to move forward boldly without being hampered by irrational fears of potential lawsuits and associated entanglements.

Bear in mind, as well, that risk management is not solely your concern. Multiple parties at your institution share in the responsibilities for making sound decisions, maintaining a safe environment, and planning ways to ensure sound programming and organizational events at your school. These other officials and administrators can help you to understand the guidelines and boundaries at your institution and direct you to additional sources of assistance and support. These include, but are not limited to, university counsel, top administrators, your immediate supervisors, and the school’s insurance representatives.

The best time to undertake a comprehensive risk-management program is before an incident occurs on your campus. Now is a great time to begin the risk-management conversation at your institution, drawing upon the expertise of all relevant officials. Risk management is a shared responsibility that deserves a coordinated, planned approach.

A great way to begin this important discussion would be to share the following case study, which is presented in Appendix A. This scenario highlights the complexity of some of the issues that are involved in risk management and is sure to raise consciousness of risk areas of which your institution was previously unaware. This case study is also likely to

engender considerable debate, as there may be many “correct” possibilities. Hopefully, it will also lead to necessary improvements and closing potential gaps in managing your duty to care oversight.

Reference

Bickel, R. and Lake, P. (1999) *The Rights and Responsibilities of the Modern University: Who Assumes the Risk of College Life?* Durham, N.C.: Carolina Academic Press.

Appendix A

Case Study

You are the new advisor to a student organization whose purpose is to provide leadership opportunities for first-year students. The organization has been in existence for three years and has very little in the way of files or paper records. Its officers are equally divided along class rank: sophomores, juniors, and seniors, as well as gender: males and females. Individually, the students have varying levels of experience as student leaders. Your hiring supervisor has not been able to provide you with a thorough orientation but has indicated that she wants you to “work more closely with the group than the last advisor.”

During your second week on the job, the vice president in charge of programs for the organization comes to your office at 3 p.m. on Monday and requests your signature on a cash advance for an officer retreat that is occurring this coming weekend (five days away). You are not aware of the retreat and begin to ask questions.

The vice president for programs gives you this explanation: “Oh, this is an awesome event we do at the start of every year to help our officers bond. We go down to New Braunfels, tube down the river, and camp on the riverbank. It is a great time, and it doesn’t cost much money because we bring our own tents, drive our own cars (gas reimbursements only), and basically prepare all our meals at the campsite. The working fund goes to cover the gas and food.”

When you indicate that you were unaware of the event and would have to clear up a couple of commitments to attend, you are told, “No, the advisor never comes along. This is just for students. We don’t want to impose on your time, plus we find that we are able to really talk about the year in a more open environment when it is just us. Don’t worry though, only those folks over 21 drink alcohol and we float down the river tied to each other’s tube so no one gets lost. Also, the guys and girls really watch out for each other. Sometimes we even zip our tents together if the local riffraff is hassling us. Thanks for offering though. Now, please sign so I can get the money. The fiscal officer deadline is 4 p.m. today and we don’t want to be late.”

Questions to Process

1. Can you identify five potential risks involved with the above scenario?
2. Using what you’ve learned about duty to care, identify/label opportunities to form your plan of action.
3. Identify both risk mitigations and eliminators for this scenario.

Appendix B

Processing Questions

1. From where do you draw your authority as an office, a department, and also as an institution?
2. What is your specific authority granted for?
3. What are potential areas of liability under your responsibility?
4. What is foreseeable? (Note: Foreseeable risks can often be put in one of the following categories—physical, reputational, emotional, financial, and facilities.)
5. What type of risk management needs to be done?
6. What is the standard/appropriate level of “duty to care”?
7. What is the relationship between your position and those that might become injured?
8. Consider an event or organization that you currently advise. What are the time frames and deadlines you have in place that will allow you to appropriately train, supervise, maintain, warn of impending danger, and document?
9. What practices do you employ (or will you employ) to ensure appropriate documentation is being completed and retained?
10. What plans do you have in place (or will you put in place) to effectively communicate your role, the duty to care the students must share, and your expectations for their standard of risk management?

