

July 28, 2014

MEMORANDUM

To: College Presidents
Chief Student Affairs Officers
Residence Life Council
Legal Affairs Designees

From: Frederick P. Schaffer *Frederick P. Schaffer*
General Counsel and Senior Vice Chancellor for Legal Affairs

Frank D. Sanchez *FDS*
Vice Chancellor for Student Affairs

Re: Medical Amnesty/Good Samaritan Policy

We are writing to inform you of the Board of Trustees' adoption of the Medical Amnesty/Good Samaritan Policy, effective as of July 1, 2014. The Policy is annexed to this memorandum.

The Policy is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined solely for such use. Because the use of these substances may be life-threatening, CUNY's Policy is designed to reduce barriers to students' seeking and receiving medical help in those situations. This Policy complements New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency by shielding from arrest or prosecution for drug possession or underage alcohol use those persons who witness or suffer from a medical emergency involving drugs or alcohol.

More specifically, under the Policy, students who call for medical assistance for themselves or others will not be disciplined for the consumption of alcohol or drugs if they meet two basic conditions. First, the students involved must complete assigned alcohol and/or drug education, assessment, and/or treatment. Second, the students must not have engaged in any other conduct that would trigger disciplinary action, including, for example, unlawful distribution of alcohol or drugs, sexual assault, sexual harassment, causing or threatening physical harm, causing damage to property, or hazing.

Finally, if repeated incidents are involved, the availability of medical amnesty to the affected students will be left to the discretion of the campus or unit with which the students are affiliated.

Please ensure that this Policy is implemented immediately at your campus, and in particular that, if applicable, residence hall staff members are trained concerning the Policy. If you have any questions about the Policy, please contact Hilary Klein in the Office of General Counsel at Hilary.Klein@cuny.edu or 646-664-9216 or David Jones in the Central Office of Student Affairs at David.Jones@cuny.edu or 212-652-2056.

THE CITY UNIVERSITY OF NEW YORK MEDICAL AMNESTY/GOOD SAMARITAN POLICY

- I. The City University of New York's ("CUNY's") Medical Amnesty/Good Samaritan Policy's purpose is to encourage students to seek medical assistance related to drug and alcohol use without fear of being disciplined for such use. Because the use of drugs or alcohol may be life-threatening, CUNY wishes to reduce barriers to seeking and receiving medical help in those situations. In addition, CUNY wishes to encourage students who may be the victims of or witnesses to sexual harassment or sexual violence while under the influence of drugs or alcohol to seek medical assistance and to report that sexual assault. Toward that end, CUNY's Policy is that students who seek medical assistance either for themselves or others will not be subject to discipline under the circumstances described below.
- II. Students who call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol (either if underage or if consumed in a CUNY-owned or operated building/facility where alcohol consumption is prohibited) or drugs under certain conditions. First, the students involved must agree to timely completion of assigned alcohol and/or drug education activities, assessment, and/or treatment, to be determined by the individual campuses or units of CUNY with which the students are affiliated. Second, there must be no other violations that ordinarily would subject the student to disciplinary action. Other violations that would invoke discipline include but are not limited to (i) unlawful distribution of alcohol or drugs; (ii) sexual assault; (iii) sexual harassment; (iv) causing or threatening physical harm; (v) causing damage to property; (vi) hazing.
- III. If students are involved in repeated incidents, the availability of medical amnesty to those students is at the discretion of the campus or unit with which the students are affiliated. Even if medical amnesty is granted to those students, repeated incidents raise issues of medical concern and may result in parental notification, medical withdrawal, and/or other non-disciplinary responses.
- IV. Failure to complete required alcohol and/or drug education activities, assessment and/or treatment by the deadline may result in a revocation of medical amnesty.
- V. CUNY's Policy is intended to complement New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency. Generally, this law protects persons who witness or suffer from a medical emergency involving drugs or alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs. For more information on New York's Good Samaritan Law, see N.Y. Public Health L. §§ 3000-a, 3000-b, 3013 (McKinney 2000); see also [NY State Assembly website database of law](#).