

## **NCHERM NEWSLETTER FALL 2005**

Hello friends and colleagues. Welcome to the Fall 2005 NCHERM Newsletter. Here's a quick overview of what you will find inside this issue:

- 1) Upcoming NCHERM Seminars and Presentations
- 2) A New Service -- Briefings with Brett
- 3) NCHERM Fall 2005 Schedule of Campus Visits
- 4) Subscribe to the Chronicle of Campus Conduct
- 5) New Videos and Tapes Available from NCHERM
- 6) Free Article: *Should We Be Teaching Students How to Drink?*

If you would prefer not to receive our quarterly newsletter, please e-mail [NCHERM@aol.com](mailto:NCHERM@aol.com) and ask to be removed from the subscription list. We'll take care of it right away.

### **1) Upcoming NCHERM Seminars and Presentations (more details coming soon at [www.ncher.org](http://www.ncher.org))**

In the fall of 2005, NCHERM will be offering a series of six 90-minute conduct training audioseminars in September and October. The topics and presenters are listed below:

- 1) Basic Fairness and Proceedings – Presented by Brett Sokolow & Don Gehring
- 2) The Skill of Analyzing & Applying Policy – Presented by Brett Sokolow
- 3) Evaluating Evidence -- Presented by Brett Sokolow
- 4) Questionings Skills & Gestics -- Presented by Brett Sokolow & Scott Lewis
- 5) Deliberation Skills & Sanctioning Principles – Presented by Brett Sokolow
- 6) Sexual Misconduct – Presented by Brett Sokolow & Saunie Schuster

Registration forms and details will be posted to [www.ncher.org](http://www.ncher.org) by mid-August.

Brett Sokolow will be presenting at a number of national conferences throughout the fall:

- CUPA-HR Conference, FL. September 26<sup>th</sup>. Presenting on Title IX Compliance.
- Safe Society Zone, Orlando, FL. October 19<sup>th</sup>-22<sup>nd</sup>. Four concurrent sessions.
- National Conference on Student Leadership, FL. Nov. 19<sup>th</sup> – 21<sup>st</sup>. Two sessions.
- NCHERM will be offering a two-day seminar at Concordia University in Mequon, WI on December 1<sup>st</sup> and 2<sup>nd</sup>. Brett Sokolow and Alan Berkowitz will be presenting on *The Challenge of Culture Change: Campus Sexual Assault and Problem Drinking*. Details will be posted soon to [www.ncher.org](http://www.ncher.org)
- NCHERM is a Sponsoring Partner of the Higher Education Law & Policy Institute in San Diego, CA from December 4<sup>th</sup> – 6<sup>th</sup>. Brett is a plenary panelist and is presenting two other concurrent sessions. Please visit [www.sa.sdsu.edu/lawandpolicy2005](http://www.sa.sdsu.edu/lawandpolicy2005)

### **2) BRIEFINGS WITH BRETT**

Our weekly E-zine, *The NCHERM Chronicle of Campus Conduct*, is popular, but many of our clients report that they are inundated with too much to read already. Believe me,

I know the feeling. If you're too busy to stay current, *Briefings with Brett* is for you. This is a subscription to 12 monthly one-hour conference calls. For one year, you can join a conference call with Brett and other guest experts, including Saunie Schuster, Alan Berkowitz, John Wesley Lowery, Linda Sharp and others. Each month, we will pick a topic of current interest, and spend an hour discussing it, and taking questions from you. Can't make the call? We'll provide you with a taped copy. For example, our August 2005 call will update you on the new Clery Act Reporting Handbook published by the Department of Education this month. Our September call will examine the recent summary judgment decision in Shin v. MIT, and its implications for how we address suicide, threats and ideation on campus. A one-year subscription to *Briefings with Brett* is a mere \$100 per month. Look for details at [www.nchem.org](http://www.nchem.org) soon.

### **3) NCHERM FALL 2005 SCHEDULE OF CAMPUS VISITS**

Here is an update on our schedule of campus visits. Take a look—maybe Brett will be nearby to your campus in the near future. To schedule a visit, please contact NCHERM at (610) 993-0229 or [nchem@aol.com](mailto:nchem@aol.com).