Appendix C

Pre-Event Planning Form

The following is a pre-event planning form example from Texas A&M University.

The image shows a screenshot of a web-based form titled "Pre-Event Planning Form - Test Organization" from the Student Activities website at Texas A&M University. The form is divided into several sections with tabs for navigation: "General Information", "Activities/Programs", "Description", "Event Location", "Event Dates", "Event Budget", "Event Staff", "Event Sponsor", and "Event Contact". The "General Information" section is currently active and contains the following fields:

- Event Title:** Pre-Event Planning Form - Test Organization
- Event Description:** This is a test event for the purpose of testing the form.
- Event Dates:** Start Date: 10/10/2009, End Date: 10/10/2009
- Event Location:** [Empty text box]
- Event Budget:** [Empty text box]
- Event Staff:** [Empty text box]
- Event Sponsor:** [Empty text box]
- Event Contact:** [Empty text box]

At the bottom of the form, there is a green "Submit" button and a "Back" button. The footer of the page contains the following text: "Reproduced with permission from the Department of Student Activities at Texas A&M University, Pre-Event Planning Form (http://studentactivities.tamu.edu/online), © 2007-2009 by Student Activities, Texas A&M University. All Rights Reserved."

Reproduced with permission from the Department of Student Activities at Texas A&M University, *Pre-Event Planning Form* (<http://studentactivities.tamu.edu/online>), © 2007-2009 by Student Activities, Texas A&M University. All Rights Reserved.

Pre-Event Planning Form - Test Organization

Pre-Event Planning Form ID Number: AEABF-00048

This is the ID number associated with this form. To return to this form, visit the Pre-Event Planning Form homepage and look for the form with this ID number.

Step 1 of 6
General Information

General Info Resources/Procedures Activities Physical/Facilities Risks Organization Impact Confirm

Step 1: General Event Information

This section addresses the basics of your event: who, what, when, where, and why.

General Contact Information

Name of Organization:	<input type="text"/>
Submitter Name:	<input type="text"/>
Position in Organization:	<input type="text"/>
Phone Number:	<input type="text"/>
E-mail Address:	<input type="text"/>

Description of Event

Title of Event:	<input type="text"/>
Event Start Date:	August 26 2008 at 08 57 AM
Event End Date:	August 26 2008 at 08 57 AM
	<p>Consult the University Calendar to determine if this is the optimal date for your event.</p>
Event Location:	<input type="text"/>
Backup Location: (For Outdoor Events)	<input type="text"/>
	<p>Consult the Scheduling Office to reserve space on campus.</p>
Estimated Number of Attendees:	<input type="text"/>
	<p>An "open event" is defined as an on-campus event that is open to the campus, general public, or students from other institutions and is expected to have over 150 participants or attendees. If your event fits that description, you must submit an Open Event Form to the University Center Complex manager's office in 107 Rudder Theater Complex.</p>
	<p>Contact the University Police Department for assistance with crowd control or security.</p>
	<p>Please list any other student organizations, affiliated organizations (local, national, or international) and/or departments involved with this event.</p>
	<input type="text"/>
	<p>What are the goals of this event?</p>
	<input type="text"/>
	<p>How does this event help to achieve the mission of your organization?</p>
	<input type="text"/>

Save and Continue

Department of Student Activities - 125 John J. Kildus Building - 1236 TAMU - College Station, TX 77843-1236
Phone: (979) 945-1133 - Fax: (979) 947-9054 - E-mail: student-activities@tamu.edu

Most content copyright ©2007-2008 Student Activities, Texas A&M University. All Rights Reserved. StuAct Online is licensed under the Creative Commons (CC)-GPL. Some portions of the StuAct Online system are powered by third-party libraries. For more information, visit [this link](#).
[Accessibility](#) - [Privacy Policy](#) - [Terms of Use](#) - [About StuAct Online](#)

Pre-Event Planning Form - Test Organization

Pre-Event Planning Form ID Number: AEA8F-00048

This is the ID number associated with this form. To return to this form, visit the Pre-Event Planning Form homepage and look for the form with this ID number.

