



UNIVERSITY OF MARYLAND

UNIVERSITY SENATE

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SENATE LEGISLATION APPROVAL

Date:	March 3, 2011
To:	Wallace D. Loh
From:	Linda Mabbs Chair, University Senate <i>Linda Mabbs</i>
Subject:	Medical Amnesty
Senate Document #:	07-08-20

I am pleased to forward for your consideration the attached legislation entitled, "Medical Amnesty." Nan Ratner, Chair of the Student Conduct Committee, presented the proposal. The University Senate approved the proposal at its March 2, 2011 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Medical Amnesty
Senate Document # 07-08-20

LM/rm

Cc: Ann Wylie, Senior Vice President for Academic Affairs & Provost
Reka Montfort, Executive Secretary and Director, University Senate
Juan Uriagereka, Associate Provost for Faculty Affairs
Terry Roach, Executive Assistant to the President
Janet Turnbull, President's Legal Office
Elizabeth Beise, Associate Provost for Academic Planning & Programs
John Zacker, Director, Office of Student Conduct

Approved: _____

Wallace D. Loh
President

Date: 3-10-11



University Senate TRANSMITTAL FORM

Senate Document #:	07-08-20
PCC ID #:	N/A
Title:	Medical Amnesty / The Responsible Action Protocol (Proposal on Discipline and Calls for Emergency Medical Service)
Presenter:	Nan Ratner, Chair, Senate Student Conduct Committee
Date of SEC Review:	February 16, 2011
Date of Senate Review:	March 2, 2011
Voting (highlight one):	On resolutions or recommendations one by one, or In a single vote To endorse entire report
Statement of Issue:	The issue of whether the University should establish a “Medical Amnesty” or “Good Samaritan” Policy was raised by an Undergraduate Student Senator in the Fall of 2007. She asked the Senate Executive Committee for a review of disciplinary policies on campus that apply to students who call for emergency medical services for alcohol related illness or overdose. Her proposal called for an amendment to the University of Maryland Code of Student Conduct that would exempt students from judicial action if they call for medical assistance for themselves or a friend.
Relevant Policy # & URL:	http://www.president.umd.edu/policies/docs/v100b.pdf
Recommendation:	Following extensive research over a four year period, the Student Conduct Committee recommends that the attached policy, <i>Promoting Responsible Action in Medical Emergencies Policy</i> , become official University policy and that the corresponding changes to the Code of Student Conduct be made simultaneously.
Committee Work:	The 2010-2011 Student Conduct Committee (SCC) was re-charged with reviewing the Medical Amnesty issue and the current Responsible Action Protocol in November 2010. The committee reviewed the previous research, findings, and recommendations of the 2007-2008 SCC, the 2008-2009 SCC,

	<p>and the 2009-2010 SCC. The committee spoke with student leaders, including the President of the Student Government Association, to further understand the student perspective of the current Responsible Action Protocol. Additionally, the committee reviewed the existing language of the protocol and considered whether it should be revised to strengthen the message that student safety is of paramount importance. Following discussion with the Director of the Office of Student Conduct, the President’s Legal Office, and other University administrators, the 2010-2011 SCC decided that the protocol (or a modified version of it) should be transformed into an official policy.</p> <p>In conjunction with the Office of Student Conduct, the SCC has created and unanimously approved the attached policy, which it recommends become official campus policy at the University of Maryland. This policy has been vetted through the President’s Legal Office, and it has been circulated to the key directors of the Department of Resident Life, the Department of Fraternity & Sorority Life, and the Stamp Student Union Center for Campus Life.</p> <p>The committee voted to approve forwarding the policy and its recommendations to the Senate Executive Committee at the Student Conduct Committee meeting on Wednesday, February 23, 2011.</p>
Alternatives:	The Senate could choose not to approve the proposed policy and recommended changes to the University of Maryland Code of Student Conduct. The administrative protocol called <i>Promoting Responsible Action in Medical Emergencies</i> , also known as the Responsible Action Protocol (RAP), would remain in place.
Risks:	There are no associated risks.
Financial Implications:	There are no related financial implications.
Further Approvals Required: <i>(*Important for PCC Items)</i>	Senate Approval, Presidential Approval

Senate Student Conduct Committee

Senate Document 07-08-20

Report on Medical Amnesty / The Responsible Action Protocol (Proposal on Discipline and Calls for Emergency Medical Service)

February 2011

BACKGROUND:

The issue of whether the University should establish a “Medical Amnesty” or “Good Samaritan” Policy has been under review by the University Senate since the Fall of 2007. In 2007, an undergraduate student submitted a proposal to the Chair of the Student Conduct Committee (SCC) asking for a review of the need for a Good Samaritan Policy. The Senate Executive Committee (SEC) decided to charge the SCC with reviewing the issue.

The 2007-2008 SCC extensively researched the topic of Good Samaritan Policies and submitted a report to the SEC (Appendix Five). The committee reviewed articles and surveys on Medical Amnesty Policies and solicited opinions on Medical Amnesty Policies from members of the University community who would be knowledgeable about the current practices on campus and the potential impacts of such a change in policy. Ultimately, the SCC did not recommend that a change to the Code of Student Conduct be made to incorporate such a policy at that time. It did, however, recommend that the SEC ascertain which recommendations of the University of Maryland Alcohol Task Force Final Report (March 2004) had been implemented to date. The SCC also recommended the obtainment of further information on the student body’s awareness and reaction to suspected alcohol poisoning, as well as the development of new educational tools in this area.

In response to the SCC’s recommendations, Dr. Linda Clement, Vice President for Student Affairs, reported back to the SEC with explanations regarding the current status of alcohol programs at the University of Maryland College Park. She also gave a Special Order of the Day presentation at the Senate meeting on December 11, 2008 entitled, “Student Alcohol Use at UMCP: Issues and Solutions.”

In the Fall of 2008, the SEC decided to request that the SCC revisit the issue. The SEC particularly asked the 2008-2009 SCC to investigate the opinion and experiences of constituents at the University regarding medical amnesty. The SEC asked that the SCC work with Resident Assistants, University Police Officers, and students. The SCC organized a Good Samaritan Working Group to conduct further research. The Working Group’s membership included engaged students and faculty, Senators and non-Senators, as well as representatives of the Office of Student Conduct and the Student Honor Council. One of the student members also represented the fraternity and sorority community.

The Working Group sought to approach the issue by attempting to answer the following questions:

- Is the fear of University sanctions causing doubt and/or hesitation about whether to call emergency services for fellow students in life threatening situations due to alcohol consumption a problem on the University of Maryland campus?

- If yes, would the implementation of a Good Samaritan policy help in alleviating these fears?

The Working Group began researching both questions simultaneously. Some members were tasked with examining similar policies implemented at other institutions (including Muhlenberg College and Cornell University), as well as new research findings on the topic in higher education. The remaining members of the Working Group attempted to capture the realities of these situations on campus by talking to those who are directly involved. This included attending the Residence Hall Association (RHA) Amethyst Dialogue on Good Samaritan Policies, conducting a survey of University Student Judiciary members, and hosting an open forum for undergraduate students to provide testimony. The Working Group also followed Maryland State Legislation introduced by Delegate Kriselda Valderrama (D-Prince George's County), which proposed the creation of a Maryland State Law similar to a Good Samaritan Policy. Additionally, the Working Group connected with Dr. Daniel Reardon, whose son died of alcohol poisoning at the University in 2002, and consulted with members of the UM Police Department.

The Working Group reported back to the SCC in March 2009. The Working Group determined that the fear of University sanctions causes doubt and/or hesitation in calling for emergency services for fellow students in life threatening situations due to alcohol consumption, and it agreed that a Good Samaritan Policy would increase the likelihood that students would call for emergency services by alleviating the fear of being sanctioned. Its report contained five recommendations, including that the University should adopt a policy that would protect the caller from being sanctioned by the University for possession or consumption of alcohol, as well as protect the student whose condition prompted the call from similarity being sanctioned.

The 2008-2009 SCC accepted the report of the Working Group and asked the Office of Student Conduct to craft a policy that would satisfy the recommendations of the report and its findings. Following further discussion and advice, the SCC and Office of Student Conduct co-created an administrative document (*Promoting Responsible Action in Medical Emergencies*, also known as the Responsible Action Protocol (RAP)) and voted that it be forwarded to the SEC with a recommendation of its establishment as a protocol adopted by the Office of Student Conduct.

The SEC accepted the report of the SCC and placed it on the Senate agenda for April 23, 2009. At the Senate meeting, the Senate voted to accept the report and generally endorse the findings and recommendations of the committee (Appendix Four). The Senate voted in favor of recommending that the Office of Student Conduct adopt the administrative protocol entitled *Promoting Responsible Action in Medical Emergencies* as administrative procedures for cases of medical emergencies involving a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student. Three resolutions were forwarded to President Mote.

In May 2009 President Mote acknowledged receipt of the University Senate resolutions on *Promoting Responsible Action in Medical Emergencies*. The Senate had endorsed the administrative protocol and recommended that the Office of Student Conduct adopt it as an administrative procedure. The Office of Student Conduct was given a one-year trial period during which to implement and use the new administrative procedures, and was asked to report back to the SEC on the results. It was resolved that the 2010-2011 Senate would then examine whether it is advisable to propose a new University policy to apply in such cases.

During the course of the year, the SCC continued to work on the issue of medical amnesty. In April 2010, the SCC organized and conducted another open forum on the RAP, to gather students' perception of the existing protocol. The sentiment of the students in attendance was that the RAP does not provide as much coverage as desired. The students also expressed concern that the protocol had not been marketed well enough, and that there is frustration regarding the fact that the RAP is a protocol and not a policy, and is implemented at the discretion of the Office of Student Conduct.

Additionally, the SCC met with a Masters of Public Health Candidate who completed her thesis on the student body's awareness of, reaction to, and use of the Responsible Action Protocol at the University. Her research included two components—quantitative and qualitative studies of students who live on campus, as well as of student Resident Advisors (RAs). The graduate student met with focus groups, and she cited that six major themes arose during her conversations with the students: opinions of the University's alcohol policies, awareness of alcohol poisoning, perceptions of student alcohol consumption, influences on calling behavior, criticisms of the RAP, and suggestions regarding the RAP. The SCC reviewed all of her research and findings. At the end of her presentation, the student recommended that the administration consider changing the protocol to a policy, because of the negative perception of some students that the RAP is "just a protocol that can be changed at any time."

The SCC also assisted the Office of Student Conduct with the creation of a survey that was sent via email to a random sample of 1,500 students in order to collect data regarding the RAP.

Following the one-year trial period, Dr. John Zacker, Director of the Office of Student Conduct and Ex-Officio Member of the SCC, presented a report to the SEC at its meeting on October 27, 2010 (Appendix Three). The report recommended the continuation of marketing efforts geared toward making all students aware of RAP and encouraging responsible action in medical emergencies. It also recommended that the collection of data regarding alcohol related transports and application of RAP in order to assess overall trends be continued. Lastly, the report recommended the continuation of implementation and application of RAP as developed as an administrative protocol; it did not recommend modifying the existing protocol or creating/instituting a more formal policy.

After extensive discussion on the report, the SEC agreed that further review of this issue was necessary. The SEC decided to re-charge the SCC with review of this issue (Appendix Two).

CURRENT PRACTICE:

Effective Fall 2009 the administrative protocol called *Promoting Responsible Action in Medical Emergencies*, also known as the Responsible Action Protocol (RAP), was adopted as an administrative procedure by the Office of Student Conduct. In turn, the Office of Rights and Responsibilities with the Department of Resident Life was requested to implement RAP in handling applicable cases in and around the residence halls on campus.

