

## Medical Amnesty Policy

Created: April 2018

Revised:

Responsible Party: Dean of Students

### A. Purpose

- a. Montana State University recognizes that certain barriers may exist that would prevent students from seeking medical assistance for themselves or others when someone's health and/or safety is at risk due to alcohol and/or drug use, or where other health issues arise where alcohol or drugs are being used. Therefore, in order to ensure that students receive prompt and appropriate attention for urgent medical situations, and to ensure there are no impediments to seeking such assistance, Montana State University implemented this Medical Amnesty policy.

### B. Policy

- a. To promote the safety, health, and wellbeing of students at Montana State University, the University expects its students and organizations to immediately contact university staff, emergency medical services or law enforcement when they have reason to believe a fellow student is too impaired/intoxicated from alcohol/drug use to seek competent professional medical help on their own, or otherwise in need of urgent medical attention. Students should act immediately and not wait for any conditions to worsen when the health and safety of someone is at risk.
- b. Montana State University students and organizations who seek out and respectfully and fully comply with university, medical, or law enforcement personnel when having violated the alcohol and/or drug policy outlined in the Student Conduct Code will not be subject to disciplinary sanctions nor have conduct files created for the related alcohol/drug violations. However, if other violations occur concurrently with the alleged violations, students will be held accountable for those violations.
- c. Amnesty for the reporting of sex-based discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking, can be found in the Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation policy.
- d. Students assisting and/or those in need of assistance must affirmatively contact university staff, emergency medical services or law enforcement and request their presence in order to receive amnesty. Bringing a medical issue to the attention of law

enforcement or emergency medical services after they are on scene for other purposes will not result in amnesty protection. If students and organizations involved do not reach out to emergency medical services or law enforcement, they may be subject to disciplinary measures.

- e. The Dean of Students or a designee will record the names of students or organizations involved in the incident for the purpose of accurate recording and future evaluation of each student's conduct. These records shall be maintained separately from any disciplinary records but may be considered as relevant information in future decision making. In order for this provision to apply, students involved in the incident may be required to participate in an alcohol/drug education program or seek medical treatment for alcohol and/or drug abuse, but these requirements will not be recorded as sanctions.
- f. Repeated use of this Medical Amnesty Policy for the purpose of avoiding disciplinary action by the University will be considered interference with the conduct process and may lead to additional disciplinary measures at the discretion of the Dean of Students or designee.

#### REFERENCES:

1. Montana Code Annotated, Title 45. Crimes, Chapter 5. Offenses Against the Person 45-5-624

(11) (a) A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

(i) the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;

(ii) the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a healthcare facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or

(iii) the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

(b) For the purposes of this subsection (11), the following definitions apply:

(i) "Health care facility" means a facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state.

(ii) "Medical treatment" means medical treatment provided by a healthcare facility or an emergency medical service.

2. Title IX of the Higher Education Amendments of 1972 and guidance from the Department of Education's Office of Civil Rights for implementing Title IX.

3. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

4. Montana State University Student Code of Conduct.