Step 2 of 6

Resources & Procedures

General Info

Resources/Procedures

Activities

Physical/Facilities Risks

Organization Impact

Confirm

Step 2: Resources & Procedures

This section links you to resources related to your particular event, so that you can familiarize yourself with all relevant procedures and seek any additional assistance with planning of the event.

Physical Activity

No

Does this event involve any type of physical activity?

1

If Yes:

- It would be wise to have all participants sign a waiver form. The Department of Student Activities has a standard document that participants can sign as an assumption of risk, medical release, and emergency contact form.
- Consider contacting the Texas A&M Emergency Care Team to secure volunteer medical personnel at your event.

Minors

No

Does this event involve minors (persons under the age of 18)?

1

If Yes:

- Programs for minors may qualify as a camp or enrichment program, as defined by university rules. Please visit studentactivities.tamu.edu/camps for more information about the camps process. Camps and enrichment programs have a separate application and planning form that must be approved.

Travel

No

Does this event involve traveling twenty-five (25) miles or more away from the university?

1

If Yes: Please familiarize yourself with the Student Travel Rule.

- Please select your method of transportation:

- Personal Vehicle
 Rental Vehicle
 University Vehicle
 Charter Bus
 Commercial Plane
 Other, please specify:

- The organization must submit a travel registration to the Critical Incident Response Team.
- All traveling participants must sign a waiver form.
- If your organization is traveling internationally, you are required to meet with a staff member in the Study Abroad Programs Office and fill out an application form.

Financial

No

Does this event involve the sale or distribution of any items on campus (apparel, tickets, food, promotional materials, etc.)?

1

If Yes:

- You will likely need to obtain a concessions permit from the Department of Student Activities at least 48 hours in advance of your event. Please visit studentactivities.tamu.edu/concessions for more information about whether or not you need a concessions permit for this event and to download the permit request form.

No

Does this event involve a contract with a non-university vendor involving the exchange of money?

1

If Yes:

- Contracts must be reviewed 4-6 weeks in advance before the funds will be released for your event. Please thoroughly read the information about contracts.

No

Will you need to release funds from your account prior to this event (e.g. preparing a check for a service, getting a travel advance, having petty cash available during your event, etc.)?

1

If Yes:

- Please contact the Student Organization Finance Center to provide advance notice of your financial needs for this event.

Save and Continue

Department of Student Activities - 125 John S. Kildus Building - 1236 TAMU - College Station, TX 77843-1236
Phone: (979) 845-1130 - Fax: (979) 847-8054 - E-mail: student-activities@tamu.edu

Most content copyright ©2007-2008 Student Activities, Texas A&M University. All Rights Reserved. StuAct Online is licensed under the Creative Commons (CC) BY-NC-SA license. Some portions of the StuAct Online system are powered by third-party libraries. For more information, click here.
Accessibility - Privacy Policy - Terms of Use - About StuAct Online

Pre-Event Planning Form - Test Organization

Pre-Event Planning Form ID Number: **AEABF-00048**

This is the ID number associated with this form. To return to this form, visit the Pre-Event Planning Form homepage and look for the form with this ID number.

Step 3 of 6
Activities

General Info Resources/Procedures **Activities** Physical/Facilities Risks Organization Impact Confirm

Step 3: Description of Activities

This section pertains to your vision for the activities at this event.

Activity Details

Please describe the activities you are planning for this event:

How is your organization staffing the event (setup, implementation, cleanup, etc.)?

How are you marketing this event?

i Remember that you may need a [concessions permit](#), to conduct your advertising on campus, if you plan to sell or distribute items.

i If you intend to advertise with sandwich boards, you will need to review the [reservation information](#) and submit a [request form](#).

Are you required or have you considered purchasing liability insurance for your organization and/or this specific event?

Will participants/attendees be required to sign waiver forms?

i If Yes, Select one:

- We are using the Student Activities [standard waiver](#).
- We are using a different form or have developed our own waiver (please upload below).

