

**Risk Management Manual**  
**Alpha Gamma Rho Fraternity**

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## Foreword

Risk management, words rarely heard by older generations, has jumped to the forefront of many chapter conversations. What is risk management and what effect does it have upon all of us? Unfortunately, many assume risk management simply means less fun and more rules. This, however, does not have to be the case. Risk management means taking a few extra precautions for the well being of everyone. In fact, many times risk management requires being more imaginative when planning parties, thereby causing stagnant social programs to revive.

Is risk management really risk management? Think about it. It's easy to get caught up in alcohol policies, event planning, safety inspections, crisis management, designated drivers and insurance policies, but is this what risk management really is?

Realistically speaking, risk management goes much deeper than the commonly held definition. Risk management is responsible behavior, the willingness of Alpha Gamma Rho members to provide a safe fraternal experience, taking care of one another at all times, taking care of guests at all times, planning carefully the events of the chapter, abiding by the laws of the land, and being mindful of and abiding by the principles found in our ritual. In short, it's basic respect for the Fraternity, people, property and laws.

Brotherhood, human dignity and respect play the key roles in risk management. As the Chapter officers plan events they should be aware of this at all times and willing to communicate this to the membership when tough decisions have to be made.

You won't find the "human side" of risk management included in this manual. Instead, the focus is on the technical aspects of developing a comprehensive program. It is, however, important to always keep in mind and emphasize our underlying motive for maintaining a constant emphasis on managing chapter risk each and every day.

# **Alpha Gamma Rho Fraternity Risk Management**

## **Mission Statement**

The mission of the Alpha Gamma Rho Fraternity Risk Management Manual is to promote responsible behavior by all members at all times, and to preserve the ideals of the Fraternity by conducting the operations of each chapter safely and in compliance with the laws and policies of the Fraternity.

Our mission will be accomplished utilizing the following measures:

- Concern For Others
- Member Education
- Policy Enforcement
- Chapter Programs

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**Alpha Gamma Rho Fraternity  
Risk Management Policy**

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The Risk Management Policy of Alpha Gamma Rho Fraternity includes the provisions which follow and shall apply to all fraternity entities and all levels of fraternity membership.

## **Alpha Gamma Rho Fraternity Risk Management Policy**

WHEREAS, morals are necessary possessions of the true gentlemen and are basic standards of human conduct, divinely inspired to promote the dignity of man and the sanctity of the family relationship; and

WHEREAS, it is the policy of Alpha Gamma Rho to perform a positive role in the moral and spiritual development of our members; and

WHEREAS, the rights and privileges of all Brothers to standards of decency and behavior, becoming to a gentleman, are infringed upon when other members engage in habits, practices, and behavior in violation of the standards set by our Fraternity; and

WHEREAS, each Brother has rights and privileges of access and use of his own room and other areas of the Chapter house unencumbered; and

WHEREAS, Alpha Gamma Rho Fraternity is concerned about the consumption and potential for abuse of alcoholic beverages in the Chapters, and

WHEREAS, the dangers of misuse of alcohol to individuals, to Chapters, to the Fraternity system and to the campus community are becoming increasingly evident; and

WHEREAS, these dangers can erode the foundation of fraternalism and diminish the complete attainment of the goals and objectives of Alpha Gamma Rho and the educational community; and

THEREFORE BE IT RESOLVED that Alpha Gamma Rho supports the highest ideals and standards of human conduct and does not condone the use of illegal drugs, illicit sexual relations and indiscriminate use of alcoholic beverages. Each Collegiate Chapter and Alumni Corporation must follow the rules of conduct set forth as follows:

Policy A-2-11

11-12-88

## Alcohol and Drugs

- 1) The possession, use and/or consumption of **Alcoholic Beverages**, while on chapter premises, during an official fraternity event, or in any situation sponsored or endorsed by the chapter, must be in compliance with any and all applicable laws of the state, county, city and university.
- 2) No alcoholic beverages may be purchased through the chapter treasury nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the chapter. The purchase and/or use of a bulk quantity of such alcoholic beverage, ie, kegs, is prohibited.
- 3) No chapter members, collectively or individually, shall purchase for, serve to or sell alcoholic beverages to any minor (those under legal drinking age).
- 4) The possession, sale and/or use of any **illegal drugs** or . . . **controlled substances** at any chapter house, sponsored event or at any event that an observer would associate with the fraternity, is strictly prohibited.
- 5) No chapter may co-sponsor an event with an alcoholic distributor, charitable organization or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) where alcohol is given away, sold or otherwise provided to those present.
- 6) No chapter may co-sponsor or co-finance a function where alcohol is purchased by any of the host chapters, groups or organizations.
- 7) All rush activities associated with any chapter will be a **dry** rush function.
- 8) **Open parties**, meaning those with unrestricted access by non-members of the fraternity, without specific invitation, shall be prohibited.
- 9) No member shall permit, tolerate, encourage or participate in "drinking games."
- 10) No alcohol shall be present at any pledge/associate member/novice program or activity of the chapter.

## **Hazing**

No chapter shall conduct hazing activities. Hazing activities are defined as:

"Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside of the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with fraternal law, ritual or policy or the regulations and policies of the educational institution."

## **Sexual Abuse**

The fraternity will not tolerate or condone any form of 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 including but not limited to date rape, gang rape or verbal harassment.

## **Fire, Health and Safety**

- 1) All chapter houses shall, prior to, during and following occupancy, meet all local fire and health codes and standards.
- 2) All chapters must have posted by common phones, emergency numbers for fire, police and ambulance and must have posted evacuation routes from chapter houses, and common areas, as well as posted on the back of the door of each sleeping room.
- 3) All chapters shall comply with engineering recommendations as reported by the insurance company.
- 4) The possession and/or use of firearms or explosive devices of any kind on AGR premises is expressly forbidden unless stored in a locked compartment with limited access.

## **Education**

Each student member, associate member and pledge shall be instructed annually on the Risk Management Policy.

## Alcohol

*Legal Pitfalls*, by Bradford C. Peabody, Attorney at Law

One of the earliest reported English lawsuits was filed by a tavern owner against rowdy carpenters who visited his tavern and drank until they "did hammer and saw at random!" Ever since, people have been trying to hold others accountable for the consequences of alcohol abuse. It has become the single greatest legal danger to some fraternity chapters and individual members.

There is an argument to be made that all college-age men and women have been unfairly used as scapegoats for the carnage caused by drunk drivers of all ages. However, such arguments have not prevailed, and all states now have a minimum age of twenty-one for the consumption of alcohol.

Illegal possession of alcohol by a minor is a criminal misdemeanor. Serving or selling alcohol to a minor is a particularly serious offense in the eye of a large and growing number of cities and states. A "sale" can involve a party where there is supposedly "free" alcohol, but where there is a cover charge. In such cases, both the chapter and the individual officers may be criminally prosecuted and civilly sued.

*Where a minor is involved, the law presumes that he cannot hold his liquor, and anyone who contributes to his intoxication, even by providing only a small portion of the alcohol consumed, can be held liable for damages caused by the minor's drunk driving, accidental injury to himself, or violent injury to others.*

The slogan that, "Brothers don't let brothers drive drunk," is a useful reminder of our moral and legal responsibilities to our members. But legal liabilities often arise where non-members or guests are involved.

In Ohio, a fraternity held a party at a local hotel and told the hotel's bartender not to check anyone for proof of age. A minor, who was a pledge, drove home intoxicated and wrecked his car, leaving his date paralyzed. The chapter paid a large settlement of the lawsuit.

The fraternity in the Ohio case knew that minors would be drinking and that they would be driving home. The fact that the bartender was not a member of the fraternity would be no defense. He was their employee or agent.

