

RISK MANAGEMENT GUIDE FOR ADVISORS OF  
STUDENT ORGANIZATIONS

A CREATIVE PROJECT

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CHAPTER ONE  
INTRODUCTION

**Statement of Purpose**

The purpose of this project was to develop a Risk Management Guide for Advisors of Student Organizations that raises awareness about the importance of managing risks on a college campus. The Guide illustrates the steps that need to be taken when planning an event or activity for a group on campus.

**Significance of Project**

If proper risk management is not followed it can result in a minor problem, such as destruction of university property or a major problem, such as the death of the student. It is an advisors responsibility to support and guide the student organization. Having the proper documents and information available for advisors of student organizations can have a substantial impact on the organization.

Recent cases, such as *Kenner v. Kappa Alpha Psi Fraternity, Inc.* for example, have resulted with the advisor being held liable for breach of duty due to lack of involvement or oversight of the organization. Courts may be looking for opportunities to encourage advisors to take a more active role in their student organizations (“Fraternity Advisor,” n.d.; Tribbensee, 2004).

There was a need for this creative project because the Office of Student Life at Ball State University does not have a compilation of the risk management policies and resources necessary for a student organization advisor to advise a group successfully. This creative project pulls all the resources available and includes new forms and information for advisors to utilize while managing risk.

### **Definition of Terms**

There were several terms and definitions used throughout this creative project. For the purpose of this study the following terms and definitions were provided for clarity and understanding.

Advisor - A faculty or staff member who provides support and guidance to officers and members of a student organization (Office of Student Organizations, 2009).

Collaborative Risk Management - Identifies and evaluates student-related risks across campus (Shackleford & Lundquist, 2005).

Contract Law - States that an employee who signs a contract on behalf of the institution may be personally liable for its performance if the institution breaks the contract (Kaplin & Lee, 2007).

Duty of Care – The responsibility or the legal obligation of a person or organization to avoid acts or omissions, which can be reasonably seen, to be likely to cause harm to others (WebFinance Inc., 2011).

Liability – (1) Responsibility for the consequences of one's acts or omissions, enforceable by damages or criminal punishment (2) An obligation to do or refrain from doing something (WebFinance Inc., 2011).

Liability Form or Waiver - (1) Expressed or implied voluntary and intentional relinquishment or abandonment of a legal advantage, claim, requirement, or right  
(2) Document by which such abandonment or relinquishment is effected (WebFinance Inc., 2011).

Negligence – Breach of duty of care, which results in loss or injury to the person or entity the duty, is owed (WebFinance Inc., 2011).

Reasonable Person - standard means that normal precautions should be taken to prevent problems from occurring that a reasonable person would anticipate (Dunkel & Schuh, 1998).

Risk - Exposure to the chance of injury or loss; a hazard or dangerous chance (Dictionary.com, LLC, 2011).

Risk Management- The technique of assessing, minimizing, and preventing accidental loss to a business through the use of safety measures, insurance, etc. (Dictionary.com, LLC, 2011).

Scope of Authority - Power delegated to an agent under an agency agreement for carrying out the principal's business or instructions (WebFinance Inc., 2011).

Special Relationship - Special relationship doctrine is a legal principle that makes the state liable for the harm inflicted on the individual by a third party provided that the state has assumed control over the individual which is sufficient to trigger an affirmative duty to provide protection to that individual. The special relationship doctrine is an exception to the general principle that government actors are not responsible for private acts of violence (U.S. Legal, Inc., 2011).

Student Organizations – Groups of students that have formed for a united cause or reason

Tort - A civil wrong other than the breach of a contract for which the courts will provide a remedy in the form of damages (Dunkel & Schuh, 1998).

### **Methodology**

Research for this project was gathered from various resources including other institutions student activities websites, books on law in higher education, and searches for journal articles on ERIC Ebsco Host, Academic Search Premier, and Lexis Nexis. This information was compiled into a review of related literature and used to create the Risk Management Guide for Advisors of Student Organizations.

### **Limitations**

The first limitation of this project was that its use was customized to be used specifically at Ball State University. However, with some adaptations it could be used by other institutions. The second and final limitation was that the guide would need yearly updates to avoid becoming outdated.

### **Organization of the Project**

This creative project was organized in sequential format. Chapter Two is the review of related literature about risk management and advising student organizations. Chapter Three contains the methodology and organization of this project. The summary, conclusions, and recommendations are included in Chapter Four. The Risk Management Guide for Advisors of Student Organizations is in Appendix A.

## CHAPTER TWO

### REVIEW OF RELATED LITERATURE

#### **Summary of the Project**

The purpose of this project was to develop a Risk Management Guide for Advisors of Student Organizations that raises awareness about the importance of managing risk management on a college campus. The Guide illustrates the steps that need to be taken when planning an event or activity for a group on campus.

This chapter provides an overview of literature, which examined student involvement, advising student organizations, risk management for universities, and legal cases involving risk management. The literature was used as a resource in the creation of this creative project.

#### **Astin's Theory on Student Involvement**

“Student involvement refers to the amount of physical and psychological energy that the student devotes to the academic experience” (Astin, 1984, p. 297). Through involvement students are exposed to different levels of risk. An involved student devotes time to studying, student organizations, spends time on campus, and interacts with faculty, staff and other students on a frequent basis. Involvement is an active term and is behavioral in meaning. It is not what an individual thinks or feels, but what they do or how they behave.

The involvement theory as Astin presented has five postulates (Astin, 1984). First, involvement requires an investment of physical and psychological energy in an object. The object can be generalized or specific. Second, involvement occurs along a continuum. Different students can be different degrees of involved in different objects at different times. Third, involvement has both quantitative and qualitative features. Therefore it can be measured in different ways. Fourth, the amount of student learning taking place in an academic program is directly proportionate to the quality and quantity of the student involvement. Fifth and finally, the effectiveness of any educational practice is directly related to the practices ability to increase student involvement.

Astin (1984) believed that the most important institutional resource is a student's time. The theory of student involvement recognizes that the physical and psychic student time is finite and educational forces are competing for that time. Faculty, administrators, and staff must realize that practically every practice and policy affects and requires student time.

The study of this theory also found that students involved in social fraternities and sororities, athletics, and extracurricular activities of almost any type are less likely to drop out of college (Astin, 1984).

It is important for student affairs professionals to encourage student involvement because they work with students on a one-on-one basis (Astin, 1984). Professionals are encouraged to find a way to stimulate students and get them more involved on the college campus through classes, activities, residence life, and student organizations. Student organizations on college campuses are frequently overlooked. They have the potential to advance the multicultural and diversity goals of an institution. They serve as significant

social networks, a link to campus life and the institution, and contribute to student learning, involvement, and success (Pascarella & Terenzini, 2005). “The greater the student’s involvement in college, the greater will be the amount of student learning and professional development” (Astin, 1984 p. 307)

Students on college campuses rely on events and activities as an integral part of their college experience (Spaziano, 1994). Student activities significantly affect the social, emotional, physical, and mental development of college students. Extracurricular activities affect the all-around development of college students. Student organizations host a majority of the events taking place on campus and these events bring liability concerns (Dunkel & Schuh, 1998).

### **Advising Student Organizations**

According to the handbook published by the Office of Student Organizations at the University of South Florida (2009):

A student organization advisor is a faculty or staff member who provides support and guidance to officers and members of a student organization. The advisor not only serves as a representative of the group in an official capacity, but also as a student advocate. An advisor is one who gives ideas, shares insight, provides a different perspective, and encourages organization members (p. 6)

A student organization advisor’s role is to assist in the development of the students involved in the organization (Morrell, 2006). Several factors determine whether or not an advisor is successful in their endeavor. Advisors should have knowledge of the organizations history and establishment as well as how they operate currently. Roles in the organization should be defined from the start so there is no confusion. As a new

advisor goals and expectations should be set to encourage growth of the student leaders and the organization. A good advisor is aware, dedicated, visible, informed, supportive, open-minded, and respected (Student Activities Office, 2009). That is an acronym for the word 'advisor'. It is the advisors responsibility to be the voice of reason. Being aware of the university policies and procedures can be an advisors most important asset.

