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## **Essential Components of a “Best Practice” Model for Tailgating Events**

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## Abstract

Tailgating has become an accepted and valued component of sport and entertainment events. However, recent occurrences and continued analysis of tailgating risk management practices have revealed a consistent group of concerns regarding the organization and hosting of tailgating events. As event environments have become more financially and legally complex, the need for a systematic methodology for conducting events has become more apparent (O'Toole, 2000). The current patchwork system of tailgating risk management methodologies leaves many event managers in a vulnerable position in terms of potential litigation (Gillentine & Miller, 2006). A method that may be employed to guard against such vulnerabilities is the use of a best practices model (O'Toole, 2000). Using information gleaned from previous research, the authors recommend components for developing a best practices model for consideration when hosting tailgating events. The implementation of the best practice model will enhance the safety and efficiency surrounding tailgating events. Additionally, the model will increase the consistency of decisions that are made during the administration of tailgating events at each organization.

## Essential Components of a “Best Practice” Model for Tailgating Events

Tailgating has evolved from a simple gathering of people prior to an event to an international phenomenon in recent years as event organizers of a variety of indoor and outdoor events have embraced and adapted this ritual to fit their specific needs and desires (Anderson, 1997; Cahn, 2003; Duncan, 2004; Frederick, 1999; James, Breezeel, & Ross, 2001; Pedersen & LaBrie, 2007; Read, Merrill, & Bytschkow, 2010; Shivers, 2010). Through a variety of promotions, event organizers encourage fans to participate in tailgating activities both before and after events. Increasingly, event organizers view tailgating as a highly attractive promotion that can be staged with little or no additional cost to the organization (Fredrick, 1999; Hart, 1984). Most often, tailgating is perceived as a safe and enjoyable way for fans to receive an added value of attending a live event (Dent, Pepper, Fields, & Mastorakos, 2004; National Collegiate Athletic Association, 2004; Wakefield, 2007). Notwithstanding the perceived carefree nature of tailgating, incidents involving fan behavior during pre and post-event tailgating activities have resulted in injuries and litigation. While most of the reported incidents have involved relatively minor offenses, there have been reports of serious damages to personal and/or public property, drunk and disorderly conduct, unlawful assembly, and even fatalities related to tailgating (Gillentine & Miller, 2006; Herbeck & Beebe, 1999; Lowe, 2000; Mason & Calloway, 2004; Patty, 1996; Romig, 2004).

Despite these occurrences, only recently has research been conducted examining the legal issues surrounding tailgating activities and the presence of a risk management plan or security procedures for pre/

post event tailgating events (Miller & Gillentine, 2006). Initial research investigating the tailgating phenomena focused primarily on the motives for participation and consumption patterns (Gillentine, 2003; James, Breezeel & Ross, 2001; Kahle, Kambara, & Rose, 1996; Scott, 1996; Trail, Anderson, & Fink, 2000). While these projects have provided interesting and useful information, they did not identify specific components for providing a safe environment for patrons who participate in tailgating activities (Gillentine & Miller, 2003; Jackson, Polite, & Barber, 2003). Sport event organizers should be able to integrate these research findings into their tailgating policies and procedures in order to facilitate safe participation at tailgating events, thereby potentially prompting the economic growth and stability needed to sustain a successful athletic organization. Without this understanding, the opportunity for promotion may become an opportunity for injury and potential litigation. Thus, the purpose of this paper is to identify and recommend specific components that would allow event organizers to develop a best practice model for hosting tailgating events.

### Literature Review

The first occurrence of tailgating at an athletic event anecdotally occurred on November 6, 1869, at the initial intercollegiate football game between Princeton and Rutgers. By many accounts, fans traveled by horse and carriage to attend the contest. Upon their arrival many were both hungry and thirsty and unpacked the baskets of food and drink they brought with them to the game (Cartwright, 2005). However, Yale University

also lays claim to having the first “tailgate” at an intercollegiate athletic contest during the 1904 season. Because there were no opportunities for fans to purchase food and beverages at the contests, fans began to bring their own for the rest of the season (Tailgating America, n.d). Despite the uncertainty regarding the origin of the practice or the term tailgating, what is certain is that tailgating has expanded and evolved over time. Today, fans socializing before sport and entertainment events has transformed to such an extent that it has been asserted that “... tailgating has become one of the most influential phenomena in today’s sport industry” (Miller & Gillentine, 2006, p. 1). To gain a broader understanding of this phenomena, it is important for event organizers to become familiar with the consumer’s (fan’s) motives for participating in tailgating activities.

### Consumer Motivations

Research findings suggest that a desire for social interaction, togetherness, excitement and escape serve as fan motives for participating in tailgating events (Gillentine, 2003; James, et al., 2001). James, et al. (2001) suggested that people began tailgating for one reason (e.g., social interaction), and continued tailgating for varied reasons. Identified reasons were spending time with friends (social interaction), (2) consuming food and beverages, (3) the overall atmosphere of tailgating events, and (4) having fun. Gillentine reported that more than half of the respondents tailgated with more than 10 other fans, further emphasizing the social aspect of tailgating. Alcohol consumption was also found to be a central aspect in tailgating (Gillentine). It was also learned that many individuals began their tailgating activities four-to-five hours before the game and continued to tailgate well after the contest. Moreover, more than ten percent of tailgaters actually missed the event preferring instead to continue tailgating (Gillentine, 2003). Thus, an understanding of the motives for participants to engage in tailgating activities can help event organizers develop and implement policies and procedures that can enhance the experiences of participants while also helping to ensure a reasonably safe environment.