#### **AUGUST**

15<sup>TH</sup> AVAILABLE  
16<sup>TH</sup> AVAILABLE  
17<sup>TH</sup> WARREN-WILSON COLLEGE, NC  
18<sup>TH</sup> VIRGINIA MILITARY INSTITUTE, VA  
19<sup>TH</sup> AVAILABLE  
22<sup>ND</sup> AURORA UNIVERSITY, IL  
23<sup>RD</sup> AVAILABLE  
24<sup>TH</sup> AVAILABLE  
25<sup>TH</sup> HAMILTON COLLEGE, NY  
26<sup>TH</sup> HAMILTON COLLEGE, NY  
27<sup>TH</sup> JOHN CARROLL UNIVERSITY, OH  
28<sup>TH</sup> TULANE UNIVERSITY, LA  
29<sup>TH</sup> WOODBURY UNIVERSITY, CA  
30<sup>TH</sup> WOODBURY UNIVERSITY, CA  
31<sup>ST</sup> WEST VIRGINIA WESLEYAN UNIVERSITY, WV.

#### **SEPTEMBER**

1<sup>ST</sup> CONCORDIA UNIVERSITY, WI  
2<sup>ND</sup> KEAN UNIVERSITY, NJ  
3<sup>RD</sup> AVAILABLE  
4<sup>TH</sup> AVAILABLE  
5<sup>TH</sup> AVAILABLE  
6<sup>TH</sup> LORAS COLLEGE, IA  
7<sup>TH</sup> LORAS COLLEGE, IA  
7<sup>TH</sup> CLARKE COLLEGE, IA

8<sup>TH</sup> CENTRAL COLLEGE, IA  
12<sup>TH</sup> CLEMSON UNIVERSITY, SC  
13<sup>TH</sup> CLEMSON UNIVERSITY, SC  
14<sup>TH</sup> CONCORDIA COLLEGE, MN  
15<sup>TH</sup> LAFAYETTE COLLEGE, PA  
16<sup>TH</sup> AVAILABLE  
17<sup>TH</sup> AVAILABLE  
18<sup>TH</sup> UNIVERSITY OF TEXAS, ARLINGTON, TX  
19<sup>TH</sup> UNIVERSITY OF TEXAS, ARLINGTON, TX  
20<sup>TH</sup> ON HOLD, MIDWESTERN STATE UNIVERSITY, TX  
21<sup>ST</sup> ON HOLD, UNIVERSITY OF THE INCARNATE WORD, TX  
22<sup>ND</sup> AVAILABLE  
23<sup>RD</sup> AVAILABLE  
24<sup>TH</sup> AVAILABLE  
26<sup>TH</sup> PRESENTING AT THE COLLEGE AND UNIVERSITY PERSONNEL  
ASSOCIATION—HUMAN RESOURCES CONFERENCE  
27<sup>TH</sup> UNIVERSITY OF OKLAHOMA, OK  
28<sup>TH</sup> AVAILABLE  
29<sup>TH</sup> COLLEGE AT ONEONTA, NY  
30<sup>TH</sup> BINGHAMTON UNIVERSITY, NY

## **OCTOBER**

1<sup>ST</sup> AVAILABLE  
2<sup>ND</sup> BUENA VISTA UNIVERSITY, IA  
3<sup>RD</sup> AVAILABLE  
4<sup>TH</sup> AVAILABLE  
5<sup>TH</sup> UNIVERSITY OF WEST GEORGIA, GA  
6<sup>TH</sup> UNIVERSITY OF WEST GEORGIA, GA  
7<sup>TH</sup> AVAILABLE  
8<sup>TH</sup> AVAILABLE  
9<sup>TH</sup> AVAILABLE  
10<sup>TH</sup> BALDWIN-WALLACE COLLEGE, OH  
11<sup>TH</sup> ON HOLD, CAPITAL UNIVERSITY, OH  
12<sup>TH</sup> UNIVERSITY OF DAYTON, OH  
13<sup>TH</sup> AVAILABLE  
14<sup>TH</sup> AVAILABLE  
16<sup>TH</sup> VIRGINIA TECH, VA  
17<sup>TH</sup> COLORADO COLLEGE, CO  
18<sup>TH</sup> SALISBURY UNIVERSITY, MD  
19<sup>TH</sup> -- 22<sup>ND</sup> PRESENTING AT SAFE SOCIETY ZONE CONFERENCE, FL  
24<sup>TH</sup> AVAILABLE  
25<sup>TH</sup> AVAILABLE  
26<sup>TH</sup> AVAILABLE  
27<sup>TH</sup> ON HOLD, OKLAHOMA  
28<sup>TH</sup> AVAILABLE