Students and advisors also need to be invested in the organization (Morrell, 2006). Becoming invested can help both parties gain ownership of the organization. An advisor should try to attend all meetings and events. This gives the advisor a chance to interact with their students, develop their skills, and show students that they want them to succeed. It also important to regularly check in with the students about their classes, other activities they are involved in, and their position in the organization. Checking in is appropriate but it is important for advisors to maintain a professional relationship with their students. Limits should be set from the beginning. There is a difference between an advisor and a friend and it is the advisor's job to set those boundaries. Setting limits assists in gaining respect.

There are multiple differences in advising and supervising (Austin, 2011; Morrell, 2006; Student Activities Office, 2009). Advisors have the ability to take a more hands-off approach with their student organizations so the student leaders are able to step up and lead as well as learn from their mistakes. Advisors are there to encourage and support. If a problem arises the advisors give the students a chance to handle it and then they lead in the reflection and assessment portion for future improvements. They are there as a resource for students as well as to support and encourage. Supervisors cannot let projects fail and they must interfere before failure is reached. They are also more

hands-on in the daily operations. They take responsibility when things go wrong and are able to take control and give direction. Supervisors tend to be in charge of staff whereas advisors are typically in charge of student volunteers.

There are some similarities between the two (Austin, 2011; Morrell, 2006; Student Activities Office, 2009). They both still assess the students with whom they work. They also have to modify their advising/supervisory style with each individual student's personality and development needs. They can both be rewarding experiences where advisor/supervisor and students grow and learn.

Advisors of student organizations are responsible for assisting with the risk management of the organizations. Advisors can be volunteers, faculty who advise an organization part-time, or staff who are hired to advise student organizations as their main role (Department of Student Activities, 2009; Tribbensee, 2004). Advisors, typically faculty advisors, are sometimes unaware that they are expected to have a broad range of knowledge about issues such as risk management, sexual harassment, event planning, transportation, emergency medical care, and alcohol liability. Advisors should be required to obtain knowledge about the university's risk management policies and legal precautions.

An advisor can study current case rulings and read about the law, but they are not the experts. Legal counsel will always remain as the most accurate resource (Dunkel & Schuh, 1998). It is the professional's job to seek guidance and move forward with the counsels' advice as they see fit ("Risk Management", 2006). Advisors also need to shift the focus of risk management away from avoiding lawsuits and use it as a resource instead. It should be explained to students as a supportive resource to assist them with

effective decision-making. Issues will always arise, no matter how prepared and well planned the event is. There is a need for a prepared and appropriate response should a problem occur. A comprehensive strategy to guide advisors can be developed (Tribbensee, 2004). It would be used to train and support them so they can anticipate potential issues, educate students on how to manage risk, and understand their own responsibilities.

### **Risk Management for Universities**

Risk management has not always played a major role in how universities manage their campuses (Kelderman, 2009). There was a time when courts of law would not entertain cases that involved the institution as the defendant and a student or their parents as the plaintiffs (“Risk Management,” 2006). Times have changed in the last few decades and risk management is in the forefront of all institutional decision-making (Kelderman, 2009). A risk management officer’s job on campus is to prevent problems instead of just reacting to them (“Risk Management,” 2006). They also have the responsibility of making everyone on campus aware of potential problems. Their role is to educate faculty, staff, and students about the rules so they can make informed and reasonable decisions. It is important to let them know that they are not only responsible as individuals, but as members of the broader community.

If faculty, staff and students are not educated on risk management several entities at the university could be affected if there was a serious incident (Department of Student Activities, 2009; Kaplin & Lee, 2007). The Board of Trustees, administration, facilities, and legal counsel are just a few. The university cannot be sued directly. If the staff person in charge was acting within their job description the university will stand beside

them. Indiana Tort Claims 2009 state that the State is not liable for some losses, including the following, “injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-33-8-12(b)” (Tort Claims, 2009). Employees have been instructed that if they are acting within the scope of their job description the university will stand by their side if any legal action is pursued (Department of Student Activities, 2009). It is important for faculty members to make sure their job descriptions include a line for ‘service’ or for advising a student organization.

The majority of cases today allege that advisors and the institutions were negligent. Negligence is the most common tort action brought against professors and administrators (Underwood, 1986). A tort is “defined as a civil wrong other than the breach of a contract for which the courts will provide a remedy in the form of damages” (Dunkel & Schuh, 1998, p.173). Working to protect the group and the event attendees fulfills a function and prevents negligence. The following four elements must be present for a negligent claim: the defendant owed duty of care to the plaintiff; the defendant breached that duty; an injury occurred; and there was a close causal relationship between the breach and the injury (“Center for Education,” 2006; Gehring, 2001).

“The courts have identified three areas of duties for educators: adequate supervision, proper instruction, and maintenance of a safe environment” (p. 475). The general standard is that if the advisor acts like a reasonable person they are not held liable (Dunkel & Schuh, 1998). “The reasonable person standard means that normal precautions should be taken to prevent problems from occurring that a reasonable person would anticipate” (p. 174).

Tort law has typically been applied in negligent cases relating to personal injuries obtained while attending an event sponsored by a student organization or university, while passing through university property, or while on a university sponsored trip. Precautions must be made to prevent any issues that can be anticipated (Dunkel & Schuh, 1998). Negligence can be established if there is a special relationship, cost benefit analysis, a violation of state statute, facilities risks, or directives that establish duty. There are several defenses against negligence, such as disproving the established claim by stating that the tort was not foreseeable or that no duty was owed to the victim. Secondly, the defendant can demonstrate the plaintiff's personal negligence. The third and final method of defense is when an "Act of God" or other unavoidable action caused the injury (Department of Student Activities, 2009). "Courts may, in fact, be looking for opportunities to send a message to advisors to take a more active role" (p. B11) in their student organizations (Tribbensee, 2004).

Contract law is another type of law that is applicable to advisors and student organizations (Kaplin & Lee, 2007). Contract law states that an employee who signs a contract on behalf of the institution may be personally liable for its performance if the institution breaks the contract. The extent of the liability depends on whether or not the employee was authorized by the institution. Authorization can be implied, apparent, or granted by expressed authority.

There are preventative measures that can be taken to avoid such incidents altogether (Department of Student Activities, 2009). It never hurts to have a liability waiver at activities that could potentially cause harm to students. Such as, an event with rock wall or an obstacle course. Waivers will not prevent students from filing lawsuits,

but the odds of the suit holding up in court are slim. They can however be used as documentation proving that the participant was aware of the risk involved and may help prevent legal action.

In student organizations the advisors are the university representatives for a student group regarding any activities taking place (Commission for Student Involvement, 2005). According to the Office of Student Organizations (2009) at the University of South Florida “an advisor is a faculty or staff member who provides support and guidance to officers and members of a student organization” (p. 6). Advisors have three functions, maintenance, group growth, and program content (Love, 2003). The maintenance functions apply to risk management. “Maintenance functions are those that help to continue and protect the group . . . and guarding against rule, policy, or ethics violations” (p. 512).

