

	<b>FGCU POLICY 4.014</b>	<b>Responsible Unit:</b> Campus Life - Dean of Students' Office
	<b>Student Medical Amnesty</b>	

## **A. POLICY STATEMENT**

Florida Gulf Coast University supports a safe and inclusive environment that enhances academic pursuits and Student success. A Medical Amnesty policy benefits our campus by encouraging Students to make a responsible decision in seeking Medical Assistance in serious or life-threatening situations that result from the use or consumption of alcohol and other drugs. First and foremost, we expect all Students to exhibit responsible behavior and to follow all federal, state, and local laws as it relates to the use or consumption of alcohol and drugs. At the same time, we expect all Students to take immediate action when someone's life may be in danger. This Policy seeks to diminish the fear of disciplinary or conduct Sanctions in such situations and to encourage individuals to seek needed Medical Assistance. In crisis situations, a Student should call 911 to help ensure the person(s) receive(s) Medical Assistance for themselves or another.

## **B. REASON FOR POLICY**

This Policy will allow Students to contact emergency medical services for themselves or other person(s) for an alcohol or drug-related emergency without concern for disciplinary action from the University.

## **C. APPLICABILITY AND/OR ACCOUNTABILITY**

1. This Policy applies to all Students, in their individual capacity.
2. Medical Amnesty is not available to organizations. An individual officer or member of an organization may qualify for Medical Amnesty. However, their actions to seek assistance will not provide Medical Amnesty for the organization as a whole and the organization would remain subject to conduct proceedings related to any violation(s) under FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process ("Student Code of Conduct").
3. Under this Policy, a Student who seeks Medical Assistance on their own behalf or on behalf of another person experiencing an alcohol or drug-related emergency will not be subject to Sanctions related to intoxication or possession under the Student Code of Conduct. Although Students who qualify for Medical Amnesty are exempt from the Student Conduct process, they are required to complete Educational Action(s) and pay for any related costs as described below.

## **D. DEFINITION OF TERMS**

1. *Educational Action(s)*: Any activity, appointment, meeting, or other course of action assigned by a Hearing Officer.
2. *Hearing Officer*: A University official designated by the Dean of Students to make a determination as to the applicability of this Policy to a given situation.
3. *Medical Amnesty*: A determination by a Hearing Officer that a Student's actions meet the criteria in this Policy, which results in a voluntary deferral of the disciplinary process described in the Student Code of Conduct in favor of a non-disciplinary, administrative determination.
4. *Medical Assistance*: The evaluation and medical treatment of an alcohol or drug-related emergency.
5. *Request for Medical Assistance*: Contacting or attempting to contact law enforcement, emergency medical, or fire services for Medical Assistance.
6. *Sanctions*: Any action required of a Student as an outcome of the Student Conduct Review Process.
7. *Sexual Misconduct*: The definition of Sexual Misconduct is more particularly defined in FGCU Policy 1.006, Non-Discrimination, Anti-Harassment, and Sexual Misconduct.
8. *Student*: The definition of Student is more particularly defined in the Student Code of Conduct.

## **E. PROCEDURES**

1. When the University becomes aware of a situation in which Medical Assistance was sought for a Student in relation to the use of alcohol or a controlled substance, a Hearing Officer will contact the Student via their FGCU e-mail account with a request to meet and discuss the situation. Students will be presented with the opportunity to request Medical Amnesty or proceed with the Student Conduct Review Process. Students who Request for Medical Assistance as a result of an alcohol or a drug-related emergency may be eligible for Medical Amnesty and will not face conduct proceedings and Sanctions under the Student Code of Conduct. Students seeking Medical Assistance for another person for an alcohol or drug-related emergency, while simultaneously violating the Student Code of Conduct against possession or intoxication, are also eligible for Medical Amnesty.
2. Students are required to attend the scheduled meeting with the Hearing Officer or request that it be rescheduled prior to the date and time of the scheduled meeting. Once a request for Medical Amnesty is made, the Hearing Officer will determine whether this Policy

applies and assign appropriate Educational Action(s). Educational Actions are required to be completed and, if applicable, paid for by the Student in order for Medical Amnesty to be granted. Such actions may include, but are not limited to, parental notification, alcohol education workshops, and meetings with an alcohol or drug counselor. Failure to meet with a Hearing Officer may result in a hold being placed on the Student's account or the case will be addressed through the procedures described in the Student Code of Conduct, including possible additional charges for failing to comply with a University official.

3. As this Policy is intended to be educational, it is the expectation of the University that a Student will need Medical Amnesty no more than once. If a Student is involved in any subsequent alcohol or drug-related emergency, the situation will be evaluated by a Hearing Officer, as applicable, to determine if the Student qualifies for an additional Medical Amnesty determination. The availability of Medical Amnesty for Students with repetitive violations will be determined on a case-by-case basis, considering the nature of the situation, the length of time between situations, and extenuating circumstances which may have contributed to the situation. Typically, repeated situations will be handled through the process described in the Student Code of Conduct. The Student Conduct Review Process may consider prior Medical Amnesty for sanctioning purposes only.
4. Students who help others seek Medical Assistance are encouraged to assist other Students in need whenever they become aware of such a situation and will be considered for Medical Amnesty each time they provide assistance. Students found to be abusing this provision of the Policy will be handled through the process described in the Student Code of Conduct.
5. This Policy does not provide amnesty for other prohibited behavior, including but not limited to, distribution of controlled substances, property damage, harassment, or assault. If it is determined that a Student violated the Student Code of Conduct in other areas, the Student Conduct Review Process will apply.
6. This Policy applies only to the Student Code of Conduct. Law enforcement agencies may act within their jurisdiction in enforcing any applicable federal, state, or local Laws.
7. While Medical Amnesty may apply to Students who are victims of Sexual Misconduct, dating or domestic violence, stalking, or hazing, and have also engaged in underage alcohol consumption or drug use, in these situations, Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act may provide greater protections, which may include broader protections or immunity. In such cases, the Student Conduct Office will refer victims to the Office of Institutional Equity and Compliance for more information about Title IX.

*Authority*

*Section 893.21, Florida Statutes*

*Section 1006.63, Florida Statutes*

*BOG Regulation 1.001(4)(a)8, University Board of Trustees Powers and Duties.*

*History of Policy*

*New 05/13/19; Format Changed 09/10/19*

**APPROVED**

\*s/Michael V. Martin  
Michael V. Martin, President

May 13, 2019  
Date