As the previous studies have indicated, tailgating and alcohol consumption has formed a nearly inseparable connection at intercollegiate athletic contests that should alert event organizers that inappropriate and disruptive actions of participants might endanger themselves and/or others. For example, a judge stated:

... how many other people died or were hurt because of tailgating parties, the drinking, leaving to

celebrate, to go to a bar for more drinking and then getting into a car. How many times is this repeated? Unfortunately and sadly it’s repeated time and time and time and time again (Silkworth, 2003, p. 307).

Thus, an activity that has previously been perceived by participants and event organizers as relatively safe has evolved into one that has potentially life changing consequences. As such, even venerable institutions Harvard and Yale implemented new tailgating restrictions designed to discourage binge drinking and associated rowdiness (Lebowitz, 2005; Weiberg, 2005). In 2005, Yale University put tailgating restrictions into practice because it had become as much about socializing — over beer, cocktails and food consumption— as about football (Wieberg, 2005). The restrictions banned oversized trucks, buses, and RVs and required that all tailgating activities end by half-time of the game (Wieberg, 2005). A more recent policy at Harvard enforced a prohibition on U-Haul trucks or similar sized vehicles as well as a ban on kegs or other devices that promote the rapid consumption of alcohol (Korn & Randall, 2008). The policy also forced tailgating activities to end at the beginning of the game rather than at half-time as it previously had been enforced (Korn & Randall, 2008). Although the policies at both Harvard and Yale were met with resistance, they have proven to be successful as disruptions related to tailgating activities that previously occurred are no longer the norm.

A review of existing tailgating policies and procedures is vital for event organizers, and the development of a best practice tailgating management model is warranted. In order to develop an effective and efficient best practice model, it is important to identify key components that should be included. Additionally, legal aspects such as premise liability, foreseeability, injuries caused by third parties such as fans fighting, and negligent marketing must be addressed to gain insights into the potential legal implications that could potentially face intercollegiate sport event organizers.

### Legal Implications

While many who partake in tailgating activities do not act in a criminal manner, the potential for legal implications for event organizers abound (Wong, 2002). To prevent possible litigation, event organizers, as representatives of the landowners where the events are held, should be cognizant of their legal duties related to patron safety. Therefore, an understanding of the duties as land possessors to create and maintain a reasonably safe environment and to protect their patrons

from the criminal acts of third parties is essential (Miller & Gillentine, 2006; Miller, Veltri, & Phillips, 2007).

## Premises Liability

To mitigate against possible litigation, intercollegiate sport event organizers should be cognizant of their legal duties related to patron safety (Wong, 2002). Miller and Gillentine (2006) stated that, "...universities and colleges who support tailgating at athletic contests must understand the need to provide a safe environment for their patrons on their premises" (p. 211). Premises liability is based upon traditional negligence principles of duty, breach, and harm (Lewis v. Mammoth Mt. Ski Area, 2009). While a land possessor is not an insurer of a visitor's safety at all times, the doctrine of premises liability holds landowners and/or possessors of a property liable for injuries occurring on said property including land areas and facilities (Sharp, 2003). The existence of duty of care under premises liability is determined by considering the following factors: the relationship of the parties, the likelihood of injury, and/or the foreseeability of potential injury that may exist (Bearman v. University of Notre Dame, 1983).

To provide spectators with a reasonably safe environment, it is critical for event organizers to recognize the duty of care owed to patrons attending events. In the absence of a special relationship between parties, there is no general duty to protect third parties from the behavior of others. However, a recent ruling found that a "special relationship" exists between business proprietors and their patrons or invitees (Baker v. Major League Baseball Properties, 2009). Baker alleged that while attending the 2006 World Baseball Classic Championship final game he was injured when he fell while walking in one of the stadium's parking lots. He asserted that his injuries were the result of the defendants' negligence in creating and failing to correct unsafe conditions in the parking lot for pedestrians. The court ruled that the control of the parking lot created a duty for the defendants to act in a reasonable manner regarding the potential for injury to others.

Organizations have a duty of care or responsibility to protect others from third party harm, or to warn others of threats posed by third parties at intercollegiate athletics (Bearman v. University of Notre Dame, 1983). Third-party liability is often at question when individuals act under the influence of alcohol served to them by others. A common factual scenario illustrating alcohol-related third party liability is as follows: A serves alcohol to B and negligently fails to prevent B from injuring

C. Moreover, a duty of reasonable care is owed by property owners who allow others to enter their premises for business purposes. However, before a person or organization can be held liable for unlawful activity, that entity must violate an affirmative duty (Dobbs, 2000). A previous study of NCAA Division I FBS intercollegiate football stadium managers found that 96% of all games took place on the campus premises (Miller & Gillentine 2006). Accordingly, Section 344, relates that:

A possessor of land who holds it open to the public for entry for his business purposes is subject to liability to members of the public while they are upon the land for such a purpose, for physical harm caused by the accidental, negligent, or intentionally harmful acts of third persons or animals, and by the failure of the possessor to exercise reasonable care to (a) discover that such acts are being done or are likely to be done, or (b) give a warning adequate to enable the visitors to avoid the harm, or otherwise to protect against it (Restatement (Second) Torts, 1965).

