



**MJ INSURANCE**  
SORORITY DIVISION

**Designated Driver/“Sober Sis” programs**

The one word that most aptly applies to a woman’s fraternity or sorority is the word “sisterhood,” defined loosely as collegiate women watching out for each other. It is this very value that has brought about the well-intentioned chapter programs referred to under a variety of titles, the most common being designated driver or “sober sis” programs.

Mother’s Against Drunk Driving (MADD) has encouraged better decision-making by individuals when drinking and driving. Collegiate young adults are typically less experienced drivers, and, statistically, this age group has a crash rate per mile that is four times higher than all other drivers according to the Institute for Highway Safety. As a result, we are seeing more and more interest in finding ways to keep young adults safe.

Many of our clients chapters have designated driver or “sober sis” programs, in which certain chapter members sign up to serve as designated drivers for other chapter members in hopes of providing safe transportation to and from the chapter house for those members who may be intoxicated. These types of programs are obviously very well-intentioned; however, from a risk management perspective, they surprisingly do more harm than good to the Sorority/Fraternity for some of the following reasons:

- Designated driver programs that are organized and mandated by the chapter lead participants and other observers to assume that the chapter is ensuring the safety of the driver and the passengers. In actuality, the chapter does not have the capacity or expertise to ensure the safety of the participants. By organizing these types of programs, the chapter is welcoming any claims that may arise due to the designated driver program. On the contrary, friends (chapter members or not) who agree to pick one another up after an evening of alcohol consumption are simply helping a friend; when this practice becomes a chapter activity (advertised at chapter meetings, on Facebook, etc.) is when the liability for the chapter and Sorority/Fraternity become a concern.
- Designated driver programs put the driver at undue risk for possible claims. Even the best drivers have accidents. If a chapter’s designated driver gets in an accident and people or property are damaged, the driver’s insurance will be the first to respond.
- Designated driver programs typically do not screen the driver volunteers in order to ensure that the safest possible drivers are participating in the activity. A complete screening process would include gathering the following information, at the minimum:
  - The driver’s motor vehicle record, which includes information on their accident and driving history

- Proof of the driver/vehicle's insurance (with adequate limits)
- The ability of the driver to handle the distractions associated with driving several passengers all evening
- The willingness of the driver to remain sober on her designated evenings
- The safety record of the automobiles being used by the designated drivers.

As you can see, a screening process for each chapter's potential designated drivers would be difficult and timely to organize, and, even if a screening process does exist, it does not prevent all accidents.

- Frequently, the designated drivers tend to be the younger women of the chapter because they are not yet legally able to consume alcohol. To an outsider, this practice of the older members calling the younger members to pick them up from a bar or party tends to look like hazing, which puts the chapter and Sorority/Fraternity at increased liability in the event of a claim.

As a department, our position is this: we can only support designated driver programs when they are associated with an official event. In other words, from an insurance perspective, requiring various chapter members to take weekend evenings to stay sober and pick up other chapter members from the bars, parties, etc., is a no-no.

The following is a claim example that helps to give real-life substantiation for our position:

#### **Background**

The Lambda chapter of Zeta Pi Sorority had a "sober sis" program in which the chapter members would rotate the responsibility of staying sober for a few weekends a semester so that other chapter members would be guaranteed a designated driver on those evenings when they might need a safe ride home.

#### **Scenario**

Bridget Jones, Lambda Chapter Member, and several of her friends went out to the local bars for the evening. Because they had been drinking, Bridget called Lambda's "sober sis" for the evening to come pick up her and her friends and return them safely to the chapter house. Laura Smith was the designated "sober sis" for that particular weekend, so she left for the bars to pick up Bridget and her friends soon after Bridget called. On their way home, Laura came to an intersection with a flashing red light. Believing that the intersection was a four-way intersection, Laura proceeded through the intersection after stopping. The intersection was actually only a two-way intersection with a flashing red light for one direction and a flashing yellow light for the other direction. The vehicle that was coming from the other direction did not stop because he had the flashing yellow light. Subsequently, Laura's vehicle was struck by the vehicle coming from the opposite direction. Bridget suffered injuries to her upper body and face, none of which were life threatening.

#### **Result**

Bridget's attorneys estimated her current medical costs at \$250,000, and Bridget sued the following individuals and entities for over \$800,000:

- Zeta Pi Sorority: the insurance company settled on the Sorority's behalf with the plaintiff for \$100,000
- Bob and Linda Smith, Laura's parents: settled with the plaintiff in excess of \$550,000

*\*The events described in this case study are based on actual events; however, the names, dates, and several other details have been changed for confidentiality purposes.*

Every time we discuss this issue with volunteers and members, the audience grows understandably frustrated because they feel like they are punished for trying to take care of one another. However, from an insurance perspective, by the chapter organizing these types of “sober sis” programs in which chapter members are required to drive their personal vehicles on random evenings, it implies onerous and responsibility on the part of the chapter to ensure that the activity is executed safely and appropriately. Obviously, the chapter cannot *guarantee* safe rides, so it exposes the chapter to more liability than if they did not have any kind of program.

We encourage our clients to discuss these difficult issues with their chapters and the various alternatives available, such as:

- Public transportation
- University transportation services. If your campus does not have transportation services, start your own Saferide program ([learn more](#)).
- Pre-paid cab services, such as [SafeCar Services](#)
- Simply relying on friends (chapter members or not) to exchange safe transportation among one another. As a women’s fraternity or sorority, our clients take their calling to foster leadership skills in their members very seriously, and we believe this issue is a learning opportunity for chapter members to contemplate how best to make responsible *personal* decisions in regards to their choice to drink alcohol.

We understand that this is a difficult issue to tackle, and we want to help you determine how best to manage this risk. Should you have any further questions, please do not hesitate to [contact us](#).

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