



FEDERAL VOLUNTEER PROTECTION ACT OF 1997

4-H Youth Development

May 2009

Overview

The Volunteer Protection Act of 1997 provides immunity for volunteers serving nonprofit organizations or government entity for harm caused by their acts and omissions if:

- The volunteer was acting within the scope of his or her responsibilities at the time of the alleged act or omission.
- Appropriate or required, the volunteer was properly licensed, certified or authorized to act.
- The harm was not caused by willful, criminal or reckless misconduct, gross negligence or a conscious, flagrant indifference to the rights or safety of the individual harmed.
- The harm was not caused by the volunteer operating a motor vehicle, vessel, or aircraft where the State requires an operator's license and insurance.

The Volunteer Protection Act of 1997 (VPA) specifically protects a volunteer who” (1) performs services, which includes officers, directors, and direct service volunteers, (2) volunteers for a non profit organizations or government entity, and (3) either receives no compensations (this does not include reasonable reimbursement for expenses incurred), or does not receive anything of value in lieu of compensations in excess of \$50 per month or \$600 per year. The VPA does not reduce the need for good risk management practices that insure the safety of volunteers and program participants.

The VPA does preempt state laws “to the extent that such laws are inconsistent with the Act.” However, it does not preempt state laws that provide additional protection from liability for volunteers. This includes providing position descriptions, screening, training, and supervision to paid and volunteer staff and to practice good risk management. The VPA and other state volunteer protection laws may have caused a false impression that volunteers are immune from lawsuits. Many volunteers remain fully liable for harm they cause and all volunteers remain liable for some actions.

Reference:

Hermann and Jackson. *No Surprises: Harmonizing Risk and Reward in Volunteer Management*; (2004) Nonprofit Risk Management Center. www.nonprofitrisk.org



An EEO/AA employer, University of Wisconsin-Extension provides equal opportunities in employment and programming, including Title IX and American with Disabilities (ADA) requirements. © 2005 by the Board of Regents of the University of Wisconsin System. Developed by the Wisconsin 4-H Office, 431 Lowell Hall, 610 Langdon St., Madison, WI 53703. The 4-H name and emblem are federally protected under Title 18 US Code 707.