## **NOVEMBER**

1<sup>ST</sup> --- 4<sup>TH</sup> AVAILABLE

7<sup>TH</sup> HIGH POINT UNIVERSITY, NC

8<sup>TH</sup> AVAILABLE

9<sup>TH</sup> AVAILABLE

10<sup>TH</sup> --13<sup>TH</sup> BACCHUS & GAMMA CONFERENCE

14<sup>TH</sup> – 18<sup>TH</sup> AVAILABLE

19<sup>TH</sup> – 21<sup>ST</sup> PRESENTING AT THE NATIONAL CONFERENCE ON STUDENT LEADERSHIP

22<sup>ND</sup> AVAILABLE

28<sup>TH</sup> AVAILABLE

29<sup>TH</sup> AVAILABLE

30<sup>TH</sup> SIDWELL FRIENDS SCHOOL, DC

## **DECEMBER**

1<sup>ST</sup> – 2<sup>ND</sup> CONCORDIA UNIVERSITY, WI CULTURE CHANGE SEMINAR

4<sup>TH</sup> –6<sup>TH</sup> PRESENTING AT THE HIGHER EDUCATION LAW & POLICY INSTITUTE, CA

7<sup>TH</sup> –20<sup>TH</sup> AVAILABLE

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### **4) SUBSCRIBE TO THE CHRONICLE OF CAMPUS CONDUCT**

*The Chronicle of Campus Conduct* is NCHERM's weekly, quick-reading, practical publication, dedicated solely to the topic of the administration of campus conduct. The first eight issues are archived at [www.ncher.org](http://www.ncher.org) in the Newsletters section. Take a look. We now have over 120 subscribers! A free issue is included below, as well. An individual subscription is \$229.99 for a year. An institutional subscription is \$299.99, and you will be entitled to add as many e-mail addresses to our distribution list from your institution as you want. Brett Sokolow is CCC's Editor-in-Chief and CCC's staff of a dozen contributing editors delivers challenging and engaging topics for you each week. An order form can be downloaded at <http://www.ncher.org/newsletters-chronicle.html>

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### **5) Exciting!!! – New Videos and Tapes from NCHERM**

- **5 New Audioseminar CD-ROMs are now available**

1. *A Civil Rights Approach to Campus Sexual Violence*. 90 min. on CD-ROM. Co-presented by Brett Sokolow and Saunie Schuster.
2. *Crafting a Code of Conduct for the 21<sup>st</sup> Century College*. 90 min. on CD-ROM. Presented by Brett Sokolow.

3. *Best Practices for Balancing Rights in Campus Conduct Processes*. 90 min. on CD-ROM. Presented by Brett Sokolow.
4. *The Challenge of Educating Students on High-Risk Health and Safety Issues: The State of Men's Sexual Assault Prevention Programming*. 90 min. of CD-ROM. Presented by Alan Berkowitz with moderation by Brett Sokolow.
5. *The Challenge of Educating Students on High-Risk Health and Safety Issues: Creating a Four-Year Educational Strategy*. 90 min. on CD-ROM. Presented by Brett Sokolow with moderation by Alan Berkowitz.

More information and order forms will be posted at <http://www.nchem.org/publications.html> by August 5<sup>th</sup>.

- **New Conduct Training DVD now available**

On September 23<sup>rd</sup>, 2004, NCHERM held its videoseminar, Best Practices for Campus Sexual Misconduct Judicial Training at the University of Dayton. The seminar was a great success, with more than one hundred participants at campuses across the country. A digital recording was made, and is now available as a DVD or videotape. It is a four hour recording, featuring facilitation by Brett Sokolow and Sandra K. Schuster (General Counsel to Sinclair Community College and the former Senior Assistant Attorney General for the State of Ohio in the Higher Education Section), and interaction with a live judicial board and judicial boards participating by remote from around the country. This seminar sets the standard for best practices for sexual misconduct judicial training. Please visit [www.nchem.org](http://www.nchem.org) for details.

