

ALCOHOL, LIABILITY, FRATERNITY...

Important Facts for AGR Leaders

Increasingly in recent years social hosts, party goers, the beverage industry and community organizations have become more aware, directly or due to pressure, of drinking behavior perceived as improper and irresponsible. Many of these concerns, particularly that of the drunk driver, need to be addressed.

The purpose of this publication is to make AGRs aware of the responsibility we have to our Brothers and guests, and to discuss ways to protect ourselves from potential lawsuits.

Did you know that.....

- The purchase of alcoholic beverages by a social chairman for a party at which minors will consume alcohol may be considered purchasing alcohol for a minor?

- If the general public is invited to a Chapter party, the Fraternity house or the facility holding the party would probably be considered a public place and for that reason serving liquor without a proper license at such a function would be in violation of the law?

- If liquor is served to a person already intoxicated and that intoxicated person then injures himself or a third party, liability may be asserted not only to the server but also to the Chapter, its members, Alumni Corporation or the National Fraternity, as well? If a reasonable person would not have served liquor to that individual considering his age, maturity and apparent sobriety, liability attaches to the server for any damage that individual might do.

There are three basic actions from which your Chapter could accrue liability under most state statutes:

1. selling liquor to a minor

2. serving liquor to a minor or being responsible for a minor consuming alcohol in a public place

3. negligently serving alcohol to any individual

"Who Is Responsible?"

If a guest at an AGR party were injured or caused injury to another person, who could be held liable?

- Undergraduate Chapter as host of the social function
- Alumni Corporation as landlord of the property
- Individuals serving the alcohol
- Chapter Officers

"Playing by the rules -- Did you know that...."

- sale of cups, food, drink, tickets, or simply passing the "hat" can be considered illegal sale of liquor?
- if you or the Chapter is named in a lawsuit, you may be required to testify in a Court of Law years after the accident occurred? This would require loss of work time, probably at your own expense.
- even if the lawsuit is dropped, or the Fraternity is acquitted, the cost of legal fees could reach tens of thousands of dollars?
- bad P.R. in the newspapers could result in lower numbers of recruits?
- there is no insurance available that will cover an accident in which an illegal act has taken place, e.g. serving minors alcohol?

Develop Your Own Chapter Alcohol Policy

Why do Chapters need an Alcohol Policy? Chapter leaders should develop a policy to protect the Chapter, but more importantly to protect our Brothers and friends that we come in contact with.

What should this alcohol policy include?

1. **All provisions of Alpha Gamma Rho's policy on alcohol as contained in "Conduct of Individual Members and Chapters" policy statement. (attached)**
2. A limit on the number of parties per month.
3. The time at which all parties should be shut down.
4. Alternate beverages such as soft drinks and punches shall be readily available at the bar at all times during a party at which beverage alcohol is being consumed.
5. Ample quantities of snack foods, e.g. popcorn, crackers, cheeses, nuts and sandwiches shall be readily available in several locations at all times during a party at which beverage alcohol is being consumed.
6. Two or more sober Brothers assigned to each party to monitor guests. They should give rides to guests who have had too much to drink.
7. Guidelines concerning responsible use for all brothers and "it's time to quit, Joe" provisions.

8. Moderation shall be encouraged during lawful consumption and there shall be no open solicitation or encouragement of alcoholic consumption by contest or promotions in any Chapter. Chapters should develop and support programs and organizations seeking to educate Chapter members and all students about alcohol awareness.
9. Alcoholic beverages shall only be dispensed by a person who is fully informed with respect to all applicable laws, rules, and regulations related to the dispensing and consumption of beverage alcohol; and shall be responsible for their enforcement. He or she shall refrain from consuming beverage alcohol while on duty.
10. Social chairmen and other Chapter officers shall become completely informed with respect to Host Institution rules and regulations regarding the dispensation and consumption of beverage alcohol and with all local and state laws pertaining thereto, and shall act at all times to ensure the Chapter's (and its individual members') full compliance therewith.
11. Non-alcoholic recruitment activities shall be actively promoted on all campuses, if not already mandated by the sheltering Institution.

This policy might also include:

1. A statement on where alcoholic beverages may be consumed
2. A required visit to all neighbors to inform them of an upcoming social function and who to contact if noise or other issues become a concern
3. A limit on the amount of alcohol consumed per social function
4. Means of distributing (serving) the drinks--i.e. designated bartender serves all drinks; no "doubles"; can refuse to serve intoxicated guest

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 for members or guests be undertaken or coordinated by any member in the name of or on behalf of the chapter.
3. 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").
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 so-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 new member/novice program or activity of the chapter.