## Foreseeability

Foreseeability may be regarded as the extent to which an organization knew, or should have known, that an invitee may be exposed to the probability of injury. The Restatement (Second) Torts Section 344 touches on the concept of foreseeability that may be of interest to any venue manager, specifically sport event organizers, is Comment f of Section 344, which states:

He may, however, know or have reason to know, from past experience, that there is a likelihood of conduct on the part of third persons in general which is likely to endanger the safety of the visitor, even though he has no reason to expect it on the part of any particular individual. If the place or character of his business, or his past experience, is such that he should reasonably anticipate careless criminal conduct on the part of third persons, either generally or at some particular time, he may be under a duty to take precautions against it, and to provide a reasonably sufficient number of servants to afford a reasonable protection.

Foreseeable danger, then, offers a foundation by which the risk of injury to another person and the existence of the duty to exercise care for a person injured on a premise is determined (American Jurisprudence, 2004). Fans paying to attend and watch an event on site are business invitees and as such, a landowner has an increased duty of care to protect patrons from negligent behavior of other fans or the negligence of event or-

ganizers (Mallen, 2001). An intercollegiate athletic department has been recognized as having a “special relationship” or duty to protect patrons at sporting events (Bearman v. University of Notre Dame, 1983). A university/college conducting a sport activity has a duty to take reasonable safety measures to warn or protect the invitees from foreseeable harmful or criminal acts of a third party (Dobbs, 2000; Maloy, 2001). This statement is substantiated by the Bearman (1983) court ruling that if it was reasonably foreseeable that a third party could inflict harm on another person the institution was liable.

### **Duty to Protect from Third-Party Harm**

In a majority of states, an organization possesses a duty to use reasonable care for the safety and protection of its patrons and to employ care such that a reasonably prudent individual would use in the same position under similar circumstances (Pierce v. Murnick, 1965). Importantly, organizations have a duty of care or responsibility to protect others from third party harm, or to warn others of threats posed by third parties (Rotolo v. San Jose Sports and Entertainment, 2007). In applying foreseeability to premises liability, a landowner has a duty to prevent foreseeable harm from occurring to those using the premises if there is a likelihood that conduct on the part of third persons in general may endanger the safety of the visitor (Rotolo v. San Jose Sports and Entertainment, 2007).

In Bearman v. Notre Dame (1983), the plaintiff left the stadium early after attending a football game at the stadium on Notre Dame’s campus. While walking to her car in the parking lot, she was injured by an inebriated tailgater who, although on university premises, had not entered the stadium to watch the game. The court stated that it was reasonable for Notre Dame to have foreseen that consumption of alcoholic beverages was a common occurrence at tailgate activities and thereby may pose a broad danger to the safety of others. Despite the ruling in Bearman, it has been reported that over 90% of intercollegiate football stadium managers at Football Bowl Subdivision (FBS) schools permitted or at least did not discourage drinking alcohol in tailgating areas (Miller & Gillentine, 2006). Moreover, 66% of the football stadium managers not only allowed alcoholic beverages (beer, wine, or hard liquor) but nearly as many (64%) did not limit the amount of alcoholic beverages in the area (Miller & Gillentine, 2006).

Finally, if past experience is such that reasonably careless or criminal conduct on the part of third persons may be anticipated (Bearman v. Notre Dame, 1983), a

landowner has a duty to take precautions against it, and provide a reasonably sufficient number of personnel to afford a reasonable protection (Dobbs, 2000). To that extent, Miller and Gillentine (2006) found that more than half of all Division I FBS schools did not specify times when tailgating areas were open or closed. Failure to identify specific times for the beginning and cessation of tailgating activities could result in a greater risk of injury or incidence due to lack of supervision or monitoring in the areas being used for tailgating. Obviously, these issues may expose an institution to litigation if a person was injured in a tailgating area on the premises.

### **Negligent Marketing**

The legal concept of negligent marketing and its potential relationship to the promotion of tailgating events also has possible implications for event organizers (Gillentine, Miller & Calhoun, 2008). The public perception of tailgating as part of a positive event experience for attendees is especially useful to event marketers who are continually searching for new ways to promote their product to consumers. Images of playful interaction between students, children, and families generate implications of a safe, wholesome environment for the sport consumer.

However, other promotions and advertisements, directed to a different target segment, depict fans tailgating with alcoholic beverages. Other advertisements display fans painted from head to toe in school colors involved in raucous behavior and even throngs of fans storming the field after a big win. Each method of target marketing is aimed at a different market segment, yet both are promoting the same game environment. Not only do event organizers have a duty to protect patrons while they are on the premises, they very well may be liable for promoting an environment that fails to paint an accurate picture of the atmosphere present at the event.

While legal precedence in the area of negligent marketing has most frequently been cited in reference to the manufacturing and sale of firearms, it has also been applied to events in which patrons are invited to participate in an activity about which they have not been adequately informed (Merrill v. Navegar, Inc., 2001). According to Ausness (2002) negligent marketing encompasses three distinct areas: 1) product design, 2) inadequate supervision, and 3) advertising and promotional activities. As such, the concept of negligent marketing states that promoters should not employ approaches that may enhance the likelihood those individuals may injure either themselves or others (Aus-

ness, 2002). For example, promotions that represent a product being consumed in a way that exposes a person to unnecessary harm may subject the manufacturer or marketer to a claim for negligent marketing (Ausness, 2002). If litigation occurs in which the defendants can verify that the marketing campaign predisposed them to how the product was consumed, service providers could be sued successfully for negligence (Ausness, 2002).