According to Briody (2011) the process of risk management for student organizations has five parts. First there is risk identification. Second, the advisor must decide if they are going to avoid the risk. Third, advisors may not be able to avoid the risk, but if it is possible they should reduce it. Fourth, they will typically transfer it, by means of a waiver or insurance. Finally, this means they are willing to accept the risk and are doing what they can to reduce it. They need to be aware of how the university’s policies and procedures affect the organization. Advisors need to feel comfortable taking charge if necessary should a situation or issue arise. According to the Student Activities Office (2009) advisors should be able to:

- Tell an organization that what it is doing, or planning to do, is wrong, inappropriate, and/or illegal.

- Offer alternative suggestions to activities that may be less risky.
- Warn participants in activities of the risks involved.
- Provide for proper instruction, preparation or training for participants in an activity.
- Act only within the scope of your authority. (Do not sign contracts, give approval for activities, or speak on the behalf of the University unless the advisor has been given explicit authority to do so.) (p. 9)

There are other ways to avoid risk, such as choosing safe activities, training their organization members, use liability waivers, and follow industry standards.

### **Legal Cases Involving Risk Management**

The following legal cases are examples of risk management failures and successes on college campuses. Researching cases like these can assist advisors in broadening their knowledge of risk management.

There are several different ways for an advisor to gain risk management knowledge. Below are a few cases where a greater knowledge of risk management would have helped, and one case with a successful use of risk management.

Bradshaw vs. Rawlings in 1979 was a case where Donald Bradshaw, 18, was an injured passenger in a drunken driving accident after a school picnic (Spaziano, 1994). The issue arose when it was discovered that the advisor had co-signed a check that paid for alcohol and the advertisements depicted beer mugs. Rawlings and Delaware Valley College won the case in appellate court because Bradshaw was seen as an adult and the administrator was no longer the authoritarian figure.

Texas A&M University has been one of the leaders of the risk management movement after a bonfire collapsed on campus in November 1999 (Texas A&M University v. Bading et al, 2007). Texas A&M University, Appellant v. Ryan Bading, Javier Garza, Aaron Horn, Joe Jackson, Andrew McDow, Michael Rusel, Ty Sorell, Scott-Macon, Ltd., Texas Aggie Bonfire Committee, Trevor Jon Saari, H.B. Zachry Company, Zachry Construction Corporation, Harry Eugene Couch, Jr., et al., Appellees was settled in 2007, even though the bonfire incident took place in 1999. Twelve students were killed and 27 injured in the collapse of a bonfire structure while it was being built. The court ruled in favor of the Appellees and the claims of the university were divided into three separate categories: those seeking contribution and/or indemnity; those seeking a finding of proportionate responsibility under Chapter 33 of the Civil Practice and Remedies Code; and those founded in contract.

In 2008, the courts ruled that Texas A&M could not be sued because of the “doctrine of sovereign immunity, which states that governments and their agencies, including public colleges, are immune to civil lawsuits and criminal prosecution” (p. A26). This is guaranteed under the 11<sup>th</sup> Amendment to the U.S. Constitution (Mangan, 2008). Administrators assumed this protected advisors and administration in charge at the time of the incident. The 10<sup>th</sup> Court of Appeals in Waco, Texas disagreed. A 2-1 vote by a lower court gave the plaintiffs the right to sue the administrators as individuals, even though the accident occurred within the scope of their work for the university. This ruling has put many administrators on edge and could prevent good people from going into the field of student affairs.

In 1996, Santana Kenner, a student at the University of Pittsburgh, was an initiate in the Kappa Alpha Psi Fraternity, Inc. (“Fraternity Advisor,” n.d.; Tribbensee, 2004). Kenner and other initiates were subjected to psychological and physical hazing at two meetings. He suffered over 200 blows to the buttocks with a paddle and was hospitalized for three weeks due to renal failure, seizures, and hypertension, which resulted in kidney dialysis. Kenner sued the fraternity, various fraternity officials, and Kevin Clark, the Chapter Advisor. The Superior Court of Pennsylvania found all of the defendants owed a duty to protect Clark from harm caused by hazing, but Kenner failed to provide evidence that any of them, except Clark, had breached that duty. The court ruled that if Clark had been more involved in the process the student would not have sustained his injuries.

In the case of *Webb v. University of Utah* the Supreme Court of Utah held that the University was not liable for the injuries suffered by a student who fell during a class trip on an icy sidewalk (“Center for Education,” 2006). The court ruled that the professor in charge of the trip did not exert the type of control required to create a special relationship therefore the University had no legal duty to the student.

At Cornell University student’s attempt to sue was dismissed from court based on the fact she signed a release (“Center for Education,” 2006). In *Lemoine v. Cornell University*, Lemoine was enrolled in a seven-week rock-climbing course. She signed a release, which prevented her from holding the university liable for any injuries. She also signed a contract stating that she would not climb above a yellow bouldering line without the required safety equipment. The day she fell she was above the yellow bouldering line without safety equipment. She sued the University and the New York Supreme Court Appellate Division granted the University’s motion to dismiss the matter.

## **Risk Management Models**

Many universities have risk management offices or officers in place. Educating students and parents of the risk involved in on- and off-campus activities can prevent concerns (Shackleford & Lundquist, 2005). It is important to develop contractual agreements and a paper trail to account for any issues that may arise. Since not all universities have offices dedicated specifically to student organization risk management, the responsibility falls on the student life office or the advisors of the organizations (Sokolow, 2008). Many institutions are implementing risk management models.

There are a number of schools that include a risk management section in the student organization manual or handbook (Office of Student Organizations, 2009). It typically will not even fill a whole page. The University of Southern Florida introduces risk and then gives a few tips on how to reduce risk.

Some schools use presentations (Briody, 2011). There is typically a professional staff person in the office whose job description includes risk management education. These presentations can be given to the student organizations as a whole, the officers, or just the advisors. The presentation slides are also typically uploaded onto the website so they can be used as a resource.

Still other institutions will look to professional organizations for models that can be adapted to their own school (Sokolow, 2008). The National Center for Higher Education Risk Management (NCHERM) supplies a Comprehensive Student Organizations Risk Management Protocol to universities. It is a 15-page document that was designed to help schools develop and implement their own risk management initiative. It has directions on how to create organizational risk management positions

within each student organization. This Organizational Risk Manager (ORM) is responsible for assessing the risk levels of each groups activities and reporting back to the advisor who then makes the final call on each event. It puts the majority of the work and responsibility on the student.

There are some campuses that implement a collaborative risk-management (CRM) approach (Shackleford & Lundquist, 2005). The CRM would identify and evaluate student-related risks across campus. This approach involves administrators, legal counsel, and the institutions insurance brokers. These key campus professionals consider the campuses finances and politics when designing and implementing appropriate policies, procedures, liability forms, and other documents for particular programs. They think of all scenarios and make sure that each one has a policy or form in place.

Chapter Three presents a review of how this literature formed the design of the Risk Management Guide for Advisors of Student Organizations.

## CHAPTER THREE

### METHODOLOGY

#### **Purpose**

The purpose of this project was to develop a Risk Management Guide for Advisors of Student Organizations that raises awareness about the importance of managing risk management on a college campus. The Guide illustrates the steps that need to be taken when planning an event or activity for a group on campus.

#### **Project Research**

Research for this project was gathered from various resources including other universities student activities websites, books on law in higher education, and searches for journal articles on ERIC Ebsco Host, Academic Search Premier, and Lexis Nexis. The researcher also spoke with Ball State University's Student Legal Services attorney, John Conner. This information was compiled into a review of related literature and used to create the Risk Management Guide for Advisors of Student Organizations.

Articles based on advising student organizations, risk management, and specific cases where risk management should have been used have been significant in the development of the Risk Management Guide. Information was collected and compiled in a way that advisors can follow the steps necessary when planning an event or activity.

