

RISK MANAGEMENT

Included in this section:

- ▶ Is this an organization activity?
- ▶ Hazing
- ▶ Contracts
- ▶ Travel (authorized drivers)
- ▶ Off-Campus Visitors/Tournaments
- ▶ Inviting Guests under 18 to Campus
- ▶ Risk Management Best Practices for Alcohol Use

What is risk management? Well, it is the process of minimizing the adverse effects of accidental losses. Why does this matter to you? When accidents happen or people get hurt, the fun stops. We don't want you to stop having fun!

Is this an organization activity?

This is the most important question for you to ask when it comes to risk management and your student organization. Often, you assume something is not an organization activity when it is – and vice versa. Knowing the answer to these questions will guide you in taking next steps.

- What is the purpose of the activity?
- Who is attending the activity? (Why are they attending? Is it mandatory for members?)
- What resources are funding the event?
- How is this event being publicized or communicated?
- Would a reasonable person think this activity is associated with your organization?
- Has your advisor helped in coordinating this activity or is he/she participating?

The intent of asking these questions is not so that you can work around these issues and find loopholes to have risky events that are not considered an organization activity. Rather, they are intended to get you thinking about your responsibility and the decisions you need to make regarding planning and execution of your event. When in doubt, ask a staff member in CCI for guidance.

Hazing

Sometimes people think that the hazing policy or knowing about hazing is just for members of Greek organizations. That's not true. The potential for hazing to occur is present in any group or team situation, whether you are talking student organizations, athletic teams or Greek groups. So it is important to know be familiar with our policy, state law, and the resources available on campus to help you understand this issue. The University Hazing Policy can be found in the Student Handbook as well as in the back section of this handbook. Any staff member in Campus & Community Involvement can advise you on the policy, what is or isn't considered hazing, listen to concerns or assist your organization in planning events that are free from hazing.

Contracts

Most student organizations don't need to sign contracts very often, but it does come up. You may be asked to sign a contract with a hotel or venue for your annual banquet, or a bus company to provide transportation to an event or maybe even with a band or comedian you are sponsoring on campus. It is important that you know some basics about contracts before you get involved with them. Take note, the rules are different here depending on your student organization classification.

The most important thing for you to know is that you must be at least 18 years old to enter into a contract.

Chartered and Sponsored Organizations:

Because your organization is a legal part of Trinity University, your contracts should be reviewed by the director of Campus & Community Involvement before you sign them. Depending on the circumstances of

the contract, the University may sign on your behalf. The associate vice president for Fiscal Affairs reviews contracts submitted for the signature of the vice president for Fiscal Affairs, for the purpose of identifying risks and administering insurance requirements, but only after a review by the director of Campus & Community Involvement. Contracts commonly include insurance requirements to cover liability and property loss exposures of the parties. A Certificate of Insurance can be provided by the Office of Fiscal Affairs. Any contract that requires the University to agree to an indemnification or "hold harmless" clause must be reviewed by the Office of Fiscal Affairs prior to executing the contract.

Registered and Greek Organizations:

You may not enter into any contract that identifies Trinity University or any office or department that is part of Trinity University without prior written approval from the director of Campus & Community Involvement.

Things to know about contracts

- They can be simple or complex and legalistic. Try to avoid language that is overly complex or confusing when writing contracts.
- Remember that every contract can be negotiated prior to signing.
- Contracts are usually written to benefit the party that is writing it.
- Both parties should agree to the terms before the contract is signed.
- Do you know that in Texas, verbal contracts can be binding?

Travel –

Trips (excursions, meetings, conferences, retreats) outside of San Antonio city limits sponsored by any student organization. The organization must furnish in writing (e-mail okay) to Margaret Farris, Coordinator of Student Organizations, the following information, at least 24 hours before the travel is to occur:

- ✓ Names of persons attending
- ✓ Purpose of trip and destination
- ✓ Address of housing or accommodations
- ✓ Phone number at which members may be contacted in an emergency
- ✓ Expected times of actual travel to and from the site
- ✓ Means of transportation

Additionally, if sponsored student organizations hold events for which travel is required and is paid for with University funds and/or the students are representing the University, then the drivers must be approved as authorized drivers by the University. An Authorized Driver Request should be submitted to the Associate Vice President for Fiscal Affairs at least five (5) working days *before* the trip. The form should be signed by the individual and Margaret Farris in CCI. The information contained in this form will be used to request a Motor Vehicle Record (MVR). If the MVR reflects three or more moving violations, regardless of fault, the request will be denied. The request will also be denied if the MVR reflects a DWI or a DUI. To avoid delays and ensure that the request is processed in time, you may submit the form at the beginning of each academic year, if possible. For more information regarding the full policy and the necessary forms, go to:

http://www.trinity.edu/departments/fiscal_affairs/fapolicy/general/forms/download/relwaivr18.pdf

For Registered and Greek organizations, when student organization travel is by students' personal vehicles, vehicle owners are not covered by University insurance. Vehicle owners' personal accident and liability insurance is the only insurance in force during the period of travel.