## 6) Free Article

As with every issue, we try to provide you with a thought-provoking article. Below, please find a recent issue of *The NCHERM Chronicle of Campus Conduct*, our weekly E-zine.

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# THE CHRONICLE OF CAMPUS CONDUCT

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*Dear Subscribers,*

*In last week's CCC, Christopher Schmidt from the University of Colorado at Boulder wrote persuasively with a developmental argument for why colleges should teach students how to*

*drink. I happen to agree with Chris, and in this week's issue, I am going to explore the same topic from a risk management perspective and with a discussion of practical application of such a controversial notion.*

### *We Need to Teach Students How to Drink*

*By: Brett A. Sokolow, JD*

Let me start with a disqualifier for this conversation. If your campus is meaningfully dry and your students' social life is not alcohol-centered (on or off-campus), this thesis does not apply to you. But, some campuses are dry in name only. In reality, they are rather damp. Or, their environs provide all the lugubrious libations not available on campus such that all partying takes place off-campus. Let me state for the record that unless being a dry campus is a decision firmly based in religious conviction, I think it is unethical to all push drinking off-campus. It protects the institution from liability to an extent, but it does not protect students from the dangers of alcohol use and abuse.

I believe that campus alcohol-related problems are worsening. I do not think greater alcohol abuse is just a trend that is developing amongst students over time. I believe that our society is by its policies and laws unintentionally heightening the phenomenon of problem drinking. Historically, colleges have always contended with students who drink. But, the level of problem drinking (I do not use the term binge drinking) has become a crisis, and that is a modern development. To put a fine point on it, we are trying to enforce our way to abstention, and that is never going to work. We can't enforce our way to safer campuses. If enforcement is your primary alcohol intervention strategy, I need to tell you that no campus has ever successfully championed an enforcement strategy as the way to a safer culture, except for those mentioned above that are meaningfully dry.

Many commentators lay the blame for our current alcohol crisis on the uniform raising of state legal drinking ages, foisted on states by the federal government. Raising the legal drinking age in all states was the result of an effort led by Mothers Against Drunk Driving. By most accounts, raising the drinking age has saved an estimated 17,000 motorists from drunk driving deaths. Hundreds of thousands more have escaped injury. The success of this effort with respect to drunk driving is unquestioned. What I do question is whether we have ameliorated one problem only to exacerbate another. By making responsible use taboo for those under age 21, we have glamorized it. And, we have driven consumption underground. Colleges have become enforcers of policy and statute, to the extent that some suffer thousands of alcohol violations every year. Entire bureaucracies have been created to address the most frequent campus conduct violation—alcohol. Entire bureaucracies have sprung up to study campus alcohol abuse. Cottage industries of programmers, videos, study guides and online education cater to the crisis. Aided by the mandates of the Drug Free Schools and Communities Act, some campuses have become police states, pitting students and administrators into adversarial enforcement confrontations.

Campus enforcement of policy and law is having an effect. It is causing pre-gaming (or pre-loading) by students who lock themselves in their rooms for intense imbibing sessions that feature rapid consumption of high liquor content alcoholic beverages prior to heading out for an

evening in which alcohol may or may not be available to minors at campus and off-campus social events. Students pre-game to ensure they will get wrecked regardless of the alcohol options available to them at social venues. Enforcement efforts have also given rise to off-campus drinking clubs usually known by some name such as the “Rugby House,” “Soccer House,” “Kappa House,” etc. Ignorant hosts take on extraordinary risks so that they can provide social opportunities for their friends.

My colleagues, we are rapidly enforcing students to death, quite literally. We have traded reduced drunk driving deaths for extreme campus problem drinking and the deaths and injuries that are its inevitable consequence. Please be clear that I am not suggesting that colleges should not enforce their policies. But, I do challenge the wisdom of using enforcement above education as the means to create safer campus cultures. The law is not going to change anytime soon. Yet campuses are finding ways to engage students in meaningful, rational risk reduction efforts. Campus pubs are returning to popularity. College-sponsored beer gardens are no longer rare. Some colleges even serve wine at dinner in the Caf. Imagine that—treating students as responsible adults while still finding a way to meet the duty of care.

