

**Late Night Events Management
2006
Task Force Report**

National Association of Student Personnel

Association for Student Judicial Affairs

**NASPA/ASJA
Late Night Student-Sponsored Events on Campus
Task Force Membership**

<u>Name</u>	<u>Affiliation</u>	<u>Institution/Title</u>
Bradford, Cory	Alpha Phi Alpha	Southern Illinois University Vice President for Financial & Administrative Affairs-SIU
Broe, Karen-Ann	ASJA	United Educators Senior Risk Analyst
DeVeau, Shawn	NASPA	Merrimack College Dean of Students
Dickstein, Gary	ASJA	Wright State University Director, Office of Student Judicial Services and Greek Affairs
Emmanuel, Nobby (Co-Chair)	NASPA	Southern Illinois University Edwardsville Vice Chancellor for Student Affairs
Holland, Monica	ASJA	University of Arkansas Assistant Dean of Students
Holmes-Hope, Charles	NASPA	The University of Wisconsin at Madison Assistant Director of the Multicultural Student Center
Jacobs, Kimberly	NASPA	Bowling Green State University Interim Associate Dean of Students
Jones III, John R.	ASJA	Indiana University Purdue Assistant Vice Chancellor Associate Dean of Students
Rashid, Judy (Co-Chair)	ASJA	North Carolina A&T University Dean of Students and Adjunct Professor in Leadership Studies
Thompson, Kelsel	NASPA	Austin College Director of Student Life
Wood, Nona	ASJA	North Dakota State University Associate Director of Student Rights and Responsibilities

ACKNOWLEDGEMENTS

The Task Force wishes to acknowledge the following people who also contributed to the development of this document.

Greg Diekroeger , Chair, NACA
Linda Hamman Moore, VC for Student Services
Jane Walbert, VP, Student Affairs
Gwen Dungy, NASPA, Executive Director
Barbara Jones, NASPA, President
Mary Beth Mackin, ASJA President
Paige Reed, Legal Counsel

University of Wisconsin
Parkland College
Arcadia University
University of Georgia
University of Wisconsin-Whitewater
University of Wisconsin-Whitewater
Southern Illinois University Edwardsville

CONTENTS

Overview.....	1
Disclaimer.....	1
Philosophical Orientation	2
Guiding Principles for Late Night Events.....	5
Policies, Procedures and Processes.....	6
Insurance Indemnity Requirements.....	12
Conclusion.....	13
Addendum I.....	14
Addendum II.....	15

OVERVIEW

A “Late Night Event” is defined as an event sponsored by a student organization(s) that ends after 12 midnight on University property. Late night programming on college campuses has existed for years. In recent years, institutions are becoming increasingly interested in sponsoring late night events, or allowing students to sponsor late night events on campus. The question then becomes, what would guide an institution’s decision in allowing late night events, and what procedures and policies should govern such events on campus.

Student Organizations’ Sponsored Late Night Events are great opportunities for students to interact socially with each other in a safe and alcohol free environment on campus. Research has shown that students are more likely to persist in college if they develop some type of connection with institutions both academically and socially. It is of great value that student organizations be heavily involved in developing or modifying any Late Night Event Management Plan.

Insurance and indemnification requirements are necessary to protect colleges and universities from risk exposures related to (1) securing goods and services through vendors, contractors, and service providers; and (2) permitting outside and student organizations and individuals the use of their premises and/or facilities. University Risk Management typically considers student groups to be separate legal entities from the University.

DISCLAIMER

Please be advised that this manual was developed by NASPA/ASJA Task Force. It is merely an information resource for institutions to review and consider in regard to managing late night events. The guidelines set forth herein are not regulatory in nature or mandatory for any institution, but are merely options that may be useful during policy development. Each institution is hereby encouraged to set forth its individual standards and requirements under a formal policy.