### **Tailgate Policies and Procedures at Division IA Football Stadiums**

In order to determine how intercollegiate athletic departments managed the potential tailgating risks previously identified, Miller and Gillentine (2006) surveyed event managers from FBS affiliated athletic departments. As previously noted, the survey results indicated that 96% of the institutions conducted their games on their campus premises. Further, more than 60% of the respondents did not identify specific times when tailgating areas were open or closed and over 90% permitted or at least did not discourage drinking alcohol in the tailgating areas. Of the type of beverage that was permitted in the tailgating area, the study disclosed that 66% allowed any type (beer, hard liquor, or wine) and 64% did not limit the amount of alcoholic beverages in the area. Finally, less than 60% of the respondents indicated that trained security personnel monitored the tailgating areas. Since drinking alcoholic beverages is a recognized element of tailgating (Gillentine & Miller, 2006), and tailgating may be considered part of the emotionally charged atmosphere often found surrounding intercollegiate football games (Wechsler, Kelley, Weitzman, San Giovanni, & Seibring, 2000), it would be reasonable for the landowner (i.e. university/college) to anticipate that intoxicated actions of some of tailgaters may endanger others (Bearman v. University of Notre Dame, 1983). To counteract the potential risks as previously identified, it is important for event organizers to incorporate risk management assessments into the development of a best practice tailgating model.

Risk management emphasizes a structured, comprehensive process for assessing and addressing potential risks. Effective risk management plans seek to identify and assess the widest possible range of potential risks in less structured events such as tailgating. For example, lack of supervision of potentially intoxicated fans (duty to protect third parties) or the promotion of an activity in which a person may be exposed to foreseeable harm (negligent marketing) represent two potential risks previously addressed that can be identified through a risk management assessment. Additionally, an effective

risk management plan should include a method for the ongoing assessment of risks while simultaneously serving as a guide for the day-to-day management of identified risks (Young & Tippins, 2000).

Generally, it can be said that risk tends to degrade an organization's (or an activity's) value if left unattended (Rescher, 1983). Thus, the case can be made that a well-thought out and developed best practice model incorporating risk assessment can contribute to the organizational value (Williams, Smith, & Young, 1998). The results of the Miller and Gillentine (2006) study indicated that many of the identified potential risks related to tailgating activities were not addressed in existing policies being used by event organizers. As a result, the authors of the current study propose the inclusion of specific components for the development of a best practice approach to guard against potential litigation, promote a safe and fun atmosphere and potentially enhance the marketability of events.

### **Need for Best Practice Model**

In order to fully comprehend their legal responsibilities, event managers must gain an appreciation for the development of risk management plans specific to tailgating activities. Baron (2004) asserted that risk management should be used to assist sport event managers in providing a reasonably safe environment for their patrons. As such, risk management may be perceived as constituting a fundamental way in which decision makers solve problems. By possessing this awareness event organizers may minimize the likelihood of future potential litigation that negatively impacts the reputation and financial considerations of the organization. Best practice models provide access to event processes that appear to describe the best ways of preparing, organizing and conducting an event. They also attempt to capture information and knowledge regarding the most effective, efficient and consistent method to operate and develop that information into a standard operating procedure (O'Toole, 2000).

Although the use of best practice models can be found in a variety of industries such as engineering and health care, only recently have experts begun to explore the benefits of introducing this concept to event management (O'Toole, 2000). Importantly, the implementation of a best practice model for sport event management is enhanced by the use of volunteers and part-time staff that is commonplace in event management. It is perhaps the use of this supplemental workforce that differentiates event management

from other project-based industries (O’Toole, 2000). As sport event environments have become more complex (financially, legally, culturally), the need for a systematic methodology for the conducting of events has become more apparent (O’Toole, 2000). The current system of patchwork methodologies leaves the sport event managers in a vulnerable position in terms of potential litigation (Gillentine & Miller, 2006; Miller & Gillentine, 2006; Miller, Gillentine, & Veltri, 2008). For use in sport event management, it is important that the best practice model reflects all aspects of planning and control, including tailgating. The development of such a best practice model will provide sport event managers with a thorough system of accountability in regard to the actual management of such activities.

An important aspect of the development of a best practice model for the administration of tailgating at sports events is that it allows for a consistent system of responses in what is often a volatile environment. Following a model allows for optimal decisions to be made quickly and increase the capability to communicate these decisions to all personnel involved. Best practice models further allow for the development of programmed decisions to be implemented that ensures consistency of the oversight of the tailgating activities. A programmed (or routine) decision is one that typically involves clear decision criteria, is repetitive in nature, and involves the application of established rules or policies (Jordan, Kent & Walker, 2009).

As such, programmed decisions are the most effective and efficient way to deal with reoccurring or resident problems relating to tailgating. Resident problems are issues that will occur due to the nature of the event or activity. In relationship to tailgating, as indicated earlier in the paper, event organizers must recognize the relationship between alcohol consumption and tailgating events and have prepared, programmed responses ready to deal with violations of their chosen policies. These decisions are determined in advance of the occurrence of the problem in order to expedite corrective measures and will relieve the organizer/staff manager of the additional stress of developing a new solution to a familiar problem (Gillentine, 1995). The ability to quickly and efficiently deal with problems will increase the effectiveness of the event manager’s role.