COMMITTEE WORK:

The 2010-2011 SCC was re-charged with reviewing the Medical Amnesty issue and the current Responsible Action Protocol in November 2010. The SEC requested that the SCC review the Office of Student Conduct's report and advise whether further action should be taken.

On December 2, 2010, the Student Conduct Committee met to discuss the re-charge. Steve Glickman, Student Government Association (SGA) President, and Irina Alexander, Undergraduate Student Senator and former President of Students for a Sensible Drug Policy, joined the committee at the meeting. Glickman explained that, as Student Body President, he had sat down with students on campus to find out whether they understand the RAP. He found that students have difficulty understanding the protocol and cannot clearly understand the consequences and coverage of the RAP as currently written. As a result, Glickman and two Undergraduate Student Senators crafted revised language for the protocol. The revised language was submitted to the SCC for consideration. The students also stated that they would like for a policy to be enacted.

Glickman explained that the students' main concern is that the RAP is merely a campus protocol, which could or could not be followed, as opposed to a campus policy, which must be followed. He stated that students' have concern with the idea that the protocol can be changed at any time by the Director of Student Conduct.

Additionally, Glickman reported that the SGA had recently passed a Resolution Supporting a Good Samaritan Policy, which requested that the University Senate and the Director of Student Conduct consider all sides and interpretations of the results of the 2009-2010 protocol and demanded that the current RAP be made into a policy that would guarantee the caller and the victim immunity in an alcohol-related emergency from University punishment for alcohol possession or consumption. The SGA Legislature is composed of 41 legislators who are each elected by an academic college or residential community, or are appointed from the freshman class. According to the SGA website, the duties of the SGA Legislators are to effectively represent the expressed views and concerns of the University of Maryland student body; to properly inform and educate their constituencies on issues that impact the campus; and to enact policies and procedures that will address these issues. The SGA passed a Resolution Supporting the Adoption of a Good Samaritan Policy for Drug and Alcohol Use two legislative years ago, as well as a Resolution Demanding a Good Samaritan Policy one legislative year ago.

The recent SGA resolution identified the fact that the number of calls for medical transports regarding alcohol-related medical emergencies has increased, and that the increased number of transports could be attributed to an increase in drinking and/or an increase in life-saving calls.

The SCC reviewed the existing language in the protocol and considered all of the revisions to the RAP as suggested by the students. The SCC was largely in support of the changes to the protocol as submitted by Glickman and found the proposed language acceptable in principal.

The SCC discussed whether a policy would better serve the students than the current protocol. The committee members agree that the goal of the SCC's work up to this point had been to develop a practice that would encourage students to call for help in medical emergencies involving a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student. The SCC determined that if a policy would indeed encourage students to do so more effectively than the current protocol, then a policy should be created.

The committee received advice from the President's Legal Office concerning the creation of such a policy, and its affect on the Code of Student Conduct, which was originally approved by the Board of Regents. The Legal Office expressed that the opinion of the Office of the Attorney General is that although the Board of Regents established the Code of Student Conduct, it has

since delegated authority to the presidents of USM Institutions to establish rules for the administration of student affairs of their respective institutions, including student discipline. The Legal Office explained that the Code of Student Conduct may be amended by the President without further approval. The Board of Regents regularly mandates that USM Institutions institute policies on certain subjects, which must be reported to the Board or Regents or submitted for its approval. These mandates may relate to student conduct, which in essence would require the campus to change its Code of Student Conduct. Thus, on occasion, authority over the Code may be retrieved by the Board of Regents. However, in this case, if the Senate recommends changes to the Code of Student Conduct, and the President approves, they would be adopted as campus policy, amending the Code in the process. Additional action by the Regents would not be required.

With that in mind, the SCC believes that the establishment of a policy is necessary and appropriate at this time. The committee believes that it is clear that the protocol is not viewed as sufficient by the undergraduate student body, and if changing the practice from a protocol to a policy will encourage more students to call for help when needed, then it is the obligation of the committee and the Senate to create a policy that will satisfy both the needs of the students and the University. Therefore, in conjunction with the Office of Student Conduct, the SCC has created and unanimously approved the attached policy, which the SCC recommends become official campus policy at the University of Maryland (Appendix One). This policy has been vetted through the President's Legal Office, and it has been circulated to the key directors of the Department of Resident Life, the Department of Fraternity & Sorority Life, and the Stamp Student Union Center for Campus Life.

Additionally, the Office of Student Conduct is willing to adopt this policy at the time that the President approves it as policy (if indeed it is approved by the President), instead of postponing action until the summer to make changes for the Fall Semester, when modifications and amendments to the Code of Student Conduct are normally introduced.

RECOMMENDATIONS:

The Senate Student Conduct Committee recommends that the attached policy entitled, *Promoting Responsible Action in Medical Emergencies Policy* become official University policy, and that the corresponding changes to the Code of Student Conduct be made simultaneously.

APPENDICES:

Appendix 1 – Recommended Policy and Changes to the Code of Student Conduct

Appendix 2 – 2010 Re-Charge to the SCC

Appendix 3 – 2010 Report from the Office of Student Conduct

Appendix 4 – 2008-2009 Charge and Report

Appendix 5 – 2007-2008 Charge and Report

Promoting Responsible Action in Medical Emergencies ***Recommended Policy***

Purpose

The health and safety of University students is of paramount concern. All members of the University community are encouraged to act in a responsible manner when an individual may require medical assistance by dialing 911 or 301.405.3333 or seeking a University or Resident Life official. It is recognized that in situations in which either a student summoning or requiring help is under the influence of alcohol, the threat of disciplinary sanctions for violating the University's alcohol policy is a barrier to seeking help. As such, the University of Maryland will do all that it can to promote student health, safety, and well-being. *Promoting Responsible Action in Medical Emergencies* is policy administered by the Office of Student Conduct that will reduce barriers to seeking help in cases of alcohol-related emergencies by providing relief from administrative or disciplinary action on the part of the University if either a University official or other authority is contacted in a timely fashion.

Policy

1. A student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency will not face disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for the possession or use of alcohol, with the exception of the exclusions noted below. In lieu of disciplinary charges and as a condition of such relief, students handled under this policy will usually be required to be evaluated by the University Health Center staff and successfully complete an approved alcohol intervention program.
2. This policy also extends to the student for whom medical emergency assistance has been summoned.
3. A "summons" for medical emergency assistance is deemed to be contacting police, University staff or other officials designated emergency medical providers.

Procedures

Students referred to the Office of Student Conduct or the Department of Resident Life for alcohol use or possession will be interviewed by a representative of the unit. If the student is eligible for conditional relief under this policy, the initiation of disciplinary charges will be "deferred" under Part 29 of the *Code of Student Conduct* pending successful completion of an approved alcohol intervention program, if deemed necessary by University staff. If the student successfully completes the program to the satisfaction of the Health Center staff and the Office of Student Conduct/Department of Resident Life, the pending charges will be withdrawn, leaving the student with no disciplinary record. If the student fails to successfully complete the program, charges for alcohol use and possession will be processed and, if proved, may result in more severe sanctions and a disciplinary record.

Exclusions

1. The conditional relief from disciplinary charges described in this policy does not extend to charges other than possession or use of alcohol. In addition, it shall not provide relief from disciplinary charges pertaining to the alleged possession or use of alcohol which, if proven, would constitute an “Aggravated Violation” as defined under Part 2(a) of the Code of Student Conduct or would involve the distribution of alcohol to a person under the legal drinking age.
2. Students with a prior disciplinary record of alcohol-related violations and students previously granted relief under this policy as the person for whom the emergency services were being summoned, shall only be eligible for relief on a case-by-case basis following an assessment by the Office of Student Conduct or Department of Resident Life.
3. This policy does not and cannot offer conditional relief, immunity or protection from criminal complaint, arrest or prosecution by University police or other person or official for illegal activity, including the illegal use or possession of alcohol in violation of County, State or Federal law. It does not provide relief from any civil suit, fine or financial obligation to any party (including the University), for loss, damage or injury associated with alcohol use or possession.
4. This policy does not offer conditional relief to student organizations, which remain subject to organizational charges for alcohol-related violations, including possession and use. The nature of such charges and any resulting disciplinary sanctions, however, will take into account and may be mitigated by the action taken by organizational representatives. A representative of a student organization who summons medical emergency assistance may be eligible for conditional relief from charges for his or her personal use or possession of alcohol under this policy.

LEGEND: Recommended Changes to the Code of Student Conduct

All changes are listed in **bold** and **blue** font

Double Line Strike-Out: Text Removed Completely

Single Line Strike-Out: Text Moved to Different Section

Underlined and Italicized Text: New Addition

Italicized Text: Moved from Different Section

V-1.00(B) UNIVERSITY OF MARYLAND CODE OF STUDENT CONDUCT

Approved by the Board of Regents January 25, 1980; amended effective September 4, 1990; December 18, 2001; April 22, 2004; November 18, 2005, April 5, 2006

Note: Different procedures and penalties are applicable in cases involving allegations of academic dishonesty. Please refer to the *Code of Academic Integrity*, available from the Office of Student Conduct (301-314-8204).

Footnotes which appear throughout the *Code of Student Conduct* refer to the Annotations listed at the end of this appendix.

RATIONALE

1. The primary purpose for the imposition of discipline in the University setting is to protect the campus community. Consistent with that purpose, reasonable efforts will also be made to foster the personal and social development of those students who are held accountable for violations of University regulations.¹

DEFINITIONS

2. When used in this *Code*:²
 - (a) The term “aggravated violation” means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University or University-sponsored activities.
 - (b) The term “distribution” means sale or exchange for personal profit.
 - (c) The term “group” means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.
 - (d) The terms “institution” and “University” mean the University of Maryland, College Park.
 - (e) The term “organization” means a number of persons who have complied with University requirements for registration.
 - (f) The term “reckless conduct” means action which any member of the University community can be expected to know would create a clear risk of harm to persons or property, or would disrupt the lawful activities of others, including studying, teaching, research, and University administration.³

- (g) The term “student” means a person taking or auditing courses at the institution either on a full- or part-time basis.⁴
- (h) The term “University premises” means buildings or grounds owned, leased, operated, controlled or supervised by the University.
- (i) The term “weapon” means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length.
- (j) The term “University-sponsored activity” means any activity on or off campus which is initiated, aided, authorized or supervised by the University.
- (k) The terms “will” or “shall” are used in the imperative sense.

INTERPRETATION OF REGULATIONS

- 3. Disciplinary regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

INHERENT AUTHORITY

- 4. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.⁵

STUDENT PARTICIPATION

- 5. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the University administration and in the Board of Regents.

