



Vicarious Liability

Course Description

This course looks at the circumstances under which a person or organization can be held liable for the actions of another. The course focuses on vicarious liability of an employer for torts committed by an employee. It also looks at vicarious liability of parents, contractors, and other responsible parties.

Course Learning Outcomes

At the completion of this course, students will be able to:

- Determine when a parent may be liable for their child's torts;
- Identify the non-delegable duties that an employer may be vicariously liable for if there is misconduct by an independent contractor;
- Determine whether a person should be categorized as an employee or independent contractor;
- Pinpoint the situations in which a hospital may be vicariously liable for its employees' misconduct, and when a bar or restaurant may be liable for a server's conduct;
- Distinguish between compensatory and punitive damages;
- Differentiate between the defenses of assumption of the risk, comparative negligence, and sovereign immunity.
- Understand and apply the concept of proximate cause.
- Identify when a bailor-bailee relationship exists and the consequences of such a relationship.

Final Exam

Grades and credit recommendations are based solely on a final exam. When students are ready to take the final exam, they should register for a LawShelf account (or simply log in, for those with existing accounts). Go to the video-course page and click "Take the Final Exam" and pay the exam fee, where applicable. Students will be given instructions on how to take the exam. All exams are proctored by the Voice Proctor® proctoring system. An overview of the system is [provided here](#) and it requires no training or learning curve. Grades of 70% or above are considered passing grades and qualify for recommended transfer credit.

The final exam is based on the video course modules. Additional resources detailed

in this syllabus are helpful for background and for building greater understanding of the course materials. Inquiries can be made through the LawShelf Contact form on our website by clicking the “email us” button that appears at the bottom of most LawShelf pages. Transcripts can be ordered via Parchment, as detailed on our website.

Case Studies

Many LawShelf video courses include case studies. These do not necessarily teach new material but are meant to demonstrate how the materials covered in the course are applied by various courts. Concepts covered in the case studies are covered on the final exam, so make sure to watch the case studies before taking the exam. However, it is unnecessary to memorize the facts and details of the cases covered in these case studies.

Self-Quizzes

Video-course modules and case studies feature self-quizzes that consist of practice questions on the materials covered in the videos. These questions are presented for the benefit of the student and are **important to review before taking the final exam** because they are similar in style and substance to the questions on the final exam. These quizzes are not graded or monitored and there is no record of how students answer these questions. Students may answer these questions as many times as they like and are encouraged to keep re-taking the quizzes until they have mastered all the questions.

Study Guide

Introductory Videos

These videos provide background to help students better understand the main parts of the course, which are the video-course modules below.

Landlord's Liability for Injuries to Tenants and Guests

<https://lawshelf.com/shortvideoscontentview/landlords-liability-for-injuries-to-tenants-and-guests/>

Employee vs. Independent Contractor

<https://lawshelf.com/shortvideoscontentview/employment-law-employee-vs-independent-contractor>

Courseware Readings

These courseware readings provide background to help students better understand the main parts of the course, which are the video-course modules below.

The following readings can be found in the “Foundations of Law” courseware, under Torts:

→ Factors Affecting Right to Sue

Tort Immunity

<https://lawshelf.com/coursewarecontentview/tort-immunity/>

→ Special Duties Section 1

Actions of Third Persons 1

<https://lawshelf.com/coursewarecontentview/actions-of-third-persons-1>

Actions of Third Persons 2

<https://lawshelf.com/coursewarecontentview/actions-of-third-persons-2/>

The following readings can be found in the “Foundations of Law” courseware, under Domestic Relations → Family Relationships

Torts of Minors

<https://lawshelf.com/coursewarecontentview/torts-of-minors/>

The following readings can be found in the “Foundations of Law” courseware, under Real Property → Personal Property

Bailments

<https://lawshelf.com/coursewarecontentview/bailments/>

Video Course Modules

These videos constitute the main part of the course and are they sources of the questions on the final exam.

Vicarious Liability Introduction

<https://lawshelf.com/videocoursescontentview/vicarious-liability>

Vicarious Liability in the Employer-Employee Relationship – Module 1 of 5

<https://lawshelf.com/videocoursesmoduleview/vicarious-liability-in-the-employer-employee-relationship--module-1-of-5/>

Vicarious Liability for Damages Committed By Independent Contractors- Module 2 of 5

<https://lawshelf.com/videocoursesmoduleview/vicarious-liability-for-damages-committed-by-independent-contractors--module-2-of-5/>

Vicarious Liability in Specific Contexts- Module 3 of 5

<https://lawshelf.com/videocoursesmoduleview/vicarious-liability-in-specific-contexts--module-3-of-5/>

Vicarious Liability in Private Contexts- Module 4 of 5

<https://lawshelf.com/videocoursesmoduleview/vicarious-liability-in-private-contexts--module-4-of-5/>

Defenses and Damages- Module 5 of 5

<https://lawshelf.com/videocoursesmoduleview/vicarious-liability--defenses-and-damages--module-5-of-5/>

Supplemental Suggested Readings

These materials enable students to achieve a deeper understanding of the course materials and in applying the course to real-life situations.

But I Didn't Do Anything Wrong, It Was My Employee! The Impact of Vicarious Liability on Employers, **The National Law Review**

<https://www.natlawreview.com/article/i-didn-t-do-anything-wrong-it-was-my-employee-impact-vicarious-liability-employers>

Enforcement Guidance: Vicarious Liability for Unlawful Harassment by Supervisors, **U.S. Equal Employment Opportunity Commission**

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-vicarious-liability-unlawful-harassment-supervisors>

The State's Vicarious Liability For The Actions Of The City, **Harvard Law Review**

https://harvardlawreview.org/wp-content/uploads/pdfs/vol124_%20states_vicarious_liability.pdf