The researcher also used personal information and tips that were gathered from experiences during her time in student activities in the past year. She also utilized Ball State University's Handbook for Student Organizations and the Keys to Successful Event Planning, which was developed by a task force in 2002. Forms were collected and are included in the Guide. A few of the forms are examples, but some can be used straight from the Guide to assist in risk reduction for student organizations. If the forms cannot be used directly there is information on how they can be obtained.

### **Limitations**

The first limitation of this project was that its use was customized to be used specifically at Ball State University. However, with some adaptations it could be used by other institutions. The second and final limitation was that the guide would need yearly updates to avoid becoming outdated.

### **Project Overview**

The Risk Management Guide for Student Organization Advisors (RM Guide) was formulated into several different parts. They are all a part of reducing risk in student organizations. The RM Guide begins with an introduction explaining its importance for advisors and there is also a description of the current Indiana law as it applies to advising a student organization. Following is a section that explains what an advisor is and the responsibilities of an advisor. The RM Guide also includes information on risk management and tips for reducing risk in student organizations. There are legal cases that illustrate examples when risk management was successful and when risk management was not taken into account and should have been. Also included are activity requirements and an event planning form. Questions to help determine risk are included

as well as Ball State policies and procedures. Example case studies have also been included to help the advisor and students in the organization learn more about risk management. All of the resources and references used in the development of this project are also included. The last section of the RM Guide provides example forms that can be used by student organizations to reduce risk, such as a liability form and a noise exemption form. The Risk Management Guide constructed by the research appears in its entirety in Appendix A.

## CHAPTER FOUR

### SUMMARY AND FINAL COMMENTS

#### **Summary**

The purpose of this project was to develop a Risk Management Guide for Advisors of Student Organizations that raises awareness about the importance of managing risks on a college campus. The RM Guide illustrates the steps that should be taken when planning an event or activity for a group on campus.

The primary goal of this creative project was to show the significance of reducing risk and illustrate how easily it can be reduced. The researcher wanted to develop a simple guide that can be used by an experienced advisor or a faculty member new to the advising role.

The Risk Management Guide for Advisors of Student Organizations is easy to understand and can be used by anyone. The final product met the researcher's goals.

#### **Final Comments**

The researcher had an interest in risk management reduction that was developed during her time in a seminar class, Advising Skills for Working with Students and Student Organizations, taught by Dr. Lynda Wiley. The researcher was a graduate student in the Student Affairs Administration in Higher Education program at Ball State

University and her assistantship was in Student Center Programs. She was able to learn more about Ball State University's risk management policies through her assistantship and research. She saw a need for the Risk Management Guide and decided to design one as her creative project.

Observations made through developing this creative project were that risk management is not something that can be put in a box and be labeled easily. There are many parts to risk management and covering them all is a nearly impossible challenge. Also, every campus handles risk management in different ways with different policies, therefore it was difficult to compare universities.

Eliminating the limitations mentioned in Chapter One was difficult because information would inevitably become outdated. It was also difficult because the creative project was written specifically for the Office of Student Life at Ball State University. While the RM Guide could be adapted by other universities, changes to the policies and procedures of other institutions would need to be included.

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## **APPENDIX**

# Risk Management Guide for Advisors of Student Organizations

Ball State University



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## Introduction

Whether you are a new advisor or have been one for many years it is important to stay current about trends on campus. Risk management is currently at the forefront of all institutional decision-making. There was a time when courts of law would not entertain cases with the university as the defendant and a student or their parents as plaintiffs, but laws have changed and as an advisor it is important to know your responsibilities. This Risk Management Guide for Advisors of Student Organizations (RM Guide) is a guide to reduce the risk involved with student organizations.

If proper risk management is not followed it can result in a minor problem, such as destruction of university property or a major problem, such as the death of the student. It is an advisors responsibility to support and guide the student organization. Having the proper documents and information available for advisors of student organizations can have a substantial impact on the organization.

This Risk Management Guide is a compilation of the resources available on Ball State's campus and risk management sources found in journal articles and on other universities' websites. The goal is to make managing risk at Ball State as simple as possible for advisors.



**HydroBalls - Liability Waiver Required (p. 21)**

## What is an Advisor?

A student organization advisor is a faculty or staff member who provides guidance and support to student organizations. The advisor serves as a representative of the group and as an advocate for the students involved. An advisor can give ideas, support, a different perspective, and guidance on risk management.

An advisor should never serve as only a signature on forms. It is important that an advisor stay active in the organization, not only for the students, but also to ensure risk management is taking place. It is important to take this position seriously and devote time and energy to the organization.

### A Good Advisor is:

**A**ware  
**D**edicated  
**V**isible  
**I**nformed  
**S**upportive  
**O**pen-Minded  
**R**espected

(Student Activities Office, 2009)



### Benefits of Advising:

- Rare opportunity to work with students outside of the classroom
- Reward of watching students grow and develop to their full potential
- Sense of accomplishment from helping a group of students
- Chance to demonstrate the importance of service

## **Advisor Responsibilities**

Student organizations at Ball State University are required to have an advisor who must be a member of the faculty or professional staff (Office of Student Life, 2011). The advisor assumes responsibility for working on a continual basis with his or her respective organization in accordance with the policies of the institution.

Below are some risk management suggestions for serving as an advisor:

- Be a well-informed resource on University policies and procedures and be able to interpret them to the students.
- Be knowledgeable about and comply with federal, state, and local laws and ordinances.
- Be familiar with the group's constitution and/or bylaws. Make certain that policies and procedures set by those documents are being followed.
- Make sure the group is aware of the advisor's role to the organization.
- Help the group evaluate elements of risk in their events.
- Be concerned about risk management, but do not become paranoid.
- Remember your responsibility is not only to the organization, but to the University as well.
- Share your knowledge and expertise with the group.
- Be visible at the organizations' meetings and events.
- Be aware of the organizations' plans and activities.
- Be prepared to respond appropriately if the group experiences an emergency.
- Listen to the organizations' ideas. The proposal of an idea may require the advisor to play the devil's advocate, however let the group completely voice ideas before doing this.
- Feel free to contribute ideas to brainstorming sessions.
- Monitor organization finances.
- Encourage feedback and evaluation.

## What is Risk Management?

**Risk** – Exposure to the chance of injury or loss; a hazard or dangerous chance

**Risk Management** – The technique of assessing, minimizing, and preventing accidental loss to a business through the use of safety measures, insurance, etc.

(Dictionary.com, LLC, 2011)

### The Process of Risk Management for Student Organizations

**Risk Identification** – Advisors identify that there is risk involved in an activity.

**Avoidance** – Advisors must decide if risk can be avoided.

**Reduction** – If advisors decide it cannot be avoided they then figure out different ways to reduce the risk.

**Transfer** – Risk can be reduced by transference to another entity that will then assume the risk, such as a liability waiver found on page 21.

**Acceptance** – Advisors need to be willing to accept that there will be risks involved in many activities, so they can do what they can to reduce it.

### Risk Level

It is important to determine the risk level of events.

**Low-Risk** – There is no action required except to monitor the planning and event to make sure the level stays low. *Example – Handing out information at the Scramble Light*

**Moderate Risk** – The event can progress as long as the appropriate risk management policies are taking place and the event is monitored. *Example – Having a dance in the Student Center.*

**High-Risk** – Consult the Office of Student Life if it is considered high-risk. The activity might be canceled depending on the situation. Enforce risk management practices. *Example – A student organization wants to go skydiving.*

## Tips for Reducing Risk in Student Organizations

### As an advisor be prepared to:

- ANTICIPATE – This is key in risk management. Always be two steps ahead.
- Tell the student group that what they are planning to do is wrong
- Warn the students participating in the activities of the risks involved
- Offer alternative suggestions that may be less risky
- Train and instruct students on the risk management of certain activities
- Act only within the scope of your authority, which means that you should not sign contracts, approve activities, or speak for the University unless you have been given authority to do so
- Hire a third party vendor or contractor
- Provide advanced training
- Assume a ‘worst case scenario’ and prepare for it to reduce the likelihood it will happen
- Cancel the event if the conditions are dangerous or if the organization is not prepared to assume full responsibility for the risk involved
- Keep communication open
- Develop an Organizational Risk Manager (ORM) in each student organization can help to significantly reduce risk. The ORM is an officer in each student organization. The ORM is responsible for training and familiarizing the student organization with risk management techniques.



