

How To Host a BYOB Function

If you must have alcohol at an event:

- 1 Check IDs at the door and use some unique way of identifying those over the legal drinking age, such as with wrist bracelets.
- 2 Hire professional security to work the door and check IDs.
- 3 Serve non-alcoholic beverages and food.
- 4 Set a starting time and ending time for the party and stick with them, limit the party to four hours.
- 5 Do not permit drinking games.
- 6 Maintain control of all alcoholic beverages present.
- 7 Do not allow bottles.

Off-Campus or "Unofficial" Events

Some organizations hold gatherings, functions, parties, or events that are held away from the organization's house or off campus in an attempt to circumvent the spirit and intent of the organization's policies. Most of these events occur at the private residences (apartments, rental houses, etc.) of members or even at the residences of a nonmember and are classified as "unofficial" because they are "not sponsored." The risks posed by such events are often more substantial than "official" events. A discussion of the myths associated with off-campus and "unofficial" events follows.

Myth 1: We're not liable for events at a member's apartment.

WRONG. Courts have held that if a certain percentage of members are gathered at any location, that gathering can be interpreted as an organizational activity, whether "official" or "unofficial." For risk management purposes, use 25 percent of the total membership as the percentage. However, keep in mind that many courts are not placing a number on what constitutes an event. If someone might consider the event an organizational event, then it probably is.

Myth 2: An individual member cannot be held liable for events sponsored at a private residence.

WRONG. In Texas, there are laws that incriminate a social host for serving alcohol to minors. Civil remedies are available to a person alleging injury after attending an event hosted by a member. In addition, the member's parents may be held liable for the actions of the member if she/he hosts a party and someone gets hurt.

Myth 3: We'll just have the event at a non-member's residence.

THINK AGAIN. If the event gives the impression of being an organization-sponsored event, any competent attorney will try to prove that the event was sponsored by the sorority or fraternity.

Myth 4: The International Sorority/Fraternity cannot discipline a chapter for something that happens at an "unofficial" event.

WRONG. The Inter/National Sorority/Fraternity will not hesitate to discipline an organization if there is an incident of any kind at a social event where participants are violating risk management policies. One serious incident could be reason enough to shut an organization down.

Myth 5: Only the "host" organization of a multi-group event is responsible or liable for following risk management policies.

THINK AGAIN. In the case of a function officially or unofficially sponsored by more than one sorority/fraternity, all groups involved are equally responsible for ensuring that risk management policies, as well as University, state and local rules and regulations, are being followed. Do not assume that since the event may be held at another organization's house, or at a third party vendor establishment, that you are not responsible. If your group is involved, you are liable.

The bottom line: If sororities and fraternities could avoid liability by moving all organization events off campus or making events "unofficial," all organizations would have been instructed to do so.

Resources

For more information, or to report an incident, contact:

Office of the Dean of Students
(512) 471-1201

Greek Life and Education
(512) 471-9700
www.texasgreeks.com

Student Activities and Leadership Development
(512) 471-3065

University of Texas at Austin Police Department
(512) 471-4441

Greek Life and Education
Office of the Dean of Students

RISK MANAGEMENT

FOR SORORITIES & FRATERNITIES

Is This Also Risk Management?

The following recommendations identify additional areas of concern for avoiding risk:

SEXUAL ABUSE AND HARRASSMENT

Organizations should not tolerate or condone any form of sexist or sexually abusive behavior on the part of its members, whether physical, mental or emotional. This is to include any actions which are demeaning to women and men.

FIRE, HEALTH AND SAFETY

All organizations that own property should meet all local fire and health codes and standards. Organizations should have posted by common phones emergency numbers for fire, police and ambulance and should have evacuation routes from houses, common areas and sleeping rooms posted in said areas and on the back door of each sleeping room. All organizations should comply with engineering recommendations as reported by their insurance company. The possession and/or use of firearms or explosive devices of any kind within the confines and premises of the house should be forbidden.

Health and Well-being

Given that risks exist around us at all times and cannot be completely eliminated, the concept of risk management describes the efforts an individual or organization can take to protect the health and well being of themselves, their sorority and fraternity members, and their guests. However, risk management does not just apply to alcohol and social events, but also applies to other safety concerns such as slippery floors, fire hazards, housing codes, and city ordinances.

Texas Social Host Liability

Question: If I have a party at my house, can I be held liable if one of my guests drinks too much and has an accident while driving home?

Answer: Under the Texas Alcoholic Beverage Code, when you provide alcohol to guests at your home, you become a social host. Social hosts have little chance of being held liable if a guest is of legal drinking age. However, you need to be sure that alcohol is never served in your home to a minor, because you can be held liable.

Minors are not supposed to be served alcohol under any circumstance, and as a host you have a special duty to prohibit all minors from consuming alcohol at your event.

