

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

12.4.4

**COLLEGE OF CHARLESTON STUDENT HANDBOOK**  
**Good Samaritan /Medical Amnesty Policy**

**10/5/2020**

### **Policy Manager and Responsible Department or Office**

Division of Student Affairs, Office of the Dean of Students

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### **Purpose/Reason for the Policy**

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### **Departments/Offices Affected by the Policy**

All Departments

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## Policy

The College of Charleston reserves the right to make changes in its policies, regulations, and procedures as printed herein through normal channels. The *Student Handbook* is produced by the Division of Student Affairs.

The College of Charleston is committed to providing leadership of equal employment and equal educational opportunities for all qualified persons regardless of gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability, or other legally-protected classifications. This effort is in compliance with all federal and state laws, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and all other laws and regulations as they pertain to equal opportunity. For further information, contact the Office of Equal Opportunity Programs at 843-953-5758.

An electronic version of the *Student Handbook* is currently available on-line. You can access it through the College of Charleston home page at <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php>

### 16. Good Samaritan / Medical Amnesty Policy

#### 1. SUMMARY OF POLICY

This policy provides that any student who is in need of medical care during an alcohol or other drug- related emergency (as defined in Section 3.2 and from here forward shortened to AOD—alcohol and other drugs), and who receives or actively seeks out such care in a timely fashion, may do so without fear of being subjected to Student Conduct action.

This policy only applies to College policies as outlined in the Student Code of Conduct. This policy does not impact any legal or judicial charges or proceedings.

This policy is intended for one-time use only by an individual student and is not intended to apply to students with repeat incidents of violations of our AOD policies.

#### 2. PURPOSE

Unfortunately, when AOD-related emergencies arise, many students hesitate to contact Public Safety officials or healthcare professionals out of fear that disciplinary consequences may follow. The Good Samaritan/Medical Amnesty Policy will grant conditional amnesty from Student Conduct action for those students in need of medical attention, as well as those students who call for assistance to aid another student, because of alcohol and/or drug abuse.

The purpose of the Good Samaritan/Medical Amnesty Policy is to encourage a student to seek assistance when that student is in need of medical attention or when that student knows of another student in need of medical care due to an AOD emergency (an “AOD-Related Medical Emergency”). Those who receive medical attention for their abuse of alcohol and/or other drugs will also receive education concerning their own habits so that they may make healthy decisions in the future.

### 3. DEFINITIONS

3.1 Conditional Amnesty – Students who report an AOD-Related Medical Emergency in accordance with this Policy will not be subjected to formal student conduct action. As a condition for this courtesy, however, the student or students involved will be required to undertake a series of affirmative measures to redress any damages they may have caused and to receive one or more interventions to assist them in correcting unacceptable behavior.

Conditional amnesty granted under this Policy does not negate the laws and ordinances enforced by local, state, and federal law enforcement authorities. Nor will it excuse violations of other College policies. If any policy or law violation beyond alcohol and/or drug consumption and abuse are committed, conditional amnesty will not apply. Such other violations may include, but are not limited to, disorderly conduct, threats of harm to others, hazing, property damage, sexual Harassment/Abuse, alcohol and/or drug distribution, assault, and/or other crimes. Students who have been charged with such other violations in direct relation to the incident in which they pursue amnesty will not qualify for amnesty. Moreover, any organization providing alcohol and/or other drugs to students during an event or gathering at which multiple students become ill will not qualify for amnesty.

This Policy will only apply in cases under the jurisdiction of Residence Life and the Office of the Dean of Students.

3.2 AOD-Related Medical Emergency – AOD-Related Medical Emergencies include alcohol overdose and alcohol poisoning and/or drug overdose and drug poisoning that warrant immediate medical attention to protect the health of the student or others. Signs of AOD-induced distress may include, but are not limited to, one or more of the following:

- A. Unresponsiveness to shouting and vigorous shaking;
- B. Skin that is pale, clammy, bluish, or blotchy;
- C. Depressed respiration, lapses in breathing;
- D. Mental confusion, memory problems, unusual behavior, stupor, unconsciousness, or coma;
- E. Dizziness, fainting or sudden changes in blood pressure;

F. Rapid heartbeat, seizures, convulsions, or rigid spasms; or

G. Vomiting while asleep or unconscious coupled with failure to wake.

3.3 Medical Attention – In order for a student to qualify for conditional amnesty, he/she must receive or actively seek out medical attention. This may include a range of efforts evidencing an unequivocal intention to receive medical help, such as a voluntary examination by College of Charleston First Responders/EMS, contacting local EMS, or seeking transportation to or visiting a hospital for more intensive care. It also includes asking for the assistance of Student Health Services. A student will qualify for conditional amnesty only if the student makes no effort to resist the help of the College, local emergency staff, or healthcare clinicians. Medical intervention must be sought at the time of the observed conditions that give rise to a reasonable suspicion of alcohol and other illegal drug use.