**Inflatable Slide Required a Liability Waiver (p. 21)**

## Indiana Law

It is important for an advisor to understand what the law says in the state where they are employed. Legalities can be confusing, but they are important to understand in case the steps to risk reduction fail in some way. It is impossible to anticipate every possible circumstance, so it is important to know what the law says in case of the worst-case scenario.

Indiana Tort Claims 2009 state that the State is not liable for some losses, including the following, **“injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-33-8-12(b)”** (Tort Claims, 2009). As an employee it is important to know that as long as you are acting within the scope of your job description the university will stand by your side if any legal action is pursued. It is important for faculty members to make sure their job descriptions include a line for ‘service’ or for advising a student organization.



Proper Food Preparation and Sanitation is Important (p. 18)

## **Legal Cases Involving Risk Management**

Advisors, typically faculty advisors, are unaware that they need to have a broad range of knowledge related to risk management. There are several different ways for an advisor to gain this knowledge, such as reading about legal cases, researching university policy, meeting with Student Legal Services. Below are a few cases where a greater knowledge of risk management would have helped, and one case with a successful use of risk management. More information can be found online in journal and news articles.

### **Alcohol Related Accident**

#### **Delaware Valley College, Doylestown, PA**

Bradshaw vs. Rawlings in 1979 was a case where Donald Bradshaw, 18, was an injured passenger in a drunken driving accident after a school picnic (Spaziano, 1994). The issue arose when it was discovered that the advisor had co-signed a check that paid for alcohol and the advertisements depicted beer mugs. Rawlings and Delaware Valley College won the case in appellate court because Bradshaw was seen as an adult and the administrator was no longer the authoritarian figure.

### **Doctrine of Sovereign Immunity Repealed**

#### **Texas A&M University, College Station, TX**

Texas A&M University has been one of the leaders of the risk management movement after a bonfire collapsed on campus in November 1999 (Texas A&M University v. Bading et al, 2007). Texas A&M University, Appellant v. Ryan Bading, Javier Garza, Aaron Horn, Joe Jackson, Andrew McDow, Michael Rusel, Ty Sorell, Scott-Macon, Ltd., Texas Aggie Bonfire Committee, Trevor Jon Saari, H.B. Zachry Company, Zachry Construction Corporation, Harry Eugene Couch, Jr., et al., Appellees was settled in 2007, even though the bonfire incident took place in 1999. Twelve students were killed and 27 injured in the collapse of a bonfire structure while it was being built. The court ruled in favor of the Appellees and the claims of the university were divided into three separate categories: those seeking contribution and/or

indemnity; those seeking a finding of proportionate responsibility under Chapter 33 of the Civil Practice and Remedies Code; and those founded in contract.

In 2008, the courts ruled that Texas A&M could not be sued because of the “doctrine of sovereign immunity, which states that governments and their agencies, including public colleges, are immune to civil lawsuits and criminal prosecution” (p. A26). This is guaranteed under the 11<sup>th</sup> Amendment to the U.S. Constitution (Mangan, 2008). Administrators assumed this protected advisors and administration in charge at the time of the incident. The 10<sup>th</sup> Court of Appeals in Waco, Texas disagreed. A 2-1 vote by a lower court gave the plaintiffs the right to sue the administrators as individuals, even though the accident occurred within the scope of their work for the university. This ruling has put many administrators on edge and could prevent good people from going into the field of student affairs.

### **Fraternity Hazing Case** **University of Pittsburgh, Pittsburg, PA**

In 1996, Santana Kenner, a student at the University of Pittsburgh, was an initiate in the Kappa Alpha Psi Fraternity, Inc. (“Fraternity Advisor,” n.d.; Tribbensee, 2004). Kenner and other initiates were subjected to psychological and physical hazing at two meetings. He suffered over 200 blows to the buttocks with a paddle and was hospitalized for three weeks due to renal failure, seizures, and hypertension, which resulted in kidney dialysis. Kenner sued the fraternity, various fraternity officials, and Kevin Clark, the Chapter Advisor. The Superior Court of Pennsylvania found all of the defendants owed a duty to protect Clark from harm caused by hazing, but Kenner failed to provide evidence that any of them, except Clark, had breached that duty. The court ruled that if Clark had been more involved in the process the student would not have sustained his injuries.

### **Student Injured on Class Trip** **University of Utah, Salt Lake City, UT**

In the case of *Webb v. University of Utah* the Supreme Court of Utah held that the University was not liable for the injuries suffered by a student who fell during a class trip on an

icy sidewalk (“Center for Education,” 2006). The court ruled that the professor in charge of the trip did not exert the type of control required to create a special relationship therefore the University had no legal duty to the student.

### **Successful use of a Liability Waiver and Contract**

#### **Cornell University, Ithaca, NY**

At Cornell University student’s attempt to sue was dismissed from court based on the fact she signed a liability waiver (“Center for Education,” 2006). In *Lemoine v. Cornell University*, Lemoine was enrolled in a seven-week rock-climbing course. She signed a waiver, which prevented her from holding the university liable for any injuries. She also signed a contract stating that she would not climb above a yellow bouldering line without the required safety equipment. The day she fell she was above the yellow bouldering line without safety equipment. She sued the University and the New York Supreme Court Appellate Division granted the University’s motion to dismiss the matter.



**Registration Table – Sign-In Sheets (p. 15) and Liability Waivers (p. 21)**

## Activity Requirements

**Activity Requirements Scheduling Conflicts:** Every attempt should be made to avoid scheduling two major events of the same nature for the same date if admission is charged for one or both events.

**Professional Shows:** All professional productions (those involving anyone other than BSU students, faculty, or staff) sponsored by campus organizations must be scheduled a minimum of ten days apart, regardless of location. The Director of Emens Auditorium must also approve productions held at Emens.

**Final Exam Period:** Major events and activities, which are significantly time-consuming, may not be scheduled during the final exam period. No field trips involving absence from class on the part of the participants may be scheduled during the final exam period.

**Proper Identification:** Students must show their Ball State I.D. for admission to dances and other late night events.

**Signing Contracts:** For your group's protection, contracts for speakers, bands or artists should be signed with the name of the group contracting, rather than the name of the individual. The Assistant Vice President for Student Affairs/Director of Student Life, SC 133, should also review contracts at least one month in advance of the performance. Student groups utilizing SGA funds for co-sponsorship must use BSU contracts.

**Invited Speaking Guests:** Recognized BSU student organizations have the privilege of inviting speakers to campus, subject only by the following provisions:

1. The speaker shall not urge the audience to take actions, which are prohibited by the rules of Ball State University or which are illegal under federal or Indiana law. Advocating or urging the modification of the government of the United States or of the State of Indiana by violence or sabotage is specifically prohibited.
2. The student organization sponsoring the speaker has the following responsibilities:
  - Arranging for reservation of space
  - Assisting in insuring that any meeting held is conducted in an orderly fashion and that any speaker invited to campus as a guest of the University shall be accorded a courteous hearing and shall not be subjected to unseemly action on the part of those attending

It is the responsibility of the Assistant Vice President for Student Affairs/Director of Student Life to certify that all the provisions listed in the *Organization Responsibilities* and *Campus Policies & Procedures* sections of the Handbook of Student Organizations have been complied by the sponsoring student organization before the event is officially scheduled. In the event an invited speaker fails to comply with Item 1 above and/or advocates action deemed to be illegal, any action to be taken must be left to regular civilian authorities, which administer federal and state laws. In the event the sponsoring organization violates the provisions listed above, the organization is subject to the procedures and penalties applicable to students and student organizations, which violate other Ball State University rules.