Philosophical Orientation

This section examines the philosophical questions that impact a college or university in deciding about late night events and any associated policies and procedures to be implemented. Topics to be examined include: the campus' philosophy about student activities and late night events, the rights and responsibilities of student and student organizations, and how the campus intends to preserve the exercise of student rights while diminishing the abuse of those rights.

I. Philosophy of Student Activities and Late Night Student-Sponsored Events

A fundamental belief on many campuses, especially espoused by student affairs professionals is that student activities help cultivate a campus community where students can achieve success and become socially responsible citizens. The purpose of co-curricular student activities is to support the college's mission by providing services and programs that help foster student learning in and out of the classroom. Late night programming is one type of co-curricular activity that can provide social and entertaining programs, which also create a sense of campus community for a diverse group of students.

Late night programming is used, in part, on some campuses as a strategy for changing the campus environment regarding alcohol use and abuse. Students and campus activities professionals plan events with the intention of reducing the number of alcohol-related incidents on campus by committing student and staff time and financial resources to late night student-sponsored events, thereby cultivating a more positive campus environment for students.

II. Rights and Responsibilities of Students and Student Organizations

Freedom of association is a fundamental concept that most institutions of higher education espouse. Consequently, institutions of higher education expect recognized student organizations to be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian. (AAUP Joint Statement on Rights and Freedoms of Students).

For students at public institutions, the rights of freedom of speech, peaceful assembly, petition, and association are guaranteed by the U.S. Constitution and some state constitutions.

Regardless of whether the institution is public or private, a fundamental goal of higher education institutions is to foster the free exchange of ideas and promote learning. To this end, it is important that students (and all members of the campus community) have the right of freedom of speech and assembly, and the right to exercise these freedoms freely if they do not interfere with the rights of others. Colleges and universities will often outline in the student handbook how freedom of speech and assembly are permitted on the campus.

It is also a fundamental belief that higher educational institutions should foster an environment that is free from harassment on the basis of such characteristics as race, religion, gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity or gender expression. The right of students to be free of such harassment, the responsibilities inherent therein, and the institution's response to allegations of harassment should be outlined in the student code.

III. Preserving the Exercise and Preventing the Abuse of Student Rights

From time to time in the planning of student events, the exercise of student rights may come in to conflict. The objective should always be to assure a fair and reasonable exercise and balancing of rights for the institution as well as for the individual. Students, student organizations, and other members of the college community may support late night programming by lawful means which do not disrupt the operation of the college or interfere with the normal use of college facilities. Occasionally, however, events and activities may take place which do disrupt the operation of the college, interfere with the normal use of college facilities, or break the law.

In some instances, the civil and criminal laws of society and the rules of the college or university will overlap. Although the higher education institution does not attempt to duplicate the laws of society, it also reserves the right to pursue matters through its own institutional disciplinary procedures that may be addressed in the legal system as well.

Most college or university handbooks afford students the right to conduct or participate in any assembly in college facilities that are generally available to the public provided that such assemblies:

- i. Are conducted in an orderly manner
- ii. Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college
- iii. Do not unreasonably interfere with pedestrian or vehicular traffic
- iv. Do not cause destruction or damage to college property or private property on college facilities.

To help protect student rights, and prevent the abuse thereof, college officials should have policies and procedures governing the approval of on-campus student activities, including assemblies, demonstrations or rallies.

IV. Supervision of Student Activities

A legal duty may arise from either the university's supervision of student organizations or from the university's status as a landlord or owner on which the activities occur. Once the university has assumed a duty to protect students, it must exercise reasonable care in performing the duty. Courts typically look to whether a recognized standard of care exists, and whether the university took reasonable measure to prevent foreseeable harms.

In determining how much to regulate the activities of student organizations, institutions must weigh the benefits of a "hands-on" policy that involves substantial regulations vs. an "arms length" philosophy that seeks to separate the activities of the organization from the institution.

There is no single best policy. Most institutions use hybrid policies, and some use different policies for different types of student organizations. A “hands-on” policy generally gives the institution greater control over the activity but greater potential for liability. An “arms length” policy generally gives the institution less control over the activity but potentially less liability.