The social host could also be sued and prosecuted for serving alcohol to someone who is already obviously intoxicated. Arranging an "open" bar, or unlimited access to alcohol which you serve yourself, or "chugging" contests and other drinking games, or pressuring others to "drink up" or "have one for the road," are all open invitations to legal liability.

However, if a person attends a "bring your own" party, at which his host does not sell, provide or serve any alcohol, then the host is generally not responsible for checking the age or sobriety of a guest. But if any member of the host chapter promotes drunkenness, the result could be legal liability for what the intoxicated person does.

Everyone is familiar with the guest or friend who is a problem drinker. Every time he drinks, he gets drunk or gets into a fight. If his host knew his propensity for alcohol abuse and related violence, the host may be liable for injuries to the third party.

When such fights occur, a host may say, "take it outside," believing that this absolves him of responsibility. Actually, the opposite may be true. If you served the alcohol, you must maintain control over your function and premises and prevent intoxicated persons from attacking others. In a Pennsylvania case, the plaintiff was assaulted by a drunk minor who was given alcohol at a fraternity function. The chapter was civilly sued and criminally prosecuted.

One of the most common examples of fraternity hazing involves pressuring pledges or associates to "get drunk." They are usually minors and inexperienced drinkers; therefore, the chapter risks criminal and civil liability if injury or death results from: drunk driving, falling, alcohol poisoning, internal bleeding or inability to avoid dangers like balconies, swimming pools, traffic or stairways. In a recent case, in which a fraternity pledge was forced to drink so much alcohol that he strangled on his own vomit, a jury awarded \$250,000 in damages against the entire chapter.

How can you reduce the risks of host liquor liability? Know the law. Ask an alumnus who is a lawyer to brief you on local laws.

Utilize dry rush. Few campuses go back to alcoholic rush after trying dry rush, because it's cheaper and easier to find prospects who are more interested in brotherhood than booze. If you know a practice is wrong, stop it and don't accept stupid excuses like, "But it's a tradition!" (So is suing people).

Never sell alcohol. Adopt a policy to guide your social chairman and have it checked by the chapter adviser or an alumnus who is an attorney. Don't laugh off the "clumsy drunk," because if he falls, he could take your charter with him. Provide safe transportation using a buddy system, van or bus. Limit consumption and quantities served. Stop drinking games at any function.

Hold private parties for members and guests only. Get the keys, even if it means calling the police, to stop a drunk from driving. Use the Executive Committee to discipline problem drinkers. Bar the habitually drunk or violent person altogether. Keep the party orderly, but never use excessive or unreasonable force to do so. If the party is "out of hand," cut off the alcohol, but don't just evict people before they have had a chance to sober up. Make sure a ranking officer or responsible alumnus is present and sober in case problems arise. Bring your own, don't serve. Last, but definitely not least, abstain. Who said you have to drink to have fun? Use your imagination, and create a theme party or activity that doesn't need alcohol to be fun. Your lawyer will thank you in the morning!

### **It's the Law!**

*At Risk*, by John Perkins, Editor

A major dilemma for chapters today is the serving of alcohol during social functions to underage brothers, pledges and guests. The Risk Management Policy of Alpha Gamma Rho clearly states "No chapter members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under legal "drinking age"). Most college students today are under the age of 21, the legal age in all states for alcohol consumption.

Serving alcohol to minors is a costly violation of the law. This issue was summed up extremely well in a recent article published in *At Risk*, the risk management publication of Sigma Alpha Epsilon. This is a reprint of John Perkin's, the *At Risk* Editor, article.

1969. Woodstock. The Vietnam War. Richard Nixon. The words "one small step for man, one giant leap for mankind" were spoken on the moon. And if you were born in that year, you turned 21 years old by the end of 1990. Ah; 21. The magical age that has been chosen by the "Powers That Be" when a man or woman is deemed mature enough to legally drink. One day you're a tee-totaling "child" and at 12:01 AM on the 21st anniversary of your birth, you can belly up to any bar in town.

Many young people under 21, and fraternity members are certainly no exception, question this law every now and then with such questions as:

"Why can I vote and not be able to drink?"

**It's the Law.**

"Why can I fight for my country and not be able to drink?"

**It's the Law.**

"Why can I get a driver's license and not be able to drink?"

**It's the Law.**

"Why can I be tried as an adult if I get in trouble for drinking when they don't consider me adult enough to drink?"

**It's the Law.**

"Why do I have to pay taxes and do every other thing that people under 21 can do and not be able to drink?"

**It's the Law!**

How the law got here is probably a very convoluted tale chronicled somewhere in volume after volume in the Library of Congress. For the purposes of this publication, however, we put forth the supposition that the "Powers That Be" were tired of seeing young people getting injured and killed due to alcohol, but the percentages are frighteningly different.

Philosophical differences aside, the inherent problem that college students face is that approximately 75% of students are under 21 years of age. If you are reading this article in hopes of finding a reprieve from this problem, you will be disappointed. If you're not 21, you cannot legally drink alcoholic beverages.

**It's the Law!**

# Planning a BYOB Social Event

## BYOB General Guidelines:

### **Types and amounts of Alcohol:**

Hard liquor should be strictly prohibited from all BYOB parties. Limits on amount of alcohol is suggested to be one six pack of beer (or the alcoholic equivalent of a six pack of beer) per person per event. Limiting the beer to two brands will help ease confusion and the task of the brother(s) distributing the beer. Absolutely no beverages in glass containers should be allowed. Non-alcoholic beverages and non-salty foods must be served throughout the entire party.

**Entrance, ID's, Wristbands, and the Bar:** The entrance to the party shall serve two purposes: to make sure all persons entering the party are either a member or on the guest list and; identification of individuals entering the party. At least one party monitor must be at the entrance at all times. Acceptable identification is a picture ID with the birth date on the ID.

**Wristbands:** Wristbands should be given out at the entrance of the party and only issued to those of legal drinking age. Wristbands should be the type that once clasped the only way to remove them is to cut them off. They should not be stretchable. Anyone without a wristband is not permitted to possess or obtain alcoholic beverages.

**The Bar:** There is to be a single bar area with designated servers who are of legal drinking age and are not consuming alcohol. No alcohol may be distributed from any other areas of the fraternity house (this includes individual rooms.) Designated servers will not continue to serve any person who is visibly intoxicated.

**Monitors:** There should be a reasonable number (no less than 15% of the total undergraduate membership) of monitors at any event where alcohol is present. Monitors are not to consume alcohol at all prior to and during the event. A monitor should be at the door checking ID's.

Another monitor should be one of the servers at the bar and the remaining monitors should be making sure people at the event are following BYOB and Alpha Gamma Rho policies. All monitors should wear distinctive clothing, such as referee shirts, to identify themselves at all times.

**Procedure for BYOB:** Once a person of legal drinking age with alcohol has entered the party and obtained a wristband, they should immediately take their alcohol to the bar and exchange it for a ticket. The ticket should state the type and brand of alcohol and the amount of containers. An individual may only receive one beverage at a time and every time he receives a beverage his ticket should be hole-punched.

**Ending Times and Alcohol Checkout:** It is recommended that parties have a designated ending time. The ending time should always be in accordance with school, local and state ordinances and should never go past 2:00 AM. The bar should close at least one hour prior to the end of the party and music should continue playing until the end of the party to allow time before party attendants leave to lessen the effects of the alcohol. No one should be allowed to leave with alcohol whether opened or unopened. Any alcohol still at the bar at closing time shall stay at the fraternity until the following day when it may be picked up. Any alcohol that is not picked up should be discarded.

## Planning A Cash Bar Social Event

There are many advantages to planning a social event with a licensed cash bar rather than BYOB. This section is designed to educate the chapter of those advantages and help them understand the risk management aspects of such an event.

