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Personal Consequences: Understanding the personal liability of your Alpha Delta Phi Experience

Rich Jungman

Vice President – Client Service and Operations



Who is HRH/Kirklin?

- ❑ 100% dedicated to serving fraternal and student organizations
- ❑ Founded in 1991 as Kirklin & Company, now a wholly subsidiary of Hilb Rogal & Hobbs since 2002.
- ❑ Based in Omaha, NE
- ❑ Insurance and Risk Management programs with many clients including;
 - ❑ 52 NIC fraternities
 - ❑ 2 NPC sororities
 - ❑ 5 NPHC fraternities & sororities
 - ❑ 8 NALFO fraternities & sororities
 - ❑ Professional co-educational fraternities
 - ❑ Numerous local and small fraternal organizations
 - ❑ Over 1,500 fraternity properties insured through the Fraternal Property Management Association (FPMA)
- ❑ Insurance Broker. We work for you, not the insurance company!



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What is the perception of our Greek Community?



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Top Ten Signs You are breaking your fraternity risk management policies:

Top 10



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Top Ten Signs You are breaking your fraternity risk management policies:

1. The memo line on your chapter's checks reads, **“For Beer”**
2. You are on a first name basis with the fraternity insurance adjuster
3. You consider the campus directory your guest list
4. Pledge boxing is the highlight of your chapter's athletic calendar
5. Farm animals in town get nervous toward the end of the semester
6. If keg stands were an intramural sport, you would be the favorite
7. Your idea of party favors is razor blades, rolling papers and bong
8. Your idea of safe transportation is an ambulance ride home
9. You think FIPG stands for **“Fill It with Pure Grain”**
10. Your chapter's average BAC is higher than its average GPA



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Why are we here today?

Objectives:

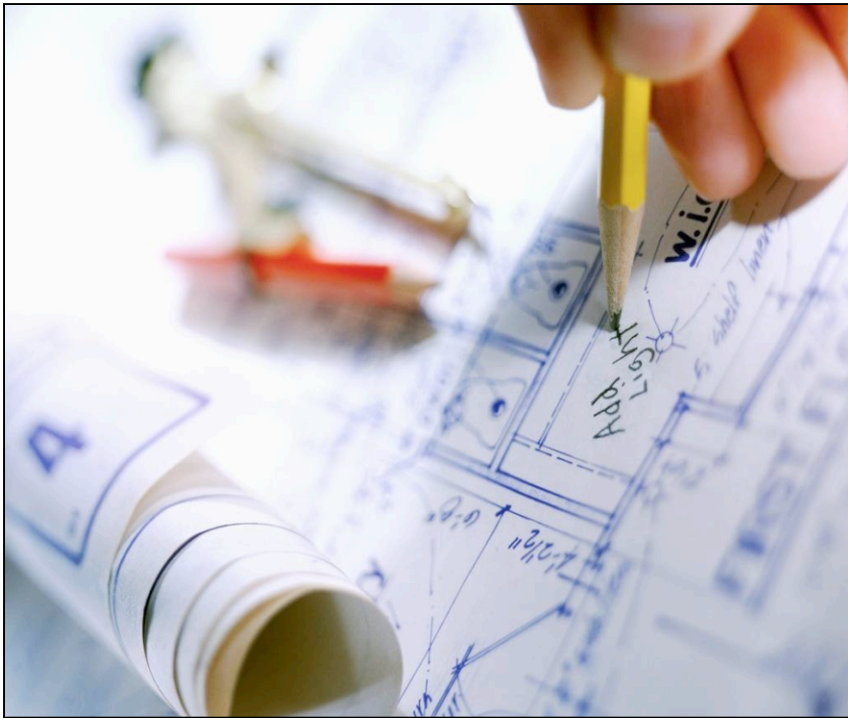
- ❑ Understand risks of undergraduate chapters and college students
- ❑ Plan and execute events in safer manner
- ❑ Reduce the risk of personal injury as well as civil and criminal litigation...against you!



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What is proper risk management?



Three Basic Choices:

- ❑ Avoid the Risk
- ❑ Assume the Risk
- ❑ Manage the Risk



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Avoid the risk

❑ Stay at home on Friday and Saturday night

❑ Don't drink alcohol

❑ Stay away from women

❑ Never get in a car



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Assume the risk



- ❖ **Open party every night, all night**
- ❖ **Social function theme “Animal House”**
- ❖ **Haze the pledges, they deserve it!**
- ❖ **Operate with reckless abandon**
- ❖ **We’ll start the risk management thing next semester**



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What are some possible personal and fraternal consequences of assuming the risk?



**Criminal
Prosecution
and/or
Civil Litigation**



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Are you luckier than these guys?