STANDARDS OF DUE PROCESS

- 6. Students subject to expulsion, suspension⁶ or disciplinary removal from University housing⁷ will be accorded a conduct board hearing as specified in Part 30 of this *Code*. Students subject to less severe sanctions will be entitled to an informal disciplinary conference,⁸ as set forth in Parts 32 and 33.
- 7. The focus of inquiry in disciplinary proceedings shall be the guilt or innocence of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent or the University may result.⁹

VIOLATIONS OF LAW AND DISCIPLINARY REGULATIONS

8. Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this *Code*.¹⁰ Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

PROHIBITED CONDUCT

9. The following misconduct is subject to disciplinary action:
- (a) Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.
 - (b) Unauthorized use, possession or storage of any weapon on University premises or at University-sponsored activities.
 - (c) Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on University premises or at University-sponsored activities.
 - (d) Off-campus misconduct which:
 - i. is a criminal offense off campus, resulting in conviction, if such an offense would constitute a violation of this *Code* had it occurred on University premises. No student convicted of a misdemeanor under this section shall be subject to expulsion or full suspension unless the offense constitutes an “aggravated violation” as defined in Part 2(a) of this *Code*. The University shall not pursue disciplinary action when a non-aggravated misdemeanor does not pose a threat to the stability of the campus or campus community; provided, however,
 - ii. rioting, assault, theft, vandalism, fire setting, or other serious misconduct related to a University-sponsored event, occurring on – or off-campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law related to misconduct associated with a University-sponsored event.
 - (e) Knowingly violating the terms of any disciplinary sanction imposed in accordance with this *Code*.
 - (f) Intentionally or recklessly misusing or damaging fire safety equipment.
 - (g) Unauthorized distribution or possession for purposes of distribution of any controlled substance or illegal drug¹¹ on University premises or at University-sponsored activities.
 - (h) *Use or possession of any controlled substance or illegal drug on University premises or at University-sponsored activities.***¹²
 - (i) Intentionally furnishing false information to the University.

- (j) Making, possessing, or using any forged, altered, or falsified instrument of identification on University premises, or at University-sponsored activities; making, possessing, or using any forged, altered, or falsified University document, on or off-campus.
- (k) Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.¹³
- (l) Theft of property or of services on University premises or at University-sponsored activities; knowing possession of stolen property on University premises or at University-sponsored activities.
- (m) Intentionally or recklessly destroying or damaging the property of others on University premises or at University-sponsored activities.
- (n) Engaging in disorderly or disruptive conduct on University premises or at University-sponsored activities which interferes with the activities of others, including studying, teaching, research, and University administration.*
- (o) Failure to comply with the directions of University officials, including campus police officers, acting in performance of their duties.
- (p) Violation of published University regulations or policies, as approved and compiled by the Vice President for Student Affairs.¹⁴ Such regulations or policies may include the residence hall contract, as well as those regulations relating to entry and use of University facilities, sale ~~or~~ **consumption** of alcoholic beverages, use of vehicles** and amplifying equipment, campus demonstrations, and misuse of identification cards.
- ~~(p) Use or possession of any controlled substance or illegal drug on University premises or at University-sponsored activities.¹⁴~~
- (q) Use or possession of any alcoholic beverage under the age of 21 on University premises or University-sponsored activities; knowingly providing alcoholic beverages to a person known to be under the age of 21 on University premises or University-sponsored activities.***
- (r) Unauthorized use or possession of fireworks on University premises.

* The response of fire, police, or emergency personnel to a non-frivolous call, or action taken by them on their own initiative pursuant or non-pursuant to policy is not considered a disruption or reckless action within the meaning of this section.

** Parking and traffic violations may be processed in accordance with procedures established by the Vice President for Student Affairs.

*** ~~This charge is considered an aggravated violation as defined by Part 2 (a) and may result in suspension or expulsion from the University. This charge may be deferred under Part 29 of this Code consistent with procedures outlined in the Promoting Responsible Action in Medical Emergencies Policy.~~

SANCTIONS

10. Sanctions for violations of disciplinary regulations consist of:

- (a) **EXPULSION:** permanent separation of the student from the University. Notification will appear on the student's transcript. The student will also be barred from the University premises (expulsion requires administrative review and approval by the President and may be altered, deferred or withheld).
 - (b) **SUSPENSION:** separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student shall not participate in any University-sponsored activity and may be barred from University premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Vice President for Student Affairs and may be altered, deferred or withheld).
 - (c) **DISCIPLINARY PROBATION:** the student shall not represent the University in any extracurricular activity or run for or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate University offices, including the Office of Campus Programs.
 - (d) **DISCIPLINARY REPRIMAND:** the student is warned that further misconduct may result in more severe disciplinary action.
 - (e) **RESTITUTION:** the student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of a violation of this *Code*.
 - (f) **OTHER SANCTIONS:** other sanctions may be imposed instead of or in addition to those specified in sections (a) through (e) of this part. For example, students may be subject to dismissal from University housing for disciplinary violations which occur in the residence halls. Likewise, students may be subject to restrictions upon or denial of driving privileges for disciplinary violations involving the use or registration of motor vehicles. Work or research projects may also be assigned.
11. Violations of sections (a) through (g) in Part 9 of this *Code* may result in expulsion from the University¹⁵, unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.
 12. Violations of sections (h) through ~~(k)~~ (l) in Part 9 of this *Code* may result in suspension from the University, unless specific and significant mitigating factors as specified in Part 11 are present.
 13. Repeated or aggravated violations of any section of this *Code* may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

14. Any decision to impose a sanction less than suspension or expulsion for University-sponsored event-related misconduct as defined in Part 9(d)(ii) of this *Code* must be supported by written findings signed by the Vice President for Student Affairs. A student suspended under this section shall not be admitted to any other institution in the University of Maryland System during the term of the suspension. A student expelled under this section shall not be admitted to any other institution in the System for at least one year from the effective date of the expulsion.
15. Attempts to commit acts prohibited by this *Code* shall be punished to the same extent as completed violations.¹⁶
16. Penalties for off-campus misconduct shall not be more severe than for similar on-campus conduct.

INTERIM SUSPENSION¹⁷

17. The Vice President for Student Affairs or a designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice, whenever there is evidence that the continued presence of the student on the University campus poses a substantial threat to him or herself or to others or to the stability and continuance of normal University functions.
18. A student suspended on an interim basis shall be given an opportunity to appear personally before the Vice President for Student Affairs or a designee within five business days from the effective date of the interim suspension in order to discuss the following issues only:
 - (a) the reliability of the information concerning the student's conduct, including the matter of his or her identity;
 - (b) whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to him or herself or to others or the stability and continuance of normal University functions.

OFFICE OF STUDENT CONDUCT

19. The Office of Student Conduct directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the office include:
 - (a) Determination of the disciplinary charges to be filed pursuant to this *Code*.
 - (b) Interviewing and advising parties¹⁸ involved in disciplinary proceedings.
 - (c) Supervising, training, and advising all conduct boards.
 - (d) Reviewing the decisions of all conduct boards.¹⁹
 - (e) Maintenance of all student disciplinary records.

- (f) Development of procedures for conflict resolution.
- (g) Resolution of cases of student misconduct, as specified in Parts 32 and 33 of this *Code*.
- (h) Collection and dissemination of research and analysis concerning student conduct.
- (i) Submission of a statistical report each semester to the campus community, reporting the number of cases referred to the office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.²⁰

CONDUCT PANELS

20. Hearings or other proceedings as provided in the *Code* may be held before the following boards or committees:
- (a) **CONFERENCE BOARDS**, as appointed in accordance with Part 33 of this *Code*.
 - (b) **RESIDENCE BOARDS**, as established and approved by the Vice President for Student Affairs.²¹ Students residing in group living units owned, leased, operated or supervised by the University may petition the Vice President for authority to establish conduct boards. Such boards may be empowered to hear cases involving violations of the *Code*, as prescribed by the Vice President for Student Affairs.
 - (c) **THE CENTRAL BOARD** hears cases involving disciplinary violations which are not referred to Residence Boards or resolved in accordance with Parts 32 and 33 of this *Code*. The Central Board is composed of five students, including at least two graduate students when a graduate student case is being heard.
 - (d) **THE APPELLATE BOARD** hears appeals from Residence Boards, the Central Board, and ad hoc boards, in accordance with Part 42 of this *Code*. The Appellate Board is composed of five full-time students, including at least two graduate students.
 - (e) **AD HOC BOARDS** may be appointed by the Director of Student Conduct when a Conference Board, a Residence Board, the Central Board, the Appellate Board or the Senate Adjunct Committee are unable to obtain a quorum or are otherwise unable to hear a case.²² Each ad hoc board shall be composed of three members, including at least one student.
 - (f) **THE SENATE COMMITTEE ON STUDENT CONDUCT** hears appeals as specified in Part 41 of this *Code*. The committee also approves the initial selection of all conduct board members, except members of conference and ad hoc boards²³
21. The presiding officer of each conduct board and of the Senate Adjunct Committee on Student Conduct may develop bylaws which are not inconsistent with any provision in this *Code*. Bylaws must be approved by the Director of Student Conduct.²⁴

SELECTION AND REMOVAL OF BOARD MEMBERS

22. Members of the various conduct boards are selected in accordance with procedures developed by the Director of Student Conduct.
23. Members of conference and ad hoc boards are selected in accordance with Parts 33 and 20 (e), respectively.
24. Prospective members of the Central Board and the Appellate Board are subject to confirmation by the Senate Committee on Student Conduct.
25. Members of the Senate Committee on Student Conduct are selected in accordance with the bylaws of the University Senate.
26. Prior to participating in board or committee deliberations, new members of the Senate Committee on Student Conduct and all conduct boards, except conference and ad hoc boards, will participate in one orientation session by the Office of Student Conduct.
27. Student members of any conduct board or committee who are charged with any violation of this *Code* or with a criminal offense²⁵ may be suspended from their judicial positions by the Director of Student Conduct during the pendency of the charges against them. Students convicted for any such violation or offense may be disqualified from any further participation in the University judicial system by the Director of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the various conduct panels.

CASE REFERRALS

28. Any person²⁶ may refer a student or a student group or organization suspected of violating this *Code* to the Office of Student Conduct. Allegations of off-campus event-related misconduct must be supported by a report, statement, or accusation from a law enforcement agency in whose jurisdiction the misconduct is alleged to have occurred. Persons making such referrals are required to provide information pertinent to the case and will normally be expected to appear before a conduct board as the complainant.²⁷

DEFERRAL OF PROCEEDINGS

29. The Director of Student Conduct may defer disciplinary proceedings for alleged violations of this *Code* for a period not to exceed 90 days. Pending charges may be withdrawn thereafter, dependent upon the good behavior of the respondent. *Students subject to conditional relief from disciplinary charges under the Promoting Responsible Action in Medical Emergencies Policy may also be required to successfully complete an approved alcohol intervention program prior to the withdrawal of charges.*

HEARING REFERRALS

30. Staff members in the Office of Student Conduct will review referrals to determine whether the alleged misconduct might result in expulsion, suspension, or disciplinary removal from University housing.²⁸ Students subject to those sanctions shall be accorded a hearing before the appropriate conduct board. All other cases shall be resolved in the Office of Student Conduct after an informal disciplinary conference, as set forth in Part 32 and 33 of this *Code*.
31. Students referred to a conduct board hearing may elect instead to have their case resolved in accordance with Parts 32 and 33. The full range of sanctions authorized by this *Code* may be imposed, although the right of appeal shall not be applicable.

DISCIPLINARY CONFERENCES²⁹

32. Students subject to or electing to participate in a disciplinary conference in the Office of Student Conduct are accorded the following procedural protections:
 - (a) Written notice of charges at least three days prior to the scheduled conference.
 - (b) Reasonable access to the case file³⁰ prior to and during the conference.
 - (c) An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.
 - (d) The option to be accompanied and assisted by a representative, who may be an attorney. Representatives have the right to make opening and closing statements, to advise their clients during the course of the proceedings, and to petition for recesses. All representatives are subject to the restrictions of Parts 35 and 36 of this *Code*.
33. Disciplinary conferences shall be conducted by the Director of Student Conduct or a designee.³¹ Complex or contested cases may be referred by the Director to a conference board, consisting of one member of the Central Board, one member of the Appellate Board, and a staff member in the Division of Student Affairs. Conference Board members shall be selected on a rotating basis by the Director of Student Conduct.