Growing up, I am proud that reasonable consumption was modeled by my family, and I was taught that wine at the table was not taboo, to be hidden, or abused on the sly. Europeans have been modeling safe, responsible alcohol use regardless of age for centuries, and it should be no surprise that their universities are not plagued by raging alcohol abuse the way that ours are. Helicopter parents are the norm on our campuses now, and overprotected kids are barely able to stand on their own when they get to campus, so sheltered have their ever-hovering parents been since birth. Our students are not learning responsible use at home. If they don’t learn it on campus, they may never. We are the last chance for many students to be impacted on this issue at a cultural, environmental level. If we don’t step up to the plate, who will?

Many could argue that colleges are under no obligation to teach responsible use. You could even argue that colleges would take on legal risks in doing so. Yet, we are under an obligation to teach responsible use because the problems of abuse are landing firmly on our doorsteps, and on the courthouse steps. Colleges are being held accountable for the abuses of their students. Their high-risk behaviors are damaging our recruiting efforts, our retention strategies, our fiscal soundness, our insurance premiums, our reputations, and our subsequent ability to build endowments through major gifts. If we want to manage our risk (which is their risk), sooner or later we will have to ask the tough question—should we be teaching students how to drink?

What about the argument that teaching minors to engage in law-breaking behavior is unethical, and very likely to land colleges of the wrong end of huge liability. All potentially true. But, I am not arguing that we ought to TEACH STUDENTS TO DRINK. We must support our non-drinkers. And, I am arguing that if some population of our students are going to drink no matter what we do or say, we need to teach them about the legal implications of their decision to violate the law. AND, we need to teach them reasonable strategies for minimizing their risk, using protective behaviors intelligently, and surrounding their consumption with harm reduction techniques that will make whatever illegal behaviors they engage in less likely to bring them and us to harm and liability. A student who spends an evening engaged in reasonable, low-risk consumption of alcohol who then goes home and has a safe night’s sleep is not my problem. I

don't lose sleep at night over such students, unless they are alcoholics. You need to realize that this is not a student over whom you need to lose sleep, either. We need to back off of enforcement as our main modus operandi.

Our problem is the student who goes out, gets drunk, and is involving in a collateral negative alcohol event, such as a fight, vandalism, drunk driving, date rape, falling off a building, arson, alcohol poisoning, overdose or death. Risk (or harm) reduction and protective behaviors are designed to reduce these collateral, unintended consequences. But, for fear of being permissive, we avoid essential conversations on the strategies most likely to save lives and cocoon our students from harm (I know "cocoon" is not a verb, yet another reason why peer-reviewed articles take the creative out of writing).

So, if education is the answer—and it is—what should we be teaching our students? We should be teaching our students how to get what it is most of them want out of drinking (to loosen up and have fun with their friends) without encountering the negative collateral effects they do not desire. I think the key is buzzing. When our students drink, most of them drink to get drunk. They get shit-faced, hammered, bamboozled, wasted, f'd up, and otherwise engage in extremes of abuse. They do not get buzzed. Buzzing isn't hip. But, buzzing is all about control. Buzzing is the low-to-moderate risk consumption that helps students to enjoy the social effects of alcohol without making alcohol the social event itself (pre-gaming). Teaching students how to avoid blowing through their buzz until drunkenness is the most important skill we can teach. Riding the buzz all evening long is an art form. Most of our students suck at it. Those students who know how to do it are our low-risk drinkers. They know things about alcohol and drinking that other students do not, and they allow their knowledge to influence their decisions. They bring skill to their imbibing. Here is the analogy I use to understand the obligation to teach our students who drink how to buzz. When you were fourteen, your Dad may have let you steer the family car, or even take it up and down the driveway. You may even have been able to pilot it around a parking lot. You could make it go, stop and turn. Could you have handled a well-executed K-turn at that point? How about lane control on a highway at 65mph? Would you have had a clue about who proceeds first when four cars all come to a four-way intersection? Not likely.

