Risk Management & Legal Issues for Student Organizations

Fall 2017
Why Risk Management Training?

• In 2007, the Texas legislature passed a bill mandating risk management training for all student organizations *(Texas Education Code § 51.9361. Risk Management Programs for Members and Advisors of Student Organizations)*

• Texas State University is legally obligated to provide this training to student organizations & advisors.
Training Reminder

AS A REPRESENTATIVE, YOU ARE RESPONSIBLE FOR PRESENTING THE INFORMATION IN THIS RISK MANAGEMENT TRAINING TO YOUR ORGANIZATION.
What Will I Learn?

• Ability to define risk management

• Identify risk in activities planned by organization

• Develop methods to manage risk in activities planned by organization
What is Risk Management?

- Risk Management is the process of considering the potential and perceived risk involved in student activities.

- It includes monitoring organization activities and taking both corrective action and proactive steps to minimize accidental injury and/or loss.
High Risk Activities

- Organization Activities
- Liability & Negligence
- Travel & Transportation
- Alcohol & Illegal Drugs
- Hazing
- Fire Safety & Use of Firearms
- Sexual Assault, Harassment, & Misconduct
Risk Types

• Physical
• Reputation
• Emotional
• Financial
• Facilities

(This is used with permission from Student Risk Management at Arizona State University)
Risk Management Process

- Identify location, activity, and behavior risks
- Assess the probability and severity of adverse outcomes
- Identify controls to eliminate or reduce the risk
- Implement and communicate
- Reassess the activity after the risks have been managed
Organizational Activities and/or Events

Student Organization events may be recognized by, though not limited to:

• Paid for by student organizational funds;
• Promoted via student organization channels (on campus, social media, flyers, etc.);
• Activities prior, during, after can be perceived as an organization activity;
Organizational Activities and/or Events

- When the acts grow out of, or are directly related to, the student organization's activities or an environment created or knowingly permitted by the organization.

- When a member of an organization is violating local, state, or federal law or University regulations and other members present, by failing to discourage such activity, tacitly condone the behavior. In addition to the group being held responsible, members and officers may also be held responsible as individuals for their roles in any violation of University policy.
Liability & Negligence

Liability
- Who takes the legal responsibility.
- Liability can be assumed by:
  - Organization
  - Student Organization Leaders
  - Organization members
  - Advisors (in egregious cases)
  - Texas State University

Negligence
- Occurs when someone has a duty to another person, breaches that duty, and the other person suffers harm as a result
Travel for Organizational Events or Activities

Texas State’s Student Travel Policy, **UPPS 05.06.03**

- Registered Student Organizations travel
- University-sanctioned travel
- International travel

Things to Think About

- Anticipate or prepare for bad weather and emergency expenses associated with travel
- Preventable Risks (for example, transportation in open beds of trucks should be avoided)
- Length of trip and number of available drivers
Alcohol & Illegal Drug Offenses

Student Code of Conduct
02.02 Conduct Prohibited

L. violating published university policies on the possession or use of alcoholic beverages (see Student Handbook Alcoholic Beverages Policy);
N. possessing, using, selling or distributing any illegal drug, controlled substance, and/or drug paraphernalia

(The sanctions for this violation range from mandatory counseling to expulsion. A second infraction shall result in expulsion.)
What Can You Do?

• Have written policies consistent with the law and Texas State’s policies regarding alcohol and illegal drugs
• Inform your members and guests of possible consequences for their behavior
• Utilize your organization’s judicial process – have a zero-tolerance attitude.
• Check IDs at the door and use a unique way of identifying those over the legal drinking age, such as with bracelets.
• Hire professional security to work the door and check IDs.
• Serve non-alcoholic beverages and food.
• Maintain control over all alcoholic beverages present

When in doubt, reach out to an advisor
Hazing

“Hazing means any intentional, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at Texas State University.”

http://www.dos.txstate.edu/hazing.html

Don’t Be Confused:
If you have to ask if it’s hazing, then it probably is!
Hazing Does Not

• Help you to assimilate better into the group/organization
• Help you build inner strength
• Take into account the psychological state of an individual
• Have boundaries or follow safe-guards that govern actions, or activities
• Have to be illegal, and/or involve ingesting something
• Represent the only creative alternative bond activity
What Can You Do?