The following are indicators of university control over student activities:

- i. Providing funding or resources
- ii. Allowing the activity to represent itself as part of college and use the college name
- iii. Providing an advisor
- iv. Providing course credit
- v. Activity is conducted on campus
- vi. No waiver, release or assumption of risk form is used in connection with the event.

Institutions should develop a consistent policy for determining the degree of control and potential liability that it is willing to assume for student-sponsored late night events.

Several colleges and universities of varying enrollment size, location, and public and private affiliation provided information concerning their current policies and practices on late night programming. The task force thanks each participating institution.

University of Texas-Arlington
Rollins College, Florida
Middle Tennessee State University
University of Georgia
Wilmington College
Southern Methodist University
University of Louisville
Arkansas State University
Northern Illinois University
Bowling Green State University

Florida Atlantic University
East Carolina University
Salisbury State University
University of North Carolina Wilmington
Southern Illinois University Edwardsville
George Mason University
University of Virginia-Wise
Illinois State University
Eastern Illinois University

Guiding Principles for Late Night Events

The following serve only as guiding principles and should be carefully considered within the context of the institutional history, mission, culture, and values.

- Involve student leaders in the development, articulation, and promoting of a University plan.
- Articulate a philosophical perspective as a guiding force to engage students.
- Create the plan to represent the institutional values, beliefs, and processes
- Safety, security, and the welfare of the campus community is paramount to all other interest.
- Consideration may be given to event's uniqueness without compromising safety.
- Shared responsibility by various staff is not only necessary but is critical to the success of the plan.
- Staff development should include advisors, student leaders, and safety personnel.
- A crisis management plan must be developed in event of an incident.
- Roles and responsibilities must be clearly defined for all involved in the plan.
- Treat all individuals with respect, dignity, and openness.
- Efficient and effective organization will send a powerful message.
- Be prepared for the unusual; let your institution and ethical values guide the decision making process.
- Visible security should be located inside and outside of facility.
- Once inside the event, one may not leave and return.
- Clearly define purpose, expectation, and value of the event.
- Clearly define institutional expectations, with regard to participation (i.e. students, and guests).
- Define acceptable forms of identification.
- Establish alcohol and drug policy.
- Create partnerships.
- Define guest policy.

Policies, Procedures and Processes

Type of Events and Guest Registration

Late Night Event Policies should be broad enough to include a variety of late night events (i.e., concerts, dances, shows, recreational sporting events, movies, game nights, and social mixers). It is recommended that you do not restrict your policy only to late night dances.

Of the institutions contacted a majority indicated they require student organizations to provide the appropriate university/college office with a guest list; the list must be submitted two (2) days to a week prior to an event. All students or guests must be included on the list in order to gain entry to the program; all institutes indicated there is no leniency on this policy. All institutions indicated minors (under 18 years of age) are not allowed entry to the event, unless the minor is an enrolled student. Through the research two themes arose in relation to students versus non-student participation; some institutions did allow for non-students to participate so long as they were registered as a guest of an enrolled student; whereas other institutions prohibited non-students from attending programs.

All event/program participants must provide picture identification to gain entry to the premises. Those schools who only allowed student participation required individuals to present a current student identification card; for those schools who did allow non-student participation, a passport, military identification card, and/or driver's license would suffice as appropriate identification so long as it indicated the individual's date of birth.

Promotion

Flyers and advertisements for the event are prohibited with the exception of those schools who allowed advertisement at pre-approved designated areas on campus. A majority of colleges/universities prohibited the event/program to utilize radio promotion.

Staffing of Event

Planning is essential to a successful event. Event planning offices or an experienced campus event planner can make a major difference in creating successful student organization late night sponsored events without incident. Institutions that provide support to student organizations as they plan their events are more likely to experience risk free events. It is recommended that staff provide assistance to student organizations that sponsor late night events (i.e., funding, supervision, and planning). In addition, a student organization advisor should always be present during late night events. Furthermore seven (7) people were the average number an organization must have on duty to perform various tasks that include monitoring the event. On average three (3) to five (5) organizational leaders must be present for the duration of the event.

