

Drug and Alcohol Use Amnesty Policy¹

Student use, misuse and/or abuse of alcohol and other drugs are a serious concern that is addressed by the University in its Guiding Principles of Conduct², which is enforced through the University's Student Disciplinary Procedures.³ However, when students are in immediate need of medical assistance or when they are reporting or disclosing domestic violence, dating violence, stalking or sexual assault pursuant to the University's Sex-Based Misconduct Policy⁴, the University's paramount concern for the health and safety of its students outweighs enforcement of the Guiding Principles relating to the use, misuse and/or abuse of alcohol and other drugs. The University has adopted this Drug and Alcohol Use Amnesty Policy to address those two circumstances.

Amnesty for Students Who Facilitate Timely Medical Assistance

Pace University takes pride in the partnership that exists between its students and those who respond to emergencies. The health and safety of Pace students as they relate to critical incidents regarding the use, misuse and/or abuse of alcohol and other drugs are of paramount concern, especially when an individual is in need of timely medical assistance. Students must never hesitate to contact University Safety and Security or residence hall staff when they suspect that they are or another student or a non-student is in need of urgent medical care stemming from intoxication because they are concerned that the incident may lead to disciplinary actions against themselves or others.

Some examples of situations when students may hesitate to summon timely and urgent medical assistance needed by an intoxicated individual are:

- A student is apprehensive about calling for help for herself because she used drugs in violation of the law and the University's Guiding Principles of Conduct.
- Bob, a student, is reluctant to call for help for another student who is unconscious and vomiting due to alcohol intoxication because Bob fears he will be held responsible for their excessive drinking.
- Mark, a student, hosts a party at which alcohol and other drugs are available. A guest becomes very intoxicated and seems to be in need of medical attention. Mark, who smoked pot during the party, is concerned that if he calls for medical attention for the intoxicated guest he (Mark) will be subject to disciplinary charges.

¹ With the approval of Ramapo College of New Jersey, for which Pace University is very grateful, this Drug and Alcohol Use Amnesty Policy was adapted from the Good Samaritan Policy of Ramapo College of New Jersey.

² <http://www.pace.edu/student-handbook/university-policies-disciplinary-and-grievance-procedures/guiding-principles-conduct>.

³ <http://www.pace.edu/student-handbook/university-policies-disciplinary-and-grievance-procedures/student-disciplinary-procedures-and-hearings>.

⁴ <http://www.pace.edu/sites/default/files/files/SexualMisconductPolicy/SexualMisconductPolicy.pdf>.

- Eleanor, a student, attends a party at which alcohol and other drugs are available. Another student attending the party becomes very intoxicated and seems to be in need of medical attention. Eleanor is concerned that the intoxicated student will be subject to disciplinary charges if she (Eleanor) calls for medical attention for him.
- A very intoxicated student has been "put to bed" by their roommate who fears that calling for help will result in disciplinary actions against each of them because they had been drinking together.

In order to encourage students to summon medical attention for intoxicated individuals, whether themselves or others, students who call for medical attention may be eligible for amnesty and, if it is granted, the calling student will not be disciplined for violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs. Similarly, the intoxicated individual for whom medical attention was summoned may be eligible for amnesty and, if it is granted, the intoxicated student will not be disciplined for violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs. Amnesty will be granted by the Dean for Students (or the Dean's designee) only if the criteria identified below have been satisfied. Such amnesty will be granted to a student only once and repeat offenders will not be granted amnesty even if they would otherwise be eligible.

- The Drug and Alcohol Amnesty Policy applies to students who seek medical attention for intoxicated individuals (including themselves) and to the intoxicated individual for whom medical attention is summoned.
- A student seeking amnesty under this Drug and Alcohol Amnesty Policy is required to cooperate fully in any investigation of the incident.²
- In order for the calling student to be eligible for amnesty, he or she must have (i) violated the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, (ii) summoned medical assistance for himself or herself or another individual who reasonably seemed to require medical assistance due to intoxication from alcohol or other drugs, (iii) cooperated fully in any investigation of the incident, (iv) participated in the Student Disciplinary Procedures and Hearings process and taken responsibility for his or her violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, and (v) not been granted amnesty previously.
- In order for the student in need of medical assistance to be eligible for amnesty, he or she must have (i) violated the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, (ii) been sufficiently intoxicated from alcohol or other drugs that it was reasonable for medical assistance to be summoned, (iii) cooperated fully in any investigation of the incident, (iv) participated in the Student Disciplinary Procedures and Hearings process and taken responsibility for his or her violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, and (v) not been granted amnesty previously.

