

3344-84-01 Medical amnesty/good samaritan policy

(A) Policy statement

- (1) Student safety and wellbeing are primary concerns at Cleveland state university (CSU). Everyone is responsible for creating a healthy community whose members care for one another. One demonstration of caring involves seeking medical assistance for fellow students when lives may be in danger due to alcohol and/or other drug intoxication. This policy intends to facilitate access to medical assistance and remove barriers to students who require medical assistance during emergencies, including those that involve alcohol and other drugs, and to provide the opportunity for care-centric, non-punitive, educational interventions in response to such incidents.
- (2) Students who seek medical assistance for themselves (medical amnesty) or another student (good Samaritan) due to intoxication of alcohol and/or other drugs will not typically be referred to the CSU student code of conduct review process related to alcohol and other drugs. However, this policy does not exempt students from referral to the CSU student code of conduct when reports of other policy violations accompany the alcohol and other drug report. For example, if it is reported a student engaged in destruction of property, fire safety violation, or physical harm to another person, etc.
- (3) This policy is an important piece of CSU's comprehensive and wrap-around approach to reducing the harmful consequences caused by the excessive consumption of alcohol and other drugs. This policy represents the university's commitment to informed decision-making and promotion of responsible behaviors when faced with alcohol and other drug-related emergencies.
- (4) Any exemption from the CSU student code of conduct review process granted under this policy may only apply to disciplinary action and/or sanctions under the CSU student code of conduct and, therefore, does not prevent the CSU police or another police agency from detaining a student, issuing a citation, or making an arrest if they deem that action

necessary. Cleveland state university has no ability to interfere with law-enforcement initiated investigations.

(B) Medical amnesty

(1) This policy may apply when a student receives emergency medical assistance that is:

(a) related to the consumption of alcohol or other drugs; and

(b) sought by a person not serving in an official university capacity.

(2) The student will not be charged or sanctioned for violations of university alcohol and other drug-related policies. Students receiving medical assistance in compliance with this policy shall not be referred for prosecution for any state, local or federal crime or misdemeanor solely related to the possession, consumption or supplying of alcohol or other drugs.

(3) The student will be required to consult with the chief student affairs officer or designee and may be required to participate in an appropriate educational program. Nothing in this policy shall prevent an individual who is obligated by federal, state, or local law, or university policy, practice, or procedure from reporting, charging, or taking other action related to the possible criminal prosecution of any student.

(4) No student may receive amnesty under this policy more than once in a two-year calendar period.

(5) Records of all requests for assistance under this policy shall be maintained by the office of community standards.

(6) Participation in any program as a result of this policy shall not be noted on the student's judicial record unless the student fails to complete the program.

(7) In the event a student who previously utilized this policy is involved in a subsequent alcohol or other drug-related incident, the subsequent alcohol or other drug-related incident and any resulting charges shall be treated as a second reported violation of the CSU student code of conduct.

(C) Good samaritan

(1) Students who seek emergency assistance on behalf of persons experiencing alcohol-related emergencies will not be charged or sanctioned for violations of university alcohol and other drug-related policies. Students seeking assistance in compliance with this policy shall not be referred for prosecution for any state, local or federal crime or misdemeanor solely related to the possession, consumption or supplying of alcohol or other drugs. Students may be required to consult with the chief student affairs officer or designee and maybe required to participate in an appropriate educational program depending upon their involvement in the situation. Participation in any program as a result of this policy shall not be noted on the student's judicial record. Nothing in this policy shall prevent an individual who is obligated by federal, state, or local law, or university policy, practice, or procedure from reporting, charging, or taking other action related to the possible criminal prosecution of any student.

(2) No student may receive amnesty under paragraph (C) of this policy more than once in a two-year calendar year. Records of all requests for assistance under this policy shall be maintained by the office of community standards. Participation in any program as a result of this policy shall not be noted on the student's judicial record unless the student fails to complete the program. In the event an individual who previously utilized this policy is involved in a subsequent alcohol or other drug-related incident, this incident and any resulting charges shall be treated as an alleged second offense.

(D) To apply for the medical amnesty or the good samaritan exemption, the student must meet with the chief student affairs officer or designee,

complete an application and, once referred, complete any and all recommendations made in consultation with student wellness, health and wellness services, and or counseling services. These recommendations will include, at minimum, an individual appointment with a staff member or counselor and a follow-up appointment to discuss alcohol and other drug use.

(E) Student organizations

A representative of a student organization hosting an event is required to promptly seek medical assistance in an emergency that is related to the consumption of alcohol or other drugs. Hosting/sponsoring organizations whose representatives seek emergency assistance on behalf of persons experiencing alcohol and other drug-related emergencies will not be charged or sanctioned for violations of the student code of conduct. Organization representatives may be required to consult with the chief student affairs officer or designee and that organization may be required to participate in an appropriate educational program. Participation in any program as a result of this policy shall not be noted on the organization's judicial record unless the organization's members fail to complete the program. No organization may receive amnesty under this policy more than one time in an academic year.

(F) Reports of hazing and student organizations/groups/teams:

If an organization has been found in violation of the university's anti-hazing policy, then the organization's willingness to seek medical assistance for another person or student may be viewed as a mitigating factor if or when sanctions are issued. This policy does not negate the investigation and sanctioning process if a student organization, group, or team is found responsible for hazing. However, the sanctioning process is able to consider whether or not the responsible party/parties sought medical assistance.