



Approved By: Cabinet
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Category: Human Resources
Contact: Human Resources
(585) 245-5616

Liability (Personal) Policy

Faculty and staff of the College are protected against personal liability when sued individually as a result of any cause of action which may arise by reason of an act or omission which occurs "while the employee was acting within the scope of his/her public employment or duties". Former employees and certain volunteers are also covered where appropriate.

I. Guidelines

- a. This protection extends to any civil action and specifically includes Federal Civil Rights claims. Employees causing intentional injuries or taking actions which show a reckless disregard of foreseeable consequences are not protected by the Public Officers Law.
- b. The legislation creating the above liability protection is in Section 17 of the Public Officers Law. Explanations of the statute are in Sections 175 and 184 of the State University Policy Manual.

Procedures

I. Protection of the Statute

- a. To invoke the protection of the statute, the original or copy of the summons, complaint, or other process served upon the employee must be delivered to the Attorney General within five days after service, and the employee must cooperate fully with the Attorney General in the defense of the claim.

II. Employees Named as Defendants

- a. Employees should bring any summons or complaint naming them a defendant in a work-related action to the Human Resources Office immediately. The Assistant Vice President for Human Resources or Associate Director of Human Resources will contact the Office of University Counsel and the Attorney General's Office, if necessary, to obtain assistance and instructions for forwarding the summons or claim.