

## RISK MANAGEMENT POLICY of \_\_\_\_\_

### ALCOHOL AND DRUGS

In any activity or event sponsored or endorsed by the [chapter/organization], including those that occur on or off [organizational/chapter] premises:

(1) The [organization,] members, and guests must comply with all federal, state, provincial, and local laws. No person under the legal drinking age may possess, consume, provide, sell or be provided alcoholic beverages.

(2) [Organizations,] members, and guests must follow the federal law regarding illegal drugs and controlled substances. No person may possess, use, provide, distribute, sell, and/or manufacture illegal drugs or other controlled substances while on [organizational/chapter] premises or at any activity or event sponsored or endorsed by the [chapter/organization].

(3) Alcoholic beverages must either be: (1) provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or (2) brought by individual members and guests through a bring your own beverage ("BYOB") system.

*NIC Organizations and for consideration by other clients: The presence of alcohol products above 15% alcohol by volume ("ABV") is prohibited on any [organizational] premises or at any event, except when served at an event by a licensed and insured third-party vendor.*

(4) Common sources of alcohol, including bulk quantities, which are not being served by a licensed and insured third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).

(5) Alcoholic beverages must not be purchased with [organizational] funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.).

(6) An [chapter/organization] must not co-host or cosponsor, or in any way participate in, an activity or event with another group or entity that purchases or provides alcohol, illegal drugs or controlled substances.

(7) An [chapter/organization] must not co-host or cosponsor an event with a bar, event promoter, or alcohol distributor; however, a [chapter/organization] may rent a bar, restaurant, or other licensed and insured third-party vendor to host a chapter event.

(8) Attendance by non-members at any event where alcohol is present must be by invitation only, and the [chapter/organization] must utilize a guest list system. Attendance at events with alcohol is limited to a guest-to-member ratio not to exceed 3:1 and must not exceed local fire or building code capacity of the [chapter/organizational] premises or host venue.

*The 3:1 guest-to member ratio is an NIC Guideline. Other clients may choose to only enforce building code capacity or adjust the ratio.*

(9) Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance free. No alcohol or drugs may be present if the event or activity is related to new member activities, meetings, or initiation into an [organization,] including but not limited to "bid night," "Big/Little" events or activities, "family" events or activities, and any ritual or ceremony.

(10) [Organizations,] members, or guests must not permit, encourage, coerce, glorify or participate in any activities involving the rapid consumption of alcohol, such as drinking games.

## HAZING

The term "hazing" means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against any individual or group of individuals, regardless of affiliation, whether or not committed on [chapter/organizational] property, for the purpose of recruiting, joining, pledging, initiating, admitting, affiliating, or for the purpose of retaining membership in an organization that causes an individual or group of individuals to do any of the following, regardless of a person's willingness to participate:

- a. Be coerced to violate federal, state, provincial, local law, or [organizational] policy.
- b. Be coerced to consume any food, liquid, alcoholic liquid, drug, or other substance in any non-customary manner which subjects the individual or group of individuals to a substantial risk of emotional or physical harm which includes but not limited to *sickness, vomiting, intoxication, or unconsciousness.*\*
- c. Endure brutality of a physical nature, including but not limited to whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements or endure threats of such conduct that results in mental or physical harm.
- d. Endure brutality of a mental nature, including but not limited to activity adversely affecting the mental health or dignity of the individual, *sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment or endure threats of such conduct that results in mental or physical harm.*\*
- e. Endure any other activity which adversely affects the health and safety of an individual, including but not limited to the *disruption of academic performance or class attendance, required designated driving programs, line ups, calisthenics, or personal, physical, or financial servitude.*\*

*\*Organizations can customize the italics based on conduct/trends within the organization. Current language is in line with the PA and LA state laws and NIC customization.*

## SEXUAL MISCONDUCT

The [organization] and its members must comply with all federal, state, provincial, and local laws related to sexual misconduct. This is including, but not limited to, definitions around consent, sexual violence, sexual harassment, domestic violence, dating violence, stalking, and sexual exploitation.

The employment or use of strippers, exotic dancers or similar, whether professional or amateur, at any fraternity activity or event as defined in this policy is prohibited.

## ASSAULT & BATTERY

In any activity or event sponsored or endorsed by the [chapter/organization], including those that occur on or off [organizational/chapter] premises, no chapter, member or guest shall engage in assault and battery, as defined in the state statues in which the activity or event occurs.

## FIREARMS, EXPLOSIVE OR INCENDIARY DEVICES

The [organization] and its members must comply with all federal, state, provincial, local laws and campus policy as it relates to firearms or explosive or incendiary devices.

Firearms or explosive or incendiary devices are prohibited from the chapter facility and at all fraternity activities or events.

## RETALIATION

The [organization] prohibits retaliation against any individual – members and non-members – for reporting, inquiring, or cooperating with a report around a violation of [Risk Management Policy.]

Retaliation is any action, statement, or behavior that is designed to punish an individual for filing a compliance report, cooperating with a compliance investigation, seeking guidance regarding a compliance concern, or to deter one from taking such action.

## POLICY DISTRIBUTION

The [organization] shall distribute its [Risk Management Policy] on an annual basis. A copy of the [Risk Management Policy] is available on the [WHERE?].

*Holmes Murphy offers these policy examples due to client requests for guidance and to provoke thought and discussion within your organization. Our goal is to support the formation of your own policies or policy language revisions and it should not be viewed as a mandate or requirement. Whether you adopt the examples provided here as organizational policies or some variation, that decision is made at the sole discretion of your organization.*

*We view part of our role as an insurance and risk management professional to anticipate your needs and educate you in an effort to complement the organization's loss prevention and control efforts, not replace the decision-making autonomy of our client organizations. We hope you find this educational piece to be of value and stand ready to discuss it further with you or any of your constituents.*

*The contents of this recommended language evolved for several reasons. As of April 15, 2019, the Fraternity Executives Association distributed communication that FIPG no longer exists and should not be referenced. In 2018, Dr. Lori Hart from HMFP worked on a committee formed by Jud Horras, CEO of the NIC, to develop the Guidelines around Alcohol & Drugs. By September 1, 2019, NIC member organizations will evaluate their documents to determine if they are consistent with the following guidelines included alcohol and drug components. The committee convened in 2019 to develop policy guidance for Hazing (in line with the Pennsylvania and Louisiana Hazing Laws), Sexual Misconduct, Firearms, Explosive or Incendiary Devices, Retaliation and Policy Distribution. This information is expected to be discussed and voted on as Guidelines by the NIC. If any changes are made by the NIC, that information will be reflected in this document.*

*This information has been reviewed by an attorney who understands the importance of well written policy language and who has done a great deal of litigation defense work where policy language is often a key component.*