- Medical attention is defined to include an assessment by Safety and Security, the residence hall staff, and emergency medical responders. Therefore, this Drug and Alcohol Amnesty Policy applies even if Safety and Security, the residence hall staff or emergency medical responders determines it is unnecessary for the intoxicated individual to be transported to a medical facility.
- Even if amnesty is granted to a student for his or her violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, the student is subject to sanctions pursuant to the Student Disciplinary Procedures and Hearings process for other violations of the Guiding Principles of Conduct arising out of the same incident, e.g., the sale and distribution of alcohol and other drugs, damage to University property, hazing.⁵
- Information concerning the intoxicated individual who received medical attention on site and/or was transported to a medical facility due to intoxication will be recorded by the University in accordance with the applicable University procedure. In other words, an incident involving the use, abuse and/or misuse of alcohol and other drugs that results in medical attention being summoned will never be entirely "off the record."
- If the Dean for Students (or the Dean's designee) decides to grant amnesty, information concerning the incident as it relates to the use, abuse and/or misuse of alcohol or other drugs will not be part of the calling or the intoxicated student's disciplinary file and normally will not be reported to prospective employers or noted on the student's transcript.⁶
- In determining whether to call the emergency contact person listed for an intoxicated student, the University will follow the applicable procedure.
- An intoxicated student may be summarily suspended and, in order to be considered for reinstatement, will be required to meet with the Dean for Students (or the Dean's designee) in accordance with the Student Disciplinary Procedures and Hearings process. A notation of a summary suspension is not included on a student's transcript.

Amnesty for Students Who Report or Disclose Sex-Based Misconduct

The University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that Sex-Based Misconduct, including but not limited to domestic violence, dating violence, stalking or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly

⁵ Furthermore, under certain circumstances, for example, the sale and distribution of alcohol and other drugs, may require that the University report the incident to local law enforcement agencies.

⁶ In conducting background checks, some government agencies require complete disclosure which includes the release of all the student's records.

encourages students to report domestic violence, dating violence, stalking, or sexual assault to University officials. Therefore, pursuant to the University's Sex-Based Misconduct Policy,⁷ a student bystander or incident participant acting in good faith who reports or discloses any incident of domestic violence, dating violence, stalking or sexual assault to Pace University officials or law enforcement will not be summarily suspended or disciplined for violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault. Amnesty will be granted by the Dean for Students (or the Dean's designee) in consultation with the Title IX Coordinator/Affirmative Action Officer only if the criteria identified below have been satisfied. There is no limitation on the number of times that such amnesty may be granted to students acting in good faith who report or disclose Sex-Based Misconduct.

- Amnesty for students who report or disclose Sex-Based Misconduct applies regardless of whether the intoxicated individuals (including themselves) require\receive medical attention.
- In order for a student who reports or discloses Sex-Based Misconduct to be eligible for amnesty, he or she must have (i) violated the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, and (ii) reported or disclosed in good faith, an incident of domestic violence, dating violence, stalking or sexual assault to Pace University officials or law enforcement, for himself or herself or another member of the University community.
- Even if amnesty is granted to a student for his or her violations of the Guiding Principles of Conduct as it pertains to the use, abuse and/or misuse of alcohol and other drugs, the student is subject to sanctions pursuant to the Student Disciplinary Procedures and Hearings process for other violations of the Guiding Principles of Conduct arising out of the same incident, e.g., the sale and distribution of alcohol and other drugs, damage to University property, hazing.⁸
- Information concerning the intoxicated individual who received medical attention on site and/or was transported to a medical facility due to intoxication will be recorded by the University in accordance with the applicable University procedure. In other words, an incident involving the use, abuse and/or misuse of alcohol and other drugs that results in medical attention being summoned will never be entirely "off the record."
- If the Dean for Students (or the Dean's designee) in consultation with the Title IX Coordinator/Affirmative Action Officer grants amnesty, information concerning the incident as it relates to the use, abuse and/or misuse of alcohol or other drugs will normally not be part of the calling or the intoxicated student's disciplinary file and will normally not be reported to prospective employers or noted on the student's transcript.⁹

⁷ See, footnote 4, *supra*.

⁸ See, footnote 5, *supra*.

⁹ See, footnote 6, *supra*.

- In determining whether to call the emergency contact person listed for an intoxicated student, the University will follow the applicable procedure.

Questions about this Drug and Alcohol Amnesty Policy should be directed to the Dean for Students offices.

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