Individuals from a private security firm are hired at the cost of the organization to tend to wristband and identification tasks; the names of these individuals must be provided to a Campus Involvement/Student Activities office prior to the event. Public safety and security officers are paid by the sponsoring organization.

Prior to the event a student organization must seek approval for the event/program at least two (2) or three (3) weeks in advance. Thirty (30) days was typically required to notify campus safety and security personnel of an upcoming program. The student organization is required to participate in a planning meeting that includes but is not limited to the following: an advisor for the organization, campus police/security, appropriate university/college personnel that works with student organization events, and officers of the organization.

A staff member of the venue will do a walk through of the facility with an organizational officer to assess pre-existing damages. Entrance and exit doors at the event are determined during a walk through and the organization's members are required to oversee these locations.

Immediately following the event/program a meeting occurs with the sponsoring group, security, and student life officials to speak about the occurrences throughout the night. A walk through is done of the facility to determine any damages that occurred as a result of the event; the sponsoring group is responsible for damages incurred. The venue must be cleaned by 8 A.M. the next day. In the event that admission is charged the sponsoring group must deposit funds by a set day and time.

Facilities

All University facilities that can be used for late night events should be included in the policy. The facility used for the event must have the capacity to hold the number of people that are expected at the event. The institution does not want to violate any fire or other safety codes, such as exceeding occupancy limits. The room capacity and other facility information should be listed within your policy and facility use contract.

There should be a facilities use contract between the University and the student organization. The general terms should be set forth in plain, understandable language. All third parties who are participating in the event should have a contract for services. This will assist in (1) protecting the University and (2) clearly communicating an understanding of responsibilities and event details. The contract should include an indemnity agreement, insurance clause, and event details--who, where, when, what, how it will be managed, how many people will attend, and other clauses required by legal counsel.

Security

Visit with Campus Security, University Police, and/or Municipal Police. At a minimum, any group planning on holding an event on campus should first meet with the designated public safety officials to agree on a safety and security plan for the event. The elements for this plan will vary according to the size and the nature of the event. For example, the planning for a poetry reading may be very different from a late- night concert.

Security Depending on the perceived security threat, security plans may range from no security to armed officers with metal detectors and bag searches. Security arrangements should be based on the size, type of event, and the historical experience of previous events. Low risk events should require minimum security levels and high risk events drawing large off-campus crowds should require sufficient security force to deter disturbances or misconduct. Policies related to campus security should be enforced at all times. All institutions indicated a set number of public safety and security officers that were to be present at the event. One institute offered the following ratio as a guide:

- One (1) officer per 50-100 guests
- Two (2) officers for up to 250 guests
- Three (3) officers for 251 to 375 guests
- Four (4) officers on for 376 to 500 guests

Contract Security Officers. If contract security officers are utilized, it is extremely important that these officers have the appropriate credentialing necessary to act in this capacity. Credentials can likely be verified through the local Chief of Police or through the Office of the individual State Attorney General. In some states, anyone may call themselves a security officer, but may not be properly licensed to act in that capacity.

Entry-way Police Presence. Police presence at the entrance to the late night event is essential and it is also preferable that officers work in pairs. If only one officer is at the door, it may be too easy to distract that individual's attention. These officers should be present in addition to those personnel inside the event, as officers will need to be attentive to activities at the door as well as inside the event. In particular, one popular student activity in dances is body surfing. Because of the potential for injury and because the individual involved may be intoxicated, this is a practice that should be strongly discouraged, if not forbidden, and should be promptly confronted when viewed.

Entry-way Signage. Patrons should be alerted to the fact that they are subject to search, and that if illegal substances and/or weapons are located, that they may be subject to campus disciplinary proceedings and/or the issuance of citations and/or arrests. Individuals should have the right to leave the area and refuse a search, but once searched, should expect that consequences will follow once advised by appropriate signage.