### Advantages Of Cash Bar:

- 1) Many sororities encourage their chapters to participate in cash bar events rather than the BYOB type. Most national sorority executives feel that a cash bar social event hosted by a fraternity provides a safer environment and less potential for alcohol misuse.
- 2) With a cash bar, a professional, licensed and insured catering firm monitors the distribution of alcohol, making sure the legal drinking age is enforced.
- 3) Litter and cleanup is minimized because the environment is more controlled.
- 4) Peer pressure for changing designated event ending times is minimized. The caterer is bound by the contract or laws of the state when deciding when to stop the service of alcoholic beverages.
- 5) The professional bartender will have an ample supply of non-alcoholic beverages available throughout the event.

Of course, the primary advantage of a cash bar social event is the transfer of a portion of the liability associated with alcohol distribution to the catering firm providing the alcohol.

### Risk Management Aspects Of a Cash Bar Social Event:

- 1) Any catering firm hired to provide alcoholic beverages at a chapter event must be licensed and insured as required by individual State and Local ordinances.
- 2) The catering firm should provide the chapter with evidence of at least \$1 million in comprehensive general liability insurance, which includes "off premise liquor liability coverage, and hired and non-owned auto coverage."
- 3) The catering firm should name the chapter, house corporation and Alpha Gamma Rho Fraternity as additional insured for the day of the event.
- 4) The vendor must agree in writing to cash sales only, collected by the vendor, during the event.
- 5) The vendor must assume in writing all the responsibilities that any purveyor of alcoholic beverages would assume in the normal course of business, including, but not limited to:
  - A. checking IDs and enforcing the legal drinking age
  - B. refusing to serve intoxicated guests and members
  - C. maintaining control of all alcoholic containers present.
- 6) Do not sign any catering contract or agreement with a clause which indemnifies the catering company of liability. Be sure to have chapter or campus legal counsel review all contracts or agreements prior to execution of the document.

## **Hazing** *"Legal Pitfalls"*

There is ample legal authority for devastating lawsuits against a chapter, its officers, alumni, the house corporation and individuals who perpetrate or condone hazing. In addition, the number of states with criminal statutes specifically against hazing continues to grow. Imposition of either civil or criminal penalties for hazing is certain to lead to loss of your charter.

Even if a perpetrator of hazing succeeds in avoiding a jail sentence, any fines or costly attorney's fees in criminal court will not be covered by any insurance whatsoever.

Similarly, if the hazing victim sues for money damages in a civil court, the hazer usually discovers that the liability insurance will not cover him if the injury is deemed "intentional," because the hazer knew or should have known the risk of injury he was causing by hazing someone, even though he did not want the victim to be injured.

Chapters which have lost their charters for hazing are seldom allowed to return to campus before all current members have graduated, regardless of whether they directly participated in hazing.

Definitions of "hazing," in statutes and university judicial codes typically include psychological as well as physical abuse. Pressuring younger members to consume too much alcohol, humiliation, sleep deprivation, exposure to the elements or to loud noise, pranks, theft of souvenirs, reckless endangerment, kidnaps, paddling, forced consumption of food, and calisthenics--each of these has been the basis for legal liability for chapters and individual, regardless of whether there were physical injuries.

Growing consensus that, "boys will be boys," is simply no excuse for the reckless and senseless practice of hazing. Both the actual person doing the hazing, and his brothers, face the collective risk of destruction of their chapter and the personal individual risk of a substantial judgement for money damages against each member, as well as a criminal arrest record which may ruin prospects for future employment, military service, or graduate or professional school.

All programs of Alpha Gamma Rho Fraternity involving member development should have a defined constructive purpose that builds on Alpha Gamma Rho's foundation of "making better men". Hazing has been a much-publicized concern of all national fraternities, including Alpha Gamma Rho.

# **Alpha Gamma Rho Fraternity Statement of Position on Hazing and Pre-Initiation Activities**

The Brothers of Alpha Gamma Rho Fraternity, in Convention Assembled, have stated their position, periodically, in support of constructive educational and inspirational programs and have asserted unequivocally their opposition to hazing and pre-initiation activities which do not contribute to the positive development and welfare of pledges and members.

Because hazing and other pseudo-initiation practices have not been rejected and eradicated completely in undergraduate activities and therefore remain a menace to the well-being of Alpha Gamma Rho and the entire College Fraternity System, and Grand Officers and National Directors of Alpha Gamma Rho Fraternity hereby reaffirm and reassert the position of the Fraternity on this question.

The Brothers of Alpha Gamma Rho Fraternity believe that true fraternalism is nurtured in an atmosphere of social and moral responsibility, respect for duly constituted authority and loyalty to the principles of higher education.

The Brothers of Alpha Gamma Rho Fraternity further believe that while social behavior cannot be legislated, a fraternity without morally sound precepts and practices is not a constructive influence upon college men.

The Brothers of Alpha Gamma Rho Fraternity further believe that a fraternity has a solemn obligation in the development of its pledges and members and that this responsibility extends alike to the institutions where it is represented; to parents and others who make possible the education of pledges and members; to the communities where chapters are accountable for good citizenship; to the college fraternity system of which it is a part; and to the profession of agriculture from whence our strength is derived.

The Brothers of Alpha Gamma Rho Fraternity further believe, despite the fact that much progress has been made, that one of the most damaging instruments to the Fraternity is the employment of a program of education which includes hazing, and that this unproductive, ridiculous and hazardous custom has no rightful place in our Fraternity.

The Brothers of Alpha Gamma Rho Fraternity define hazing as any action taken or situation created, intentionally, whether on or off Fraternity premises, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations include paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside the confines of the house; wearing publicly, apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities which are not consistent with Fraternal law; ritual or policy or the regulations and policies of the educational institution.

Our Fraternity emphasizes the betterment of men and any action which detracts from this purpose is not consistent with Alpha Gamma Rho's policies. Any brother or prospective brother witnessing or asked to participate in activities involving hazing should inform the National Officers and/or Staff of such events in order to correct these situations before a serious incident takes place. Alpha Gamma Rho intends to "make better men" through constructive membership education programs and hazing activities certainly are not considered constructive programming.

## **Drugs**

### *"Legal Pitfalls"*

The possession, use, distribution and manufacture of illegal drugs are serious criminal offenses. Yet because many students today view drugs as either more "socially acceptable" or as a purely "personal" matter, serious felonies committed on chapter premises are sometimes condoned and ignored by members who are personally against drug use. Unfortunately, the member who looks the other way actually has his head buried in the sand! The user or distributor of illegal drugs endangers his roommate and his entire chapter in several ways:

*First*, under the doctrine of "constructive possession," a person could be convicted of possessing drugs, which actually belong to and are used exclusively by his roommate or a casual visitor, because the drugs are found in an area of his room, apartment or car which is accessible to and used by others. Ironically, the roommate or passenger who does not use drugs could, nevertheless, be arrested and convicted because he cannot overcome the permissible inference that he, too, possessed the drugs.

*Second*, under the doctrine of "plain view," a police officer who is lawfully present (e.g. the officer is answering a noise complaint) may legally seize any illegal drugs in plain view and arrest the occupants of the room or car.

*Third*, under the criminal nuisance laws, chapter officers and house corporation officers can be charged with maintaining a house, apartment or other building in which illegal drugs are distributed, stored, concealed or habitually used. The label "nuisance" may suggest a minor offense. Actually, the maximum penalty may range up to twenty years imprisonment.

*Fourth*, some students naively assume that, unless they actually allow an officer to enter the house, the police are unlikely to get enough evidence to convict. There are two flaws in this assumption.