Itinerary

Please upload any other documents relevant to the activities of this event (e.g. Itinerary):

Department of Student Activities - 125 John J. Koldus Building - 1236 TAMU - College Station, TX 77843-1236
Phone: (979) 845-1130 - Fax: (979) 847-8054 - E-mail: student-activities@tamu.edu

Most current copyright ©2007-2008 Student Activities, Texas A&M University. All Rights Reserved. StuAct Online is licensed under the Creative Commons (CC) BY-NC-SA license. Some portions of the StuAct Online system are powered by third-party libraries. For more information, click here.
[Accessibility](#) - [Privacy Policy](#) - [Terms of Use](#) - [About StuAct Online](#)

Pre-Event Planning Form - Test Organization

Pre-Event Planning Form ID Number: AEADF-00040

This is the ID number associated with this form. To return to this form, visit the Pre-Event Planning Form homepage and look for the form with this ID number.

Step 4 of 6

Physical & Facilities Risks

General Info

Resources/Procedures

Activities

Physical/Facilities Risks

Organization Impact

Confirm

Step 4: Physical & Facilities Risks

This section prompts you with questions about physical safety at your event.

No

Does this event take place outdoors?

1

If Yes:

- Contact the [Physical Plant](#) for policies and procedures associated with using campus green space (Simpson Drill Field, Duncan Field, etc.).
- What is your contingency plan for inclement weather?

No

Will this event require assistance for parking or traffic control?

1

If Yes:

- Contact [Transportation Services](#) for assistance with charter buses, parking, large sports events, camps, or conferences, etc.

No

Will you be serving or handling any food products at this event?

1

If Yes:

- Please read the [food handling policies and procedures](#). If you are preparing the food yourselves (e.g. for a bake sale), you must obtain a health permit from the Brazos County Health Department.
- Remember that you need a [concessions permit](#) to distribute food on campus.

No

Will alcohol be present at this event (alcohol will be served during the event, participants can bring their own alcohol, the event takes place in a location where alcohol is available, etc.)?

1

If Yes:

- You must review and adhere to all rules about alcohol at student organization events. Please read the [policies and procedures](#) about alcoholic beverages at recognized student organization events, and visit [studentactivities.tamu.edu/ultrisk/management/alcohol](#) for the answers to common questions about alcohol and events.

What equipment and/or supplies are you using for this event?

1

Review a list of the open campus areas with [regulations on sound equipment](#).

How will your organization prevent physical harm to your members/participants/attendees at this event? For each physical risk listed, explain how you will manage the risk.

How will your organization ensure the safety of the facilities you are using for this event, and how will you properly maintain the facilities during and after the event? For each facilities risk listed, explain how you will manage the risk.

Save and Continue

Department of Student Activities - 125 John J. Koldas building - 1256 TAMU - College Station, TX 77043-1256
Phone: (979) 845-1130 - Fax: (979) 847-8854 - E-mail: student-activities@tamu.edu

Most content copyright ©2007-2008 Student Activities, Texas A&M University. All Rights Reserved. StuAct Online is licensed under the Creative Commons GNU-GPL. Some portions of the StuAct Online system are powered by third party libraries. For more information, click [here](#).
[Accessibility](#) - [Privacy Policy](#) - [Terms of Use](#) - [About StuAct Online](#)

Reproduced with permission from the Department of Student Activities at Texas A&M University, *Pre-Event Planning Form* (<http://studentactivities.tamu.edu/online>), © 2007-2009 by Student Activities, Texas A&M University. All Rights Reserved.

Pre-Event Planning Form - Test Organization

Pre-Event Planning Form ID Number: **AEABF-00048**

This is the ID number associated with this form. To return to this form, visit the Pre-Event Planning Form homepage and look for the form with this ID number.

Step 5 of 6
Organization Impact

General Info Resources/Procedures Activities Physical/Facilities Risks **Organization Impact** Confirm

Step 5: Organization Impact

This section prompts you with questions about the effects of this event on your organization and the university community.