(Office of Student Life, 2011)

## Pre Event Planning Form

Answer the following questions when planning successful events.

When in the planning stage it is important to answer the following questions:

Title of Event/Activity:

Date of Event:

Location:

*Reserve space in Student Center 224 with Charlie Scofield 285-1850*

Alternate Location:

Start Time:

End Time:

Estimated Attendance:

Risk Level (p. 7):

Low

Moderate

High

If Low, continue with planning.

If Moderate, answer the following Questions to Determine Risk (pp. 14-16).

If High, consider a different type of activity or consult the Office of Student Life 285-2621.

## Questions to Determine Risk

Filling out this form can help anticipate any issues that may arise. It can help organize the activity being planned, while identifying any risks associated with the activity.

Identify and list the potential risks associated with the particular event and how they will be addressed:

<b>Activities</b>	<b>Associated Risks</b>	<b>Method/Response</b>
<i>Examples:</i>	<i>Examples:</i>	<i>Examples:</i>
<i>Inflatable Hot Dog Eating Contest</i>	<i>Injuries Choking &amp; Illness</i>	<i>Liability Waiver (p. 21) Liability Waiver (p. 21)</i>

## **Ask yourself the following questions to help determine and reduce risk:**

The following risk management questions are common when planning an activity with student organizations. Provided are resources that can assist in reducing risk management for different types of activities and events.

### **Do you need liability waivers or insurance?**

*Contact Student Legal Services Attorney John D. Connor 285-1888 for guidance.*

An example liability waiver is included in the Risk Management (RM) Guide on page 21, but it is important to have your students meet with Mr. Connor to discuss all the risks so he can develop a waiver that is all encompassing.

### **Will the organization sell or distribute items on campus?**

#### **Is the organization fundraising?**

#### **Is the organization marching or demonstrating?**

#### **Does the organization plan to construct any structures?**

*Consult the Handbook for Student Organizations Expressive Activities Policy.*

The Handbook for Student Organizations can be found on the Office of Student Life's website - <http://cms.bsu.edu/CampusLife/StudentLife.aspx>

### **Does the event involve physical activity?**

*Consider the need for medical personnel on site.*

*Distribute waivers to all participants.*

*Determine ways to fully prepare participants for the event.*

### **Will attendees need a medical release or emergency information and contact form?**

A Medical Release Form is included in the RM Guide on page 23.

An Emergency Information and Contact Form is included in the RM Guide on page 24.

### **Should you keep track of attendance?**

*Student must show a Ball State ID to gain admittance. Guests of Ball State students must be signed in.*

*The guest list must be handed into the Office of Student Life.*

*It is important to know who is at the event in case something was to happen.*

*Having a sign-in sheet is important.*

*It is also important to track non-students at the event, by tracking who they are a guest of.*

A sign-in sheet is a very simple document to design and could be helpful in an emergency.

### **Are minors involved in this activity?**

*Have students contact Student Legal Services 285-1888 or the Office of Student Life 285-2621 for guidance.*

A Parental Informed Consent and Hold Harmless/Release Agreement is included in the RM Guide on page 26.

### **Will the event require University Police for security?**

*Evaluate the content of the event, the amount of money present, and the expected attendance.*

*Contact the Department of Public Safety 285-1111 to arrange for off-duty officers to cover the event.*

*There is a fee for this service.*

*The responsibilities for security are listed in the Handbook for Student Organizations.*

The Handbook for Student Organizations can be found on the Office of Student Life's website - <http://cms.bsu.edu/CampusLife/StudentLife.aspx>

### **Will alcohol be served or consumed at the activity?**

*Contact the Office of Student Life 285-2621 for information on third party vendors.*

*The Alcohol Policy is in the Handbook for Student Organizations.*

The Handbook for Student Organizations can be found on the Office of Student Life's website - <http://cms.bsu.edu/CampusLife/StudentLife.aspx>

### **Is travel involved in this activity?**

*Consult the Checklist for Safe Travel.*

*If a Ball State vehicle is being used the driver and passengers must fill out Authorization of Travel forms.*

*A Travel Information form must be completed and handed in two weeks prior to travel.*

A Checklist for Safe Travel is included in the RM Guide on page 26.

The Authorization for Travel form can be found in the RM Guide on page 28.

A Travel/Conference Participation Agreement form is included in the RM Guide on page 29.

A Travel Information form is included in the RM Guide on page 27.

An Emergency Contact and Information Form is included in the RM Guide

### **Are you contracting services from a non-university entity?**

*For your group's protection, contracts for speakers, bands or artists should be signed with the name of the group contracting, rather than the name of the individual. The Assistant Vice President for Student Affairs/Director of Student Life, SC 133, should also review contracts at least one month in advance of the performance. Student groups utilizing SGA funds for co- sponsorship must use BSU contracts.*

### **Are you serving food?**

*All risk can be transferred if the organization hires University Catering 285-3500 or a third party vendor to cater the food for the event.*

*If the group wants to prepare food it needs to be pre-packaged and gloves must be worn. The food must be cooked thoroughly for safety.*

### **Do you need a noise exemption?**

*Noise exemptions must be approved through the city. The Noise Exemption form must be filled out and submitted to Linda Hayes at the Street Department. Someone from the organization must attend the Board of Public Works meeting at City Hall to explain the request.*

*The Outdoor Activities Policy in the Handbook for Student Organizations explains when a noise ordinance might be necessary.*

The Noise Exemption form is included in the RM Guide on page 30.

The Handbook for Student Organizations can be found on the Office of Student Life's website - <http://cms.bsu.edu/CampusLife/StudentLife.aspx>

## Case Studies

Provided below is a series of case studies that can be used as a resource for an advisor or as a training tool for students in the organization. Included are the situation and the response.

### Large Scale Event

*Situation:*

Campus Crusades for Christ (CRU) are planning a Welcome Back Bar-B-Q. They intend to grill hotdogs, serve chips, and drinks. They also plan on having an inflatable obstacle course. It is expected to be a large event with over 200 people in attendance. What type of things does CRU need to have for this event to be safe and successful?

*Response:*

- If CRU is having this event on campus they need to make sure they have successfully reserved the space through Charlie Scofield in SC 224.
- CRU also needs to hire University Police 285-1111 to work the event. The responsibilities behind hiring police are listed in the Handbook for Student Organizations. This will cost the organization money.
- Having a sign-in sheet to track guests is important. Ball State students must show ID and all guests of Ball State students must be signed in as such.
- The students in CRU also need to obtain a **Liability Waiver (p. 21)** from John Connor in Student Legal Services for the inflatable. Every student that partakes in the obstacle course must have signed a waiver. There needs to be a contract with third party vendor that owns the inflatable obstacle course, so the University is not held liable. The **Activity Requirements (p. 12)** covers the use and guidelines of contracts.
- When serving food it is important that is pre-packaged, the cooks and servers have clean hands and are wearing gloves, and make sure the food is thoroughly cooked. It is also very easy to avoid the liability if CRU decides to hire University Catering. If a third party vendor is hired for food it is important that a contract has been set up, so the University is not held liable. The **Activity Requirements (p. 12)** cover the use and guidelines of contracts.

