

# Risk Management

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## **STUDENT TRAVEL**

The following policy is taken from the UTSA Handbook of Operating Procedures Section 5.18 (<http://www.utsa.edu/hop>). There may have been updates to the policy, so please be sure to check the HOP directly for the most current information.

- I. Scope of Policy
  - A. This policy applies to travel undertaken by students and other non-employee participants to reach an activity or event that meets all of the following conditions:
    1. The activity or event is planned by university faculty or staff;
    2. The university is funding or, through a potential reimbursement request, may be funding the activity or event;
    3. The activity or event is approved by the appropriate university administrators as outlined in the **Special Instructions for Initial Implementation Section**;
    4. The activity or event occurs more than twenty-five (25) miles from the applicable university campus (either 1604, Downtown or the Institute of Texan Cultures); **AND**
    5. One of the following conditions is also met:
      - a. Travel to the activity or event is funded and undertaken using a vehicle owned, leased, or rented by the university including other modes of transportation; **OR**
      - b. Attendance at the activity or event is required by a registered or sponsored student organization.
  - B. Examples of activities or events that may be covered by this policy include the following:
    1. Course-related field trips.
    2. Research trips organized by a faculty member.
    3. Campus recreation programs.
    4. Registered or sponsored student organization trips.
    5. Conferences and meetings where students are serving as university representatives.
    6. Travel for summer camps or college preparatory programs when transportation has been planned and funded by the university.
  - C. Although not required by this policy, general safety, conduct, and emergency contact provisions found in this policy or on the associated student travel website may be followed for travel to an activity or event that occurs within 25 miles of the applicable university campus or that is otherwise excluded from this policy.
- II. Activities or Events Excluded from this Policy
  - A. This policy will almost never apply to an activity or event if all students and other participants are responsible for providing their own transportation to and from the activity or event. **(See Section III. A. 2, below, for exception.)** Examples of these types of excluded activities and events, which are generally not funded by the university, include: internships, national student exchanges, observations, practicums, student teaching and students attending athletic events held out of town.
  - B. This policy does not apply to an activity or event that is part of a program with its own established policies and procedures governing travel. Examples of these types of excluded activities and events include: travel by students who are participating in study abroad and travel by students who are NCAA Division I athletes and attending NCAA athletic activities or events.
  - C. Student-employees traveling for reasons related to their employment must adhere to policies established for employees by the UTSA Disbursements and Travel Services Office. See <http://www.utsa.edu/travel/> for more information.
- III. Restrictions and Regulations Relating to Travel by Motor Vehicle

A. Motor Vehicles Used in Travel

1. Motor vehicles used in travel associated with an activity or event covered by this policy should be either: owned, leased or rented by the university or owned, leased or rented by a third party contractor who has been retained by the university to provide all transportation for the activity or event.
  - a. University personnel may rent vehicles for use in this type of travel. The university is a participant in the State Travel Management Program, which has negotiated favorable vehicle rental rates with a number of car rental companies. See UT System Administration Policy 157 ([UTS157](#)) or contact the UTSA Disbursements and Travel Services Office for information on renting vehicles using state funds.
  - b. If a third party will be providing all such travel, the organizing department should contact purchasing and distribution services.
2. While it is possible to allow the use of privately-owned, personal motor vehicles for travel associated with a registered or sponsored student organization activity or event covered under this policy, it is strongly discouraged. For further information, relating to travel in privately-owned, personal motor vehicles, **see Section III. C.**
3. Twelve (12) and fifteen (15) passenger vans may not be used in any transportation associated with an activity or event covered under this policy.
4. Each motor vehicle used in travel covered by this policy should satisfy the following requirements or standards:
  - a. Be covered by an active liability insurance policy and carry proof of such insurance in the vehicle.
  - b. Display a current state inspection sticker and a current vehicle registration sticker.
  - c. Be equipped with all devices or equipment required by federal or state law or regulation and otherwise comply with all applicable federal or state laws and regulations.
  - d. Be rented or leased from an approved vendor, have received scheduled periodic service and maintenance by qualified persons and be in compliance with UTS157 requirements.

