

Points of Discussion for Legal Issues in Advising:

We have a duty to protect our students and their guests from known or reasonable foreseeable dangers.

Is your role as an adviser formally addressed in your position description?

Federal and State Laws; campus rules/regulations/policies

- money
- copyright – movies, t-shirt artwork, publicity,
- alcohol
- hazing
- contracted services – food service,
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Reasonable Person Standard – law requires one to behave as a “reasonable person” would act under similar circumstances.

- common sense
- negligence - tort
- what “might” happen?

Forms, forms, forms

- informed consent
- emergency contacts
- waivers
- contracts

Things that make you go, “HMMMMMMMM” – when in doubt, ASK another adviser, your legal counsel, your supervisor, and ALWAYS, put important things in WRITING!

Is your group a registered student organization?

Public vs. Private institutions

The Right to Organize

Insurance

“What if” scenarios: Alcohol + Water, Transportation/Van Driving, etc.

Know whom to ask on your campus!

Case Vignettes – pp. 184-185 (Dunkel & Schuh)

JD Porter & DM Rodkin, NACURH '99;
adapted from NW Dunkel, 1998

