**Legal Resources for Advisors to UPPS No. 01.04.06**

**Student Organizations Issue No. 5**

**Effective Date: 06/21/2021**

**Next Review Date: 05/01/2025 (E4Y)**

**Sr. Reviewer: Associate Vice**

**President and Dean of Students**

**POLICY STATEMENT**

*Texas State University is committed to providing legal assistance to faculty and staff that provide services to registered and chartered student organizations.*

**01. BACKGROUND INFORMATION**

01.01 This policy sets forth the relationship that exists between Texas State University and its faculty and regular staff employee advisors when they provide service to registered and chartered student organizations.

01.02 Registered and chartered student organizations must have a faculty or staff advisor who is employed by the university at least one-half time.

**02. DEFINITIONS**

02.01 Advisor – any faculty member or regular staff employee who is employed by the university and is the designated advisor for a registered student organization (for more information regarding student organization guidelines, refer to the [Student Handbook](https://studenthandbook.txstate.edu/)).

02.02 Regular Staff Employee – an employee who is hired to work at least 20 hours per week for a period of at least four and one-half months, excluding those employed in positions that require student status as a condition of employment.

**03. SUMMARY OF APPLICABLE LAW**

03.01 Advisors serve in an official capacity and within the scope of their employment when they provide services to registered and chartered student organizations.

03.02 [Texas Civil Practice and Remedies Code §104.003](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.104.htm#104.003) limits the amount of recoverable damages for state liability to $100,000 to a single person indemnified and, if more than one person is indemnified, $300,000 for a single occurrence in the case of personal injury, death, or deprivation of a right, privilege, or immunity and $10,000 for each single occurrence of damage to property.

03.03 [Texas Civil Practice and Remedies Code §104.004](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.104.htm#104.004) provides the attorney general shall defend an employee of a state institution in a cause of action covered by [Chapter 104.001 of the Texas Civil Practice and Remedies Code](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.104.htm#104.001).

03.04 [Texas Civil Practice and Remedies Code §101.106](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.101.htm#101.106) provides a means for employees who are sued for certain actions arising from the general scope of their employment to have the suit against them dismissed. In such cases, the university may automatically be substituted as the defendant in place of the employee.

**04. PROCEDURE FOR REQUESTING LEGAL ASSISTANCE FROM THE** **ATTORNEY GENERAL**

04.01 Although the service of citation is rare, an advisor should notify The Texas State University System (TSUS) associate general counsel immediately after being served with a citation. The TSUS associate general counsel will help the advisor submit the matter to the attorney general. The attorney general may defend an advisor in a cause of action arising from the scope of their employment if the advisor delivers to the attorney general any citation no later than 10 days after being served with citation.

**05. REVIEWERS OF THIS UPPS**

05.01 Reviewers of this UPPS include the following:

Position Date

Associate Vice President and May 1 E4Y

Dean of Students

Director, Student Involvement May 1 E4Y

**06. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President and Dean of Students; senior reviewer of this UPPS

Vice President for Student Success

President