Student organizations that sponsor trips assume a burden of liability for the care of members and others who participate. The student organization must take all reasonable precautions for the safety and well-being of all participants. Prior to departure, the trip leader is responsible for preparing waiver forms specific to the trip for all trip participants and for obtaining each participant's understanding and signature. Sponsored organizations should use the Trinity University Informed Consent and Assumption of Risk, found at: (Services & Resources> (University Policies) Fiscal Affairs Policies and Procedures> Release and Waiver of Liability, or

http://www.trinity.edu/departments/fiscal_affairs/fapolicy/general/forms/download/relwaivr18.pdf

The form identifies the nature of the trip and any risks associated with travel and serves to carry out the organization's legal obligation to inform participants of potential risk. Signed waiver forms should be obtained from all participants and turned into CCI so they can be retained long-term.

For Registered and Greek organizations, our staff still recommends the use of waiver, but each organization is responsible for drafting their own document. Upon request, the CCI staff will assist organizations needing a waiver specific to an event. Check here to access the forms:

http://www.trinity.edu/departments/fiscal_affairs/fapolicy/general/forms/download/relwaivr18.pdf

Remember, waiver forms can only be signed by students of legal age and, if not of legal age, the parent must sign off on the form.

Off-Campus Visitors/Tournaments

Sometimes our student organizations want to host off campus visitors for events they host. Off-campus users of campus facilities must provide insurance covering Trinity University by naming Trinity University as insured on their policy. This policy must provide general liability insurance (including coverage for personal injury and property damage) with a limit of liability not less than \$1,000,000 for each occurrence.

Off-campus users who are unable to provide the above insurance are obliged to purchase a short-term policy through the Office of Fiscal Affairs. Fiscal Affairs requires seven to ten business days for processing applications for short-term insurance.

This insurance covers Trinity University and the user of Trinity University facilities, and the insurance relates to "non-recreational use" of the facilities (e.g., community service events, graduations, lectures, meetings, recitals, rehearsals, science programs, swearing-in ceremonies, symphony rehearsals and concerts, music concerts). Any recreational event may require additional insurance limits.

The best way to handle planning an event of this kind is to schedule an appointment for consultation with Margaret Farris, coordinator for Student Organizations.

Inviting Guests under 18 to Campus

If your student organization is inviting guests to campus that are under 18 years of age for a campus event (i.e. Jackson Keller Field Day), then it is important to use the Student/Participant Release and Indemnity Agreement. Check here to access the form:

http://www.trinity.edu/departments/fiscal_affairs/fapolicy/general/forms/download/relwaivr18.pdf.

Also, when dealing with minors, the Texas Department of Health requires that background checks must be obtained on all supervising adults.

Risk Management Best Practices for Student Organizations and Alcohol Use

When student organizations wish to sponsor events where alcohol is served, there are some important considerations in planning. Information regarding how to determine if an event is a student organization event is in the Risk Management section of this handbook.

Generally the primary location where alcohol (beer and wine) may be served on campus is in the Tigers' Den. While the Tigers' Den is open to everyone in the University community and their guests, only people of legal age are permitted to purchase and consume alcohol.

Requests to serve beer and wine at on- or off-campus locations may be submitted through the Alcohol-Use Permit available in Campus & Community Involvement. The Alcohol-Use Permit must be completed and approved by CCI staff a minimum of 5 business days before the event.

Note: Intercollegiate teams, spirit teams, and club sport teams follow a similar risk management policy under the direction and administration of the Department of Athletics.

Organizational events that do not have approval via the Alcohol-Use Permit process or violate the standards may be referred to the organizational judicial process found in this Handbook.

Standards for Events

As part of our approach to alcohol and student organizations, we have adopted the following standards in accord with the national standards of practice regarding risk management.

