Negligence

Generally, you and your organization can be held liable by a court of law for intentionally or negligently causing harm to another person. Negligence is a breach of a duty owed to another person. Members of student organizations may owe duties in many instances.

For example, you may have a duty to train members about safety and their responsibilities during events. If you do so poorly and someone is injured as a result, that person may sue the organization for negligence.

Sometimes, members assume personal liability as part of student organization events, such as driving other members to an organizational event in their personal vehicles.

The key is to exercise reasonable care to prevent any harm that might be foreseeable as a result of your activities or events. The more you do to keep your members and participants safe, the less likely you are to be found in a breach of your duty.

For advisor information on liability, please click here.

HOW TO DESIGN A WAIVER/RELEASE FORM

The Department of Student Activities has a standard waiver that can be adapted for your organization’s use by describing your activity in the Indemnity Clause.

Some key points to consider in waiver and release forms for your organization and/or its activities are:

- Make sure the title of the document is clear, so everyone understands what they are signing
- Include spaces for the organization’s name, the participant’s name, and the name of the specific event
- Describe the activity and risks involved as specifically and clearly as possible
- Include text to “hold harmless and indemnify the sponsoring organization,” to ensure the participant read and understood risks involved and will not hold the organization liable in case of injury
- Include text asking the participant to give consent for medical treatment in case of injury
- A clear space for the participant to sign and date the form indicating acknowledgment
- If the participant is a minor (under the age of 18), he/she must have a parent/guardian sign the form
- Retain waiver forms for the specified amount of time following the event (The current academic year plus one additional academic year)
In addition to signing the form, you should go over the possible dangers participants may encounter while engaging in the activity. Try to be comprehensive so participants will be aware of what is involved in the activity and then can choose to assume the responsibility of engaging in the activity for themselves.

In the state of Texas, waiver forms themselves do not ensure that an event organization is protected from liability. Even if a participant signed a waiver form, you still owe that person a duty to effectively train him/her for the activity, maintain equipment, and supervise the activity properly to avoid potential injuries. Do not let a waiver form be your only mitigation strategy to exercise all reasonable care in preventing physical risks.

What Are Contracts?

Contracts are a binding agreement between two parties in which each gives something in return for something else. Your organization may enter into contracts for speakers or performers, apparel sales, vehicle or facilities rentals, and catering services.

A contract should be used any time there is a need for a clear understanding of responsibility, you are paying for a person's services or providing travel, lodging, meals, etc. for a performer/speaker, or any time any duties are being performed in exchange for payment.

CONTRACT REVIEW

Texas A&M Student Rule 42

As the review process involves multiple departments, we request that you submit your original, unsigned document 4 to 6 weeks in advance of the event. It is imperative that you read your contract carefully and discuss it with the other members of your organization, your advisor, and (if necessary) the Department of Student Activities and/or legal counsel before you sign the contract.

While you can use the university name, symbols, and funds, you cannot formally represent the university to third parties, as your group is not designated to enter into binding agreements on behalf of the university.

Therefore, it is required that you include a clause clarifying you are entering the contract solely on behalf of the student organization:

"[organization] is a recognized student organization of the university and does not represent the University. The organization cannot contractually obligate the university. As a [member/officer] of [organization], I enter into this contract/agreement on behalf of the organization in my role as [president/treasurer/etc.]".

This will prevent miscommunications about the role of the university should a party fail in its obligations or should the contract be otherwise violated.
Travel Procedures

For all in-state and out-of-state travel, the following procedures apply:

- Submit a Travel Information Form online, per the Student Travel Rule, no less than 48 hours prior to your event departure for any travel 25 miles or more from campus.

  This form will request information about the logistics of your travel plans and the names, UINs, and emergency contact information of all traveling participants.

  In the case of an emergency during your trip, staff members from UPD and the Critical Incident Response Team (CIRT) will serve as your on-campus liaisons for crisis management. Should a critical incident occur, call UPD at (979) 845-2345.

- Each traveling member must sign a waiver and release form that specifies the risks associated with the organization’s trip.

  Students driving privately owned vehicles must have a valid Texas or other state driver’s license and possess auto insurance coverage as mandated by the State of Texas. In addition, the vehicles must have a current state inspection and registration.

  In the event of an accident, it is the driver’s insurance that may be used to pay for damages to the vehicle(s) involved in an accident and/or any injuries to a passenger or occupant of another vehicle. Drivers of personal vehicles, by choosing to drive, assume responsibility for the safety of those in their vehicle, not the organization or university.

  If your organization is planning an event involving international travel, you must plan with both the Department of Student Activities and the Study Abroad Programs Office at least 3-6 months prior to departure. Please note that undergraduates are not permitted to travel to foreign countries under a travel warning issued by the State Department.