- Be proactive!
  - Don’t wait for a problem to develop! Take steps now to protect your organization and your members!

- Educate your new and active members!
  - Be sure to provide information as to what should and should not be occurring throughout the new member education experience…and what to do in the event that something out of the ordinary occurs.

- Confront inappropriate behavior among your members

- When problems do arise, take corrective action!
  - Follow your organization’s policies and procedures to confront members’ behavior
  - Report the issue(s) to Student Involvement as soon as possible
Fire Safety

Fire – evacuate building and do not allow anyone to re-enter a building until cleared by the proper authority.

There are several common causes of accidental college fires:

- Unattended cooking grills
- Overloaded extension cords and power outlets
- Leaves and debris located near buildings
- Improper use of surge protectors
What Can You Do?

- Have a strategy when planning events
  - Ensure that all facilities utilized by your organization (for one-time events/activities and/or ongoing use) meet all local fire and health codes and standards
- Never exceed the posted maximum occupancy of any facility used by the organization
- Ensure that all exits remain clear for easy access and escape
- Ensure that fire extinguishers are available and easily accessible
- Be aware of open fire (campfires)
Firearms

Concealed Carry of Handguns by License Holders on University Premises, UPPS 01.04.45

• If hosting an event off-campus, be aware of the location’s firearms policy and also discuss with your members how to approach events that might include firearms.
Sexual Misconduct

The Texas State University System Sexual Misconduct Policy can be found here: [http://www.txstate.edu/oea/related-policies/Sexual-Misconduct-Policy.html](http://www.txstate.edu/oea/related-policies/Sexual-Misconduct-Policy.html)

- Sexual Harassment
- Sexual Assault
  - Dating
  - Violence
  - Stalking
- Domestic Violence
- Sexual Exploitation
- Sexual Intimidation (cyber-stalking, indecent exposure, etc.)
Behavior at Events

Can Our Organization Be Held Responsible for an Individual’s Behavior?

- YES!
- It can depend on a variety of factors BUT most importantly…
- You assume responsibility if the activity is related to the organization.

Organizations may be held responsible when…

- acts of individual members are directly related to the student organization's activities.
- a member is violating local, state, or federal law or University regulations and other members fail to discourage the activity.

Remember … in addition to the group being held responsible, members, officers, and even advisors may be held individually responsible for an individual members actions.
Don’t be a bystander

• Awareness – be clear about expectations as an organization, as members, and at events

• Weighing pros and cons – people weigh the cost and benefits of getting involved in risky situations. These include threats to their safety, negative consequences for their relationships with others, and the potential to change the outcome of a risky situation or to help a victim.

• Confidence – people who feel more confident in their ability to help are more likely to take action. Context – bystanders also need safety nets for themselves – resources they can call upon and organization culture that supports intervention.
RESOURCES TO KNOW

Student Involvement @ LBJSC LBJSC 4-11.1
(512) 245.3219
getinvolved@txstate.edu

Dean of Students
LBJ Student Center, Suite 5-9.1 (512) 245.2124
dos@txstate.edu

Student Health Center 298 Student Center Drive (512) 245.2161
healthcenter@txstate.edu

Dr. Gilda Garcia
Title IX Coordinator
(512) 245-2539

Texas State University Police Department
(512) 245-8336
Nueces Building (N LBJ)
police@txstate.edu

San Marcos Police Department
2300 S Interstate 35, San Marcos, TX 78666
(512) 753-2108
Questions
NEXT STEPS

Following the completion of this training, you must:

• Ensure that you provide this information in a thorough and timely manner to your full membership (Deadline, October 20, 2017).

• Submit agenda with Risk Management Training listed on meeting agenda

• Complete verification accessing the following link:
  • http://getinvolved.lbjsc.txstate.edu/Risk-Management.html
GET INVOLVED
student involvement @ lbjsc

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