1) Police routinely use students as informants and legally use a "controlled" purchase by a student informant to establish the distribution or use of drugs. The defendant may trust the informant as a friend or regular customer without realizing that the police can easily persuade a person to cooperate in exchange for dropping or reducing other charges against him or her. The familiar defense of drug defendants that it was "entrapment" is almost always a failure. A search warrant would be unnecessary and the police would have already made their case and need not find any more evidence to arrest and convict.

2) Even if a legal loophole permits the accused to escape conviction, attorneys' fees in criminal cases, which insurance does not cover at all, routinely run into tens of thousands of dollars for a jury trial. You, your family and the chapter may win the case, but go broke! In addition, the existence of an arrest record for illegal drugs is usually devastating to a student's future prospects for decent employment or graduate school. It goes almost without saying that a successful police raid on a chapter house would result in severe sanctions by both the university and the National Fraternity. Individuals have been expelled from school and the fraternity, and charters have been revoked. Such penalties will continue to be the norm.

Students who use these substances are not the quality men who make a strong AGR Chapter. Alpha Gamma Rho stands for the highest level of personal development, and the use of drugs prevents individuals from achieving these levels.

## **NEGLIGENCE**

### *"Legal Pitfalls"*

In general, you owe a duty of reasonable care to your members and guests to maintain and operate your chapter house, premises and activities in a safe manner. The typical lawsuit involves negligent, not intentional or deliberate, injury to others. If you know or should know of unsafe conditions and ignore them, you can hardly blame an innocent victim of your negligence for wanting you to pay through the nose!

Your chapter's insurance will not cover claims made by members against the Fraternity. If you think your chapter and personal budgets are "too light" now to fix that faulty wiring, defective furnace or broken stair step, where are you going to get the money to pay for a lawsuit naming the chapter and individual members? You cannot afford to put it off. Fix it, or risk the consequences.

## **Special Hazards at Chapter Events and on Chapter Property**

The following category of hazards resents a liability which requires risk management carried out at the chapter level. These hazards include:

**Firearms** - Firearms (handguns, shotguns and rifles) *do not have a role* in the fraternity environment. **Loaded weapons must be prohibited.** Weapons and ammunition should not be stored in members' rooms. Handguns must be prohibited. Rifles or shotguns, if stored in the chapter house, should be unloaded and disassembled and kept in locked/secured areas. Ammunition should be stored separately from the firearms in secured/locked areas. Campus police may be willing to store weapons for the chapter.

**Fall From Roofs, Windows, Ledges** - Each chapter and house corporation should implement specific rules eliminating access to roofs and other premises hazard areas at all times and especially during social events. Each year fraternities and sororities experience numerous incidents where individuals fall from rooftops or out of windows. Unfortunately, many of these accidents result in death or serious injury. Chapters must take appropriate measures to prohibit individuals from having access to any and all premises hazard areas, and must enforce all house rules established to protect individuals from injury and danger.

**Illegal Drugs** - There will be absolutely no tolerance of illegal drug usage in Alpha Gamma Rho Fraternity. Chapter By-Laws and House Corporation Housing Contracts should include a definitive statement regarding the use of illegal drugs by members and include specific disciplinary action to be taken against an offending member. Risk Management Education should include at least one presentation about illegal drugs during the academic year.

**Transportation** - Whenever a chapter event is scheduled away from the chapter house off campus the chapter should make transportation a high risk management priority. If members are to use personal transportation the chapter should issue guidelines prohibiting the use of alcohol while travelling to and from a chapter event.

In most situations, the chapter should arrange for a leased bus with a driver being furnished by the bus company. In the event that car pools are the option, measures should be followed to determine that drivers are licensed, insured and responsible individuals who have demonstrated good driving habits. Another fraternity may be willing to drive you and your cars home if the chapter will do the same for them. **Key:** If you have been drinking, don't drive.

Vehicle accidents have often led to large monetary awards or settlements when evidence has shown indiscriminate driver selection procedures, drivers without licenses and inadequate driver training.

# Fire Prevention Guide

The possibility of personal injury or loss of life is an incalculable tragedy. Every effort must be taken by responsible members to prevent such a loss.

The Courts have ruled that if owners or occupants of buildings are negligent of fire hazards and anyone suffers loss or injury because of that negligence, the owner or occupant of the building is liable for the damages.

Be aware that your Chapter house is a high risk unit with special problems in fire safety. The following is a fire prevention checklist prepared after research was conducted with two fire departments. The checklist should be used in the fall, winter and spring. The wise use of this checklist will result in responsible management of your Fraternity property.

## General Instructions

- Be investigative in searching for potential hazards. Consider hair dryers, sound systems, electric space heaters, lamp cords, the use of many extension cords, overloaded circuits, furnace and vent cleanliness, repair of laundry equipment and kitchen equipment.
- Look for signs of wear or operational problems on any small appliance.
- Furnaces should be checked yearly by a competent heating company for malfunctions or possible presence of carbon monoxide.
- Never use candles in windows near draperies.
- Smoking cigarettes in Chapter houses is a main fire hazard. Be especially strict on limiting smoking to specific areas. Adequate ashtrays must be provided. Members should never be allowed to smoke in large sleeping rooms.
- When a large social function is over and everyone is leaving the Chapter house, two members should always check for lighted cigarettes and candles in the house.
- Make a personal inspection of your Chapter house from top to bottom to check that all house doors, fire escapes and stair wells are free from any blockage. Remember that in the event of fire, many people will flee through the door and there must be ample room.
- Electric irons must be unplugged (not merely turned "off") when not in use. Develop the habit of unplugging heat appliances.
- Check that motors and cooling coils in refrigeration units are clean.
- Kitchens must be clean and free of any grease on walls or in range.
- Members unfamiliar with kitchen stove operation and dish washing equipment should not be allowed to operate this equipment.

- When using fireplaces, be sure damper is open and screen is always in front of fire. If retiring or leaving the area of the fireplace, be sure fire is out.
- Basement and furnace rooms should be kept clear of old furniture, boxes, homecoming decorations, theme party decorations, paint and other solvents, junk, etc. Be sure that officers of the Chapter and Advisers understand and are strict in preventing accumulations of burnable materials.
- All fuses or circuit breakers on lighting or small appliance circuits should be of 15 ampere capacity.
- Extension cords should not exceed six feet in length and should always be of heavy duty quality. Never put extension cords under rugs or in the path of travel.
- Check lamp cords for frayed conditions. Do not have cords spliced. Replace cords in all lamps and small appliances if cords are worn.
- Check switches on lamps -- make sure that the on/off switches operate without delay.
- Remember that artificial trees at Christmas are safer than real trees. Never put lights on a metal tree - use a spotlight to illuminate a metal tree. If a real tree is used, lights must be unplugged when members are away.

### **Vacation Procedures**

- Make sure the house is clean and in order.
- Remove all clutter from hallways.
- Avoid storing flammable substances (cleaning fluids, paint, etc. ) inside; if they must be stored inside, make sure they are in proper metal containers.
- Do not store gasoline, kerosene, or motorcycles and lawn mowers inside.
- Avoid storing anything in the utility room; keep the utility room door closed.
- Secure all windows and doors -- especially on the lower floors.
- Break any circuits which won't be used or have the power company cut the power completely.
- Unplug any unnecessary appliances, extension cords, etc.
- Test all fire alarms and sprinkler systems (with proper guidance), heat and smoke alarms, etc. Make sure all extinguishers are charged.
- Check storage areas for junk and remove.
- Assign Noble Ruler, VNR-Management and Operations or trusted Brother with responsibility of making a final check around house before locking up.

- Turn hot water system down as low as possible.
- Fire department should have the name of a local person responsible for the property during vacations. When advisers and officers change, be sure this information is kept up to date.
- Arrange for someone locally to "check" the house every few days if it is unoccupied.