### Components of a Best Practice Model for Tailgating

In order for organizations to host safe and enjoyable tailgating events, it is imperative that they develop and

implement a model for the hosting of the event. To facilitate this process, the following components may be used as guidelines for the development of a best practice model for hosting of tailgate events. According to Miller & Gillentine (2006) sport event organizers consistently identified six major areas of greatest risk. These areas were: 1) parking, 2) alcohol consumption, 3) flame grills, 4) glass containers, 5) trash, and 6) stadium re-entry. Additional evaluation of reported concerns and the stated importance of establishing specific policies and procedures as a method to manage risk, led the authors to identify 12 specific components for developing a best practices model for tailgating (See Figure 1).

**Figure 1. Components of Best Practice Model for Tailgating Management**

|   |
|---|
| <p><b>Each of these areas must be addressed, and communicated to all constituents, for an effective tailgating management plan</b></p>  |
| <ul style="list-style-type: none"> <li>• Tailgating Specific Policies &amp; Procedures</li> <li>• Enforcement Procedures</li> <li>• Co-operative Agreements</li> <li>• Designated Tailgating Areas</li> <li>• Tailgating Hours</li> <li>• Parking</li> <li>• Grilling</li> <li>• Glass Containers</li> <li>• Trash Receptacles</li> <li>• Stadium Re-entry</li> <li>• Alcohol Consumption</li> <li>• Evaluation/Monitoring</li> </ul> |

### Development of Tailgating Specific Policies and Procedures

Perhaps the most significant component in developing a model for hosting tailgating events is the establishment of tailgating-specific policies and procedures by the host institution or organization. While every event is unique and therefore offers different challenges that event organizers must overcome, a previous study indicated that tailgating policies were vague or non-existent among most of intercollegiate athletic programs (Miller & Gillentine, 2006). Quite often, existing policies do not provide the specific insight or depth needed to deal with the myriad of issues that can occur in conjunction with tailgating at an event. Further, these policies must be developed in concert with the existing university and/or facility policies to avoid conflict-

ing or contradictory statements or policies. By merging these written policies, the organization can minimize the likelihood of miscommunication between athletic department employees, staff and participants regarding the appropriate administration of a tailgating event.

### **Enforcement of Policies and Procedures**

Once the organization has established its written tailgating policies and procedures, it is important to establish a systematic manner to enforce these policies. As mentioned previously, these procedures must be developed in conjunction with all state and local authorities to include specific policies regarding enforcement responsibilities. This clear level of enforcement interaction will work to minimize any misunderstanding between enforcement groups. Furthermore, it is important to make sure that tailgating participants understand and recognize the efforts made by event organizers to enforce the policies and procedures established for the tailgating event. Creating this understanding may effectively allow the public to identify potential risks (Lynn, 1990; Slovic & Peters, 2006). Visible enforcement will encourage participants to observe these policies and will help ensure the establishment of a safe and enjoyable environment.

### **Cooperative Agreement with Local Law Enforcement Agencies**

The establishment of clear lines of communication between the intercollegiate sport event organizer as the representative of the university and local law enforcement agencies is of great significance. Not only are campus police, local police, state police and sheriff departments important to the hosting of a safe tailgating event, the inclusion of local city and county as well as state agencies cannot be overstated. Depending upon the location of the event, tailgate host organizations need to thoroughly examine the possible interactions with such agencies and immediately make initial contacts. The establishment of these agreements, as well as a clear understanding of jurisdictional responsibility will go a long way towards minimizing any later misunderstandings or confusion.

### **Establishment of Designated Tailgating Areas**

A primary concern for sport event organizers and local officials will be the location of the tailgating activities. A previous investigation of tailgating policies at collegiate football events indicated that only a little

more than half of FBS affiliated universities assigned or restricted areas for tailgating (Miller & Gillentine, 2006). It is important that designated tailgating areas are established and clearly identified and marked for the public. This designation will help organizers implement their system of oversight and enforcement. Areas where tailgating will not be allowed must also be clearly identified and marked and violators readily informed. This must be done to maximize the safety of those attending and participating in tailgating at sports events.

### **Determination of Tailgating Hours**

Miller and Gillentine (2006) reported that over 60% of NCAA BCS schools did not specify specific hours for tailgating. Moreover, more than 80% of the participants did not indicate when tailgating areas would close. Specific times that tailgating will be permitted must be completed well in advance of the event and clearly communicated to all parties involved. Quite often, tailgaters plan on arriving well before an event to begin their tailgating experience. The failure to establish set hours during which tailgating may occur can lead to increased levels of liability and add to the expense of monitoring additional tailgating activities.

### **Tailgate Parking**

Parking lots utilized for tailgating activities are often inadequately secured and have insufficient lighting that may compromise the safety of patrons (Clarke, 2002). Parking regulations for participants wishing to tailgate must also be established to increase the safety of participants. This may also serve as a means for separating those who do not wish to participate or be exposed to tailgating activities from those who do. The clear identification of these areas can lead to more efficient parking utilization and safer pedestrian traffic.