B. Provisions Relating to Driving Safety

1. If the motor vehicle is owned, leased or rented by the university, the driver must meet the following qualifications or satisfy the following conditions:
  - a. Be an UTSA employee or a UTSA student-employee. For purposes of this policy, a "UTSA student-employee" refers to a student who is also a UTSA employee and has job duties that include both driving and participating in one or more activities or events covered by this policy. (In special circumstances and as authorized by Regent rules or UT System policies, a non-employee or non-student volunteer may be authorized by the vice president for business affairs to use a university owned, leased or rented motor vehicle.)
  - b. Hold a valid driver's license that is not currently suspended or revoked and be trained as required by law to drive the vehicle that will be used in the travel.
  - c. Have a current motor vehicle record on file with University Police which contains a rating of three (3) points or fewer as required by UTS 157. (Contact University Police for further information.)
    - i. For any UTSA employee or student-employee who is expected to drive often on travel covered by this policy, the organizing department must perform a motor vehicle record check annually to ensure authorized driving status for such employee or student-employee.

- ii. The organizing department will also notify such an employee or student employee that he/she is obligated to report to the organizing department any moving or traffic violation he/she received after the check has been run.
    - iii. The organizing department will report any such moving or traffic violation to the appropriate university administrators, who may require the employee or student-employee to take an additional driver safety course before he/she can transport students or other participants for a subsequent activity or event because of the moving or traffic violation.
  - d. Successfully complete the university's driver training course and test at least once a year or before each activity/event.
  - e. Be listed as a driver on the vehicle rental agreement, for university rented vehicles only.
2. Drivers of motor vehicles engaged in travel covered by this policy shall:
- a. Be awake and alert.
  - b. Comply with all laws, regulations and posted signs regarding speed and traffic control.
  - c. Appoint a faculty member, staff member or student participating in the activity/event to serve as a navigator for all travel associated with an activity/event if such travel is anticipated to take longer than two (2) hours.
  - d. Take a mandatory thirty (30) minute rest break for every four (4) hours of driving.
  - e. Not drive more than a total of ten (10) hours in any twenty-four (24) hour period.
  - f. Obtain and use overnight lodging in an appropriate hotel/motel if more than ten (10) hours driving time are required to reach a point of destination.
  - g. Not drive between the hours of 11:00 p.m. and 6:00 a.m. unless there is an emergency or unless travel during these hours has been approved in advance and in writing by the appropriate university administrators.
3. Whenever a driver of a motor vehicle engaged in travel covered by this policy is driving, the appointed navigator shall:
- a. Remain awake and alert.
  - b. Keep an itinerary, map or global positioning system (GPS) unit, cell phone, and list of activity/event leaders readily available.
  - c. Assist the driver in ensuring that the travel safety rules listed below in **Section III.B.4.** are followed.
  - d. Unless unable to do so, take the lead in the event of an emergency (such as, but not limited to, a health concern, injury, accident, natural disaster) associated with the vehicle by calling local police on 911 and subsequently calling the University Police Department and one or more of the activity/event leaders.
4. To further enhance the safety of the motor vehicle travel covered by this policy, the following additional safety regulations will apply to all motor vehicles owned, leased or rented by the university while used in such travel:
- a. All occupants of a motor vehicle must use seat belts or other approved safety restraint devices required by law or regulation at all times when the motor vehicle is in operation.
  - b. No occupant of a motor vehicle may consume, possess or transport any alcoholic beverages or illegal substances.
  - c. The total number of passengers in the motor vehicle at any time it is in operation must not exceed the manufacturer's recommended capacity or