### **Fire Alarms and Drills**

- ◆ Pull alarms should be checked once a month.
- ◆ Check smoke alarms with test button or actual smoke.
- ◆ Post fire department telephone number near each telephone and in kitchen.
- ◆ Members and employees should be included in a practice fire drill at least once each semester or quarter.
- ◆ A part of the drill should be assigning a Brother to call the fire department. Give good instructions to fire operator regarding location; practice the proper telephone message.
- ◆ There should be two exit plans for each room. These should be drawn in chart form and posted in rooms, where the fire extinguishers are, along exit routes, and in visible places -- at drinking fountains, in telephone rooms, bathrooms.
- ◆ Always notify the fire department in case of a fire, no matter how minor you consider the fire to be. In the event of a fire, it is very necessary to be drilled in specific actions.
- ◆ Always take attendance following evacuation of a building.
- ◆ If an alarm, real or false, should happen, be sure the entire system of alarms is properly reset.

### **In Case of Fire**

- ◆ If awakened by smoke, crawl to your door with key and flashlight in hand.
- ◆ Check to see if door is hot before opening.
- ◆ If cool, continue crawling, in case of noxious gases, to the fire exit.
- ◆ Stay ready to retreat back into your room. If clear, continue crawling to the fire exit.
- ◆ Stay close to the wall on the fire exit side of the hallway.
- ◆ When you reach the stairway grasp hold of the handrail tightly.
- ◆ Walk slowly down the steps keeping your balance and cool.

- ◆ Don't become panicked no matter who rushes past.
- ◆ It's important to stay on your feet.
- ◆ If you encounter heavy smoke as you descend the escape route, turn around.
- ◆ Do not attempt to walk through the smoke.
- ◆ Ascend to the top floor of the house and onto the roof.
- ◆ At the top, prop the door open to vent the smoke for others still inside.
- ◆ Realize it's sometimes safer to remain in your room.
- ◆ If your room door feels hot, don't open it.
- ◆ If there is smoke in your room, open your window.
- ◆ If there's no smoke, keep it closed.
- ◆ If necessary, smash the glass -- carefully protecting yourself from cuts.
- ◆ Fold a wet towel into a triangle and cover your nose and mouth to create a smoke filter.
- ◆ If there are flames outside your window, pull down the draperies and other flammables.
- ◆ Don't get into a bathtub full of water; you may boil.
- ◆ Don't panic. Help will be with you in a few minutes.
- ◆ Don't run. If you fall you may not be able to get up.
- ◆ Hang only your head out of your window to escape smoke.
- ◆ Don't jump except as a last resort from the second or third floors.
- ◆ Know the survival chances of a fourth floor jump are slim.
- ◆ Smoke, gases and panic are the things you must guard against.

## **Education**

- Ask for advice and assistance from your local fire department. Take advantage of this public service.
- Augment this list with checks on specific situations that apply to your property.
- The attitude of Chapter members is quite important. Every Brother needs to be concerned about the possible loss of life and the danger of smoke inhalation. Conduct a safety discussion on these subjects regularly.
- Every seventeen seconds a fire breaks out in this country. Every forty-five minutes a life is lost in a fire. Give your attention to fire prevention!

## Chapter House Self Inspection Form

### To Make Your Chapter House A Better, Safer Place To Live Package Program for Chapters

When it comes to accidents, no place where people gather can be overlooked. A regular check for common hazards, indoors and out, will help protect your membership and guests from most causes of injury.

#### Action to Be Taken

#### Inside

- 1) Are doorways clear, and do the doors work well? Yes No N/A \_\_\_\_\_
- 2) Are exits clearly identified? Yes No N/A \_\_\_\_\_
- 3) Is there a properly maintained emergency lighting system? Yes No N/A \_\_\_\_\_
- 4) Are aisles kept clear of obstacles? Yes No N/A \_\_\_\_\_
- 5) Are floor surfaces clean and in good condition? Yes No N/A \_\_\_\_\_
- 6) Is there a regular schedule of floor maintenance? Yes No N/A \_\_\_\_\_
- 7) Are storage area doors locked and/or marked "Do Not Enter"? Yes No N/A \_\_\_\_\_
- 8) Are hallways and stairways kept clear and well lighted? Yes No N/A \_\_\_\_\_
- 9) Are stairways equipped with handrails? Yes No N/A \_\_\_\_\_
- 10) Is there a designated area for trash storage? Yes No N/A \_\_\_\_\_
- 11) Is trash removed from the premises daily? Yes No N/A \_\_\_\_\_
- 12) Most states allow only so many people in a room at a time.  
At a party or function are you crowding too many people in a room?  
Are you overcrowding? Yes No N/A \_\_\_\_\_
- 13) At parties there are always foods and beverages spilled.  
Are they cleaned up immediately? Yes No N/A \_\_\_\_\_
- 14) Alcohol is a problem on campuses.  
Are you serving to Minors? Yes No N/A \_\_\_\_\_

#### Outside

- 15) Are parking areas and walkways in good repair, and free of obstructions? Yes No N/A \_\_\_\_\_
- 16) Are all signs, fixtures and sculptures securely attached? Yes No N/A \_\_\_\_\_

## **Fire-proof your chapter house by examining electrical circuits, heating systems, air conditioners and fire-prevention equipment.**

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Fire is the most devastating catastrophe to strike a chapter house. It's capable of causing thousands of dollars in damages instantly. Improperly installed or poorly maintained heating and air conditioning systems are a major cause of costly Fraternity fires. Faulty electrical wiring is another major cause. Smoke and water cause extensive damage, proper maintenance can prevent a loss.

You can reduce the possibility of fire destroying your chapter property by inspecting these areas and correcting potential fire hazards. You can also stop fires before they spread by maintaining adequate fire prevention systems. Use this section of the checklist to help "fire-proof" your chapter house.

### **Electricity**

- 17) Are all fuses the right size and specification? Yes No N/A \_\_\_\_\_
- 18) If a fuse requires frequent replacement, have you found and eliminated the cause? Yes No N/A \_\_\_\_\_
- 19) Are all panel boards, switchboxes and fuse cabinets clean? Yes No N/A \_\_\_\_\_

### **Heating and Air Conditioning**

- 20) Has heating and air conditioning equipment been inspected by a qualified service technician within the past year? Yes No N/A \_\_\_\_\_
- 21) Is the boiler/furnace room in a separate fire resistant enclosure? Yes No N/A \_\_\_\_\_
- 22) Is the boiler/furnace room free of paper, trash, flammable liquids and other combustibles? Yes No N/A \_\_\_\_\_
- 23) Is the boiler/furnace room equipped with a self closing door? Yes No N/A \_\_\_\_\_
- 24) Does the oil/gas burner have a clearly identified emergency switch? Yes No N/A \_\_\_\_\_

### **Fire Prevention Systems**

- 25) Are there enough fire extinguishers to satisfy local fire codes, and are those extinguishers easily accessible? Yes No N/A \_\_\_\_\_
- 26) Have fire extinguishers been inspected or recharged within the year and tagged accordingly? Yes No N/A \_\_\_\_\_

27) Have the automatic sprinklers and

Yes No N/A \_\_\_\_\_

hose systems been inspected and maintained within the year?

**Put this checklist to work for your chapter**

## **Alpha Gamma Rho Fraternity Procedure To Be Followed In The Event Of A Tragedy**

There are several steps to follow in the event of a tragedy, with some additional steps to follow in the event of a death of one of your members.