3.4 Helper – A helper is any student or student organization who seeks help for a student suffering from an AOD overdose or poisoning. Although helpers are appreciated and encouraged to take action if they see a student in need, their amnesty is also conditional. Helpers that are found to have committed other violations of law or College policies such as hazing (see Section 3.1 above) are held accountable for their actions. They will not be eligible for amnesty and may receive student conduct sanctioning as a result of their infractions. Amnesty for individual helpers only applies to College policy and not to local, state, or federal law enforcement processes. If the amnesty incident is connected to a hazing incident, the student organization will be charged following student conduct procedures.

#### 4. PROCEDURES

4.1 Assignment of a Conduct Officer – In the event that an AOD-Related Medical Emergency should arise, the Office of Student Affairs<sup>{EC-1}</sup> (the “Office”) will be notified. Thereafter, a Conduct Officer will be assigned by the Office to the parties involved. The Conduct Officer may be a Residence Life Official or a Student Affairs official. Each student will be sent a written notice that he/she must meet with the assigned Conduct Officer for a conversation.

4.2 Decision – The assigned Conduct Officer(s) will make the decision of whether the concerned student(s) qualifies for conditional amnesty under this Policy after giving full consideration to the circumstances of the case.

4.3 Assignment of Amnesty Conditions – Should the student(s) qualify for conditional amnesty, the Conduct Officer(s) will evaluate the case and surrounding circumstances in order to assign appropriate conditions as alternatives to sanctioning. These conditions will be educational or therapeutic in nature, designed to benefit the student and improve his/her future decision making. These conditions will most likely include mandatory sessions with a professional in the Office of Counseling and Substance Abuse Services (CASAS) and possible parental notification. All service fees for assigned substance abuse counseling will be waived if the student qualifies for conditional amnesty.

4.4 Failure to Complete Conditions – If the student fails to agree to the amnesty conditions, or fails to satisfactorily complete the assigned conditions deemed necessary by his/her Conduct Officer, conditional amnesty will not be given, and any amnesty previously given shall be revoked. Student conduct charges will be filed. Thereafter, the case will be turned over to the Office of Residential Student Rights and Responsibilities of the Department of Residence Life or the Office of the Dean of Students where it will be subject to conduct processes. This will most likely result in the creation of a formal conduct record of the incident in question and, if culpability is found, may require the imposition of student conduct sanctions.

4.5 Documentation and Record Keeping – If a student qualifies for conditional amnesty, documentation or evaluation of the case will not be placed in any student conduct record. A record, however, will exist in the Division of Student Affairs that the incident transpired, but this record is not normally reportable to outside employers, agencies or other higher education institutions without the permission of the student. However, some background checks for local, state and/or Federal employment may require full disclosure and release of student records, in which case, the record of the incident may be reported. In addition, the College may be served with a subpoena or other legal process that requires that the College produce the record. In such cases, the College will comply with all applicable provisions of law. In addition to the foregoing, the record will exist in the Division of Student Affairs to track the student's behavior should there be another incident of a similar nature.

#### 4.6 Amnesty for Multiple AOD - Related Medical Emergencies

##### A. For those needing assistance –

This policy is intended for one-time use only by any individual student. It is intended to serve as a wake-up call and a way for students to improve their decision-making skills as well as to learn healthy habits of living. Amnesty, under this Policy, is not considered a right. It should be viewed as an opportunity and is not to be abused by those who break rules of conduct on repeated occasions. Accordingly, any student needing medical attention for an AOD-Related Emergency on more than one occasion may not receive amnesty even if all other terms and conditions of this Policy are met. The granting of any form of amnesty remains a matter of discretion with the Division of Student Affairs.

##### B. For Helpers –

Helpers, or those who seek help for the endangered student, are not limited to only one use of the Good Samaritan/Medical Amnesty Policy. It is expected that members of the College of Charleston community will always make an effort to help a fellow student that is in need even if they have been using alcohol and/or other drugs themselves. Notwithstanding the foregoing, if a Conduct Officer has reasonable suspicions that the Good Samaritan/Medical Amnesty Policy is being abused in any way, he/she may hold in abeyance the amnesty to a helper until an investigation of the incident is completed.

**5. FUTURE REVISIONS**

This Good Samaritan/Medical Amnesty Policy can be revised at any time in accordance with the College's Campus Wide Policy Making Procedures.

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**Related Policies, Documents or Forms**

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<b>Issue Date:7/26/2016</b> <b>Date of Policy Review:10/5/2020</b>
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<b>Next Review Date:10/26/2025</b>
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**POLICY APPROVAL**

**(For use by the Office of the Board of Trustees or the Office of the President)**

Policy Number: 12.4.4

President or  
Chairman, Board of Trustees



Date: 10/5/2020