

Tort Liability Insurance

The State System of Higher Education carries general tort liability insurance which protects all employees and faculty (including participating students and volunteers) of the university while participating in official university activities.

Any volunteer who is enrolled on the county 4HDMS is protected by the same liability coverage as faculty and staff of the university. This coverage includes all times when the volunteer is engaged in any county or state approved 4-H activity and under the control or supervision of Extension faculty. 4-H members and youth participants are not responsible for delivery of the program, and are not liable for the actions of their 4-H leaders or other adult volunteers.

Therefore, 4-H members and youth participants are not protected at any time under the tort liability insurance.

The tort liability memorandum (see enclosure) and the information below provide more details.

Meeting Facilities

The state's tort liability does not hold harmless the owner of a facility used for 4-H activities. The owner or person in custody of the facility is responsible for insuring that the facility is safe for use by others.

Vehicles and Transportation

Personal transportation *to and from* 4-H program activities is the responsibility of the 4-H member, youth participant, parent, volunteer, or other driver, and is not covered by the state's tort liability. Transportation *as an integral part* of a 4-H program activity is first covered by the individual vehicle owner's insurance and secondly covered and limited by the state's tort liability coverage. For more information, see "Automobile Insurance" in this section of the manual.

Tort liability should not be confused with accident insurance. Injuries incurred in vehicle accidents on the way to and from meetings, field trips, and other activities that are part of the group's planned program may be covered by accident insurance if such policies have been purchased. (For details, see "Accident Insurance" in this section of the manual.)

Volunteer Injury Coverage (VIC)

4-H leaders meeting the conditions outlined in the State of Oregon Department of Administrative Services Volunteer Injury Coverage (VIC) will be provided with personal injury protection while performing 4-H duties. Complete details are included in the Accident Insurance section of this handbook.

Managing Risk

The responsibility of working with adults and youth is awesome and important. 4-H has a very good record regarding protection from potential risks. To maintain this record, programs and activities need to be systematically reviewed to be sure that provisions are provided for dealing with health, safety, legal, and liability issues. This is referred to as "risk management". Volunteers and Extension agents are encouraged to develop risk management plans for all activities.

"Assumption of risk" is considered in liability situations. This means that whenever someone chooses to do something, he or she assumes a level of risk.

There are different levels of risk for 4-H programs and activities. Don't assume that youth, parents, and adult volunteers are aware of possible risks and unsafe conditions. Inform them beforehand, so they cannot claim later that they had no idea of possible risks involved.

Responsibility for actions get passed on and shifts from agent to volunteer to parent to child. Enforce rules and stop dangerous activities. It is often difficult to discipline others' children and cancel an activity, but remember that safety must be the primary consideration.

Special Situations - Horses

The Oregon Horse Bill (HB 2650) limits liability of equine sponsors or equine professionals in certain situations. Details are outlined in the accompanying pages entitled, "Understanding Oregon's Horse Bill".