To acquire the skill of driving safely and smoothly, you needed instruction, examples, rules and experience. Yes, you could get the car to move at age fourteen, but you could not DRIVE. Drinking is the same. Any moron with a hand, a mouth and a friend over the age of 21 can manage to drink. But, can they do so with any skill? Do they know the rules? Do they have the requisite experience and instruction? Do they know the drinking equivalent of defensive driving—protective behaviors? Hardly. We make it illegal for them to drink, ignore the fact that they do, and let them find their way without instruction, role models, or supports. What if we made 21 the national driving age and most 16-20 year-olds decided to drive anyway. Would that be unsafe? Could we stop millions of underage drivers? Should we teach them car control and highway safety techniques just in case the cops can't get them all? I know, I know—if you teach students how to drink, it will lead to greater consumption. Just like if we teach more students how to drive, more of them will. That's not a tremendously logical argument, is it?

Buzzers know the rules of the road. What do these lower-risk drinkers know that our abusers do not? Among many things:

1. They know what a buzz feels like, as compared to being drunk;
2. They understand that a 16 ounce red Solo cup is not one drink, but 1.33 drinks;
3. They understand different proofs, and can compare alcohol strengths and quantities;
4. They know how to pace themselves and use food and non-alcoholic drinks to maintain buzzes without losing control; They avoid things like soda, which can increase alcohol absorption unintentionally;
5. They know how to ask for help when they need it and give their friends permission to intervene if necessary;
6. They accurately perceive their consumption and that of their peers;
7. They avoid celebration and excuse drinking;
8. When they go past their limits, they make sure a safety net is in place;
9. They respect their friends when they intervene;
10. They do not enable abuse for their friends, or allow their friends to enable them;
11. They avoid social situations designed for extreme consumption;
12. They use the buddy system meaningfully (women AND MEN);
13. They understand the myth of puking—that throwing up increases BAC, and not the other way around.
14. They understand that the statistic that you can metabolize about one drink an hour is not true for most people;
15. They understand how their bodies metabolize alcohol, and how changes in conditions can impact that metabolic rate.
16. They know that we ban kegs for insurance reasons, to protect them, not because we want them to drink less;
17. They understand what are lower-risk and higher-risk containers from which to drink;
18. They understand what happens when drinking games influence consumption;
19. They understand that some drinks can contain unknown liquors and/or drugs;
20. They understand that the order in which you consume different types of alcohol has absolutely no effect on whether you get sick or not; some of us can mix, others cannot.
21. They know what types of alcohol agree with them, and produce the most predictable, desired effects;
22. They know how to accurately track their consumption over time;
23. They know how to plan their drinking and employ strategies that help them to stick to their plan;
24. They don't mix alcohol and sex;
25. They know how use impacts tolerance, and how tolerance shifts over time.

The foregoing 25 ideas are just examples of critical competencies mastered by those who know how to ride the buzz. How many of these critical components are taught on your campus? Are any of these messages so unreasonable? Taken together, yes, they do teach students how to drink. But, the point is to teach students who chose to engage in drinking behaviors to do so with low-risk or moderate-risk choices. Each of these points can help to show the way. Any moron can put hand to mouth, but any student who owns these 25 points is not a moron at all.

S/he is a contributing, responsible member of our community who knows how to ride the buzz. The question remains...will we give them the ticket to ride?

Have a happy weekend!

*All information offered in this publication is the opinion of the author, and is not given as legal advice. Reliance on this information is at the sole risk of the reader.*

*Brett A. Sokolow, JD, is President of the National Center for Higher Education Risk Management (NCHERM) in Willistown, Pennsylvania. Mr. Sokolow serves ten colleges as outside counsel, and has served as a consultant to over 400 colleges and universities. Mr. Sokolow holds memberships to the National Association of Student Personnel Administrators (NASPA), the Association for Student Judicial Affairs (ASJA), the American College Personnel Association (ACPA), where he sits on the Directorate Body of the Commission for Campus Judicial Affairs and Legal Issues, and the Council on Law in Higher Education (CLHE), where he also serves as a member of the Board of Trustees and as Vice-President for Campus Security. He serves as Editor of the Report on Campus Safety and Student Development. Mr. Sokolow has authored ten books and dozens of articles on campus security, Clery Act compliance, judicial affairs, risk management, problem drinking, and sexual misconduct. Most of his articles are archived at [www.ncherp.org](http://www.ncherp.org)*