- the number specified in applicable federal or state law or regulations, whichever is fewer.
- d. Children of faculty, staff and students cannot be a passenger in the motor vehicle or otherwise participate in the activity/event unless such children are also students or UTSA employees and part of the group attending the activity/event.
  - e. Students must abide by the Student Code of Conduct rules and regulations contained in the UTSA Information Bulletin while they are a passenger in the motor vehicle or are otherwise participating in an activity or event covered under this policy.
  - f. The organizing department may also require additional rules concerning their expectations of students, participants and passengers in the motor vehicle.
- C. Information Relating to Travel in Privately-Owned, Personal Motor Vehicles
1. While it is strongly recommended that any private, personal motor vehicle used in travel associated with an activity/event and the driver of and passengers in such a vehicle be in compliance with the relevant standards and requirements of this policy, the university does not check or confirm that such standards and requirements have actually been satisfied
  2. The organizing department must notify students who use their own vehicles that they must hold a valid driver's license not currently suspended or revoked and carry at least the minimum insurance coverage as required by law. UTSA assumes no responsibility or liability for the use of their personal vehicle for the activity/event. Therefore, they or the personal insurance covering the vehicle will be responsible for any liability that may arise from such use. This notification must be done in writing and in advance of travel to the activity or event.
  3. Whenever a private, personal motor vehicle is used in an activity/event, the driver of and all passengers being transported in the vehicle will be required to sign a release form that is accessible through the student travel website.
- IV. Retention of Documentation
- A copy of the approved Student Travel Authorization Request and supporting documentation must remain on file with the organizing department for a period of not fewer than three (3) years after completion of travel to an activity or event. If any claim, damage or injury is sustained, all supporting documentation including signed release and indemnification agreements for students and participants associated with such claim, damage or injury must be retained for at least three (3) years after the resolution of any such claim, damage, or injury.
- V. Review of Policy
- This policy will be reviewed every five years by the vice president for student affairs, the vice president for academic affairs, and the vice president for business affairs.

See the student travel website at [utsa.edu/students/travel/](https://utsa.edu/students/travel/) for related forms, tools, and procedures.

### **STATEMENT ON DATE AUCTIONS**

The purpose of this statement is to discuss briefly three aspects of date auctions that make them inappropriate in the opinion of the Office of Student Activities. It is not our intent to propose that the organizations that have sponsored date auctions in the past had any intentions of promoting or endorsing these issues. Rather, it is our intent to promote awareness of these concerns and point out potential problems and liabilities for future consideration.

#### **Racial insensitivity**

Date auctions tend to have the appearance of and the "trappings" of slave auctions. Slave

auctions were a very real and tragic part of the history of this country. They devalued the dignity of human beings to the level of merchandise. Regardless of the intent of a date auctions, it still involves one person "bidding" for the services of another person. Whether the services consist of work or time or something else, an auctions of this type consists of one person paying a second person (or organization) for the services of a third person. The bidding process invariably involves a comparison of the relative "value" of each person being auctioned. On a campus where equality, openness, and sensitivity are valued, any activity that suggests the auctioning of one human being's services to another is inappropriate.

### **Gender insensitivity**

An extension of the issues above is the need for us all to respect the rights of others and to know that a person cannot be bought. One of the dangerous attitudes that continue to exist between men and women is the concept of "whoever pays is entitled." Many date rapes result from the assumption on the part of the man or the woman or both that whoever pays for the "date" is entitled to more than the other person wanted. Date auctions can tend to create an environment where those expectations may be used to the disadvantage of one or the other participants.

### **Personal safety**

A date auctions often involves a "well known" person spending time with a stranger on a "date" that he or she otherwise might not have chosen to spend time with at all. The organization sponsoring the auctions has no way of knowing the motivations of the persons doing the bidding. A "fatal attraction" circumstance is possible, where the date auction becomes a very convenient means by which a person has the opportunity to "buy" some time with the person to whom he or she is attracted. Although the possibility of this scenario may seem extremely remote, it has considerable liability implications for the organization sponsoring the event.

Date auctions are almost always held to raise money for good causes. The organizations have very good intentions in sponsoring the activity. Given the above concerns, which expose the potential for persons and/or groups either to be offended or hurt, date auctions may be perceived to be an ill-conceived way to raise money. If an organization should want to hold an auctions, we would encourage the auctioning of items, such as tickets to an event or dinners at a particular restaurant, rather than auctioning individuals. With the many positive and imaginative alternatives that organizations have for raising funds, we feel date auctions should be avoided.