HEARING PROCEDURES

34. The following procedural guidelines shall be applicable in disciplinary hearings:
 - (a) Respondents shall be given notice of the hearing date and the specific charges against them at least five days in advance and shall be accorded reasonable access to the case file, which will be retained in the Office of Student Conduct.

- (b) The presiding officer of any board may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the board advisor. Subpoenas must be approved by the Director of Student Conduct and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.³²

If the Director of Student Conduct or his or her designee determines that a fair hearing cannot be held without the testimony of a particular witness, and, after good faith attempts are made, the witness either fails to or refuses to appear, the disciplinary hearing will be postponed until the witness agrees to appear or the charges will be dismissed.

- (c) Respondents who fail to appear after proper notice will be deemed to have pleaded guilty to the charges pending against them.
- (d) Hearings will be closed to the public, except for the immediate members of the respondent's family and for the respondent's representative. An open hearing may be held, at the discretion of the presiding officer, if requested by the respondent.
- (e) The presiding officer of each board shall exercise control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Except as provided in section (o) of this Part, any person, including the respondent, who disrupts a hearing may be excluded by the presiding officer or by the board advisor.
- (f) Hearings may be tape recorded or transcribed. If a recording or transcription is not made, the decision of the board must include a summary of the testimony and shall be sufficiently detailed to permit review by appellate bodies and by staff members in the Office of Student Conduct.
- (g) Any party or the board advisor may challenge a board member on the grounds of personal bias. Board members may be disqualified upon majority vote of the remaining members of the board, conducted by secret ballot,³³ or by the Director of Student Conduct.
- (h) Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of perjury, pursuant to ~~Part 9(h)~~ Part 9(i) of this Code.
- (i) Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses, and the public shall be excluded during board deliberations.
- (j) The burden of proof shall be upon the complainant, who must establish the guilt of the respondent by clear and convincing evidence.
- (k) Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this Code.³⁴ The presiding officer of

each board shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.³⁵

- (l) Respondents shall be accorded an opportunity to question those witnesses who testify for the complainant at the hearing.
- (m) Affidavits shall not be admitted into evidence unless signed by the affiant and witnessed by a University employee, or by a person designated by the Director of Student Conduct.
- (n) Board members may take judicial notice of matters which would be within the general experience of University students.³⁶
- (o) Board advisors may comment on questions of procedure and admissibility of evidence and will otherwise assist in the conduct of the hearing. Advisors will be accorded all the privileges of board members, and the additional responsibilities set forth in this *Code*, but shall not vote. All advisors are responsible to the Director of Student Conduct and shall not be excluded from hearings or board deliberations by any board or by the presiding officer of any board.
- (p) The Director of Student Conduct may appoint a special presiding officer to any board in complex cases or in any case in which the respondent is represented by an attorney. Special presiding officers may participate in board deliberations, but shall not vote.³⁷
- (q) A determination of guilt shall be followed by a supplemental proceeding in which either party and the board advisor may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record³⁸ of the respondent shall not be supplied to the board by the advisor prior to the supplementary proceeding.
- (r) Final decisions of all conduct panels shall be by majority vote of the members present and voting. A tie vote will result in a recommended acquittal in an original proceeding. A tie vote in an appellate proceeding will result in an affirmation of the original decision.
- (s) Final decisions of all boards, except conference boards, shall be accompanied by a brief written opinion.

ATTORNEYS AND REPRESENTATIVES

35. Representatives of both complainants and respondents in hearings pursuant to this *Code* have the right to call witnesses to testify, to question in person all witnesses who appear at the hearing, to voice timely objections, to make opening and closing statements, to petition for recesses in the proceedings and to zealously and lawfully assert their client's position under the *Code of Student Conduct*.³⁹ All presenters and representatives who participate in disciplinary hearings and disciplinary conferences shall not:
- (a) Intentionally engage in conduct to disrupt a hearing;

- (b) Intentionally attempt to improperly influence an officer of the Office of Student Conduct, a hearing advisor or member of a conduct board;
 - (c) Intentionally fail to obey a reasonably definite and specific order by a presiding officer;
 - (d) Knowingly make a false statement of material fact, law or representation of the *Code* to other participants in a hearing;
 - (e) Knowingly fail to disclose a material fact in a hearing when disclosure is necessary to avoid assisting a future criminal or fraudulent act;
 - (f) Knowingly offer false evidence, falsify evidence, counsel or induce witnesses to testify falsely, or offer improper inducements to testify;
 - (g) Recklessly and unlawfully obstruct another party's access to evidence, or alter, destroy or conceal material not protected by privilege having potential evidentiary value;
 - (h) If the representative is an attorney, otherwise fail to follow any obligations under relevant standards of professional responsibility in matters pertaining to the representation.
36. (a) Any participant in a hearing may refer complaints about suspected violations of the provisions of Part 35 of this *Code* to the Senate Committee on Student Conduct.
- (b) Within a reasonable time after such referral, the chairperson of the Senate Committee on Student Conduct will review the complaint. After review the chairperson shall dismiss complaints which are anonymous, manifestly frivolous, which cannot be reasonably construed to allege a violation of Part 35, or are based on hearsay alone. Those which are not dismissed will be referred to the full Committee which will convene a hearing no sooner than 10 business days after sending a copy of the evidence presented to the representative named in the complaint. The hearing shall be held under the relevant rules and procedures governing disciplinary hearings outlined in Parts 34-36 of this *Code*.
- (c) A client shall not be compelled either directly or through their representative to waive the attorney-client privilege.
- (d) Representatives found responsible for violations of the provisions of Part 35 may be suspended from the privilege of representation for such time as the Committee may deem appropriate. In addition, the Committee may refer their findings to the Attorney Grievance Commission, or other appropriate disciplinary body.
- (e) Appeals from decisions of the Senate Committee on Student Conduct regarding violations under Part 35 may be made by parties found responsible. Appeals should be made in writing to the Senate Campus Affairs Committee within 10 business days of receipt of the letter notifying the party of the decision. Appeals will be conducted in accordance with the standards for the hearing of student disciplinary appeals. Decisions of the Campus Affairs Committee regarding these appeals shall be final.

STUDENT GROUPS AND ORGANIZATIONS

37. Student groups and organizations may be charged with violations of this *Code*.
38. A student group or organization and its officers may be held collectively⁴⁰ or individually responsible when violations of this *Code* by those associated with⁴¹ the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons.
39. The officers or leaders or any identifiable spokespersons⁴² for a student group or organization may be directed by the Vice President for Student Affairs or a designee to take appropriate action designed to prevent or end violations of this *Code* by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Vice President's directive shall be considered a violation of ~~Part 9(n)~~ Part 9(o) of this *Code*, both by the officers, leaders or spokespersons for the group or organization and by the group or organization itself.
40. Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to Part 10(f) of this *Code*.

APPEALS

41. Any determination made pursuant to this *Code* resulting in expulsion or suspension⁴³ may be appealed by the respondent to the Senate Committee on Student Conduct. The Senate Committee shall also hear appeals from denials of petitions to void disciplinary records, pursuant to Part 51 of this *Code*.
42. Final decisions of residence boards, the Central Board and ad hoc boards, not involving the sanctions specified in Part 41, may be appealed by the respondent to the Appellate Board.⁴⁴
43. Requests for appeals must be submitted in writing to the Office of Student Conduct within seven business days from the date of the letter notifying the respondent of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.⁴⁵
44. A written brief in support of the appeal must be submitted to the Office of Student Conduct within 10 business days from the date of the letter notifying the respondent of the original decision. Failure to submit a written brief within the allotted time will render the decision of the lower board final and conclusive.⁴⁶

45. Appeals shall be decided upon the record of the original proceeding and upon written briefs submitted by the parties. De novo hearings shall not be conducted.
46. Appellate bodies may:
 - (a) Affirm the finding and the sanction imposed by the original board.
 - (b) Affirm the finding and reduce, but not eliminate, the sanction, in accordance with Parts 47 and 47(a).
 - (c) Remand the case to the original board, in accordance with Parts 47 and 47(b).
 - (d) Dismiss the case, in accordance with Parts 47 and 47(c).
47. Deference shall be given to the determinations of lower boards.⁴⁷
 - (a) Sanctions may only be reduced if found to be grossly disproportionate to the offense.
 - (b) Cases may be remanded to the original board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the respondent a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent respondent before or during the original hearing.⁴⁸ On remand, no indication or record of the previous conduct hearing will be introduced or provided to members of the new conduct panel, except to impeach contradictory testimony at the discretion of the presiding officer. The board will be directed by the committee not to repeat the specified errors that caused the remand.
 - (c) Cases may be dismissed only if the finding is held to be arbitrary and capricious.⁴⁹
 - (d) Decisions of the Appellate Board shall be recommendations to the Director of Student Conduct.⁵⁰ Decisions of the Senate Committee on Student Conduct shall be recommendations to the Vice President for Student Affairs. Decisions altering the determinations of all hearing boards and the Senate Committee on Student Conduct shall be accompanied by a brief written opinion.
48. The imposition of sanctions will normally be deferred during the pendency of appellate proceedings, at the discretion of the Director of Student Conduct.

DISCIPLINARY FILES AND RECORDS

49. Case referrals may result in the development of a disciplinary file in the name of the respondent, which shall be voided if the respondent is found innocent of the charges.⁵¹ The files of respondents found guilty of any of the charges against them will be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action.⁵² Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.

50. Disciplinary records may be voided⁵³ by the Director of Student Conduct for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:
- (a) the present demeanor of the respondent.
 - (b) the conduct of the respondent subsequent to the violation.
 - (c) the nature of the violation and the severity of any damage, injury, or harm resulting from it.
51. Denials of petitions to void disciplinary records shall be appealable to the Senate Committee on Student Conduct, which will apply the standard of review specified in Part 47 and 47(c). The requirements for appeals as set forth in Part 43 and 44 shall be applicable.⁵⁴
52. Disciplinary records retained for less than 90 days or designated as “permanent” shall not be voided without unusual and compelling justification.⁵⁵

ANNOTATIONS

1. The University is not designed or equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or to others. It may be necessary, therefore, to remove those individuals from the campus and to sever the institutional relationship with them, as provided in this *Code of Student Conduct* and by other University regulations.*

Any punishment imposed in accordance with the *Code* may have the value of discouraging the offender and others from engaging in future misbehavior. In cases of minor disciplinary violations, the particular form of punishment may also be designed to draw upon the educational resources of the University in order to bring about a lasting and reasoned change in behavior. The underlying rationale for punishment need not rest on deterrence or “reform” alone, however. A just punishment may also be imposed because it is “deserved” and because punishment for willful offenses affirms the autonomy and integrity of the offender. The latter concept was expressed by D.J.B. Hawkins in his essay “Punishment and Moral Responsibility” in *7 Modern Law Review* 205:

The vice of regarding punishment entirely from the points of view of reformation and deterrence lies precisely in forgetting that a just punishment is deserved. The punishment of men then ceases to be essentially different from the training of animals, and the way is open for the totalitarian state to undertake the forcible improvement of its citizens without regard to whether their conduct has made them morally liable to social coercion or not. But merit and demerit, reward and punishment, have a different significance as applied to men and as applied to animals. A dog may be called a good dog or a bad dog, but his goodness or

badness can be finally explained in terms of heredity and environment. A man, however, is a person, and we instinctively recognize that he has a certain ultimate personal responsibility for at least some of his actions. Hence merit and demerit, reward and punishment, have an irreducible individual significance as applied to men. This is the dignity and the tragedy of the human person.