  Please submit an Event Form on Maroon Link for your event and staff members from the Department of Student Activities will respond for relevant procedures and advice. The Study Abroad Programs Office will require an application for your organization’s event as well, and can provide your organization with helpful resources. All components of the Student Travel Rule apply for an international trip.

- These requirements are the minimum measures your organization should take to address the risks associated with travel. We also strongly suggest developing behavior expectations for participants and emergency response procedures.

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University Rule on Student Travel and Safety Guidelines

Safety Requirements and Recommendations

Foreign Travel
TRANSPORTATION

Road trips are the most common form of student organization travel, and it is important that your drivers are completely prepared for the trip.

- Consider the selection and training process for drivers, qualifications required, and the personal liability and responsibility assumed.

- Consider whether or not you should purchase insurance for your organization’s event. You may require that participants have auto insurance or provide information about their health insurance, purchase insurance through the Department of Student Activities, and/or purchase an insurance policy through your commercial carrier.

To rent vehicles through Enterprise, drivers of small vehicles, minivans, and large SUVs must be over 18 years of age or older. Drivers of large capacity vehicles must be 21 years of age or older. The majority of other rental car dealers require the renter to be 25 years or older, but some may rent to students ages 18-21. Student organizations may be able to bypass the age requirement because of their affiliation with the university; be sure to ask about these requirements.

Your organization can charter a bus from any charter company. Please contact us at soda@stuant.tamu.edu with help for specific companies commonly used by student organizations.

TRAVEL TIPS

- If your organization will be using rental vehicles, inquire with the company about insurance, gas, mileage, and other policies or requirements associated with your rental. Organizations are responsible for gas during the trip.

- If you are flying to your destination, your organization can use a Travel Card from SOFC to directly bill your SOFC account for your airfare. This can also be used to pay hotel fees directly from your account.

VEHICLE RENTAL INFORMATION

Texas A&M University no longer offers daily vehicle rentals. The Department of Student Activities works with the local Enterprise Rent-a-Car branches. To rent a vehicle, please contact the Student Organization Development and Administration at (979) 458-4371 or soda@stuant.tamu.edu to discuss transportation needs.

It is strongly recommended that you contact the Department of Student Activities a MINIMUM of 10 business days prior to the scheduled departure date and you prepare alternate transportation options in case vehicles are not available.
RENTING A VEHICLE

1. Complete an Event Form on Maroon Link

2. Obtain a Vehicle Rental Form in person through the Student Organization Development and Administration team.

3. SOFC will contact Enterprise to confirm the vehicle availability and make a reservation.

4. Submit the completed Vehicle Rental Form to SOFC so the payment can be processed.

5. Complete Van Driving Training if using a large commercial vehicle.

6. Organization picks up vehicle(s) from Enterprise.

VAN DRIVER TRAINING

University rules require that drivers of large capacity vehicles (commonly referred to as 10-15 passenger vans) complete training prior to operating the vehicle even if they are rented from a commercial company. A minimum of two drivers per van is required to take the training. This training is valid for one year. Because the training can take 20-30 minutes, please schedule time with our office to complete the training at (979) 458-4371 or soda@stuact.tamu.edu.

Emergency Situations on Trips:
If a breakdown occurs, you can call the Department of Public Safety non-emergency roadside assistance at: (800) 525-5555.
IF YOU ARE INVOLVED IN AN ACCIDENT

- Call 911 immediately or notify local police
- Contact your advisor
- Assess the situation and provide any appropriate aid
- Fill out a police report for insurance purposes
- Obtain the names and contact information of all witnesses
- Avoid making statements about who is at fault for the accident or offering to pay damages
- If the vehicle involved is inoperable, call the local Transportation Center or nearest dealer for the make of your vehicle for towing service
- If you are driving a university or commercial vehicle, consult with the procedures outlined in your rental information

IF SOMEONE IS INJURED ON YOUR TRIP

- Call 911 immediately to obtain medical attention for the participant
- Render aid as appropriate
- Consult the waiver or medical release form to determine if the participant has special needs and/or health insurance information
- Contact the University Police Department at (979) 845-2345 to notify the Critical Incident Response Team (CIRT)
- Contact your advisor

Transportation Related Accidents

Should you have any media inquiries, it is best to state simply that the situation is under investigation and more information will be revealed when available, and that your organization sympathizes with all affected by the accident. Be sure to cooperate fully with the authorities investigating any transportation-related accidents.

ADDITIONAL EVENT PLANNING RESOURCES

Office of Business Development (Licensing and Trademarks)
Division of Marketing and Communications
Reserve a Space
Riverside Campus Reservations (Riverside Chapel)
Promoting Your Event
Financial Services
Emergency Medical Services
Texas A&M Emergency Care Team
University Police Department
Environmental Health and Safety Department

Transportation Services
Utilities and Energy Services
University Dining
Spring Break Trips
Study Abroad Programs Office
CISI