

Position on Indemnifying a school for its own Negligence

Explanation:

There has been a growing movement by colleges and universities to require chapters to indemnify the institution and/or include the institution as a named insured of the organization's general liability (GL) policy, for its own negligence in order to maintain recognition by the academic institution.

Resolution:

WHEREAS the Pi Kappa Alpha Fraternity is unwilling to accept responsibility for any college or university's negligence;

THEREFORE, BE IT RESOLVED, the Pi Kappa Alpha Fraternity will not, as part of its Liability Protection Program for chapters and other fraternal entities or otherwise, defend or indemnify any college or university institution against the institution's own negligence or for any other degrees of its fault; and

BE IT FURTHER RESOLVED, the Pi Kappa Alpha Fraternity confirms its long-standing practice and policy that it has not given any authority to any chapter, member, chapter officer, alumni member, alumni officer, chapter advisor, faculty advisor house corporation officer or other person affiliated with a chapter to execute or enter into any agreements on behalf of the Fraternity or which could bind the Fraternity to any agreement with any other entities; and

BE IT FURTHER RESOLVED, that chapters, members, chapter officers, alumni members, alumni officers, chapter advisors, faculty advisors, house corporation officers or other persons affiliated with a chapter have NO authority to sign, execute or otherwise bind the Fraternity to any college or university institution document or agreement; and

BE IT FURTHER RESOLVED that the Pi Kappa Alpha Fraternity notes, endorses, supports and relies upon the Federal Volunteer Protection Act, codified in 42 U.S.C. Sections 1450 to 1455, which prohibits college and universities from holding Pi Kappa Alpha volunteers in any position, form or type of volunteer service for the Fraternity liable for alleged damages or other harm allegedly caused by the alleged negligent act or omission of a volunteer who was acting within the scope of his functions as a Pi Kappa Alpha volunteer.

Passed by Convention: 2010