<input type="checkbox"/> No	Are you using a university logo or trademark in association with the event (t-shirts, flyers, etc.)?
<input type="checkbox"/> If Yes:	<ul style="list-style-type: none">Ensure that your design is approved by Collegiate Licensing.
<input type="checkbox"/> No	Does this event pertain specifically to new members of your organization (orientation, training, etc.)?
<input type="checkbox"/> If Yes:	<ul style="list-style-type: none">Familiarize yourself with the student rules regarding hazing.Please explain how this event pertains to new members: <input type="text"/>
<input type="checkbox"/> No	Could the event be perceived as controversial (demonstrations or protests, political issues, sensitive subjects, etc.)?
<input type="checkbox"/> If Yes:	<ul style="list-style-type: none">Review the university rules for expressive activity.Please explain how this event could be perceived as controversial: <input type="text"/>
How does this event affect the reputation of your organization, and how are you planning accordingly? For each reputation risk listed, explain how you will manage the risk. <input type="text"/>	
How are you considering the emotions of your members, participants, attendees, etc., in the planning of this event? For each emotional risk listed, explain how you will manage the risk. <input type="text"/>	
How does this event affect the financial health of your organization? For each fiscal risk listed, explain how you will manage the risk. <input type="text"/>	
Please upload a copy of the budget for the event: <input type="text"/> <input type="button" value="Browse"/>	

Department of Student Activities - 125 John J. Kiddus Building - 1236 TAMU - College Station, TX 77843-1236
Phone: (979) 645-1133 - Fax: (979) 647-8054 - E-mail: student-activities@tamu.edu

Most content copyright ©2007-2008 Student Activities, Texas A&M University. All Rights Reserved. StuAct Online is licensed under the Creative Commons (CC) BY-NC-SA. Some portions of the StuAct Online system are powered by third party libraries. For more information, click [here](#).
Accessibility - Privacy Policy - Terms of Use - About StuAct Online

Pre-Event Planning Form - Test Organization

Pre-Event Planning Form ID Number: AEABF-00048

This is the ID number associated with this form. To return to this form, visit the Pre-Event Planning Form homepage and look for the form with this ID number.

Step 6 of 6

Confirm Information

General Info

Resources/Procedures

Activities

Physical/Facilities Risks

Organization Impact

Confirm

Step 6: Confirm Information

Please review the form information below.

Enter your initials into the text box below and click "Approve Form" to complete the form.

Submission Details

General Info

[Date] Event start August 26, 2008 08:57am

[Date] Event end August 26, 2008 08:57am

Resources and Procedures

Event involves physical activity No

Event involves minors No

Event involves long distance travel No

Event involves sale or distribution No

Event involves contract No

Event requires release of funds No

Activities

Event merits liability insurance No

Participants sign waiver forms No

Physical and Facilities Risks

Event takes place outdoors No

Event requires parking assistance No

Serving food at event No

Alcohol at event No

Organization Impact

Uses university branding No

Intended for new members No

Event is controversial No

Approve and Submit

If the information above is complete and satisfactory, enter your initials below and click "Approve Form" to send the form to the Department of Student Activities for review.

By initialing to the left, I certify that I have reviewed all of the information about university policies and procedures that are pertinent to this event. I agree to abide by the rules governing student organizations as set forth in the Texas A&M University Student Organization Manual and the Texas A&M University Student Rules.

If you have any notes that may assist the Department of Student Activities in their review of this form, include them below.

✓ Approve Form

Return to Officers for Revision

If the form requires modifications before being submitted for review, note the changes necessary below and click "Return to Officers".

List any modifications needed prior to approval below.

✗ Return to Officers

Department of Student Activities - 125 John S. Kildus Building - 1236 TAMU - College Station, TX 77843-1236
Phone: (979) 949-1133 - Fax: (979) 947-5054 - E-mail: student-activities@tamu.edu

Most content copyright ©2007-2008 Student Activities, Texas A&M University. All Rights Reserved. StuAct Online is licensed under the Creative Commons (CC) BY-NC-SA. Some portions of the StuAct Online system are powered by third party libraries. For more information, click here.
Accessibility - Privacy Policy - Terms of Use - About StuAct Online

Reproduced with permission from the Department of Student Activities at Texas A&M University, *Pre-Event Planning Form* (<http://studentactivities.tamu.edu/online>), © 2007-2009 by Student Activities, Texas A&M University. All Rights Reserved.