Miller and Gillentine (2006) reported that only one-third of the surveyed universities possessed policies regarding the number of available parking spots for tailgating purposes during football contests. Additionally, although recreational vehicle parking was a concern for football event managers, almost 90% of the universities did not possess policies regulating where or how RV's could be parked (Miller & Gillentine, 2006). In addition to the tailgating vehicle restrictions implemented at Harvard and Yale Universities described earlier, Notre Dame has recently developed a policy that only allows passenger vehicles to park in designated tailgating areas; no recreational vehicles, limousines, large trucks, buses or motorcycles are be

admitted (Brown & Heisler, 2009). The blind spots created by large trucks, sport utility vehicles or recreational vehicles could create a foreseeable exposure to patron harm (Clarke, 2002). As such, sport event organizers may consider designating separate parking facilities for cars and recreational vehicles (RVs) or totally eliminating oversized vehicles from tailgating areas.

Another concern deals with tailgating areas that encroach on the driving lanes within the parking area. Tailgaters may simply extend their tailgating party from the end of their vehicle and spill into the adjacent driving lanes, often completely blocking them. Both of these scenarios present problems that can be minimized by establishing the amount of space allowed by each tailgater and enforcing the policy. Many tailgating areas (for cars) designate a space equivalent to the size of an average parking space for each tailgater that forces the tailgating party to extend into the driving lanes creating a potentially dangerous situation.

A third issue that must be addressed with RV tailgaters deals with overnight stays. Frequently RV tailgaters arrive the day before the event and stay over the night of the event. If the organization chooses to allow RVs to park overnight it is imperative that policies are established, publicized, and enforced. Although overnight stays can be a revenue producer for the organization, it also increases the level of responsibility and costs associated with the appropriate oversight and enforcement. In addition, there are concerns related to the provision of electricity as well as proper sanitation equipment for overnight campers. With this in mind, the event organizer must understand that as long as tailgaters remain on university premises, the university in general is liable for their well-being.

### **Open Flame (Grilling) Policies**

A favorite activity of many tailgaters is the grilling of food. The equipment used for this activity ranges from elaborate grilling systems to crude improvised grills (i.e. aluminum trashcans, holes dug in ground, etc). Despite the level of sophistication of the grill, a level of concern must be addressed by event organizers. Primarily, organizers must determine whether open flame grills will be permitted in tailgating areas. While it may be fun, the use of open flames poses several safety issues (Notre Dame, 2009). If the organization allows open flame grilling, specific areas should be designated to facilitate this activity. A second issue deals with the type of grilling (propane or charcoal) that will be permitted. If grills are allowed, a designated

disposal area for coals must be established since a hot charcoal grill may create an explosion in an event parking lot. Open flame grilling also creates safety concerns for those participants not using grills. The heat generated by these grills can be a cause of injury to passersby who may bump into or brush against the hot surfaces. Failure to monitor or regulate the use and type of grills being utilized by tailgaters led to a multi-car explosion during the 2010 NFL playoff game between the San Diego Chargers and the New York Jets, which was a direct result from the inappropriate disposal of discarded charcoal (Spitzer, 2010). Sport event organizers may also determine that tailgaters may only use grills provided by the organization and that are permanently part of the tailgating area. This may be problematic in determining the number of grills needed and location.

### **Glass Containers**

Organizers must institute policies regarding the use of glass containers. Although some sports organizations do not allow glass beverage containers to be brought into the tailgating area, others allow beverages to be brought in glass bottles but they must be poured into cups for consumption. The use of bottles is of concern due to the safety considerations presented by the potential for broken glass. The organizers should also be concerned with the disposal of glass containers and the potential hazards they present to clean-up personnel. The issue of glass beverage containers also potentially spills over into the stadium area itself as tailgaters often continue consuming from glass containers as they approach the entrance of the stadium. Their often haphazard and careless discarding of the glass container can result in a potentially dangerous environment for other fans attempting to enter the facility.

### **Trash Receptacles**

A major problem encountered by organizations is the disposal of the large amounts of garbage generated by tailgaters. It is important for sanitary, safety, ecological, and financial reasons to clearly establish an efficient system of trash collection at tailgating sites by placing trash receptacles in convenient locations throughout tailgating areas. Too often, an inadequate number of trash receptacles are used which results in overflowing and unattractive mounds of trash. Sport event organizers should work with sanitation personnel to determine the most efficient number and locations of receptacles.

Sport organizations may also wish to distribute trash bags (perhaps paid for by a sponsor) to par-

ticipants as they enter the tailgating area. This can be used as a gesture of good will by the organization to participants (many who forgot to bring trash bags) and encourage self-clean up by participants. As more venues look for ways to become ecologically friendly, recycling bins for aluminum and glass (if allowed) can be distributed in the area. By investing in an efficient number of trash receptacles needed and distributing trash bags to participants, organizations may actually reduce the cost associated with post-event clean-up.

### **Stadium Entry and Re-entry Policies**

Sport event organizers must clearly institute their policies for entry and re-entry to the event. Many tailgaters bring televisions and radio equipment to their tailgate party that allows them to watch or listen to music and television before and after the event. Some will be having such an enjoyable time at their tailgating event that they may decide not to attend the event but rather to continue tailgating. Event managers must decide whether participants are allowed to stay in the tailgating areas once the event has started. Many organizations have created policies that require tailgaters to either enter the event or leave the parking lot by the start of the event. Recent policy changes at Harvard requires tailgating activities to end at the beginning of the game rather than at half-time as previously allowed (Korn & Randall, 2008). It is perceived that limiting tailgating time and subsequent access to the event may minimize the likelihood of problems caused by individuals staying in the tailgating area the entire or a large portion of the event. An additional component of this policy requires everyone entering the tailgating area to have a ticket to the event.