For over a decade, Texas law has imposed liability on bars and restaurants that sell alcohol. The law is known as the Texas Dram Shop Act, and it states generally that a licensed provider of alcohol can be held liable if, at the time the alcohol was served, it was apparent that the people being served were obviously intoxicated and presented a clear danger to themselves and to others.

This is the foundation for hosting events at third party vendor locations because it minimizes the risk taken by the social hosts and the members of the sorority or fraternity.

For more information, see the **Texas Alcoholic Beverage Code, Section 2.01.**

The Role of Insurance in Risk Management

Just as the Greek movement has been cyclical, so too has the insurance industry seen constant change. In the 1970s and early 1980s, sororities and fraternities could easily secure multimillion dollar liability coverage at favorable rates, and any number of underwriters were clamoring for their share of the Greek market.

Yet the 1980s saw a rapid increase in the number of lawsuits filed in our nation's courts. The volume of insurance claims and lawsuits resulting from the activities of college-age women and men mushroomed. Unfortunately, statistics began to show that the Greek system faced even greater risks and dangers.

In fact, in the late 1980s, sororities and fraternities were ranked by the National Association of Insurance Commissioners as the sixth worst risk for insurance companies—just behind hazardous waste disposal companies and asbestos contractors.

Insurance companies were forced to respond. The cost of policies offered to Greeks began to soar, while the coverage available plummeted. Many underwriters simply dropped the policies and walked away from the Greek business.

Fraternal Information and Programming Group

In response to the changing attitudes toward Greek lettered organizations, a number of sororities and fraternities began to seek new solutions to the insurance problem.

On December 3, 1987, the Fraternity Insurance Purchasing Group adopted its Articles of Incorporation. Terms like risk management, host liquor liability, umbrella policies, duty, standard of care and legal liability became a part of the contemporary Greek vocabulary.

The original concept behind FIPG was simple and two-fold. First, adopt a risk management plan that would help reduce exposure to risk. Second, use the group buying power of many national organizations as leverage to obtain more extensive coverage at lower premiums. To further this concept, all members in the group adopted the same risk management plan.

Through the policies of FIPG, risk management became a way of thinking, a way of making sure that individual members, chapters, and national organizations were not unnecessarily exposed to risk. Not only that, but it helped guarantee that Greek lettered organizations could continue to exist and grow into the future.

In 1995, FIPG, Inc. changed its name to Fraternal Information and Programming Group to better reflect its new role as “the one-stop resource for risk management education, beginning first with our member organizations, but eventually extending to undergraduates and college and university professionals.”

Recommended Risk Management Policy on Alcohol & Drugs

- 1 Alcohol on chapter property and at chapter functions must comply with BYOB or Third Party Vendor guidelines.
- 2 Organization funds may never be used to purchase alcohol.
- 3 The use of bulk quantity alcohol or common sources such as kegs, cases, trash can punch, etc. is prohibited.
- 4 Open parties or functions without guest lists for all attendees are prohibited.
- 5 Alcohol cannot be served to minors.
- 6 Illegal drugs or controlled substances on organization property or at organization functions is prohibited.
- 7 An organization cannot co-sponsor an event with any establishment that gives alcohol away, or sells alcohol. However, renting such an establishment for an event is approved.
- 8 An organization cannot co-sponsor a function where alcohol has been purchased by another group.
- 9 All recruitment, intake, or rush events must be alcohol-free.
- 10 Drinking games are prohibited.
- 11 Alcohol cannot be a part of any new member, pledge, associate program, or any other related activity.

Third Party Vendor Guidelines

Here are some things to look for when hiring a “third party vendor” or renting out an establishment.

The vendor or establishment must:

- 1 **Be properly licensed by the appropriate local and state authority.** This might involve both a liquor license and a temporary license to sell on the premises where the function is to be held.
- 2 **Be properly insured with a minimum of \$1,000,000 of general liability insurance,** evidenced by a properly completed certificate of insurance prepared by the insurance provider. The above “certificate of insurance” must also show evidence that the vendor has, as part of their coverage, “off premise liquor liability coverage and non-owned and hired auto coverage.” The certificate of insurance should name as additional insured (at a minimum) the local sorority or fraternity hiring the vendor as well as the national organization with whom the local group is affiliated.
- 3 **Agree in writing to cash sales only, collected by the vendor or establishment, during the function.**
- 4 **Assume in writing all the responsibilities that any other purveyor of alcoholic beverages would assume in the normal course of business, including but not limited to:**
 - a Checking identification cards upon entry;
 - b Not serving minors;
 - c Not serving individuals who appear to be intoxicated;
 - d Maintaining absolute control of ALL alcoholic containers present;
 - e Collecting all remaining alcohol at the end of a function (no excess alcohol—opened or unopened—is to be given, sold or furnished to the chapter).
 - f Removing all alcohol from the premises.