

October 4, 2021
UT-AAUP Newsletter
Liability of Student Organization Advisors

Faculty should be aware that we have liability as faculty advisors for a UT student organization.

[UT Policy 3364-30-56](#) entitled **Student organization advisors**, reads in part as follows:

(2) Advisor and Student Organization Liability

(a) UToledo employed Advisors may be eligible for insurance coverage by the University or entitled to qualified immunity under Ohio law against individual liability while acting in their role as Advisors. Activity must be within the course and scope of employment and action must not be taken with malicious purpose, in bad faith, or in a wanton or reckless manner. UToledo employed Advisors are encouraged to review their personal insurance for coverage.

- (i) Decisions about the availability of liability insurance coverage rest with the University's insurer.
- (ii) Decisions about the applicability of statutory qualified immunity rest first with the Ohio Attorney General and may be ruled upon by the Ohio Court of Claims.

This Policy is a revision of an existing policy and signed by President Postel on June 14, 2021. It was reviewed by the Postel Leadership Team. It was not reviewed by the Faculty Senate, Student Senate, or any other faculty/student committee. Only the Postel Team reviewed it during the summer when faculty and student organizations are not on campus and have limited activities.

Faculty advisors are being required to sign a "Terms & Conditions" document (reproduced below) in which faculty advisors are responsible if the student organization or any student member of the organization violates a wide range of policies including Title IX and student conduct such as alcohol and substance abuse. The faculty advisor is also liable for student violations of the Student Code of Conduct.

The UT Office of Legal Affairs has advised that faculty are liable under the Policy 3364-30-56 and the "Terms & Conditions" provided by UT legal counsel for faculty advisors to sign.

This policy is one of many that have been passed by the Postel and prior Administrations without review or input from the faculty or students. It is another example of how Shared Governance is respected and practiced by the Administration.

Don Wedding
UT-AAUP Executive Board

Below is an email sent to faculty advisors regarding the “Terms & Conditions” for faculty advisors.

From: Weiner, Ben Richard
Sent: Wednesday, August 11, 2021 2:12 PM
To: [Faculty Advisor]
Cc: [XXX]
Subject: **Updated Student Organization Advisor Terms and Conditions**

Good Afternoon [Faculty Advisor],
I hope you are doing well. Here are the recent updates for student organization advisor terms and conditions provided by legal counsel. If you have additional questions and/or concerns please feel free to reach out. Thank you for your patience.

See below:

You will be responsible for sharing this information with your organization and will be held accountable, as the organization's advisor, for any violations of the policies included below at events hosted or sponsored by the organization.

Non-Discrimination Policies

[3364-50-02: Non-Discrimination Policy](#)

[3364-50-03: Non-Discrimination on the Basis of Disability](#)

Hazing

[3364-30-20: Policy on Hazing](#)

Student Conduct & Title IX

[3364-50-01: The University of Toledo Title IX Policy](#)

[3364-30-4: The University Student Code of Conduct](#)

[3364-30-03: Student Conduct Amnesty](#)

[3364-30-02: Policy on Alcohol and Substance Abuse](#)

Registered Student Organizations

[3364-30-12: Registered Student Organizations](#)

[3364-30-06: Registered Student Organization Events](#)

Acknowledgment and Agreement to Disseminate

As a leader or advisor of a student organization, I have read and understand the University of Toledo's Non-Discrimination, Hazing, Title IX, and Student Code of Conduct Policies. Further, I have informed/will inform the members, pledges, and associate members of the organization that these policies exist and must be adhered to.

All activities sponsored and/or required by our organization are in compliance with these policies. On behalf of this organization, and with its authority, the undersigned promises and agrees that the organization will abide by all federal, state, and local laws, and all written guidance (including but not limited to policies, procedures, and guidelines) of the University of Toledo when engaged in sponsored events.

It is also understood that submission of this application and its approval does not constitute in and of itself full recognition as a University of Toledo student organization.

Sincerely,

Ben

Benjamin R. Weiner, M.S.

he/him/his ([What's this?](#))

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