Responsible Hosts

Trinity University believes that all members of the community should be treated with respect and dignity. It is natural to expect that student groups sponsoring organized social events care about the health and safety of their guests and strive to create an environment that is controlled and monitored. To reflect that care, the following best practices should be observed.

- No unrestricted access to alcoholic beverages.
- Because kegs, trash can punch or drinks served from other common source containers are often consumed quickly and in large quantities, drinks may only be served in single source containers.
- Because drinking games often lead to over consumption of alcohol in short periods of time they can pose a health risk to participants. In hosting events, sponsors should prohibit participation in drinking games.
- Provide an adequate amount of food and alternative beverages supplied at social functions in which alcohol is also provided or allowed.
- Student organization members should be available during the entire event to assist the establishment with enforcement of law and its policies.
- Provide safe transportation back to campus for those deemed unfit to drive by security, local managers or designated student organization members as well as upon request of a student. Organizations should be aware of low cost options that minimize personal liability such as chartered transportation or the Tiger Ride system. Tiger Ride provides safe transportation at no cost to the organization. Information on the system is available in the Association of Student Representatives (ASR) cubicle, located in the Coates University Center, behind the Information Desk.

Risk Reduction

Taking basic risk reduction measures protects your organization from moral and legal liability. Using these common sense practices also means your organization is less likely to have an emergency situation at your event.

- All events should be held in accordance with Third Party Vendor or BYOB guidelines (see below). This means that your event must be at an establishment that possesses a permanent license to serve alcohol.
- The practice of open parties is prohibited. Open parties are defined as those social functions with unrestricted access by nonmembers of the student organization. Methods of managing guests for parties include invitations (printed or e-mailed), or use of a sign-in sheet at the event.
- If security is not already provided at the location of the event, student organizations must hire a licensed security guard or off-duty police officer to assist with risk management.
- No student organization members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any person under the legal drinking age.

- Student organizations may not purchase alcoholic beverages with organization funds, nor may they organize the collection of funds for the purchase of alcohol. Organizations may not co-sponsor or co-finance an event in which alcohol is purchased by any of the host organizations or groups. Exceptions to this policy include organizational events in the Tigers' Den and limited quantities of alcohol used for celebratory purposes including religious holidays and special occasions. Exceptions are granted via the Alcohol Permit process.
- No student organization may co-sponsor an event with an alcohol distributor, charitable organization or tavern where alcohol is given away, sold or otherwise provided to those present.
- No alcohol shall be present at any pledge/associate/new member education program.
- All rush activities will be dry (i.e. no alcoholic beverages). Annually, each Greek organization may petition for one exception to this rule for an event held at a third party vendor where rushees may be invited.

Lawfulness

Good risk management encourages students to obey the laws of Texas regarding the use, possession, and consumption of alcohol and drugs.

- The possession, sale, use or consumption of illegal drugs or controlled substances at any student organization sponsored event is strictly prohibited.
- The sale of alcoholic beverages by the organization directly is strictly forbidden.

Procedures for Events On Campus with Alcohol

Student organizations are allowed to host events on campus, outside of the Tigers' Den, using either of the existing methods for hosting (BYOB or Third Party Vendor) allowed under our Risk Management Policy for Student Organizations, provided Aramark is serving or selling. The following is a list of locations that would be approved for these types of events, pending availability and appropriateness of the event. Events in locations not defined below could be considered on a case by case basis.

Indoor Spaces

Fiesta Room
 Mabee Hall
 Heidi Lounge
 Lightner Tea Room
 Holt Center
 Skyline Room
 Underwood Room
 Tigers' Den

Outdoor Spaces

Storch Courtyard
 Heidi Lawn
 Prassel Lawn

Regarding outdoor events, TABC requires that an outdoor area for beverage service is defined just like an indoor one and ensure that no alcohol is taken in or out of the defined area. To help manage outdoor events we recommend the use of a one-time entrance approach. Additionally, student organizations must establish and secure a boundary for an outdoor venue with staff or security officers in order to maintain the integrity of the area.

Aramark will charge students organizations for the use of a bartender in BYOB situations but there would be no charge for the bartender when utilizing the Third Party Vendor (cash bar) option. As in the Tigers' Den, TigerBucks, but not meal-plan money, may be used at cash bar events.

