

Do you have staff members who partner with travel or tour organizations to organize student trips that are not officially school-sponsored? If so, you may be unaware of potential risk exposures to your district arising from this type of non-school privately sponsored activity.

Many travel companies offer free or heavily discounted trips for school staff who recruit students and parents. It's easy to think, "This is a private activity; the district shouldn't be liable!" However, when the line between school-sponsored activity and non-school privately sponsored activity becomes blurred, non-school privately sponsored activities can lead to potential liability for your district. Additionally, there are ethical issues that staff involved should evaluate. In this guide, we'll outline some specific issues as well as ways to minimize liability exposure to your district.

### Why These Trips Can Be Problematic:

Even when an event is not officially school-sponsored, the involvement of district staff and students can create the appearance of a school-sponsored event. Below are some scenarios that could inadvertently draw your district into a liability situation:

- **Using School Communication Tools:** Staff may use school email, text messaging systems, contact lists, or other school communication tools to organize and promote non-school privately sponsored activities.
- **Using School Resources:** Staff may use school printers, bulletin boards, digital messaging systems, or other school resources to distribute information about these activities.
- **Holding Meetings on School Grounds:** Staff may host meetings related to these activities using school facilities.
- **Engaging with Students or Parents During Work Hours:** Staff may promote or otherwise discuss these activities with students or parents during work hours.
- **Misuse of School Name or Branding:** Staff may use the school's name or branding in promotional materials or communications for these activities, blurring the lines between school-sponsored activities and non-school privately sponsored activities.



### Potential Risks:

When one or more of the actions listed above occur, it can create a perception that a non-school privately sponsored activity is school sponsored. This can create liability exposure for your district. For example, such a perception could result in a claim being asserted against a district. If a liability incident occurs during such a trip (e.g., a student injury).

In addition, staff involved in organizing a non-school privately sponsored activity should consider their obligations under Oregon Government Ethics Law (ORS Chapter 244). For example, staff use of school resources to organize a non-school privately sponsored activity could violate Oregon Ethics Law, resulting in penalties from Oregon Government Ethics Commission.

Staff use of school time and/or resources to organize a non-school privately sponsored activity could also violate your district's policies.

## How to Mitigate Risk and Protect Your District:

To help safeguard your district and reduce potential exposure, consider implementing the following strategies:

- 1. Communicate Expectations:** Ensure staff are aware of your district's policies and guidelines regarding use of school resources, time, and facilities for non-school sponsored trips and activities, as well as misuse of the school name and branding.
- 2. Enforce Facility and Resource Policies:**
  - If staff want to hold non-school sponsored meetings or events on school property, ensure they follow the district's standard facility-use procedures, just like any outside organization would.
  - If staff want to post promotional materials within your schools, ensure they adhere to your district's guidelines for posting non-school sponsored information in schools.
- 3. Create Clear Written Guidance:** Consider developing a memo or guidance document that explicitly outlines your district's expectations and restrictions for staff organizing non-school privately sponsored activities, including expectations and restrictions regarding use of school resources.
- 4. Encourage Ethics Compliance:** Staff are individually responsible for compliance with Oregon Government Ethics Law. If staff are concerned about potential ethical violations arising from non-school privately sponsored activities, encourage them to reach out to the [Oregon Government Ethics Commission for guidance](#).



### Need Assistance?

If you have questions or want to discuss these matters further, please don't hesitate to reach out to use at [riskmanagement@sdao.com](mailto:riskmanagement@sdao.com)

Additionally, the [PACE Legal](#) team is available to help review and refine your memos or written guidance regarding these types of activities.

## PACE RISK MANAGEMENT

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