

Pacific Islands Ocean Observing System Accountability and Liability

The University of Hawaii at Manoa (UH Manoa) is the organizational and fiscal sponsor of PacIOOS. UH Manoa, as a part of the University of Hawaii System, is an agency within the State of Hawaii. As such, all employees of PacIOOS, whether hired through the University of Hawaii, or the Research Corporation of the University of Hawaii, are employees of the State of Hawaii, and their actions while under the employ of the state are seen as activities taken by the State of Hawaii, with associated liability and self-insurance protections provided to employees as allowed for in University policy under Hawaii Revised Statutes. All actions taken by PacIOOS employees are assessed and reviewed annually through established employee evaluation requirements—ensuring supervisors of record (within PacIOOS and UHM) are engaged in the ongoing activities of staff, and afforded to authority to hold staff accountable for actions, while also promoting and rewarding successes.

With respect to liability protection, at a minimum, the Attorney General of the State of Hawaii as provided that the University shall be responsible for damages or injury caused by the University's agents, officers, and employees in the course of their employment to the extent that the University's liability has been determined by a court or otherwise agreed to by the University, and the University shall pay for damages and injury to the extent permitted by law.

Members of the PacIOOS Governing Council are volunteers who agree, through the non-binding execution of the PacIOOS MOA, to advise the program on strategic planning, execution, and evaluation. Prior to each Governing Council meeting, Members sign waivers of liability protection from the State of Hawaii and, if traveling, submit paperwork that establishes them as uncompensated project volunteers. The opinions, votes, and recommendations offered by the Governing Council are, by the very nature of its organization through the MOA, non-binding, and are reviewed and adopted by the PacIOOS employees as appropriate in the execution of their duties as employees of the State of Hawaii, while ensuring consistency of action with the program goals laid out in existing cooperative agreements with NOAA.

Summary

Liability protection is not needed for the PacIOOS Governing Council or its Members, other than related to a Member's individual service as a volunteer on a State-managed project. Council decisions and recommendations are advisory and non-binding, so the Council needs no liability protection for itself as an organization or body; owing to the fact that all PacIOOS decisions are made by authorized State of Hawaii employees, through the conduct of their official duties. Such employees, regardless of their mechanism of hire with in the UH Manoa system, are State of Hawaii employees and are afforded liability protection by virtue of their employment.