- ❖ **Matt Krull:** member of Pi Kappa Phi at Oregon State
- ❖ Driver crashed van into a power pole after driving erratically
- ❖ Matt Krull suffered fatal injuries and died, November 1996



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Criminal Consequences of Matt's Death

- ❑ **Robert Glover:** bought the alcohol which led to the death of Matt Krull, found guilty of two counts of furnishing alcohol to minors
- ❑ prosecutors were able to trace and obtain evidence of the purchase through a receipt of sale on the keg as well as pictures of people drinking at the party
- ❑ served 1 year in prison (school by day, jail by night)



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Civil Consequences of Matt's Death

- ❑ **Robert Glover:** bought the alcohol for the party, car accident resulted. Matt Krull is dead. Robert paid \$50,000 toward the settlement
- ❑ **Josh Tharakan:** driving the van that crashed and killed Matt Krull. He paid \$50,000



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Big Brother/Little Brother Event

- ❑ BAC was .38 at his time of death
- ❑ Choked, vomited and bleed from alcohol poisoning and DIED
- ❑ His brothers gave him the alcohol...then struggled to save his life



Adrian Heideman
Pi Kappa Phi
Cal State-Chico
October, 2000



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Criminal Consequences of Adrian's Death

Chapter officers

- Brandon Bettar (president)
- Richard Deluna
- Samuel Dobbyn



- Each served 30 days in jail due to criminal charges in death of Adrian Heideman



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Civil Consequences of Adrian's Death

- ❑ Brandon Bettar
- ❑ Richard DeLuna
- ❑ Samuel Dobbyn
- ❑ Mark Bates
- ❑ Nicholas Sutton
- ❑ Theodore Bloemendall
- ❑ Benjamin Hopper
- ❑ Daniel Santos



**Combined settlement by members
personally liable = \$500,000**



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Personal Action & Denied Coverage

❑ After a night of drinking, attempted to swim the length of a 437ft lake

❑ Body found 34 feet from shore, five hours latter with a .13 BAC



Chad Meredith, 18
died of hazing
November 5, 2001

❑ Coverage was denied for the two additional individuals involved

❑ Actions were deemed separate from the fraternity and chapter



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Consequences of Chad's Death

- ❑ The police and university determined the chapter and fraternity were not to be held liable and both entities were dismissed
- ❑ The dismissal left the two individuals alone as defendants and the jury found them liable for a \$12.6 million judgment
- ❑ On the night of Chad's death each of the three men made irresponsible decisions, these actions took the two defendants away from the coverage of the fraternity



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Denial of Coverage

- ❑ Your fraternity is not a protector from personal responsibility or liability
- ❑ Coverage may be denied because actions are individual in nature or not within the scope of activities of the fraternity as a member, or if actions such as hazing are alleged the benefits of coverage may be excluded because of your actions



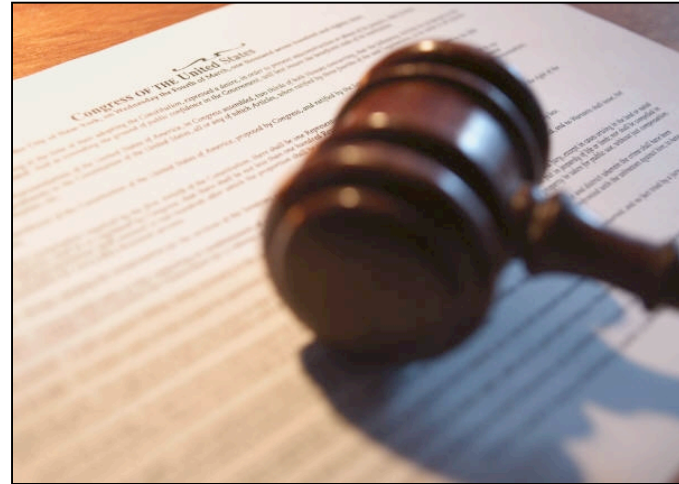
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Chad Meredith Act in Florida

- ❑ Signed into state law on June 7, 2005

- ❑ Law against hazing resulting in serious injury or death, increased from a misdemeanor to a felony punishable by up to five years in prison, even if the victim consents



- ❑ Putting someone at risk of injury will become a first-degree misdemeanor



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Two Fraternity Members Convicted of Felony Hazing

Florida A&M Univ. January, 2006

- Former chapter president and members were accused of physically abusing a candidate over a four day period.
- Five members tried under the Chad Meredith Act for “serious bodily injury”. Chapter President and Jason Harris received felony hazing convictions.
- Chapter President and Jason Harris sentenced to two years in prison.



