

Legal Terminology 101

This quick reference document provides university faculty, staff, and students, as well as learning site staff with brief descriptions of the common legal terminology used in risk mitigation processes and forms as identified in Volume 1a of this Resource Guide.

Assumption of risk - An express assumption of risk where the participant acknowledges understanding the nature of the activity and the risks involved and chooses voluntarily to accept those risks.

Hold harmless - The hold harmless clause is a statement in a legally binding contract which absolves one or both parties for any injuries or damage suffered by the party signing the contract. Although it is not an absolute protection from liability, it indicates that the partner has acknowledged certain risks and agreed to take them.

Indemnity/indemnify – an obligation on a Party (via contract) to compensate another Party for a harm or loss. This may include reasonable legal fees, settlement amounts and judgements that stemmed from a claim or loss.

Liability - the state of being responsible for something, especially by law.

Release of liability and promise not to sue - designed to transfer responsibility for liability and property damage from one party to another. A properly administered release can protect the California State University and its employees from liability for injuries that occur to students or other individuals who participate in university activities on and off campus. A release is a valid and reliable legal tool under California law and should be used to provide a level of protection from liability for accidents, and activities that carrying increased risks beyond traditional campus risks.

Student Academic Field Experience for Credit Liability Insurance Program (SAFECLIP) – the program that provides general and professional liability insurance for CSU, students, and the learning site when an executed agreement is current (i.e., typically no more than 5 years old from the date of execution).

Waiver of Liability (Release of Liability, Promise Not To Sue, Assumption Of Risk & Agreement To Pay Claims) – A document/legal contract entered into between the university and another party, including students. The waiver is signed prior to participation and is considered a contract in which the participant agrees to excuse the CSU and its employees from fault or liability for losses associated with the activity in exchange for the opportunity to participate. If the participant agrees in advance that the California State University and its employees owe him/her no duty, then recovery from losses (medical expenses, property damage, etc.) may be barred.

Reducing Risk in Off-Campus Academic Learning Experiences: A California State University Series
Volume 1a: A Resource Guide for Community Engaged Learning: Service-Learning edition

Terms Still to come....

Terms (how long the MOU lasts)

Assignment

Governing Law

Endorsement

Agreement Alterations & Integrations

Survival

Severability

Notices