

Liability of Annex Parties:

If a chapter participates in a gathering, function, party or event that is held away from the chapter house or off campus in an attempt to circumvent the spirit and intent of Fraternity and University policies. Especially at UCLA, it's the trend for most of these events to occur at the private residences--apartments, rental houses, "annexes"--of members, and they're classified as "unofficial" because they are "not chapter sponsored." The risks posed by such events are often more substantial than "official" chapter events.

Just because an officer or member decides or declares that an event is not associated with the organization does not mean that if something goes wrong, the chapter and members may not be named in a lawsuit and otherwise held accountable.

Therefore, it is safer and more sensible to assume that any time more than a few members or pledged members are involved in an event, it will be considered a chapter event, and the policies apply. That is the reason for the language, "...or at any event an observer would associate with the (fraternity)". An observer may associate an event with a chapter if only a few members are present.

Excerpt from UCLA IFC/Panhel Social Code:

Events that have 8 or more people held at chapter members' apartments, houses, or residences identified "annex" etc... that are in violation of IFC/Panhellenic Policy.

Hosting pre or post unregistered Blackout parties.

Lose all social & intramural privileges for 10 weeks to a year, fines from \$1000-4000

Liability Issues:

Insurance coverage

What is covered in Fraternity/Sorority insurance policies?

The General Liability policy covers premises, as well as operations liability. Premises liability means that coverage exists for claims arising on owned or rented property. Operations liability means that coverage exists for any typical event that is held off premises, such as philanthropic activities, dances, and social events. The organization's policies are very comprehensive and protect that organization and its members, and virtually all sponsored events are covered. A sponsored event would be one that's carried out under the policies & procedures of your National organization.

Most organizations carry Director's & Officer's Liability Insurance, which offers directors and officers protection from personal liability and financial loss arising out of wrongful acts committed in their capacity as officers or directors.

Hosting an event involves acceptance of some risks. The chapter as an entity, the officers, and sometimes the members themselves may be held accountable if something occurs.

Some things that can put you & your chapter at risk for liability:

1. If the function is announced in Chapter
2. If e-mail, phone lists, text messages, face book, my space groups, E-vites or any other type of messages, mass communications are used to pass on information about the function.
3. If funds are collected from chapter members for the function.
4. If function is off chapter property that is either rented, leased or owned by members.

Personal Liability:

In any situation, someone hosting a party is liable if they overserve, serve to someone underage, or allow a guest to drive under the influence. Essentially, if you give alcohol to someone else, you are responsible for the effects of that alcohol.

For example, if a guest gets in an accident from drinking and driving, the host of the party that served the driver alcohol is liable for injuries or death of the driver and/or victim of the accident.

If a chapter event is held at someone's home, the homeowner would be responsible for any injury or damage that might occur from the actions of a guest.

Chapter officers who permit an unauthorized event to occur are also exposed to liability. If any death or serious injury were to occur during an unauthorized event, which could be considered a result of negligence, the officers could be held criminally accountable without coverage.

Bystander Mentality:

Something we've learned about as a chapter is the concept of bystander mentality. Definition: According to Alan Berkowitz, a bystander is "someone who witnesses a problem and does not do something about it."

In cases of annex parties, acting as a bystander as a member or officer exposes them and the chapter to liability.

The important thing to take away from this is the fact that the nature of lawsuits is to name everyone possible. If an incident were to occur at an event associated with your organization, everyone from the members to executive offices would be named, so it's important to follow all policies to maintain coverage of liability.

Myths of Annex Parties:

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

WRONG. Courts have held that if a certain percentage or number of members are gathered at any location, that gathering can be interpreted as a chapter activity, whether "official" or "unofficial." Remember that FIPG policy uses the term, "...that an observer would associate with..". Most national organizations do not use a hard or precise number or percentage of members to determine if an event is a chapter event. Keep in mind that courts in some states have not placed a number on what constitutes a chapter event.

Myth #2: An individual member can't be held liable for events he sponsors at his private residence.

WRONG. 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.

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

THINK AGAIN. If the event gives the impression of involving the chapter, any competent attorney will try to prove that the event was sponsored by the chapter.

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

The International Fraternity/Sorority will not hesitate to discipline a chapter if FIPG policies are violated at an event and/or if there is an incident of any kind at a social event where participants are violating the FIPG policies. One serious incident could be enough to close a chapter.

The bottom line: If fraternities and sororities could avoid liability by moving all chapter events off campus or making events "unofficial," all chapters would have been instructed to do so. If a chapter wants to practice sound risk management, it will not tolerate "unofficial" events sponsored by members, which do not follow FIPG policies.