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Drug Use in the Chapter House

- A drug sting at San Diego State University led to the arrests of 95 San Diego State Students and the suspension of 6 fraternities
- Toronto police officers seized more than \$126,000 in illegal drugs and charged two men with trafficking during a raid on a fraternity house near the University of Toronto
- Fraternity members at the University of Illinois were arrested after police alleged the sale of drugs took place in the house. The chapter was believed to have knowledge of the use of illegal drugs and failed to take corrective action. The chapter had been in continuous operation for 98 years and lost its charter.



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Other possible consequences

- ❑ Expulsion from University, removal of degree
- ❑ Closure of chapter and/or expulsion from fraternity membership
- ❑ Garnishment of wages and/or personal property



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Sweet Party '07 **Pittsburgh**

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Information

Event Info

Name: Sweet Party '07

Tagline: Hey, gimme a dollah!

Host: the boys of 383 bouquet

Type: Party - House Party

Time and Place

Start Time: Friday, January 12, 2007 at 9:00pm

End Time: Saturday, January 13, 2007 at 4:00am

Location: 383 S Bouquet St

City: Pittsburgh, PA

Description

Come down to the house and get piss drunk.

7 kegs
jungle juice
possibly jello shots.
Doors open at 9

And remember, by two a.m., we'll all be beautiful. Luckily I am already beautiful so I've got a headstart on winners.

Ain't no party like a D P party.

Confirmed Guests

This event has 49 confirmed guests. [See All](#)

Jenna Straub Kacie Cope Britton Karon Jackie Meathe Drew Watkins Jason Costa

The Wall

Displaying 7 wall posts. [See All](#)

Amanda Noddings (Pittsburgh) wrote at 9:43pm on January 11th, 2007
working sorry guys =(have fun
[Message](#) - [Report](#)

Ted DePietro (Pittsburgh) wrote at 4:25pm on January 11th, 2007
if you brought fainting goats i would seriously be the happiest man alive
[Message](#) - [Report](#)

Jason Costa (Pittsburgh) wrote at 2:29pm on January 11th, 2007
I'll bring the fainting goats
<http://ebaumsworld.com/2006/07/faintinggoats.html>
[Message](#) - [Report](#)

Other Information

[Add to My Events](#)
[Report Event](#)
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Other Invites

Maybe Attending
56 people might show up. [See All](#)

Not Attending
42 people are missing out. [See All](#)

Awaiting Reply
58 people are MIA. [See All](#)

This is not an invitation!

Consequences of using Facebook



Halloween Party at Johns Hopkins University



Fraternity Chapter Website at Drexel University



LSU Swimmers



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Things to think about:



Invincibility



Caching



Freedom vs Responsibility



The Law

--Tracy Mitrano, Director of IT Policy and Computer Policy & Law
Program, Cornell University



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Fraternity Liability Claim Frequency – All Claims



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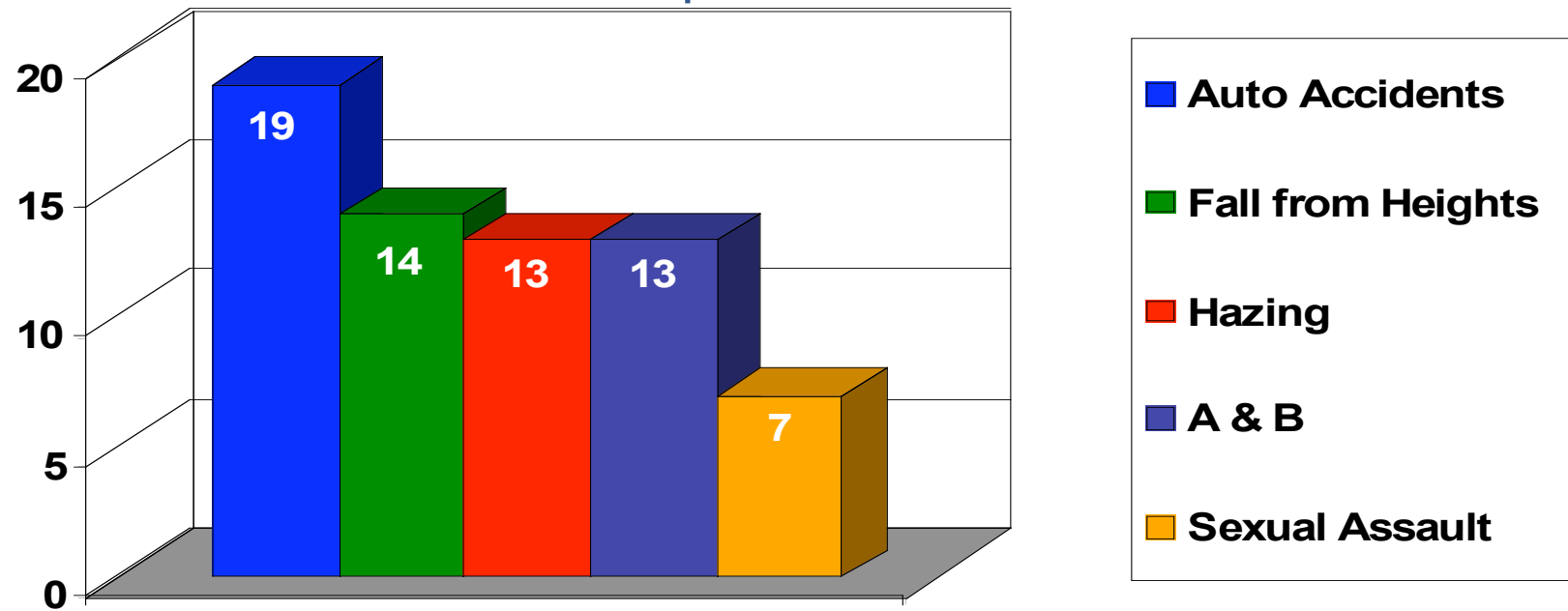
Fraternity Liability Claim Total Paid or Reserved