No re-entry. Campuses would be wise to consider adopting a no re-entry policy by using stamps with a unique color and design that would be difficult for patrons to duplicate. By doing so, the practice of periodic trips out to the parking lots to drink and then reenter the facility can be discouraged.

During the event re-entry is not allowed. Admittance to the event will cease thirty (30) minutes prior to the conclusion. The maximum attendance at an event/program should be proportionate to the size of the facility. In the event admission is charged, it must remain the same at all points during the event; discounted or free rates are not allowed. The event is not to exceed 4 hours or extend past 2:00 a.m. At 1:30 a.m. lights are turned on and the music/activity is ceased, by 2:00 a.m. participants are vacated with the last individual exited by 2:30 a.m.

Magnetometers (Metal Detectors). The use of magnetometers to detect weapons at the entrance to late night events is somewhat controversial; however, the alternative, a possible campus death or serious injury, may make the expense, inconvenience, and other possible negative connotations to the use of magnetometers more acceptable. They are in use at the University of Pittsburgh and at the Indiana University of Pennsylvania. Given recent events at Duquesne University and other campuses as well, this is one security measure that may be worth considering.

Bike Patrol Officers. The use of bike patrol officers in the vicinity of the late night events can be very beneficial in keeping a high police profile and discouraging pre-loading of alcohol before entering the late night event and those who may attempt to sneak in and out of the event while it is underway

Alcohol, Drugs, & Other Prohibitions. When hosting late night events on University property, strong consideration should be given to making those events alcohol and other drugs free. No one should be permitted entry to the event that appears to be under the influence of alcohol and/or other drugs. Uniformed security and/or police officers should be standing by prepared to administer tests to determine those who may be under the influence and, if necessary, issue appropriate citations and/or take those individuals into police custody.

Cameras. When economically feasible and appropriate, consideration should be given to the use of video cameras to augment other safety measures. These may be unobtrusively mounted at entry and exits, and given the popularity of camera cell phones, may not even be out of place inside the entertainment venue when permitted by contract with the entertainers. When permanently mounted cameras are not economically feasible, the use of hand-held video cameras, when permitted by the entertainers, is a cost-effective alternative.

Landscaping. It may be helpful to visit with the person in charge of the grounds crew to be sure that the landscaping around the late night event area does not permit for the lurking of individuals who might prey on others, particularly if there are persons who may be vulnerable due to overindulgence in alcoholic beverages.

Lighting. Attention should be paid to both inside and outside lighting to ensure that patrons can safely enter and leave the premises.

Policy Violations and Penalties

Late night events are likely to generate a number of policy violations under campus codes of student behavior in addition to police citations and/or arrests. Good planning can help to minimize these, but depending upon the history and nature of the event, even the best of planning may not foreclose the possibility of a large number of resulting policy violations.

Some of these may include underage consumption of alcohol, public intoxication by adult students, public urination, disorderly conduct, fleeing police officers, drunk driving, vandalism, assaults, sexual assaults, and other alcohol related behaviors. In addition, there may be students who are observed using drugs publicly in parking lots, often marijuana.

Penalties may vary greatly and should be in accord with the normal policies and procedures already in place upon each individual campus. The key is to be consistent and equitable in addressing behaviors associated with late night events, just as one would with any other type of campus violation. In general, there should be no need to develop any new policies or procedures with respect to responding to policy violations associated with late night events.

At the same time, large late night events may create a sudden surge in policy violations that may create a backlog in the offices charged with responding to policy violations, especially in small offices. In fairness to students, justice is best served if students receive a relatively prompt response to their policy violations.

Campuses should be prepared to commit the human resources necessary to provide reasonably prompt responses in fairness to those students and to underscore the importance of appropriate behavior at campus late night events.

