



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

June 15, 1988

Honorable Roy Blake
President Pro Tempore
Texas State Senate
P. O. Box 12068
Austin, Texas 78711

LO-88-71

Dear Senator Blake:

You ask whether persons who serve as trustees of the Stephen F. Austin State University Foundation, Inc. (the Foundation) are immune from liability under the Charitable Immunity and Liability Act of 1987 (the act). The act is codified as chapter 84 of the Civil Practice and Remedies Code. Section 84.004(a) of that act provides:

(a) Except as provided by Subsection (c) of this section and Section 84.007 of this Act, a volunteer who is serving as an officer, director, or trustee of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury if the volunteer was acting in the course and scope of his duties or functions as an officer, director, or trustee within the organization.


A "charitable organization" for purposes of the act includes a nonprofit foundation operated exclusively for educational purposes. Sec. 84.003(1). A "volunteer" is a person, including a trustee, who renders services on behalf of a charitable organization and receives no compensation for doing so. Sec. 84.003(2).

Your letter and the restated articles of incorporation and bylaws of the Foundation that you have submitted indicate that the Foundation satisfies the definition of "charitable organization" found in section 84.003 of the code and that the trustees meet the definition of

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"volunteer" as defined in that section. If those are correct facts, then the trustees of the Foundation are immune from civil liability when acting in the course and scope of their duties.

Very truly yours,



Karen C. Gladney
Assistant Attorney General
Opinion Committee

KCG/er
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