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Frequency of Losses Exceeding \$100K

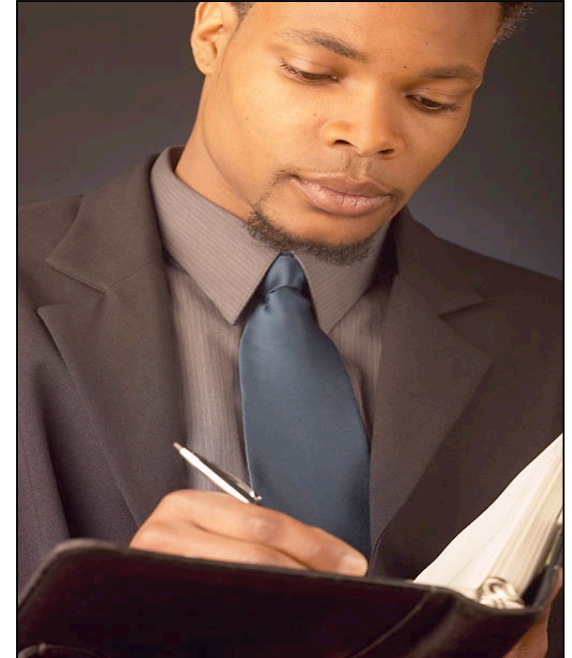


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Manage the risk

- ❑ Safe event planning
- ❑ New member education vs. pledge training
- ❑ Have a transportation policy and follow it
- ❑ Know and follow your fraternity and university risk management policies
- ❑ Keep social aspects of your chapter in balance
- ❑ Be your brother's keeper
- ❑ Deal quickly and appropriately with problem members
- ❑ Know, understand and discuss the Risk Management Policy



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Work to create the balanced chapter!

Academic Success

Leadership Development

Volunteer Service

Financial Stability

Friendships based on Ritual

Athletic Competition

Campus Involvement

Positive Events & Programming



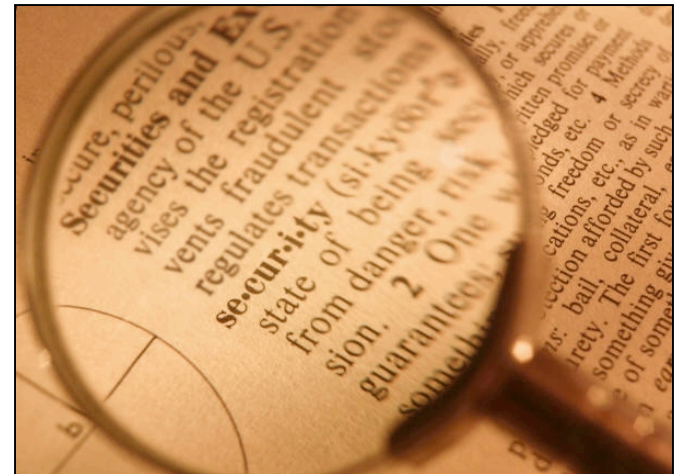
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Work with all parties in the event of an incident or crisis

Lies and false statements will likely:

- ❑ Lead to the possible denial of liability insurance coverage to members and/or the chapter
- ❑ Hinder the evaluation of the claim
- ❑ Damage the credibility of members and/or the chapter and fraternity in regards to case
- ❑ Increase value of claim through payout and legal fees and expenses



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In summary

- ❑ Understand the risk associated with our actions
- ❑ Assess the situations that arise in our daily fraternal activities
- ❑ Take action and control to protect ourselves, others, and members of the fraternity as well as the Greek community
- ❑ Lead a responsible life, with integrity and compassion



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Thank You!



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