A similar view was expressed by Justice Powell, dissenting in *Goss v. Lopez* (42 L. Ed. 2d 725, 745):

Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied.

2. An effort is made in the *Code* to use a simplified numbering and lettering system, without use of Roman numerals or subsets of letters and numbers. Any part of the *Code* can be found by reference to one number and one letter [e.g., Part 10a explains the meaning of expulsion].
3. Culpable conduct should include conscious acts posing a substantial risk or harm to others (e.g. throwing a heavy object out a tenth floor window above a sidewalk). If the act itself, however, is unintended (e.g. one is distracted by a noise while climbing a flight of stairs and drops a heavy object) the individual may have failed to use reasonable care, but is not normally deserving of the moral stigma associated with a “conviction” for a disciplinary offense.
4. Former students may be charged for violations which allegedly occurred during their enrollment at the University.
5. Colleges and universities are not expected to develop disciplinary regulations which are written with the scope of precision of a criminal *Code*. Rare occasions may arise when conduct is so inherently and patently dangerous to the individual or to others that extraordinary action not specifically authorized in the rules must be taken.
6. The terms “suspension” and “interim suspension” are to be distinguished throughout the *Code* and are not interchangeable.

7. Disciplinary removal from University housing should be distinguished from administrative removal for violations of the residence contract. The latter does not leave students with a disciplinary record and does not come under the purview of this *Code*.
8. The standard set forth here represents the minimal procedural protection to be accorded to students charged with most disciplinary violations. Students who are subject to lengthy suspensions or to expulsion may be entitled to more formal procedures, including a hearing with a right to cross-examine the witnesses against them. *Goss v. Lopez*, 419 U.S. 565 (1975).
9. The Supreme Court has recently rejected the theory that state schools are bound by principles of federal administrative law requiring agencies to follow their own regulations. *Board of Curators, University of Missouri v. Horowitz* 55 L.Ed 2d 124, 136. See, generally, “Violation by Agencies of Their Own Regulations” 87 *Harvard Law Review* 629 (1974).
10. Respondents in disciplinary proceedings may be directed to answer questions concerning their conduct. Students who refuse to answer on grounds of the Fifth Amendment privilege may be informed that the hearing panel could draw negative inferences from their refusal which might result in their suspension or dismissal. If the student then elects to answer, his/her statements could not be used against him/her in either state or federal court. *Garrity v. New Jersey*, 385 U.S 493 (1967). See also *Furutani v. Ewigleben*, 297 F. Supp. 1163 (N.D.Cal. 1969).
11. The “controlled substances” or “illegal drugs” prohibited in this section are set forth in Schedules I through V in the Maryland Criminal Law Article 5-401 through 5-406 and 5-708 (Inhalants).
12. [*See Annotation 11.*](#)
13. Colleges and universities should be a forum for the free expression of ideas. In the recent past, however, unpopular speakers have been prevented from addressing campus audiences by students who effectively “shouted them down.” Both Yale and Stanford Universities have treated such actions (which are to be distinguished from minor and occasional heckling) as serious disciplinary violations. See the “Report from the Committee on Freedom of Expression at Yale University” which is available in the Office of Student Conduct.

The following language from the Yale report may be used to elaborate upon the intent and scope of ~~Part 9(j)~~ [Part 9\(k\)](#) of this *Code*.

- A. “There is no right to protest within a University building in such a way that any University activity is disrupted. The administration, however, may wish to permit some symbolic dissent within a building but outside

the meeting room, for example, a single picket or a distributor of handbills.”

- B. “[A] member of the audience may protest in silent, symbolic fashion, for example, by wearing a black arm band. More active forms of protest may be tolerated such as briefly booing, clapping hands or heckling. But any disruptive activity must stop [and not be repeated] when the chair or an appropriate University official requests silence.
 - C. “Nor are racial insults or any other ‘fighting words’ a valid ground for disruption or physical attack... The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, unscholarly, or untrue.”
14. A compilation of published regulations which have been reviewed and approved by the Vice President shall be available for public inspection during normal business hours in the Office of Student Conduct.
- ~~14. The “controlled substances” or “illegal drugs” prohibited in this section are set forth in Schedules I through V in the Maryland Criminal Law Article 5-401 through 5-406 and 5-708 (Inhalants).~~
15. This Part and Parts 12 and 13 represent an attempt to give needed guidance to those who are assessing penalties. Moreover the direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. Nonetheless, the language concerning “mitigating factors” is broad enough to give decision-makers considerable leeway to “do justice,” depending upon the facts in each case. The burden of establishing facts in mitigation should, of course, be upon the respondent.
16. There does not seem to be any rational basis for imposing less severe penalties for attempts than for completed violations. The authors of the *Model Penal Code*, for example, have written that:
- To the extent that sentencing depends upon the antisocial disposition of the actor and the demonstrated need for a corrective action, there is likely to be little difference in the gravity of the required measures depending on the consummation or the failure of the plan.*
- See LaFave, *Criminal Law Treatise* p. 453.
17. These procedures are analogous to those found in the “emergency” disciplinary rules adopted by the Board of Regents in 1971 and are consistent with the formal opinion of the Maryland Attorney General on this subject, dated January 23, 1969. See also *Goss v. Lopez*, 419 U.S. 565 (1975).

Nothing in this provision would prohibit the Vice President from modifying the terms of an interim suspension, so long as the hearing requirement specified in

Part 18 was met. For example, a suspended student might be allowed to enter University premises solely for the purpose of attending classes.

18. Staff members in the Office of Student Conduct should endeavor to arrange a balanced presentation before the various conduct boards and may assist both complainants and respondents.
19. This language does not effect any change in previous policy concerning the powers of conduct boards. All board decisions, including those rendered by Conference Boards, shall be treated as recommendations.
20. See Annotation 1, supra. The deterrent effect of punishment is diminished if the community is unaware of the number and general nature of sanctions imposed. The Director of Student Conduct may, for example, arrange for publication of the statistical report in the campus press each semester.
21. Boards established pursuant to this section might include modified versions of the present “Greek” or residence hall boards.
22. It is intended that a quorum will consist of three members (out of five). The authority to appoint ad hoc boards should be broadly construed and might be especially useful, for example, when a conduct board or the Senate Committee is charged with hearing a case involving one of its own members. The final determination as to whether a panel is “unable to hear a case” should be within the discretion of the Director of Student Conduct.
23. The power of confirmation represents a significant grant of authority to the Senate Committee. ~~The committee is presently under-utilized and might best contribute to the judicial system by becoming more involved with it.~~ Moreover, confirmation procedures will give committee members direct contact with board members and will also allow the committee to exercise more control over the quality of Conduct Board decisions.
24. Proposed bylaws must be submitted to the Attorney General for review.
25. It could be a public embarrassment for the University to have a student charged with or convicted of a serious crime sit in judgment over other students in disciplinary proceedings. The various state criminal *Codes* are usually so broad and archaic, however, that automatic suspension or removal should not result from any violation of any law (e.g., New York makes it a criminal misdemeanor for anyone “to dance continuously in a dance contest for 12 or more hours without respite”).
26. Case referrals should not be limited to members of the “campus community.” A student who assaults another person on campus should not escape University

judicial action merely because the person assaulted was a visitor (or, as in a recent case, a former student who had just withdrawn from the University).

27. The Director of Student Conduct may appoint a trained volunteer from the campus community to serve as the complainant. It would be preferable, however, to employ a “community advocate” to present all disciplinary cases.

Several measures in the *Code* are designed to restore balance in disciplinary proceedings, even in those cases in which the complainant is inexperienced with administrative adjudication:

- (a) A hearing officer may be appointed in complex or serious cases. See Part 34(p).
 - (b) The role of attorneys or advisors may be restricted. See Parts 35 and 36, and Annotation 39.
 - (c) The “disciplinary conference” procedure is designed to eliminate adversary proceedings in minor cases. See Parts 32-33 and Annotation 29.
28. Staff members may consider the mitigating factors specified in Part 11 to determine the permissible sanction to be imposed if the respondent is found guilty of charges. For example, a student involved in a minor altercation might be charged pursuant to Part 9(a), but referred to a disciplinary conference, thereby precluding the possibility of expulsion or suspension for the alleged misconduct.
 29. The hearing procedures specified at Part 34 need not be followed in disciplinary conferences. Instead a disciplinary conference would normally consist of an informal, nonadversarial meeting between the respondent and a staff member in the Office of Student Conduct. Complainants would not be required to participate, unless their personal testimony was essential to the resolution of a dispositive factual issue in the case. Documentary evidence and written statements could be relied upon, so long as respondents are given access to them in advance and allowed to respond to them at the conference. Respondents would also be allowed to bring appropriate witnesses with them and might be accompanied by a representative, who may participate in discussions, although not in lieu of participation by the respondent.

The conference procedure is designed to reduce the steady growth of unnecessary legalism in disciplinary proceedings. The worst features of the adversary system (including the concept that judicial proceedings are a “contest” to be “won by clever manipulation of procedural rules) undermine respect for the rule of law. Colleges and universities can and should be a testing ground for development of carefully reasoned alternatives to current procedural excesses in the larger society.**

Procedures comparable to the disciplinary conference (referred to as “structured conversations”) are suggested by David L. Kirp in his 1976 article “Proceduralism

and Bureaucracy: Due Process in the School Setting” 38 *Stanford Law Review* 841.

The benefits of such conversations in the school setting may better be appreciated by contrasting them with the typical due process hearing. Hearings are designed to determine the facts of a particular controversy, and apply predetermined rules to the facts thus found. At that point, the function of the hearing is at an end. The wisdom of the underlying substantive rules has no relevance, nor is broader discussion of grievances generally encouraged, unless it is somehow pertinent to the dispute at hand.

Conversation knows no such limits. It too serves as a vehicle for resolving what are likely to be factually uncomplicated disputes, but it does more than that. It enables students to feel that they are being listened to and may encourage them to raise underlying grievances. It provides administrators with a relatively inexpensive vehicle for monitoring, and hence a basis for reshaping institutional relationships. The outcome of these ‘orderly thoughtful conversations’ may well be decisions different in their particulars from what might otherwise have been anticipated; repeated conversations which touch upon similar student grievances may ultimately lead disciplinarians to reassess whether control is so vital, and collaboration so improbable, as a means of assuring institutional order.

The conference procedure would not be used in any case which might result in any form of separation from the University. Accordingly, the procedure appears to meet or exceed the due process requirements set forth by the United States Supreme Court for cases involving suspensions of ten days or less. In *Goss v. Lopez* the Court held:

[W]e stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial-type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process.

On the other hand, requiring effective notice and an informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will

be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination, and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced (42 L. Ed. 725, 740).