### Travel

*Situation:*

The Ball State Quidditch League is heading to Earlham College in Richmond, Indiana for a game against their Quidditch team. The team wants to drive themselves to Richmond. Before traveling what does the team need to care of?

*Response:*

- The first step is to use the **Checklist for Safe Travel (p. 26)** including in the Risk Management Guide.
- The **Emergency Information and Contact Forms (p. 24)** need to be filled out by everyone going on the trip. The advisor will need to collect these forms before the team can leave.
- The **Travel Information Form (p. 27)** also needs to be filled out and handed in to the advisor and the Office of Student Life. It is also important to make sure the vehicles being used are in good condition for the trip and that all laws and safety rules are followed.

## Fire

### *Situation:*

The Ball State Swing Dancing Society is having a dance in the Ballroom at the Student Center. They hired a DJ for the event and are expecting a huge turnout. An hour into the dance one of the DJ's speakers begins smoking and then it bursts into flame. What steps need to be taken?

### *Response:*

- In case the fire alarms are not going off it is important for someone to pull the switch. It is also important to get everyone out of the Ballroom and the rest of the building, but that is not the job of the students. Someone should also call 911.
- The most important thing is that everyone got out of the building.
- At any event is important to have a guest sign-in sheet to track the students in attendance at the event. Ball State student must show ID and all guests of Ball State students must be signed in as such. It could come in very useful if there was a fire and something tragic were to happen to any students.
- It is also important that a contract had been set up with the DJ, so the University is not held liable. The **Activity Requirements (p. 12)** cover the use and guidelines of contracts.

## Injury

### *Situation:*

A fraternity on campus planned to hold a Polar Bear Fun Run on campus in December. The morning of the event it was 25 degrees and snowing heavily. The organization did not want to disappoint their 150 participants, so they decided to still hold the event. Two of the runners fell and were injured bad enough they were transported to the hospital. What steps should have been taken to prevent this and what steps need to be taken to protect the group once there are injuries?

### *Response:*

- The day of the event, if the weather was bad, it should have been rescheduled. It is important to always have a backup plan or alternative location when planning an outdoor event.
- Any type of physical event requires a **Liability Waiver (p. 21)** that needs to be filled out by all participants.
- Since the event had a large number of participants the organization should have alerted the University Police 285-1111 and requested an ambulance be on the scene.
- If neither of these precautions were taken it is important to follow up with the injured students to obtain a full report of what happened. The information should then be given to the Office of Student Life.

## Illness

### *Situation:*

A student organization is on a retreat and one of the students becomes very ill. The advisor decides to take the student to the hospital, but the student does not know any of her medical information and she cannot reach her parents. What step would have prevented this from being an issue?

### *Response:*

- If the members of the student organization had filled out an **Emergency Information and Contact Form (p. 24)** all of the necessary information would have been in the advisors possession.
- If the student's parents had filled out a **Medical Release Form (p. 23)** the advisor and the physician would have had permission to secure proper treatment for the student.

## References and Resources

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Texas A&M University, Appellant v. Ryan Bading, Javier Garza, Aaron Horn, Joe Jackson, Andrew McDow, Michael Rusel, Ty Sorell, Scott-Macon, Ltd., Texas Aggie Bonfire Committee, Trevor Jon Saari, H.B. Zachry Company, Zachry Construction Corporation, Harry Eugene Couch, Jr., et al., Appellees, 236 S.W.3d 801 (Tex. Ct. App. 2007)

**SAMPLE – EACH ACTIVITY NEEDS SPECIFIC WAIVER**

Participant's Name: \_\_\_\_\_  
Please Print

**BALL STATE UNIVERSITY**

**Waiver of Liability, Assumption of Risk, and Indemnity Agreement Waiver:**

In consideration of being permitted to participate in any way in (describe activity)

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And any and all organizational activities incidental thereto however the same may occur and for whatever period said activity may continue, hereinafter call the "Activity", I, for myself, for my heirs, personal representatives, or assigns, **do hereby release, waive, discharge, and covenant not to sue** \_\_\_\_\_ (organization's name (s)), **Ball State University** and all their Board of Trustees, their officers, their directors, their employees, their agents and assigns from **liability from and all claims** resulting in personal injury, accidents or illnesses (including death), and property loss, regardless of fault, arising from, but not limited to, participating in "Activity".

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Signature of Participant

Date

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Signature of Parent/Guardian of Minor

Date

**Assumption of Risks:**

Participation in the "Activity" carries with it certain inherent risks that cannot be eliminated regardless of the care taken to avoid injuries. The specific risks vary from one activity to another.

**I have read the previous paragraph and I know, understand, and appreciate these and other risks that are inherent in the "Activity". I hereby assert that my participation is voluntary and that I knowingly assume all such risks.**

**Indemnification and Hold Harmless:**

I also agree to INDEMINIFY AND HOLD \_\_\_\_\_ (organization name(s)), Ball State University and all their Board of Trustees, their officers, their directors, their employees, their agents and assigns HARMLESS from any all claims, actions, suits, procedures, costs, expenses, damages, and liabilities including, but not limited to, attorney's fees brought as a result of my involvement in "Activity" and to reimburse them for any such expenses incurred.

**Severability:**

The undersigned further expressly agrees that the foregoing waiver and assumption of risks agreement is to be as broad and inclusive as is permitted by the law of the State of Indiana, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

**Acknowledgement of Understanding:**

I have read this waiver of liability, assumption of risk, and indemnity agreement, fully understand its terms, and **understand that I am giving up substantial rights, including my right to sue.** I acknowledge that I am signing the agreement freely and voluntarily, and **intend by my signature to be a complete and unconditional release of all liability, assumption of risk and agreement to hold harmless and indemnify** to the greatest extent allowed by law.

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Signature of Participant

Date

---

Signature of Parent/Guardian of Minor

Date

**MEDICAL RELEASE**

In case of emergency, I understand every effort will be made to contact me. In the event I cannot be reached, I hereby give my permission to the physician selected by the student organization leader(s) and/or advisor(s) in charge to secure proper treatment, including hospitalization, anesthesia, surgery, or injections of medication for my child.

This form must be signed by at least one parent or guardian.

	Parents	Minor (s)
Name (print):	_____	_____
		_____
		_____
Address:	_____	
	_____	
	_____	
Date:	_____	
Signature:	_____	

**EMERGENCY INFORMATION AND CONTACT FORM****STUDENT NAME:** \_\_\_\_\_**In case of emergency, please contact:**

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

Phone (day): \_\_\_\_\_ (evening): \_\_\_\_\_

## Medical History (attach sheets where appropriate):

Allergies: \_\_\_\_\_

Medications: \_\_\_\_\_

Any physical impairment: \_\_\_\_\_

## Health Insurance Coverage:

Company: \_\_\_\_\_

Policy number: \_\_\_\_\_

Personal physician: \_\_\_\_\_

Physician phone number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

Current phone number: \_\_\_\_\_

*Keep these forms in a sealed envelope unless they are needed due to the private information they entail.*

**PARENTAL INFORMED CONSENT AND HOLD HARMLESS/RELEASE  
AGREEMENT**

I understand that participation in the \_\_\_\_\_ activity, sponsored by

\_\_\_\_\_ (organization name(s)) is a Ball State University student organization in which membership is voluntary, and having full confidence that precautions will be taken to ensure the safety and well being of my son/daughter (name of guardian), I have carefully considered the risk involved and have given

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(names (s) of child(ren))

my consent to participate in the \_\_\_\_\_ program,

and waive all the claims I may have against \_\_\_\_\_ (organization name(s)), **Ball State University**, and all their Board of Trustees, their officer, their directors, their employees, their agents, and assigns from liability from any and all claims resulting in personal injury, accidents, or illnesses (including death), and property loss, regardless of fault, arising from but not limited to, participating in the stated activity.