1. Your first phone call is to the 911 emergency number for an ambulance. If the emergency situation is a fire, your alarms may automatically bring the fire truck, depending on your particular alarm system. Do **not** hesitate to call the Campus Police regardless of the situation
  
2. Before you leave the phone, the second phone call is to your Chapter Adviser. If you are in doubt as to whether a situation is serious or not, call. If you cannot reach the Chapter Adviser at # \_\_\_\_\_ call your Alumni President # \_\_\_\_\_ or campus Greek Adviser at # \_\_\_\_\_. In any event contact the Home Office at one of the numbers listed:
  - A. Executive Director, Philip Josephson (w)816-891-9200  
(h)816-587-1150
  
  - B. Grand President, Gene Swackhamer (w&h)410-771-4437
  
3. Be certain that every person in your house knows that you, as Noble Ruler, are in command of every emergency situation involving serious injury or death. In your absence, have a ranking order of officers established and be sure they know where to find a copy of this policy. Develop an advance plan for notification of your Chapter Adviser. Be sure also, that your Housemother is aware of this procedure.
  
4. If a tragedy has occurred within your house, close the house at once. You cannot give instructions if your members are leaving and strangers are entering. Permit only your members and appropriate officials to enter.
  
5. Assemble your members in a group. Explain to them that there is an emergency situation and that the house is closed. Ask them to cooperate in halting outgoing phone calls until the situation is under control. Do not discuss the situation until your Chapter Adviser, Alumni President or Greek Affairs Adviser arrives. Instruct your members to make **no** statements to any one other than University officials. You, as the Noble Ruler, will make any appropriate statements to the media after the situation is under control and the content of any statement has been reviewed.
  
6. Do not notify parents. In the event of a serious accident or illness, the medical personnel will notify parents and advise them of the student's physical situation. In the event of a death, University officials will notify parents.

While your members are gathered, there are several things to be done. It is important that they remain calm until the situation is under control. Depending upon the situation, out-of-house members may need to be called in. Discuss the situation with your Chapter Adviser, Home Office Staff, or Greek Adviser and formulate statements making sure everyone understands; your Housemother should also be informed.

If the situation is a death outside the house, do not announce it until your Chapter Adviser or a University staff member has arrived to help. Be very careful about this information as a statement should be released to the University media office only after **all** members of the immediate family have been notified. If the member lived in the house, do **not** move any of the deceased student's personal possessions. Since most of your men share a room, perhaps you will want to move the roommate somewhere else temporarily. You should call the family to offer sympathy on behalf of the Chapter; ask what their wishes are in regards to the possessions. You may offer to pack them in boxes, but chances are the parents will prefer to do this themselves. Before they arrive, be sure that all borrowed items are returned to the deceased's room and, if possible, lock it. When they do arrive, you may want to have empty boxes available and offer help. This is an emotional trauma for parents, and they may not want to be with any of their son's friends.

It is, of course, proper to send sympathy cards and notes, flowers, etc. If a funeral is in-state, it will mean a great deal to parents for some or all of the members to attend.

In the case of a suicide attempt, with or without serious injury, do not assemble your members or call parents. Further steps to take in this instance should be discussed with the Chapter Adviser and perhaps University personnel trained in this area.

**NOTE:** All of this, no doubt, sounds rather gruesome and harsh. We would like to hope no one will ever have to use these procedures. Tragedies do occur and we cannot predict them. What we have, however, is a procedure to follow to ease the situation for all concerned.

## Neighborhood Relations

### "Legal Pitfalls"

The most underrated risk of legal liability for fraternities with off-campus housing is in the area of local laws and regulations. The problem arises from chapters which become bad neighbors by throwing noisy parties until the early morning hours, littering their grounds and surrounding properties, using rude or obscene language with neighbors, letting their houses deteriorate into eyesores, causing parking problems in the area, or responding to complaints with verbal abuse, retaliation or indifference.

What can your neighbors possibly do about it? Plenty! They can put you out of business in any one of several ways:

*First*, the zoning laws can be changed to make a fraternity house a "non-conforming use". This means you could not renovate, improve, repair, or expand any part of your house, from the front steps to the chimney, without asking for a permit, which the city can freely deny you. This restriction was enacted in the county in which dozens of fraternities at the University of Maryland at College Park are located. The neighbors were fed up and they fought back.

*Second*, "the power to tax is the power to destroy." If a local government is tired of fraternity misconduct, it can adopt special property, excise, or income taxes, as well as heavy licensing and inspection fees, intended to ruin you financially. Berkeley, California, has already started doing it.

*Third*, it is likely that every fraternity has some violations, however technical, of local building codes. If municipal officials think you have worn out your welcome in their town, they can send the building inspector or fire marshal to your house and present you with a list of mandatory house improvements with a staggering price tag.

*Finally*, strict enforcement of local laws dealing with parking, noise or serving alcohol can be used to continually harass you. If your chapter is a good neighbor, does that make you feel smugly secure? What about the other fraternities? If the city enacts punitive laws, all chapters will be affected. Next time another fraternity gets the neighborhood in an uproar, you cannot afford to laugh it off. Raise your concerns with the IFC or the University. Otherwise, the last laugh could be on you!

# The Risk Management Task Force

The Risk Management Task Force should become a standing chapter committee which oversees the implementation of risk management programs at the chapter level. Once the Noble Ruler has been elected to office, he needs to establish the task force and define the duties of each task force member. A summary of the Risk Management Task Force structure and member responsibilities follows:

## Chairman

- ❑ Coordinate Risk Management Task Force activities
- ❑ Utilize National Fraternity and outside resources, implement risk management education program for all members on such topics as:
  - ❑ Basic Risk Management - FIPG policies - chapter liability insurance - hazing - fire prevention planning - crisis management - chapter house maintenance and kitchen safety - alcohol awareness - chapter event planning - etc.
- ❑ Enforce the Alpha Gamma Rho Risk Management Policy.
- ❑ Implement Standards for chapter Excellence in Risk Management.
- ❑ Hold weekly meetings of the Risk Management Task Force to review upcoming chapter events and identify areas of exposure to liability.
- ❑ Supervise the Event Planning process for each chapter event.
- ❑ Meet with the University official responsible for risk management at least once per term.

## Noble Ruler

- ❑ Support the Chairman, his plans, goals and programs
- ❑ Understand and execute the Crisis Management plan at the chapter level - making sure to be the only chapter spokesman in a crisis situation
- ❑ Assist the Chairman with all accident investigation, reporting and communication with the National Fraternity
- ❑ Report to the House Corporation any accidents or injuries occurring on chapter property or at chapter functions

## Committee Member

- ❑ Assist as a backup to the Noble Ruler in implementation of the Chapter Crisis Management Plan.

- ❑ Working with the Chairman, responsible for all risk management aspects of community service, philanthropic or charitable activities planned by the Chapter.
- ❑ Responsible for all risk management aspects of SPECIAL EVENTS - such as chapter formals, dances, trips etc.

### **Adviser**

- ❑ Working with the Chairman, responsible for all risk management aspects of Chapter social events
- ❑ Responsible for enforcement of all Alpha Gamma Rho policies on alcoholic beverages and open parties
- ❑ Development of a social education and awareness program, utilizing National Fraternity and outside resources and in cooperation with the Noble Ruler and Chairman
- ❑ Responsible for ensuring that all social event planning guidelines provided in this manual are implemented

### **VNR-Management and Operations**

- ❑ Develop and implement a comprehensive fire safety program utilizing the guidelines provided in this manual, including but not limited to the following measures:
  - ❑ Weekly inspection of all fire safety systems
  - ❑ Unannounced quarterly fire drills to evacuate the premises, preferably at night
  - ❑ Regular chapter house self-inspection utilizing the Chapter House Self Inspection Report contained in this manual
  - ❑ Compliance with local fire, safety and health codes
  - ❑ Evacuation routes and emergency phone numbers posted
  - ❑ Long and short term facility maintenance plan in place and implemented
  - ❑ Daily chapter house cleaning duties strictly enforced
  - ❑ Monthly reports prepared for the House Corporation regarding the self-inspection results and condition of the Chapter house

### **House Corporation Officer**

- ❑ Ensure that the Chapter has elected a Chairman and has formed a Risk Management Task Force
- ❑ Serve in an advisory capacity on the Chapter Risk Management Task Force

- Assist the Noble Ruler in implementation of Task Force recommendations
- Cooperate with the implementation of all safety recommendations made as a result of Chapter house inspections
- Chapters without chapter houses should replace the VNR-Management and Operations with an at-large member of the task force. The at-large member can be appointed by the Chairman and may be assigned any responsibilities as defined by the Risk Management Task Force.