Legal Counsel Consultation

The University Attorney or General Counsel is best involved in reviewing a campus plan for late night events on a macro scale. If a general template is in place for a campus, and that plan has been reviewed by the General Counsel, then the General Counsel need not be consulted for each event thereafter, unless there are unique aspects of an event that require a subsequent consultation, or unless a special contract must be reviewed by the General Counsel.

Should there be a threat of litigation at any time, it is always advantageous to involve the General Counsel at the earliest possible time, even if there is a hint of litigation for any reason. Experience has shown that attorneys appreciate early involvement and may utilize those opportunities to partner with student affairs staff to offer sound advice to avoid possible problems.

Many University Attorneys find that their interaction with student issues and with student affairs staff is one of the most enjoyable aspects of their professional work. It is to our advantage to cultivate these relationships to assist us in our work.

Insurance and Indemnity Requirements

Insurance concerns should be addressed for each late night event and should be tailored to the type of event being held. There may be blanket coverage available through the college or university's insurance plan or through the institutional self insurance plan. If none is available, private or commercial insurance may need to be obtained. Consultation with professionals is essential.

Students will need to seek advice from risk management staff at the college or university, if available. If not available in-house, often times insurance executives serve on boards of directors or in other influential alumni positions associated with colleges and universities and may be willing to serve as advisors to student groups concerning the appropriate types and amounts of coverage necessary to cover an event adequately. University Attorneys, General Counsels, or University System Loss Control personnel may also assist in this effort.

College and universities should require vendors, contractors, outside security, service providers and outside users of institutional premises and/or facilities to maintain liability and other insurance in adequate amounts to reasonably protect the university's financial interests. Institutions should require evidence in the form of a Certificate of Insurance from such parties prior to the commencement of any work and/or scheduled event. Institutions may vary the insurance requirements depending on the nature of the event, the risks, size, and perceived security threat.

***Sample of an Indemnification Clause:** A Registered Student Organization agrees to hold the University and the Board of Trustees, or any of their agents, employees or assigns, harmless and indemnify it from liability for claims for bodily injury and property damage, including personal injury liability, occurring on or about the premises, except to the extent such injury or damage is caused by the negligent act or omission of the University or Board of Trustees, or their agents, employees or officials (i.e., they waive their right to make a claim against the institution).*

Conclusion

Late night events on campus are an increasingly attractive option for student programming. Such events can help create a sense of campus community for a diverse group of students. Planning for such events needs to take into account important rights and interests such as freedom of association, speech and peaceful assembly. The events should foster an environment that is free from harassment according to the requirements of law and the student code. Each campus should decide on the policies and procedures that are needed to run safe and successful late-night programs.

ADDENDUM I

Listed below are Colleges and Universities that may be used as additional resources for Late Night Event Programming.

Missouri State University
Boise State University
Xavier University
Georgia State University
Eastern Washington University
Alfred University
Boston University
Northeastern University
Bridgewater State College
Emmanuel College
Iona College

Arkansas Tech University
Washington University
University of Wyoming
Florida State University
California State at Northridge
University of Las Vegas
Boston College
University of Hartford
Assumption College
Roger Williams University
Richard Stockton College of New Jersey

ADDENDUM II

LATE NIGHT EVENTS POLICY TEMPLATE

January 2007

Overview

The need for student sponsored late night events; the need for policies, and the need for necessary insurance and indemnification requirements.

Philosophical Orientation

Topics included are the campus' philosophy about student activities and late night events and the rights and responsibilities of students and student organizations.

Policies, Procedures and Processes

- Type of Event and Registration
- Promotion
- Staffing of Event
- Facilities

Security Requirements

- Security arrangements
- Contract Security Officers
- Entry-way Police Presence
- Entry-way Signage
- No re-entry
- Magnetometers
- Bike Patrol Officers
- Alcohol, Drugs, Prohibited
- Weapons
- Cameras
- Landscaping
- Lighting

Legal Counsel

Involving the University Attorney or General Counsel in the initial planning of a late night event policy

Insurance and Indemnity Requirements

Insurance concerns should be addressed for each late night event

Conclusion