



Leadership Handouts

Organization Development Series

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Organization Liability

Gone forever are the days of peaceful co-existence with our neighbors and acquaintances. We are in the age of legality where civil liability suits touch us everyday, for almost any reason. In order to survive in this new environment, it is essential for student groups to become risk managers.

TYPES OF LIABILITY

Legal issues which would most likely effect student groups would involve some type of CIVIL LIABILITY SUIT deriving from a twisted relationship between two parties. These cases involve compensation for injury or punitive damages.

1. Defamation – a false statement made by one person to another about a third person, that holds the person up to ridicule or contempt. Questions to consider are:
 - a) Was it false?
 - b) Was it made to a third party?
 - c) Was there an injury?

Examples: slander – verbal defamation
 libel – written defamation

2. Negligence – The key to determining negligence rests on the legal relationship existing between the two parties. If your group invites members, students, faculty/staff, or the public to an event (on or off campus), your group has a DUTY TO CARE for those individuals.

Duty to Care: The responsibility to give sufficient instructions, supervision, training, maintenance of equipment, warning etc.

- a) Four tests to establish whether your group has a Duty to Care or a special relationship.
 - landlord/tenant - common carrier
 - client/therapist - business/invitee
- b) Negligence can be proven if:
 - there was a Duty to Care or a special relationship
 - that duty was breached
 - there was an injury
 - there was a causal relationship between the breach and the injury
- c) defenses
 - 1) assumption of risk (i.e.. sports, camping trips, etc.)
 - 2) contributory negligence (i.e.. self inflicted injury)
 - 3) Duty was not breached (i.e.. sufficient instruction, supervision, training, maintaining equipment, warning)

Moral of the story:

*In any questionable situation; ask yourself if a/the injury is FORESEEABLE. If so, you had better take all measures to fulfill your duty to care.