**Risk Management Task Force  
Meeting Agenda  
Getting Started**

One of the first items of business for the Chairman after the Risk Management Task Force is formed is to schedule a regular Task Force meeting time. It is critical that these meetings occur regularly, not just to establish a risk management program, but to involve the task force in a visible way with all aspects of chapter operations. The following is an agenda to utilize for the regular task force meetings:

## **AGENDA**

### **I. Call to order**

Chairman, Noble Ruler, VNR-Management and Operations, member-at-large, adviser and alumni corporation officer (ex-officio).

### **II. Review and Approval of Previous Meeting's Minutes**

Copies of minutes of all meetings should be kept in the Chairman's permanent risk management files.

### **III. Review of Upcoming Chapter Events**

- A. Is event planning properly completed?
- B. If not, what is left?
- C. Is contacting the Executive Staff necessary for planning assistance?

### **IV. Review of Upcoming Chapter Events**

- A. What could have been improved? Recommendations?

### **V. Assessment of Crisis Readiness**

- A. Is Crisis Management Plan in place?

### **VI. Chapter House Safety**

- A. Fire prevention plan in place? Fire drills planned?
- B. Self inspection performed monthly? Deficiencies corrected?
- C. Evacuation routes and emergency numbers posted?
- D. Review of the Fire Marshall Inspection Report?

### **VII. Chapter Education**

- A. Risk Management education program implemented?
- B. National Fraternity resources being utilized?
- C. Outside resources being utilized?
- D. Liability Insurance Program and Risk Management guidelines reviewed?
- E. AGR Risk Management Policy reviewed by entire chapter?

### **VIII. Overall Implementation**

- A. Task Force meeting regularly?
- B. Risk Management goals established, implemented and reviewed?
- C. Does National Fraternity need to be contacted for questions?
- D. Are Chapter members cooperative?
- E. Are Standards For Chapter excellence In Risk Management being implemented?

### **IX. New Business/Old Business**

### **X. Adjourn/Set time of next meeting**

## **Risk Management Education**

The Chairman of the Risk Management Task Force is responsible for the development and implementation of a comprehensive risk management education program for the benefit of the entire chapter. He will work closely with the Noble Ruler to schedule these sessions in order to maximize their effectiveness. There are many topics which can be addressed by the chapter over the course of a school year. Always utilize National Fraternity, campus and community resources when presenting your educational programs to the chapter.

### **Risk Management Resources Available From The Home Office**

The staff of the Fraternity has worked hard to develop resources for chapters to use in the development of its risk management education program. All resources are free of charge and can be ordered in writing or by phone through the Home Office.

#### **Videotapes:**

"Fraternity Liability and Risk Management" by Kappa Alpha Order

"Risk Management I and II" by Jim Favor

"Demythologizing the Animal House" Will Keim

"A Risk Worth Taking" -- Women and Alcohol over consumption by Delta Gamma

"Greeks, the Image Fades" National Interfraternity Council (NIC)

"This is My House" -- Fraternity Liability by Bacchus

"BYOB 2" NIC

"Aids: You're Not Immune" by Kappa Alpha Theta

"Someone chose to Drink & Drive" MADD

#### **Printed Materials:**

**Fire Prevention Guide** (included on page 19)

**Chapter Legal Liabilities** - A Guide for Chapter Officers - NIC publication.

**Marijuana: The Myth of Harmlessness Goes Up in Smoke** - by Peggy Mann

**Risk Management Policy** (included on page 6)

**Procedure to Follow in Event of a Tragedy** (included on page 26)

## Legal Counsel -- Contract Review

Contracts and agreements should be limited to those directly related to events and directly under the jurisdiction or control of the chapter.

To control the number and types of contracts required to support a planned event, the responsibility for reviewing draft contracts should be assigned to **House Corporation and/or Alumni and/or legal counsel.**

All contracts should be reviewed by legal counsel prior to being signed by the chapter.

If the chapter does not currently retain legal counsel, try the following measures to obtain help:

- 1) An attorney who is an alumnus of the chapter
- 2) An attorney who is an alumnus of another chapter
- 3) Campus legal services
- 4) A House Corporation member

If the chapter is not able to locate legal counsel from any of the above sources then call the Home Office at 816-891-9200.

## CHAPTER PROGRAMMING QUESTIONS

### 1) **Won't the Risk Management Policy kill us on campus?**

*No.* The Alpha Gamma Rho policies on alcoholic beverages, illegal drugs, hazing, dry recruitment, sexual harassment and open parties are exactly like 37 other National fraternities.

If another fraternity on your campus is in violation of the FIPG policies you need to contact your National Headquarters and report it immediately. The Staff will handle it from there by contacting the Executive Director of the offending Fraternity.

This procedure for enforcement has been agreed to and adopted by all Fraternities.

### 2) **Can we have any alcohol at parties?**

*Yes.* However, that alcohol must be "BYOB" or a licensed cash bar. Only persons of legal drinking age may consume alcohol at chapter functions. Chapters will ultimately benefit by not having to spend funds on alcohol and will be able to use that money for better music systems, more and better food, theme decorations, etc...

### 3) **Can a group of Members buy alcohol for other Members?**

If that purchase is an attempt to circumvent the Risk Management Policy, they may not do so. If the purchase is by a member of legal age, for himself or a small group of members of legal age, and it is not an attempt by the chapter or a chapter member to circumvent the AGR Alcohol Policy, then he may make the purchase. Kegs or bulk alcohol may not ever be purchased for use at chapter functions, whether formal or informal, on campus or off campus.

### 4) **The drinking age is unfair / guys joined to be able to have alcohol / our house is a private residence...**

While it can be argued that the legal drinking age is unfair, it is still the law, and must, therefore be followed.

If your Members joined primarily to drink, they must have been looking for a **social club**, not a fraternity.

Even if your chapter house is a private residence, you still have an obligation to uphold the laws and policies of Alpha Gamma Rho. A fraternity house is not a tavern -- and there is no obligation to be a tavern. While a social club may have that responsibility, Alpha Gamma Rho doesn't and, simply, does not need the problems that it brings.

### 5) **What is a fraternity without alcohol?**

A fraternity without alcohol is a group of members with a different set of **priorities other than alcohol**; a true fraternity, a safe fraternity, where members don't need to be under the influence of alcohol to be members.

**6) What does the sexual harassment policy mean? Does this affect fraternity events? Can the actions of one member affect the entire chapter?**

The sexual harassment policy means that all individual Alpha Gamma Rho members and chapters will conduct themselves as gentlemen, that any physical or mental abuse will not be tolerated, and that any action by an individual member or chapter that is abusive will not be tolerated. The actions of one member, our experience shows, will most certainly affect the chapter -- from university disciplinary action to criminal and civil action taken against the chapter and its members by the victim of the action. However, one of the purposes of the Alpha Gamma Rho Risk Management Program is to insure that the leadership of our chapters, both undergraduate and alumni, and the chapters themselves are protected against losses and that alcohol, hazing, drugs or poor chapter planning and management does not lead to injury or death of our members and guests.

**7) Some of my Fraternity brothers at other schools tell me they don't follow the policy rules.**

If this is really true, they are endangering not only their own Chapter but the entire Fraternity. The rules are for their own protection and the protection of the Fraternity.