30. The case file consists of materials which would be considered “education records,” pursuant to the Family Educational Rights and Privacy Act. Personal notes of University staff members or complainants are not included.
31. Determinations made in accordance with Parts 32 and 33 are not appealable.
32. Internal subpoenas may be desirable, since cases have arisen in which complainants or respondents were unable to present an effective case due to the indifference and lethargy of potential witnesses. A student who refused to respond to a subpoena may be charged with a violation of ~~Part 9(n)~~ Part 9(o) of the *Code*. The Director of Student Conduct should not approve a subpoena unless the expected testimony would be clearly relevant. Likewise, a subpoena designed to embarrass or harass a potential witness should not be authorized. The subpoena power specified here is not designed to reach documents or other materials.
33. Board members should be disqualified on a case basis only; permanent removal should be accomplished in accordance with Part 27. Board members should not be readily disqualified. The term “personal bias” involves animosity toward a party or favoritism toward the opposite party. See, generally, Davis, *Administrative Law Treatise* “Bias” Section 12.03.
34. The exclusionary rule generally does not apply to civil administrative proceedings. Furthermore, the University of Maryland is exempted by statute from the applicable portions of the Administrative Procedure Act. The Maryland Court of Appeals, however, has barred evidence from administrative proceedings where a respondent establishes that officials were improperly motivated to illegally seize the evidence. See *Sheetz v. City of Baltimore*, 315 Md. 208 (1989).
35. Testimony containing hearsay may be heard, if relevant. A final determination should not be based on hearsay alone.
36. Every statement or assertion need not be proven. For example, board members may take notice that many students commute to the University.
37. Student presiding officers are often at a disadvantage when the respondent is represented by an attorney. The proceedings might progress more rapidly and efficiently if a special presiding officer were appointed. Generally, a staff member in the Office of Student Conduct would be selected for such a responsibility,

although other University employees with legal training might also be called upon.

38. Information pertaining to prior findings of disciplinary and residence hall violations might be reported, as well as relevant criminal convictions. Prior allegations of misconduct should not be disclosed.
39. The dynamics of a judicial hearing in a University setting are not the same as those of a courtroom. Strict adherence to the conventions of courtroom advocacy may not be in the best interest of clients in University judicial proceedings.

The presiding officer and the board advisor are authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant facts, to prevent the harassment of participants, to insure that proceedings are not disrupted and the interests of fairness are served. This may include regulating the timing, length and manner of presentations and objections, declaring recesses in the proceedings, and other appropriate actions. Presiding officers should have training and experience appropriate to the demands of the office.

Before hearings, presenters for both complainants and respondents shall be presented with a written statement approved by the Senate Committee on Student Conduct regarding their rights and obligations during hearings and the powers of the presiding officer to control behavior in hearings.

40. Punishment of one or several individuals for the acts of others should be avoided if the identities of the specific offenders can be readily ascertained.
41. Association does not require formal membership. Individuals who might reasonably be regarded as regular participants in group or organization activities may be held to be associated with the group or organization.
42. Leaders or spokespersons need not be officially designated or elected. For example, if a group or organization accepted or acquiesced in the act or statement of an individual associated with it, that individual might reasonably be regarded as a leader or a spokesman for the group or organization.
43. “Suspension” includes deferred suspension but not interim suspension or suspension which is withheld. See Annotation 6.
44. Students left with a disciplinary record after a disciplinary conference may request that their record be voided, in accordance with Part 49. Denials may be appealed, pursuant to Part 51.
45. The decision will be “final and conclusive” on the part of the conduct board, but will remain a recommendation to the Director of Student Conduct.

46. This Part is intended to discourage frivolous appeals. Respondents who are genuinely interested in pursuing an appeal can reasonably be expected to prepare a written brief.
47. Appellate bodies which do not give deference (i.e., a presumption of validity) to lower board decisions will distort the entire disciplinary system. Respondents would be encouraged to “test their strategy” and “perfect their technique” before lower boards, since the matter would simply be heard again before a “real” board with final authority.

Lower board members usually have the best access to the evidence, including an opportunity to observe the witnesses and to judge their demeanor. Members of appellate bodies should be especially careful not to modify a sanction or to remand or dismiss a case simply because they may personally disagree with the lower board’s decision.

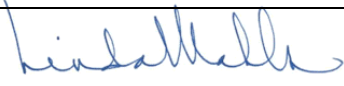
The opportunity to appeal adverse decisions has not been determined to be a requirement of constitutional “due process” in student disciplinary cases.*** There is presently no legal obstacle to adopting an amendment to the Code which would eliminate the appellate system altogether.

48. Respondents who obtain information at the hearing which might lead to new evidence are required to request an adjournment rather than wait to raise the matter for the first time on appeal.
49. An arbitrary and capricious decision would be a decision “unsupported by any evidence.” The cited language has been adopted by the Federal Courts as the proper standard of judicial review, under the due process clause, of disciplinary determinations made by the state boards or agencies. *See McDonald v. Board of Trustees of the University of Illinois*, 375 F. Supp. 95, 108 (N.D. Ill., 1974).
50. See Annotation 19.
51. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.
52. Disciplinary records may be reported to third parties, in accordance with University regulations and applicable state and federal law.
53. Void records shall be treated in the manner set forth in Annotation 51.
54. The scope of review shall be limited to the factors specified at Part 50. An inquiry into the initial determination of guilt or innocence is not permitted. For example, when considering the “nature” of the violation, pursuant to Part 50 (c), it is to be assumed that the violation occurred and that the respondent was responsible for it.

55. Some discretion must be retained to void even “permanent” disciplinary records. It may be unnecessary, for example, to burden a graduating senior with a lifelong stigma for an act committed as a freshman. Social norms also change rapidly. “Unacceptable” conduct in one generation may become permissible and commonplace in the next.
- * See the procedures for mandatory medical withdrawal developed by the Vice President for Student Affairs
- ** See Macklin Fleming, *The Price of Perfect Justice*: “in our pursuit of . . . perfectibility, we necessarily neglect other elements of an effective procedure, notably the resolution of controversies within a reasonable time at a reasonable cost, with reasonable uniformity . . . we impair the capacity of the legal order to achieve the basic values for which it is created, that is, to settle disputes promptly and peaceably, to restrain the strong, to protect the weak, and to conform the conduct of all the settled rules of law.”
- *** See the due process standard set forth in *Dixon v. Alabama*, 294 F.2nd 150, 158-159 (Fifth Cir., 1961), Cert. den 368 U.S. 930.



University Senate CHARGE

Date:	November 9, 2010
To:	Nan Ratner Chair, Student Conduct Committee
From:	Linda Mabbs Chair, University Senate 
Subject:	Medical Amnesty: Responsible Action Protocol
Senate Document #:	07-08-20
Deadline:	March 28, 2011

As you know, the Senate passed the Responsible Action Protocol (RAP) in the spring 2009 semester and asked for a one-year evaluation of the protocol. The resolutions passed by the Senate also stipulated that the Office of Student Conduct report back to the Senate Executive Committee (SEC) on its evaluation of data collected over the past year. Dr. Zacker presented the report to the SEC at its meeting on October 27, 2010.

After extensive discussion on the report, the SEC agreed that further review of this issue is necessary. Therefore, the SEC requests that the Student Conduct Committee review the Office of Student Conduct's report and advises the SEC whether further action should be taken.

Specifically, we ask that you:

1. Review the existing language in the protocol and consider whether it should be revised to strengthen the language stating that student safety is of paramount importance.
2. Review the current process for data collection by the Office of Student Conduct and make suggestions for improvement as appropriate.
3. Consider whether the Responsible Action Protocol has been effective by consulting with students.
4. Advise the SEC whether to propose that the protocol (or a modified version of it) be transformed into an official policy.
5. Consider whether a broad medical amnesty policy, which refers to the protocol for specific implementation procedures, should be created.

We ask that you submit your report and recommendations to the Senate Office no later than March 28, 2011. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Office of Student Conduct
Promoting Integrity, Character, & Ethics

Responsible Action Protocol
Report to the University Senate Executive Committee
 October 27, 2010

Background

In May 2009 the President acknowledged receipt of University Senate resolutions on Promoting Responsible Action in Medical Emergencies. This action formally adopted the following (see University Senate Chair Holum memorandum to President Mote dated April 23, 2009):

1. To endorse likewise the administrative protocol entitled Promoting Responsible Action in Medical Emergencies formulated by the Student Conduct Committee and recommend that the Office of Student Conduct adopt it as administrative procedures for cases of medical emergencies involving a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student.
2. To request that the Office of Student Conduct, after a one-year trial period, report to the Senate Executive Committee on the results of the implementation of the new administrative procedures. The University Senate of 2010-2011 will then examine whether it is advisable to propose a new University policy to apply in such cases.

Effective Fall 2009 the attached administrative protocol entitled Promoting Responsible Action in Medical Emergencies (RAP) was adopted as an administrative procedure by the Office of Student Conduct. In turn, the Office of Rights and Responsibilities with the Department of Resident Life was requested to implement RAP in handling applicable cases in and around the residence halls.

Alcohol Transport Data

As the chart below indicates, the number of student requiring medical transport for alcohol related issues has increased over the past three years. The total number of student transports in 2008-09 increased by 30% over 2007-08. During the first year of RAP implementation in 2009-10 the total number of student transports increased by 36% over the previous year. The most significant change during the RAP implementation seems to be the number of students receiving transport during the Fall 2009 increasing by 66% over the previous fall semester.

	Fall 07	Spr 08	Total 07-08	Fall 08	Spr 09	Total 08-09	Fall 09	Spr 10	Total 09-10
Transports	13	14	27	18	10	28	30	16	46
Refusal	10	3	13	13	11	24	12	13	25
TOTAL	23	17	40	31	21	52	50	34	71

The trend over this three year period indicates a steady increase in the total number of alcohol related transports. The increase in 2009-10 cannot be definitively attributed to the implementation of RAP.

Assessment Results

During Spring 2010 a survey of 1,500 randomly selected students was conducted with the purpose of assessing knowledge of RAP and factors that might contribute to calling for medical assistance. We received a 26% return rate with 400 respondents. In addition, we “over-surveyed” fraternities and sororities by providing the survey link to chapter presidents requesting that they encourage members to complete.

Overall, 88% of students responding indicate (strongly/moderately agree) that they can identify the warning signs of alcohol poisoning. Additionally, 89% indicate that it is very likely or moderately likely that they would seek help if worried about a friend’s health or safety after drinking.

The most important result of the survey was that 56% of students were NOT aware of RAP prior to completing the survey. Of those students responding that they were aware of RAP 71% lived in an on-campus residence hall. This results indicates that the Department of Resident Life did an effective job promoting RAP to resident students, but that further marketing efforts should be considered for off-campus students.

When asked to what extent various reasons might keep students from seeking help, *possible punishment from the University* was most significant. Over 50% of students report that punishment would factor into their decision either “a great deal” or “considerably.” This would seem to support the implementation of RAP as a way of addressing this perception.

2009-10 RAP Implementation

Over the 2009-10 academic year RAP was applied to 45 students. It is important to note that all situations in which RAP was considered occurred in the residence halls. No incidents were reported occurring elsewhere on campus that required RAP to be considered.

	Fall 09	Spr 10	Total
RAP Applied	30	15	45
RAP Not Applied	24	15	39
Alcohol – Caller	7	1	8

An RAP “implementation team” was created comprised of representatives from the Health Center, Department of Resident Life, Office of Fraternity and Sorority Life, and Office of Student Conduct. They developed the survey and continue to meet to assess the overall effectiveness of both the implementation as well as marketing. In addition to specific marketing efforts directed toward all resident students (posters, residence hall floor/hall meetings, staff training) a general notice was sent electronically to all students highlighting RAP.

Recommendations

After a one-year “trial period” as requested by the Senate Executive Committee, the following recommendations are made:

1. Continue marketing efforts geared toward making all students aware of RAP and encouraging “responsible action” in medical emergencies.
2. Continue to collect data regarding alcohol related transports and application of RAP in order to assess overall trends.
3. Continue implementation and application of RAP as developed as an administrative protocol. There does not seem to be justification to modify the existing protocol or to create/institute a more formal policy.



