

3341-2-43 Student Conduct Process Involving Medical Amnesty.

Applicability	All University Units
Responsible Unit	Office of the Dean of Students
Policy Administrator	Dean of Students

(A) Policy Statement and Purpose

Student health and safety is a substantial university interest. Abuse and overconsumption of alcohol or other legal and illegal substances is a serious and worsening national problem. The university's interest in promoting student health and safety is furthered by encouraging students to seek and obtain prompt medical assistance for themselves, and/or another, if in distress from the abuse of alcohol or other substances. The university's interest is also furthered by removing obstacles to obtaining prompt medical assistance for a person in distress from alcohol or substance abuse.

(B) Policy

- (1) Any student who, in good faith, seeks or obtains medical assistance (e.g., by calling 9-1-1) for another person shall not be found responsible for a minor violation of the Code of Student Conduct, policy 3341-2-28, including the possession or consumption of alcohol or drugs, unless the student caller knowingly and/or recklessly endangered the health or safety of another person. If, during the conduct procedures, a student caller's actions are determined to have been knowing and/or reckless, having called for assistance will be considered as a mitigating factor in determining a sanction.
- (2) A currently enrolled student who, in good faith, seeks or obtains medical assistance (e.g., by calling 9-1-1) for themselves for the overconsumption of alcohol or for a drug overdose, shall not be found responsible for a violation of the Code of Student Conduct, in

connection with the possession or consumption of alcohol or drugs if all the following apply:

- (a) The information that would be the basis for a hearing of a Code of Student Conduct violation for alcohol, drug, or other offense was obtained as a result of a student seeking medical assistance for themselves for the overconsumption of alcohol or a drug overdose.
 - (b) Under the supervision of the Office of the Dean of Students, the student accepts responsibility for the misconduct and completes any educational interventions required by the Office of the Dean of Students.
 - (c) The student has not previously asserted this policy in defense of another alcohol or drug incident.
 - (d) The student is in good disciplinary standing with the university.
 - (e) When circumstances warrant, the Office of the Dean of Students may waive compliance with any part of this section. This will be determined on a case by case basis.
- (3) The Medical Amnesty policy does not prevent the university from notifying students' parents/guardians about the incident because family members can provide additional support for students.
 - (4) The Medical Amnesty policy applies only to disciplinary actions under the Code of Student Conduct and does not apply to limit any law enforcement agency, including the BGSU Police department, from investigating or prosecuting criminal activity in accordance with state and federal law.
 - (5) The Medical Amnesty policy does not preclude any disciplinary actions regarding other university violations such as endangering, threatening, or attempting to cause physical harm to another individual; sexual misconduct; relationship violence; damage to property; theft; and hazing.
- (C) Recognized Student Organizations and Student Groups

If a representative of a recognized student organization or student group seeks medical assistance for the overconsumption of alcohol or a drug overdose, that act will be considered as a mitigating factor in determining a sanction if the recognized student organization or student group is found in violation of the Code of Student Conduct in connection with the occurrence.

(D) Determination of Application of Medical Amnesty

Whether all the conditions of medical amnesty have been satisfied shall be at the sole sound discretion of the Office of the Dean of Students.

A student, who fails to successfully satisfy all the conditions of medical amnesty, including any required educational interventions, will be referred for adjudication through the Code of Student Conduct for the original incident.

(E) Appeal

A student who has been denied the medical amnesty defense afforded by this policy may appeal that decision to the Dean of Students with five days of the decision. The Dean's decision shall be final.

Registered Date: September 12, 2018

Amended: October 7, 2021