The Department of Campus Security will provide security for all campus events with alcohol. Student organizations will be responsible for the cost of security. In the unlikely event that DCS is unable to provide security coverage, DCS will establish a list of qualified police officers from other agencies who will be hired to work the event on campus. The rate for security at an event with alcohol is typically \$25 an hour/per officer, depending on the size of the event and number of participants. The number of officers required will be made in consultation with DCS.

At the entrance, ID's will be checked by either a Campus Security officer, Aramark staff member or licensed TABC bartender.

Student organizations interested in hosting events with alcohol on-campus should follow this process:

- Submit a reservation request via T-SPACE. When your event and location is confirmed, you should immediately fill out an Alcohol-Use Permit and schedule an appointment with the designated CCI staff member via Amy Parkhurst. This appointment must be scheduled at least 7 business days prior to the event.
- During the meeting with a CCI staff member, the student organization will receive assistance in developing a plan for management of the event, including security needs.
- Initial approval will be granted from CCI. Next CCI staff will work in conjunction with the student organization to meet with Aramark and DCS to finalize the plan. Student organizations should not independently meet with either Aramark or DCS.
- Once the reservation has been confirmed and the Alcohol-Use Permit signed, the event will have official approval and can proceed.

Methods for Hosting Events with Alcohol, On or Off Campus

Third Party Vendor Guidelines

- The appropriate local and state authority must properly license the vendor. This might involve both a liquor license and/or a temporary license to sell on the premises where the function is held (if applicable).
- The vendor must assume all the responsibilities that any other purveyor of alcoholic beverages would assume in the normal course of business, including but not limited to: checking for proper identification upon entry, not serving to minors, not serving to individuals who appear to be intoxicated, maintaining absolute control of all alcoholic containers present, collecting all remaining alcohol at the end of the function.

BYOB Guidelines & Procedures

- Alcohol may only be brought to the event by guests or members of legal drinking age.
- Only persons of legal drinking age may consume or possess alcohol.
- The maximum amount of alcohol allowed at the event is limited to one six-pack of beer (or equivalent number of wine coolers) or one 32-ounce bottle of wine per person of legal drinking age.
- No hard alcohol, liquor, and spirits.
- No glass containers with the exception of one 32-ounce bottle of wine. Wine bottle should be turned into bartender and served back to student or guest in a plastic cup.
- Wristbands should be distributed to a person of legal drinking age upon confirmation of age. ID's may be checked only by TABC certified bartenders or hired security personnel.
- An appointed party monitor should immediately take the person's alcohol (Remember, one six-pack of beer, four wine coolers, or one 750 ml bottle of wine to the bar and exchange it for a ticket stating the brand of alcohol and the number of containers.
- The ticket should then be given to the event participant who brought the alcohol.
- Each time the attendee receives a drink from the licensed bartender, his or her ticket must be punched or marked appropriately. Remember, only one drink per visit to the bar and only those who have a ticket AND a wristband may receive a drink.
- If a person appears intoxicated or is known to be intoxicated, neither a wristband nor an alcoholic beverage can be given to that person.
- Service of alcohol must stop at least 30 minutes before the scheduled ending time. No one should be allowed to leave the event with alcohol, whether it is in an opened or unopened container.

For more information regarding the university alcohol policy, please visit:
http://www.trinity.edu/departments/student_affairs/alcohol/alcohol_policy.htm.

Anti-Hazing Statement

Campus & Community Involvement

Trinity University is concerned about the emotional, psychological, and physical health and well-being of its students. Any form of hazing is unacceptable and is in direct conflict with institutional values related to the rights and dignity of students, all of whom have the right to belong to groups without risk of danger or humiliation. Consent to hazing is never a defense to a violation of this policy.

New members of groups and teams can expect to participate in educational and fun activities that build teamwork and camaraderie among all members of the group. Such activities are intended to create a sense of identity and commitment within a group and are generally acceptable and encouraged. Students should check with Campus & Community Involvement staff, advisors, sponsors, and coaches if there is any question about an activity constituting hazing.

There are two primary conditions that create a hazing dynamic.

New members often wish to be accepted, either formally or informally, into any group, and will submit to hazing in order to be included. Because of this, consent to be hazed does not excuse hazing. Students have died or been seriously injured as a result of participating in activities to which they have “consented.” The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist hazing, even if the hazing is presented as optional. That this pull can be so coercive should make this need to prohibit this conduct, to any degree, undeniably clear.

Any activity that places new members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New members in any organization may expect to be trained, oriented, or indoctrinated, but membership in any group that puts a new member in a lesser role, unrelated to the original conditions for membership or mission of the group, is inappropriate and unfair to the new members. Any activities of membership should be equally shared among experienced and new members.