**MINOR RELEASE**

And I the minors parents and/or legal guardian, understand the nature of the activity and the minor's experience and capabilities and believe the minor to be qualified, in good health, and in proper physical condition to participate in such activities. I hereby release, discharge, covenant not to sue and agree to indemnify and save and hold harmless each of the releasees from all liability, claims, demands, losses, or damages on minors account caused or alleged to be caused in whole or in part by the negligence of the 'releasees' or otherwise, including negligent rescue operations and further agree that if, despite this release, I the minor, or anyone on the minors' behalf makes a claim against any of the realeasees mentioned above, I will indemnify, save and hold harmless each of the releasees from any litigation expenses, attorneys fees, loss liability, damage, or cost any may incur as the result of any such claim.

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

## CHECKLIST FOR SAFE TRAVEL

(This list is not exhaustive – there may be additional details to consider when traveling)

Have you checked for the following:

- Appropriate insurance and valid driver's license
- Safe and reliable condition of vehicle
- Awareness of all rivers that they assume responsibility and liability for the safety of those traveling in their vehicles
- Directions, phone number and address of destination for EACH vehicle

Do you have the following supplies:

- First Aid Kit
- Flashlight
- Credit card (for emergencies)
- Maps
- Emergency contact information for all participants (*can be found in the RM Guide*)
- Emergency phone numbers:
  - Advisor
  - University Police Department (285-1111)
  - Office of Student Life (OSL) (285-2621)

Have you discussed with your group:

- Trip itinerary and expenses
- Expectations and rules
- Emergency procedures
- Appropriate State laws
- Waivers and release forms
- Selection of drivers
- Possible road construction and/or detours

Do your driver and passengers understand safe driving practice:

- Obey all traffic laws
- Drive appropriately for road and weather conditions (i.e. snow, ice, flooding)
- No horseplay, racing, or caravans
- Plan routes and stops in advance
- Stop at least every 90 minutes to rest – do NOT continue to drive if too tired
- Do not consume, possess, or transport alcoholic beverages or illegal drugs
- Each driver and all passengers should wear seat belts
- Drivers should be well rested
- Drivers should pull over in a safe location if they become drowsy
- Cell phones should not be used by the driver while operating the automobile.** If a need develops to use the phone, pull off to a safe area to have your conversation

If there is an emergency, does the group know and understand the following:

- Stop immediately and notify the local police or call 911
- Obtain medical attention for anyone in need
- Fill out police report, and obtain names and contact information of witnesses
- Follow the emergency information packet in the glove box (if University car) and contact your advisor immediately. If advisor is not available, contact OSL office (285-2621) or University police (285-1111)
- If traveling in a personal vehicle, immediately contact insurance company

This list would serve as a helpful reference to the students on traveling.

**TRAVEL INFORMATION**  
**COMPLETE TWO WEEKS PRIOR TO TRAVEL**  
 THE OFFICE OF STUDENT LIFE AND THE ORGANIZATION'S ADVISOR MUST  
 RECEIVE A COPY

Destination: \_\_\_\_\_

Purpose of Trip: \_\_\_\_\_

Departure Date: \_\_\_\_\_

Time: \_\_\_\_\_

Return Date: \_\_\_\_\_

Time: \_\_\_\_\_

Description of Travel Route: (include phone number and address of destination)

**Contact Information**

Trip Coordinator: \_\_\_\_\_

Contact information during travel: \_\_\_\_\_  
 (address, phone number, etc.)  
 \_\_\_\_\_

Employee(s) traveling with Organization: (must complete Travel Authorization)

<u>Name</u>	<u>Emergency Contact</u>	<u>Emergency Telephone</u>
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List of Students Driving:

<u>Name</u>	<u>ID #</u>	<u>Emergency Contact Name</u>	<u>Phone Number</u>
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1.

2.

3.

ATTACH A PASSENGER LIST FOR EACH AUTOMOBILE TO THIS FORM SUBMISSION OF FORM  
 DOES NOT SIGNIFY APPROVAL – FOR INFORMATIONAL PURPOSES ONLY

Advisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**- SAMPLE - CONFERENCE PARTICIPATION AGREEMENT**

I, \_\_\_\_\_, hereby agree to fulfill all of the terms listed below as an official student representative of Ball State University at the *(date and title of the conference or program)*.

1. I understand that as a representative of Ball State University, I will stay with the delegation at the designated site, and travel with it via transportation arranged by the University.
2. I will attend all pre-conference, on-site, and post conference delegation meetings.
3. I will attend in and participate in all aspects of the conference, including educational settings.
4. I realize that I am representative of Ball State University, and that I have been chosen by my organization to represent it and its interests. As such a representative, I understand that any actions I take at the conference will affect opinions about my organization and Ball State University.
5. I will engage in behaviors that are responsible and mature. Intoxication, use of illegal substances, and/or disruptive, abusive, or inappropriate behavior that may result in disciplinary action being taken against me in accordance with the Code of Student Rights and Responsibilities. If I am asked to leave, I understand that I must reimburse my organization and/or the University for any expenses they cover for my participation in the conference. I will also be required to pay for my own transportation back to Ball State University.
6. I will participate in post-conference evaluations.
7. I fully understand and agree that my attendance at the conference is as a volunteer and not as an employee of Ball State University.
8. I further understand that, as a volunteer, I shall not be eligible or entitled to receive salary, wage, or other compensation. I understand that I am responsible for any health/medical related costs incurred due to any injury I indemnify and hold harmless, the Board of Trustees, their respective offices, employees, servants, and agents, from and against any and all claims or demands in that regard.
9. I further verify that I am at least eighteen (18) years of age and voluntarily enter into this waiver with full understanding of any and all risks involved.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

**Three copies of the Application must be submitted for processing 3 weeks prior to the Date of Event**

To process application: print application, complete all \*Required fields, submit application to the Board of Works via regular mail or hand deliver to:

Linda Hayes – Street Department, 5790 W. Kilgore Avenue, Muncie, IN 47304  
 For further assistance please contact Linda Hayes at 765-747-4847 or 765-747-4878  
 Between the hours of 7:00 a.m. to 3:00 p.m. Monday thru Friday

**Noise Exemption Authorization Application  
 Pursuant to Chapter 100 of the Muncie City Code**

\*Date of Event: \_\_\_\_\_

\*Requested By: \_\_\_\_\_  
 (Name of Business or Organization and Individual's Name)

\*Mailing Address: \_\_\_\_\_

\*Daytime Phone Number: \_\_\_\_\_

\*Evening Phone Number: \_\_\_\_\_

\*Address of Event: \_\_\_\_\_

\*Time of Event \_\_\_\_ AM / PM Duration Time for Event \_\_\_\_ Hours

\*Number of people attending an event \_\_\_\_\_

\*Type of Event: \_\_\_\_\_

\*Type of Level of Noise: \_\_\_\_\_

**Board of Public Works and Safety**

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**Harold Mason, President**

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**Kelly Christy, Vice President**

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**Daniel J. Gibson, Secretary**

Authorize this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Applicants are required to attend the weekly meeting of the Board of Public Works and Safety to address the members of the Board and explain your request. The Board meets each Wednesday at 10:00 AM in the City Hall Auditorium. If an applicant does not attend the meeting, the request will be tabled or denied until additional information is provided to the Board at a regularly scheduled meeting.

A request for exemption effective after 12:00 AM will not be approved without an applicant addressing the Board and speaking to the impact upon the surrounding neighborhood. Evidence of support from neighbors impacted by the noise may be requested.