A second issue deals with fans exiting and re-entering the stadium once the event has started. In past years, many event organizers allowed patrons to exit the venue and re-enter by displaying their ticket stub. This policy is often abused as it encourages patrons to leave the event to return to their tailgate, perhaps to consume additional alcoholic drinks, and then re-enter the event. Allowing re-entry after leaving the facility can also result in un-ticketed fans gaining access. In order to minimize problems associated with re-entering an event, many organizers simply establish a policy that does not allow for exiting and re-entering the event for any reason without an additional ticket.

### **Alcohol Consumption Policies**

Perhaps the most important component of a best

practice tailgating model is the development and inclusion of an alcohol consumption policy. As previously addressed, alcohol consumption at tailgating events has been associated with a variety of problems that place event organizers in a potentially litigious situation (Gillentine, 2009). Further, the consumption of alcohol at tailgating events impedes the establishment of a safe environment for all participants to enjoy the tailgating experience. It is therefore imperative that sport organizations implement a definitive policy detailing the policies regarding the serving and consumption of alcoholic beverages. These policies must coincide with existing policies (i.e., university, city, country, state, etc.) and be strictly enforced. This component also stresses the need for a workable system of enforcement regarding the consumption of alcohol. Among the issues that may need to be included in such a policy are: 1) open container restrictions; 2) underage drinking; 3) open bar settings; 4) intoxicated attendees; and 5) use of beer kegs.

Wechsler, et al. (2000) reported that only a small percentage of universities restrict alcohol use in university sponsored events including home athletic contests, home tailgate events, home pre-or post-game parties, homecoming celebrations, on-campus dances or concerts, on-campus banquets or receptions, and alumni events. However, another investigation assessed the effects of a ban on beer sales at intercollegiate football games and found large decreases in the number of ejections, arrests, assaults, and student referrals to judicial affairs existed (Bormann & Stone, 2001). Several recent studies have also indicated that individuals who regularly tailgate are more likely to participate in activities (drinking games such as Beer Pong, etc.) that encourage risky drinking practices (Pedersen & LaBrie, 2007; Read, Merrill, & Bytschkow, 2010). These findings take on greater significance when coupled with another finding that more than ten percent of tailgaters actually missed the football game preferring instead to continue tailgating. Gillentine (2003) indicated that more than 80% of the respondents began their tailgating activities four-to-five hours before the game and continued to tailgate well after the contest. This finding is significant when it has been reported that 66% of the universities did not restrict the type or the amount of alcohol a person or group could bring into the designated tailgating areas (Miller & Gillentine, 2006). Failure to regulate these potential areas of risk could result in tailgating activities occurring in areas for relatively unregulated periods of time, without any restrictions, and/or with little or no supervision from the event organizers.

Another major concern regarding drinking policies, identified by several studies, has been the possibility of underage drinkers attending tailgate parties (Miller & Gillentine, 2006; Read, et al., 2010; Wechsler, Seibring, Liu, & Ahl, 2004). Amendments to the federal 1989 Drug-Free Schools and Campuses Act required universities to develop policies to prevent the illegal use of alcohol on campus (Wechsler, et al., 2004). However, Read, et al., (2010) indicated that being underage and not possessing a legal ID was a significant reason for students to partake at tailgate parties. Read, et al. (2010) further reported that under aged students drank more and became more intoxicated at events, such as tailgate parties, than those of legal drinking age. As a result the potential for underage drinking as well as patrons being injured by intoxicated tailgaters is increased, especially if supervision is non-existent.

### **Evaluation and Adjustment**

Any best practice model must include a mechanism that systematically evaluates the effectiveness of the model. Sport event administrators must actively seek feedback and evaluation from all agencies and personnel involved with the event as well as participants in the activities. This feedback can prove invaluable, as it will provide the information necessary to make adjustments in the model for its' most efficient use. Sport event administrators may employ a variety of measures to gather the needed information, including casual interviews, formal surveys, anonymous suggestion boxes, or comment areas on the team or venue website.

Operational models such as the best practice tailgating model should not be viewed as a static final product. To the contrary, all effective and efficient risk management plans are dynamic in nature and should be designed with consistent ease in modification in mind. Continued experience, actual occurrences and actual loss will drive future direction and modification for the model. It is important for the event organizers to recognize that the control mechanisms being implemented will need to be changed and/or adjusted as the environment, financial, legal and cultural, in which they are applied, evolves.

### **Implementation Issues**

The implementation of a best practice tailgating model will not occur without encountering a variety of administrative issues. Sport event organizers need to be prepared to manage the issues of communications, implementation schedule and pol-

icy oversight when implementing a tailgating policy. Failure to prepare strategies for dealing with these issues, could lead to problems impacting the effectiveness, acceptance and success of the policies.