Office of Student Conduct
Promoting Integrity, Character, & Ethics

Promoting Responsible Action in Medical Emergencies

Introduction

The health and safety of University students is of paramount concern. All members of the University community are encouraged to act in a responsible manner when an individual may require medical assistance by dialing 911 or 301.405.3333 or seeking a University official. In situations in which either a student summoning or requiring help is under the influence of alcohol, the threat of disciplinary sanctions for violating the University's alcohol policy should not be a barrier to responsible action. *Promoting Responsible Action in Medical Emergencies* is an administrative protocol¹ authorized by the Director of Student Conduct to provide conditional relief in certain defined situations. The purpose is to encourage students to seek assistance for medical emergencies.

Protocol of the Office of Student Conduct

1. A student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency will normally not face disciplinary charges under the *Code of Student Conduct* or *Residence Hall Rules* for the possession or use of alcohol. In lieu of disciplinary charges and as a condition of such relief, students handled under this protocol will usually be required to be evaluated by the University Health Center staff and successfully complete an approved alcohol intervention program.
2. This protocol also extends to the student for whom medical emergency assistance has been summoned.
3. Students referred to the Office of Student Conduct or the Department of Resident Life for alcohol use or possession will be interviewed by a representative of the unit. If the student is eligible for conditional relief under this protocol, the initiation of disciplinary charges will normally be "deferred" under part 28 of the *Code of Student Conduct* pending successful completion of an approved alcohol intervention program. If the student successfully completes the program to the satisfaction of the Health Center staff and the Office of Student Conduct/Department of Resident Life, the pending

¹ This protocol constitutes instructions by the Director to the staff of the Office of Student Conduct describing how a limited range of alcohol-related conduct will be regularly managed under the *Code of Student Conduct* and Residence Hall Rules. It also serves to inform the Campus Community of what has and shall be the customary practice of the Office of Student Conduct. It must be understood, however, this protocol is not an established University policy or rule and may, from time-to-time be changed by the Director. Similarly, on a case-by-case basis and notwithstanding anything to the contrary in this protocol, the possession or use of alcohol in violation of the University's alcohol policy may be handled differently when the Director determines that under the peculiar facts of the situation it is in the best interests of the institution or persons involved. It is for these reasons the words "normally" and "usually" are employed in the protocol.

charges will be withdrawn, leaving the student with no disciplinary record. If the student fails to successfully complete the program, charges for alcohol use and possession will be processed and, if proved, may result in more severe sanctions and a disciplinary record.

Exclusions

1. The conditional relief from disciplinary charges described in this protocol does not extend to charges other than possession or use of alcohol. In addition, it shall not provide relief from disciplinary charges pertaining to the alleged possession or use of alcohol which, if proven:

- (a) would constitute an “Aggravated Violation” as defined under Paragraph 2(a) of the *Code of Student Conduct*:

“[T]he term “aggravated violation” means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University or University sponsored activities.”

“Aggravated Violation” also includes:

“...[R]ioting, assault, theft, vandalism, arson, or breach of the peace related directly or indirectly to University sponsored activities;” or,

- (b) involve or are associated with the distribution of alcohol to a person under the legal drinking age.

2. Students with a prior disciplinary record of alcohol-related violations and students previously granted relief under this protocol, shall only be eligible for relief on an individual-by-individual basis following an assessment by the Office of Student Conduct.

3. This protocol does not and cannot offer conditional relief, immunity or protection from criminal complaint, arrest or prosecution by University police or other person or official for illegal activity, including the illegal use or possession of alcohol in violation of County, State or Federal law. It does not provide relief from any civil suit, fine or financial obligation to any party (including the University), for loss, damage or injury associated with alcohol use or possession. It must be emphasized that the “charges” and “violations” referred to in the protocol are only charges and violations under the *Code of Student Conduct* and/or under *Residence Hall Rules*.

4. This protocol does not offer conditional relief to student organizations, which remain subject to organizational charges for alcohol-related violations, including possession and use. The nature of such charges and any resulting disciplinary sanctions, however, will take into account and may be mitigated by the action taken by organizational representatives. A representative of a student organization who summons medical emergency assistance may be eligible for conditional relief from charges for his or her personal use or possession of alcohol under this protocol.

TRANSMITTAL AND ABSTRACT OF SENATE REPORT

Date Presented to the Senate: April 23, 2009

Presenter: David Freund, Chair of the Student Conduct Committee

Subject of Report: Good Samaritan Policy

Senate Document Number: #07-08-20

Voting: (a) on resolutions or recommendations one by one, or
(b) in a single vote
(c) to endorse entire report

A. Statement of Issue:

The Office of Student Conduct's adoption of an administrative protocol entitled *Promoting Responsible Action in Medical Emergencies*.

B. Recommendations:

In an effort to address the current problem of perceived hesitation by students calling for help in medical emergencies when alcohol possession or consumption is involved and would otherwise be in violation of University policy, the Student Conduct Committee recommends that The Office of Student Conduct (OSC) adopt an administrative protocol entitled *Promoting Responsible Action in Medical Emergencies*.

The Office of Student Conduct can utilize Senate approval of this approach to effectively communicate the provisions of *Promoting Responsible Action in Medical Emergencies* to the campus community, and specifically to students. A protocol is an interpretation of how an existing rule is enforced; the passing of this motion further codifies OSC practices with regard to administration of the Code of Student Conduct.

C. Committee Work:

This issue of adopting a Medical Amnesty Policy was considered by the SCC during the 2007-2008 Academic Year, but was ultimately not recommended for consideration by the full Senate. The SEC's renewed charge to the SCC was to examine emergency situations specific to the University of Maryland that were not researched by the SCC during the 2007-2008 year.

On December 12, 2008, the Senate Executive Committee charged the Student Conduct Committee to revisit the need for a Medical Amnesty Policy (MAP). In order to complete this assignment expeditiously, as directed by the Senate Executive Committee, the SCC organized a working group on January 23, 2009. This working group included committee members,

April 14, 2009

engaged students, and representatives of the Office of Student Conduct and the Student Honor Council. This working group collected and evaluated new data regarding Good Samaritan Policies and Medical Amnesty Policies. The working group presented its findings and research report at an SCC meeting on Friday, March 27, 2009.

The report of the Working Group and its recommendations is enclosed with this transmittal form.

At the SCC meeting on Friday, March 27, 2009, the following motion was made:

Motion #1

It was moved that the Student Conduct Committee accept the findings of the report and charge the Office of Student Conduct with crafting a policy which will implement the recommendations of the report.

This motion was carried unanimously.

As a result of this meeting, the Office of Student Conduct drafted a document, which incorporated the recommendations of the Working Group. That document is also enclosed with this transmittal form.

At the SCC meeting on Thursday, April 9, 2009, the following motions were made:

Motion #2

It was moved that the committee forward the current draft document (as amended by The Office of Student Conduct to reflect the changes made to the title and the document by the SCC) to the Senate Executive Committee as a protocol to be adopted by the Office of Student Conduct. This motion was carried by a majority (the result was 5 in favor, 0 opposed, and 1 abstention).

Motion #3

It was moved that the Student Conduct Committee recommend that the Senate Executive Committee accept the recommended protocol to be adopted by the Office of Student Conduct. This motion was carried unanimously.

D. Alternatives:

The Office of Student Conduct could continue with its current practice and not officially adopt the protocol.

E. Risks:

There are no associated risks.

F. Financial Implications:

There are no financial implications.

April 14, 2009



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April 23, 2009

TO: C. D. Mote, Jr.
President, University of Maryland, College Park

FROM: Kenneth G. Holum
Chair, University Senate

SUBJ: Resolutions on Promoting Responsible Action in Medical Emergencies

In its meeting of this date, April 23, 2009, the Senate adopted the following resolutions in response to the report of the Student Conduct Committee dated April 14, 2009, Senate Document #07-08-20 :

1. To accept with gratitude the report of the Good Samaritan Policy Working Group dated March 27, 2009. The Senate recognizes the quality research that went into this report and in general endorses its findings and recommendations.
2. To endorse likewise the administrative protocol entitled *Promoting Responsible Action in Medical Emergencies* formulated by the Student Conduct Committee, and to recommend that the Office of Student Conduct adopt it as administrative procedures for cases of medical emergencies involving a student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student.
3. To request that the Office of Student Conduct, after a one-year trial period, report to the Senate Executive Committee on the results of the implementation of the new administrative procedures. The University Senate of 2010-2011 will then examine whether it is advisable to propose a new University policy to apply in such cases.

Signed: _____
Kenneth G. Holum
Chair, University Senate

Promoting Responsible Action in Medical Emergencies

Introduction

The health and safety of University students is of paramount concern. All members of the University community are encouraged to act in a responsible manner when an individual may require medical assistance by calling 911 or 301.405.3333 or seeking a University official. In situations in which either a student summoning or requiring help is under the influence of alcohol, the threat of disciplinary sanctions for violating the University's alcohol policy should not be a barrier to responsible action. *Promoting Responsible Action in Medical Emergencies* is an administrative protocol implemented by the Director of Student Conduct intended to provide limited relief from disciplinary action in an effort to encourage students to seek assistance for medical emergencies.

Protocol

A student in possession or under the influence of alcohol who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency will not face disciplinary charges under the *Code of Student Conduct* or Residence Hall Rules for either possession or use of alcohol. This protocol will also extend to the student for whom medical emergency assistance has been summoned. In lieu of disciplinary charges, students receiving relief under this protocol may be required to be evaluated by Health Center staff and successfully complete an approved alcohol intervention program.

Provisions

This protocol shall not extend to aggravated offenses, when the distribution of alcohol to a person under the legal drinking age is involved, or other offenses not related to the possession or use of alcohol for which this protocol addresses. It also does not provide relief from criminal or civil action. Students with a prior disciplinary record for alcohol related offenses will be evaluated on an individual basis as will be repeat uses of this protocol.

Students falling under the purview of this protocol will be interviewed by either representatives from the Office of Student Conduct or Department of Resident Life, depending upon the location of the incident. Disciplinary and/or residence hall charges will be "deferred" under Part 29 of the *Code* and will be dismissed upon successful completion of an approved alcohol intervention program leaving the student with no disciplinary record. Failure to successfully complete an approved alcohol intervention program will result in the processing of alcohol use or possession charges and, if proven, may result in more severe sanctions.

Representatives of a student organization who summon medical emergency assistance will be relieved from alcohol use or possession disciplinary charges under this protocol for their personal actions. Organization charges and consideration of disciplinary sanctions, if necessary, may be mitigated by the actions taken by representatives.

GOOD SAMARITAN POLICY WORKING GROUP REPORT
Regarding Senate Document Number 07-08-20
Presented to the Senate Student Conduct Committee on March 27, 2009

I. Introduction and Background

At the end of the spring 2008 semester, the Student Conduct Committee (SCC) was charged by the Senate Executive Committee (SEC) with considering a Good Samaritan Policy (GSP) on the University of Maryland, College Park campus. A Good Samaritan Policy would exempt students from university sanctions relating to the possession or consumption of alcohol that may be incurred while calling emergency services for a fellow student in danger due to alcohol consumption (*Please note—a Good Samaritan Policy is distinguished from a Medical Amnesty Policy (MAP) by the fact that an MAP protects the student whose condition has prompted an emergency call. This report makes this distinction when referring to the two respective policies, but it can be assumed that some students and organizations may use these terms interchangeably.*). This issue was considered by the SCC during the 2007-08 year, but was ultimately not recommended for consideration by the full Senate. The SEC's renewed charge to the SCC was to examine emergency situations specific to the University of Maryland that were not researched by the SCC during the 2007-08 year.