The University prohibits hazing by individuals or groups and defines it as follows:

Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group, or organization. This includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. Prohibited acts of hazing include those covered under Texas State law.

Though it would be impossible to list all behavior that could be deemed to be hazing, the following are some typical examples of hazing and are prohibited:

- any physical act of violence expected of, or inflicted upon, another
- any physical activity expected of, or inflicted upon, another, including calisthenics
- pressure or coercion of another to consume any legal or illegal substance
- making available unlawful substances
- excessive fatigue or sleep deprivation as a result of any activities
- forced exposure to the weather
- kidnapping, forced road trips, and abandonment
- required carrying of or possessing of a specific item or items
- servitude (expecting a new member to do the tasks of an experienced member)
- costuming and alteration of appearance
- line-ups and berating
- coerced lewd conduct
- degrading games, activities or public stunts
- interference with academic pursuits
- violation of University policy
- assignment of illegal and unlawful activities

Alleged violations of this policy will result in campus judicial action and may be subject to criminal prosecution. Any retaliation against any person who reports, is a witness to, or is involved with or cooperates with the adjudication of hazing is strictly prohibited.

Texas State Law on Hazing

Students should be acquainted with the law on hazing. The following excerpts are from the law that makes hazing at or in connection with an educational institution a crime.

Hazing includes but is not limited to:

- any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk or harm or that adversely affects the mental or physical health or safety of the student;
- any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or which adversely effects the mental or physical health or safety of the student;
- any activity that intimidates or threatens the student with ostracism that subjects the student to extreme mental stress, shame, or humiliation, or that adversely effects the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection;
- any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code. Sec. 4.52.

A person commits an offense if the person

- engages in hazing;
- solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- intentionally, knowingly, or recklessly permits hazing to occur; or
- has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Dean of Students or other appropriate officials of the institution.

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

Consent Not a Defense

It is not a defense to prosecution for the offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Immunity from Prosecution Available

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution is immune from liability, civil, or criminal, that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

By signing below, I acknowledge that I have read the Hazing Policy and as a student leader in

_____, **I am responsible for ensuring that all members are educated on this policy.**

Organization Name

Organization President Signature

Organization Vice President Signature

Received by Campus & Community Involvement

Organization Secretary Signature

Organization Treasurer Signature

Date Received by Campus & Community Involvement

Student Organization Alcohol-Use Permit Campus & Community Involvement

Student organizations wishing to host an on- or off-campus event at which alcohol is served must complete this form and then speak with the Office Manager who will schedule a 15-minute appointment for you to meet with a designated staff member to review your request.

Name of Student Organization: _____

Name of Petitioner: _____ Position within organization: _____

Phone Number of Petitioner: _____ E-mail: _____

Title of event: _____

Type of event: _____ Formal/Informal _____ Dinner/Banquet _____ Mixer _____ Other: _____

Date of event: _____ Time of the event: _____ Serving time: _____

The event will be attended by: (check all that apply):

_____ Student organization members _____ Students _____ Guests of the student
members
_____ Alumni _____ Faculty/staff _____ General Public

Admission charge (circle): Yes No If yes, how much? _____

If your event is **BYOB**, fill in the information below: If you are using a **Third Party** vendor, fill in the information below:

| |
|------------------------------------------------|
| Name of Bartender/s: _____ |
| Phone # of bartender/s: _____ |
| Is this person TABC certified (circle): Yes No |
| Location of event: _____ _____ |

| |
|--------------------------------------------------------------------------------------------------|
| Name of vendor: _____ |
| Vendor contact name: _____ |
| Phone # and address of vendor: _____ _____ |
| The event will include the sale of (check all that apply): Beer _____ Wine _____ Liquor _____ |

My signature below, on behalf of my student organization, indicates that the membership understands and will abide by University policies and state law regarding the sale and consumption of alcoholic beverages; that I will provide all reasonable assistance to the establishment to help it abide by state law. I understand and have reviewed the Risk Management Best Practices for Student Organizations found in the Student Organization Handbook with the members in my organization and the Third Party Vendor or Bartender/s. I understand my organization will be referred for judicial action if these policies are not followed.

Petitioner: _____ Date: _____

For Office Use Only:

____ Approved ____ Approved with the conditions as note: _____

Signature for Trinity University

Date

Comments: _____