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## **STATEMENT ON ALCOHOL AND EVENTS**

The purpose of this statement is to discuss events on and off campus that include alcohol. It is our intent to promote awareness of best practices and state, local and federal laws and to share resources regarding possible liabilities for events and programs where alcohol is available.

### **Off-Campus**

A student organization holding an off-campus event at which alcohol will be available may consult with staff in the Student Activities Office prior to the event. The office of Student Activities may review information and share handouts for best practices. Office handouts include how to effectively manage off-campus events with alcohol and risk management guidelines.

When holding off-campus events, including those in which alcohol is available, please remember that your student organization is responsible for compliance with all city, state, and local laws. For more information about the state law, go to [www.tabc.state.tx.us](http://www.tabc.state.tx.us).

### **On-Campus**

The use of intoxicating beverages is prohibited on University property, which includes classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural athletic facilities and all other public campus areas. Meetings or events organized and presented by registered faculty, staff, or student organizations are prohibited from the use of alcoholic beverages. For further information, please see UTSA Handbook of Operating Procedures 9.16 (<http://www.utsa.edu/hop/chapter9/9-16.html>) for more information.

## **PEACEFUL PUBLIC ASSEMBLY POLICY**

*Below is only an excerpt of the policy, the full policy can be found at [utsa.edu/hop/chapter9/9-37.cfm](http://utsa.edu/hop/chapter9/9-37.cfm)*

The freedoms of speech, expression, and assembly are fundamental rights of all persons and are central to the mission of the university. Students, faculty, and staff, when not operating in their official capacity, have the right to assemble, to speak, and the corresponding rights to hear the speech of others when they choose to listen, and to ignore the speech of others when they choose not to listen.

However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs, administrative processes or other authorized activities of the university. The university shall not discriminate on the basis of the political, religious, philosophical, ideological, or academic viewpoint expressed by any person. Further, no expression or assembly may be conducted in a way that damages or defaces property of the university or of any person who has not authorized the person engaging in expression or assembly to damage or deface his or her property.

University staff, faculty and students may peaceably assemble anywhere on the UTSA campuses that they are otherwise permitted to be without advanced permission, as long as there is no disruption to other university activities. In keeping with the university's mission, any program or event sponsored by an academic or administrative unit of the university shall have priority in the use of space and facilities over any speech, expression, and assembly that is not sponsored by an academic or administrative unit.

No person, including a student or university employee, shall distribute any petition, handbill, object, or piece of literature; post or carry any sign, placard, or banner; or engage in speech or conduct on property or in buildings or facilities owned or controlled by UTSA if it is obscene, unlawfully defamatory, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action. Further, no person may attempt to coerce, intimidate, or badger any other person into viewing, listening to, or accepting a copy of any communication or persist in demanding the attention of any other person after that other person has attempted to walk away or has clearly refused to attend to the speaker's communication. Persons or organizations who are planning a public assembly with more than 50 participants are strongly encouraged to notify and consult with the executive director of the University Center or his/her designee (herein referred to as the executive director) as soon as practicable after the point at which the planners anticipate or plan for more than 50 participants. Persons or organizations planning smaller assemblies are encouraged to consult the executive director if there is uncertainty about applicable university rules, the appropriateness of the planned location, or possible conflict with other events. The executive director has experience in helping student organizations structure events in ways that both comply with the university's rules and achieve the organization's goals for the event. The executive director can help identify appropriate space and potentially conflicting events, as well as help the planners avoid unintended disruption or other violations.

Other generally applicable or narrowly localized rules, written and unwritten, incidentally limit the time, place, and manner of speech, but are too numerous to compile or cross-reference in this policy. For example, libraries typically have highly restrictive rules concerning noise; fire and safety codes prohibit the obstruction of exits and limit the constriction of hallways; classroom speech may be confined to the subject matter of the class; and individual professors may have rules of decorum in their classroom. Such rules must be viewpoint neutral and should not restrict speech more than is reasonably necessary to serve their purpose.