### **Communication**

Any change in a popular event such as tailgating will immediately draw responses from all parties involved. These responses will likely include both supportive and non-supportive comments, but both may be enhanced through the proper use of communication strategies. It is important for tailgating event organizers to keep a constant flow of accurate information available to all parties concerned with the tailgating event. These communications can be maintained through electronic and print mediums and distributed on a widespread basis. Organizations should adopt the belief that too much information regarding possible changes involving the tailgating event is better than too little or no information. It is important to note that policies and procedures must be in writing, should be reviewed and updated regularly, and should be communicated to all impacted constituents (Brown, 2003). The failure to supply patrons with accurate information may lead to the spreading of inaccurate information through the informal information grapevine. The impact of misinformation may unnecessarily and negatively affect the organization's attempts to develop a safer and more enjoyable tailgating environment for participants.

### **Implementation Schedule**

Developing a schedule for implementing a best practice model will also present administrative challenges to sport event organizers. It is important that organizers create a schedule that allows adequate time for the best possible policies and procedures to be developed and then for those written policies and strategies to be distributed to all involved. The inclusion of multiple parties in developing these procedures and policies will, in itself, require a great deal of time. The scheduling of meetings to discuss and determine new strategies must be established to include all of the agencies needed to make the best decision. The actual implementation of these new policies and procedures will also need to have a detailed implementation schedule to ensure they are adequately understood and acted upon.

### **Oversight**

The oversight of these new policies and procedures will also pose a challenge to event organizers. It is important that not only are the policies and procedures

closely monitored but that the implementation is consistent. In order to properly oversee the new tailgating model, sport administrators may acknowledge the need to employ additional staff to ensure the model is working optimally. As with any new strategy or change, sport event administrators can expect some level of resistance to the new best practice tailgating model. The resistance to the new changes can be minimized by involving the patrons in the decision making process as much as possible. Slovic (2001) stated that as societies have attempted to make individual's lives healthier and safer, people have become more risk conscious. While quantifiable assessments are important elements in many decision-making situations, reliance on the patrons' abilities to recognize potentially dangerous situations and report them is often quicker and more efficient method of providing a reasonably safe environment (Miller, Veltri, & Gillentine, 2008).

Patron involvement can be accomplished by gathering input through surveys (on-line, mail and in-person) recording their concerns and reactions to proposed changes and appropriately reacting to the information gathered. The survey may also offer insight into the patron's level of understanding of the proposed changes, which may indicate the effectiveness of communications. Organizers can further minimize resistance by clearly and accurately distributing information as discussed earlier. Event organizers can minimize resistance to change by promoting why these changes are necessary and publicizing the advantages and benefits of the newly proposed model. Examples of new advantages, such as the availability of texting as a method for patrons to report problems and/or unruly behavior of other fans in the stadium as well as at tailgating activities, may encourage acceptance (Lavigne, 2009). By promoting an inclusionary aspect of the risk management program, the sport event administrator's ability to better assess potential threats and vulnerabilities will increase, thus creating a reasonably safe environment. Additionally, the enhanced safety that the new model may provide should be clearly described in order to tout the potential benefits of the plan.

### **Implications for Event Organizers**

The development and implementation of a best practice tailgating model has several direct implications for event organizers. From a managerial standpoint, the development of a best practice model will help administrators bring increased levels of order and control to an event that previous research indicates may suffer from inadequate oversight and supervision

(Gillentine, 2003; Jackson, et al, 2003; Miller & Gillentine 2006). Various models have been put forth to characterize the relationships between risk perceptions and behavior (Adams, 2001; Slovic & Peters, 2006). Adams (2001) delved into the perception of risk management actions and the response to them. In an operational view, risk management has been predisposed to consider responses to be uniformly favorable (patrons perceiving heightened security are less likely to act in a questionable manner). This outlook stresses that risk management requires consideration of the interconnectiveness of risks. Through the development of a best practices model to assist in establishing greater control, event organizers can enhance the levels of safety and efficiency surrounding the tailgating event. Further, the identification of components leading to the establishment of a best practice tailgating model will increase the consistency regarding decisions that are made during the administration of the tailgating event. The policies and procedures will increase the usefulness of programmed decision making which will de-centralize the decision making process and speed up response times to problems that may arise.

The development and implementation of a best practice tailgating policy will also help minimize the litigious environment in which tailgating events exist. Through this model, event organizers will be able to identify and minimize the likelihood for unsafe actions. By taking these proactive measures, organizations are exhibiting aggressive actions to ensure the safety of patrons, thus reducing the likelihood of successful negligent tort suits. The model can be used to increase the assurance that a safe and enjoyable environment is made available to participants.

## **Conclusion**

It is evident that tailgating at events, particularly sport events, has become a permanent part of many consumer's total experience expectations. As such, event organizers need to develop best practice models that can increase a safe and enjoyable environment for participants. The inclusion of the discussed core components can provide a framework around which sport event organizers can develop and adapt a best practice model to fit their specific needs. Best practice models can also enhance the efficiency in which the event is executed by minimizing the possible occurrence of identified threats or problems. The action may also limit the liability of event organizers, as they are able to display a proactive concern by providing a safe environment for participants.

A best practice model must be designed in such a manner that allows for constant evaluation and feedback. Event organizers must realize the dynamic nature of events make it impossible to design a model that would not need to change as the environment surrounding it changes. The identified components and the development strategies discussed, provides event managers with information to develop a specific best practice model for tailgating. By implementing this best practices model, tailgating may continue to be an important and enjoyable activity but in a relatively safer and more effectively managed environment.

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