

SYRACUSE UNIVERSITY
RISK MANAGEMENT DEPARTMENT
VOLUNTEER LIABILITY GUIDANCE DOCUMENT B

Protection for Persons Volunteering to Syracuse University

When a person serves as a volunteer to Syracuse University, he or she is protected by federal law from third party law suits for “torts” which include such things as negligence. Under the Volunteer Protection Act of 1997 (the “Act”), federal law generally limits a volunteer’s liability as long as he or she is acting within the scope of his or her duties for the University. Therefore, all University volunteers are shielded from personal liability for their volunteer actions that are within the scope of their responsibilities for the University, except as set forth below.

Under the Act, a volunteer who performs services for the University can be held liable for the harm caused by his/her act or omission if:

- The volunteer was acting outside the scope of the volunteer’s responsibilities to the University with respect to the act or omission.
- The harm was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; or
- The harm was caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicles for which the state requires the operator or the owner of the vehicle, aircraft, or vessel to possess an operator’s license or maintain insurance.

In addition to the criteria listed above, if the activities or practice in which the harm occurred requires, or if it is otherwise appropriate, that the volunteer be properly licensed, certified, or authorized by the appropriate authorities for such activities or practice, the limitation on the volunteer’s liability does not apply.

The Act does not limit the University’s own exposure to liability to such third parties (i.e. persons other than the University) for the acts or omissions of a volunteer within the scope of his/her responsibilities for the University consequently, volunteers should continue to avoid acts and omissions and situations that could result in negligence and other tortious conduct. This would include following University policies and procedures.

In addition to the limitation on liability provided by the Act, the University provides various types of liability insurance coverage for volunteers. These policies include but are not limited to the University’s commercial general liability policy and automobile liability insurance policy. The policies, subject to the respective policy’s terms and conditions, provide legal defense and indemnification for volunteers for certain tortious acts or omissions, including negligence, within the scope of his/her volunteer duties for the University. The commercial general liability policy protection is provided on a primary basis while the automobile liability policy is provided excess of the volunteer’s personal automobile liability policy. Volunteers to the University may also have separate protection under their own individual homeowners, and/or umbrella liability insurance policies.

The above is a summary of the Volunteer Protection Act and Syracuse University's liability insurance for volunteers and should not be construed as legal or insurance advice. Any volunteer desiring legal analysis and interpretation of the Act should consult his/her own attorney. The attorney should be referred to 42 U.S.C. §§ 14501-14505. Any volunteer seeking personal insurance advice should consult his/her own personal insurance agent. The Risk Management Department should be consulted on matters related to University insurance.