**8) You're taking the fun out of fraternity life with these rules.**

If you mean taking the irresponsible use of alcohol out of fraternity life, perhaps you should reassess your values. If you joined the Fraternity just to abuse alcohol, you should have joined a drinking club instead.

**9) What is a "cash bar"?**

A bar operated by a licensed bartender who does not serve underage persons or obviously intoxicated persons and who furnishes the supplies and sells the drinks.

**10) Our Chapter has liability insurance, so why worry about risk management?**

Insurance is not a substitute for proper precautions. You are still responsible for your own actions and the actions and the safety of your guests. Insurance companies can, and do, refuse to insure groups which do nothing to reduce the risk of accidents or death. It is important to remember that while you cannot eliminate your liability, you can decrease it.

**11) We value our autonomy as a Chapter. We set our own rules.**

One sure way to lose your charter is to ignore the AGR Risk Management Policy. Each Chapter *should* develop its own Risk Management Policy, but only by adapting the AGR Policy to its own unique situation, not by changing the basic rules. The AGR Policy is a minimum.

**12) What is the best way to have alcohol at a party? Those of us who are of legal drinking age want to be able to drink.**

If the party is being held away from the Chapter house, a cash bar is the answer. In that case the hotel, restaurant, etc. assumes the liability risk. If the event is in the Chapter house, the best plan is to specify BYOB, but only for those of legal age and only in quantities that one person could reasonably be expected to consume without becoming intoxicated. Non-drinking monitors should be present to check ID's and not admit anyone who has already been drinking or who does not have an invitation.

**13) If everyone is under FIPG, why are we the only ones adhering to it?**

AGR Fraternity is committed to observing the Risk Management Policy because it is the "right" thing to do. By providing a positive example, your Chapter can attract quality new members who are looking for a fraternity which stresses brotherhood and character. Proposing that the IFC adopt a similar policy and bringing it to vote, will mean that those FIPG member fraternities on your campus will support the proposed IFC Policy because they are committed to do so.

**14) Everyone knows that minors drink. We can't change that.**

You're right. You can't change that. However, by not serving or providing alcohol to a minor, and not allowing him to consume alcohol during a Chapter event, you are both encouraging him to obey the law and protecting your Chapter.

## Off Campus or "Unofficial" Chapter Events

There have been a proliferation of events held away from chapter houses and off campus that have been designed to circumvent the spirit and intent of Alpha Gamma Rho Fraternity's Risk Management Policy.

Most of these events occur at the private apartments of members or even at the residence of a non-member and are classified as "unofficial" because they are not chapter sponsored. Because the risks posed by such events are often times more substantial than "official" chapter activities, a discussion of the myths associated with off campus and "unofficial" events follows:

### **Myth #1 -- We're not liable for events held at a member's apartment.**

*Wrong.* Courts have held that if a certain percentage of members are gathered **anywhere** that can be interpreted as a chapter activity, whether "official" or "unofficial". For risk management purposes use 25% as the percentage.

### **Myth #2 -- Individual members can't be held liable for events they sponsor at their private apartment.**

*Wrong Again.* Most states have laws that incriminate a social host for serving alcohol to minors. If not, civil remedies are available to a person alleging injury after attending an event hosted by a chapter member. In addition, the member's parents may be held liable for the actions of the member if he hosts a party and someone gets hurt. It's happened before.

### **Myth #3 -- We'll just have the event at a non-member's apartment.**

*I wouldn't.* If more than 25% of the chapter members are present any competent plaintiff's attorney will try to prove that the event was sponsored by the chapter.

### **Myth #4 -- The National Fraternity cannot discipline a chapter for something that happens at an "unofficial" event.**

The National Fraternity will not hesitate to put a chapter on social probation or cease operations of the chapter if there is an incident of any kind which violates the spirit of the Fraternity's Risk Management Policy. Period. A serious incident could be reason enough to close the chapter.

The bottom line is this. If Alpha Gamma Rho could avoid liability by merely moving all chapter events off campus or making events "unofficial" it would have instructed all chapters to do so years ago.

If a chapter wants to practice sound risk management it will not tolerate "unofficial" events sponsored by members. The best chapters practice sound risk management all the time, regardless of the circumstances.

# FRMT Liability Insurance

Alpha Gamma Rho joined FRMT, Ltd. December 31, 1998, joining twenty other national fraternities in a self owned, captive insurance company. FRMT was formed to reduce the dependence of the fraternity on the commercial insurance market and obtain greater control of the future of the fraternity. FRMT provides \$11,000,000 of General Liability Coverage for Alpha Gamma Rho. The coverage protects the local chapter, alumni association and National Fraternity without exclusions.

All Alpha Gamma Rho Chapters have \$11,000,000 of coverage with no exclusions through FRMT or through their local agent. While this represents the most comprehensive coverage in the Fraternity world, risk management can not be overlooked. The liability insurance coverage is nullified for any individual or chapter performing an illegal activity like serving a minor alcohol or hazing. If an individual performs an illegal act without the knowledge of the chapter, the chapter will be covered, along with the alumni corporation and National Fraternity.

Risk Management is also important because it helps us keep our rates low. FRMT is currently charging a variable rate to its members based on its claims history. Alpha Gamma Rho has one of the best claims history in the past five years and has correspondingly one of the best rates. Help us keep our rates low by managing risk and avoiding claims.

The claims reporting form is included for your reference. If you have an incident that in any way may result in a claim, please fill this form out and/or call Home Office immediately. FRMT employs trained professionals who can help keep your incident from becoming a claim. Immediate action and disclosure can help resolve situations and ultimately save thousands or millions of dollars.

If you would like more information, please contact the Home Office for a copy of the *Liability & Property Insurance & Claim Manual*, or contact Kevin Barnes at [Kevin@AlphaGammaRho.org](mailto:Kevin@AlphaGammaRho.org).

# ALPHA GAMMA RHO FRATERNITY

## INCIDENT/CLAIM REPORTING FORM

When an incident arises at the chapter causing any bodily injury or property damage to any person, the following information must be obtained immediately. This report is being completed for submission to our attorney, so please be thorough and upon completion send a copy of the report to Alpha Gamma Rho Fraternity, 10101 N. Executive Hills Blvd., Kansas City, MO 64153, Attn: Kevin Barnes. If the bodily injury is of a serious nature, a telephone call to Mr. Barnes at (816)891-9200 Phone, (816)891-9401 Facsimile, should also be made.

Date of Incident: \_\_\_\_\_

Chapter Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone #: \_\_\_\_\_

Noble Ruler: \_\_\_\_\_

Adviser Name, Tele. #: \_\_\_\_\_

Adviser Address: \_\_\_\_\_

Alumni Corp President: \_\_\_\_\_

A C President Address, Tele. #: \_\_\_\_\_

Name of Injured Party: \_\_\_\_\_

Telephone # of Injured Party: \_\_\_\_\_

Witnesses: \_\_\_\_\_

Telephone # of Witnesses: \_\_\_\_\_

Description of what happened: \_\_\_\_\_

(What, When, Where, How,

How Much) \_\_\_\_\_

Please utilize the back side of this form if you should run short of room

# Conclusion

There is a lot to know when it comes to Risk Management. It can all get a little confusing after a while, but knowing the basics makes it easier. A little common sense and some advanced planning can save time, money and maybe even someone's life. Remember the basics:

- Only invite your trustworthy friends to your parties and watch out for them.
- Usually, the larger the party, the harder it is to manage.
- Don't abuse anyone physically or mentally, especially not someone you call a brother.
- Keep your house in good order.
- Follow all fire and health code regulations.
- Watch out for one another.

We expect you to take the precautions to protect the safety of your members and guests. While our founders may have never heard the term Risk Management, they too would expect the coming generations to protect one another and the future of our great Fraternity.