A Working Group was formed under the SCC at the beginning of the spring 2009 semester in order to collect the information requested by the SEC. The SCC Good Samaritan Working Group was comprised of senators and non-senators, representing faculty, staff, and students.

The Working Group sought to approach the issue by attempting to answer the following questions:

1. Is the fear of university sanctions causing doubt and/or hesitation about whether to call emergency services for fellow students in life threatening situations due to alcohol consumption a problem on the University of Maryland campus?
2. If yes, would the implementation of a Good Samaritan policy help in alleviating these fears?

The Working Group began working on both questions simultaneously. Dr. Lee Friedman, faculty member of the SCC, and Dr. John Zacker, Director of the Office of Student Conduct, were tasked with examining similar policies implemented at other institutions, as well as new research findings on the topic in higher education.

The remaining members of the Working Group, all undergraduate students, attempted to capture the realities of these situations on campus by talking to those who are directly involved. This included attending the Residence Hall Association (RHA) Amethyst Dialogue on Good Samaritan Policies, conducting a survey of University Student Judiciary members, and hosting an open forum for all undergraduate students to provide testimony.

II. Findings from other institutions

While the charge of this committee was to collect data at this institution, there are some things that can be learned about Good Samaritan Policies at other institutions. The institutions that

will be covered in this section are Muhlenberg College (Allentown, PA) and Cornell University (Ithaca, NY). It should be noted that the Working Group was also contacted by an employee in the Office of Judicial Affairs at Virginia Tech University (Blacksburg, VA) who was compiling a report on adopting a Good Samaritan Policy. The Working Group is currently attempting to obtain a copy of this report when it becomes available, as Virginia Tech is a very comparable large, public, land-grant institution.

Muhlenberg College

Muhlenberg College is a small liberal arts college located in eastern Pennsylvania, with an enrollment of approximately 2,000 students. In January of 2006, Muhlenberg instituted a trial period for a Medical Amnesty Policy that covered a three semester period. Prior to instituting the trial period, focus groups were held, and there was an attempt to determine the kinds of activities that were leading to hospitalizations of students who consumed alcohol. One of the issues the policy sought to address was the fact that many freshmen were drinking in dorms in what is best described as the rapid consumption of hard liquor. During the trial period, Ms. Anita Kelly, the director of the Counseling Center, conducted exit interviews with every student who was hospitalized for alcohol related reasons. The goal of these exit interviews was to be therapeutic in nature rather than judicial. Ms. Kelly also sought to verify if there were issues regarding alcohol abuse for students who sought medical treatment. Not surprisingly, the implementation of this trial period led to an increase in emergency calls for medical assistance due to the excessive consumption of alcohol. This increase in calls was interpreted as an indication that the policy was working. After the three semester trial period, the policy was made permanent.

Cornell University

Cornell University is a large Ivy League university located in upstate New York, with an enrollment of approximately 20,000 students. Cornell instituted a MAP in the fall of 2002. A full paper describing the policy, follow-up research, and a discussion of MAPs in general, was published by Lewis and Marchell in the *International Journal of Drug Policy* (pp. 329–338, volume 17, issue 4, July 2006) and is available online at <http://www.sciencedirect.com>. To lower the barrier towards students calling for help in alcohol related emergencies, Cornell took two steps. The first was to disseminate information about the warning signs of alcohol poisoning via educational means (e.g. posters in dorms). The second was to implement a MAP which included “follow-up psycho-educational intervention[s]” (Lewis & Marchell, 2006, p. 331). To evaluate the policy, medical records involving alcohol related emergencies were examined, reports regarding calls for emergency services were examined, and student surveys were performed. After implementation of the policy, surveys indicated that students were more inclined to call for medical help for an alcohol related emergency as opposed to prior to the implementation of the policy (although the change was not statistically significant). The data collected over a two-year period suggested that calls to emergency services for alcohol consumption did increase, and that there was a decrease in avoiding calling for fear of getting someone in trouble. The increase in calls was interpreted as evidence that the MAP was doing its job. The most common reason cited for not calling for emergency assistance for alcohol consumption was that a person was not sure that someone was sick enough to require medical

intervention – an attempt to address this issue was made through educational means.

Two important conclusions from the Cornell studies are worth mentioning. One is that the authors, citing specific data, state that they “believe MAP alone had an impact because the percentage of students who reported that they did not call for help in an alcohol-related medical emergency because they ‘didn’t want to get the person in trouble’ decreased” (Lewis & Marchell, 2006, p. 335). Secondly, the policy had the unanticipated effect of “[demonstrating] that the university genuinely is concerned about the health and safety of its students” (Lewis & Marchell, 2006, p. 336). This latter comment about the effect of such a policy at the University of Maryland was made by more than one student during the open forum held by the Working Group, which will be discussed further in section IV of this report.

Lewis, D. k., & Marchell, T. C. (2006). Safety first: A medical amnesty approach to alcohol poisoning at a U.S. university. *International Journal of Drug Policy*, 17, 329-338.

III. Recent Research

Director of Student Conduct and Working Group member John Zacker attended a national convention in early February at which a program session addressed this specific topic. Two colleagues of Dr. Zacker from Northwestern University surveyed over 89 colleges and universities asking respondents detailed questions about the creation and administration of these policies. A comprehensive presentation was made to program participants outlining definitions, key elements for a policy, and advantages and disadvantages. In addition, a thorough examination in spreadsheet format was provided to participants and released to our Working Group with the researcher’s permission.

The conclusion drawn after researching these higher education institutions is that not enough data exists to conclude that such policies have the desired effect and that more research is necessary. Anecdotally, however, evidence seems to indicate that a positive effect has resulted at some institutions. Beyond policy implementation, education continues to be a high priority and that a MAP and/or Good Samaritan policy alone is not recommended.

IV. Maryland State Legislation

The Working Group has been tracking legislation introduced by Delegate Kriselda Valderrama (D-Prince George’s County) that would create a Maryland state law similar to the Good Samaritan Policy. The bill protects both the caller and the victim from prosecution for possession and consumption of both alcohol and drugs. The proposed legislation is included as Attachment 1 of the Appendix. Mr. Daniel Reardon, whose son Danny died of alcohol poisoning on campus in 2002, testified in support of the bill. He has also supported the adoption of a Good Samaritan Policy by the University, and has written a letter to the members of the University Senate, which is included as Attachment 2 in the Appendix.

V. University of Maryland Police Department (UMPD)

The Working Group contacted the University of Maryland Police Department (UMPD) in order to obtain experiences of police officers in dealing with students in such situations. All

communications were with Paul Dillon, spokesperson for the department. Mr. Dillon declined the request of the Working Group to speak with individual officers and requested that any questions be directed through him. Mr. Dillon, after speaking with Police Chief Ken Krouse, stated that it is not in the interest of the department to take stances on specific policy proposals such as the Good Samaritan Policy. He noted that the policy would only apply to University sanctions, and would not affect how the UMPD enforced the law. While Mr. Dillon indicated that he believed some officers would agree that students in some cases may hesitate to call for emergency services out of fear of facing sanctions, Chief Krouse said the department “would not be prepared to support or endorse a blanket amnesty statement that we had knowledge or experience or evidence that we have had a problem with reporting an incident where a person was in need of medical assistance.”

VI. Forum and Anecdotal Evidence

The Working Group recognized that the questions at hand, those of fear and uncertainty, could not be answered with statistical evidence alone. The Working Group decided that anecdotal evidence had a significant role to play in determining whether “fear of university sanctions causes doubt and/or hesitation about whether to call emergency services for fellow students in life threatening situations because of alcohol consumption.”

To gather such evidence, the Working Group hosted an open forum on Wednesday, March 11, 2009 for undergraduates to share their stories, experiences, and firsthand knowledge of instances of alcohol-induced medical emergencies. The Working Group’s open forum saw the attendance of approximately 25 students, 16 of which shared personal anecdotes. The minutes from the forum are included as Attachment 3 in the Appendix. Students shared stories of encouraging their roommates or friends to “sleep it off” rather than risk sanctions, of large groups of underage students fleeing scenes of alcohol induced emergencies to avoid sanctions, and of other situations where fear outweighed action. Working Group members responded to student stories by questioning the degree to which fear and uncertainty played a role in their decision making process. They also sought input as to how hesitation could be alleviated. Within the context of these conversations, it was revealed that some students would prefer to receive a citation from the police that would be considered a “charge” rather than a sanction from the University which could be considered a “conviction” and be placed their permanent record. Several students knowledgeable of current sanctions for alcohol violations expressed concern that even being accused of a violation of student conduct could have negative future consequences, such as being forced to reveal this information when applying to post-graduate programs. Overall, the forum provided strong anecdotal evidence to Working Group members that a climate of fear exists among the undergraduate community regarding being sanctioned for underage alcohol consumption.

The Residence Hall Association (RHA) hosted an “Amethyst Initiative and Medical Amnesty Policy Dialogue” on Tuesday February 10, 2009 to foster a discussion of medical amnesty policies among students, many of whom are not involved with the University Senate. The RHA’s Dialogue aimed to promote discussion of medical amnesty policies among undergraduates. Two members of the Working Group were able to attend. The thoughts, opinions, and stories of the

approximately 25 students that spoke conveyed wide-spread student support for the adoption of a Medical Amnesty Policy, although there was significant disagreement over the specifics of a policy. The view that university sanctions cause fear and hesitation when deciding to call for help was particularly pervasive. Working Group members observed that the majority of students at the dialogue did not understand the specifics and the scope of a Good Samaritan Policy, indicating the need for a strong education and outreach strategy if a policy is implemented.

VII. Summary of Student Support

Many students on this campus are aware that this issue is being considered in the University Senate and, where they have been able, have expressed overwhelming support for the need for this policy. In the spring of 2008, the Student Government Association attempted to measure not only undergraduate support for a Good Samaritan/Medical Amnesty Policy, but also whether undergraduates believed such a policy would be effective. A referendum was included on the ballot of the elections for 2008-09. The questions and results are included in Attachment 4 of the Appendix. These results indicate that undergraduate students support the adoption of a Good Samaritan/Medical Amnesty Policy, and believe that it will be effective in increasing the likelihood that they would call for emergency services under such a policy.

One concern that is often cited is that students fear sanctions because they are not aware of which sanctions are actually administered by the University for alcohol violations. To determine whether this was a valid concern, an anonymous survey was sent to members of the University Student Judiciary (USJ) who are well-versed in the University conduct codes. This survey and the results are included as Attachment 5 in the Appendix. It is important to note that half of these students indicated that they would be concerned with future consequences when deciding to call help for a friend that was seriously intoxicated. One of the most frequently cited consequences that these students fear is University sanctions. Thus, many students who are familiar with both the University Code of Student Conduct, as well as the judicial proceedings that follow violations, believe that a Good Samaritan Policy as well as a Medical Amnesty Policy are necessary to alleviate fear of University sanctions.

VIII. Recommendations

Based on the research conducted, the Working Group reached consensus on both of the original questions that we set out to answer. Members agreed that fear of university sanctions causes doubt and/or hesitation in calling for emergency services for fellow students in life threatening situations due to alcohol consumption. The magnitude of this problem is difficult to measure, but it was clear from both the open forum conducted, as well as the results of the USJ survey, that these situations occur frequently enough to pose a potential risk to the safety of students. The Working Group also reached a consensus on the second question that a Good Samaritan Policy would increase the likelihood that students would call for emergency services by alleviating the fear of being sanctioned.

Therefore, the Working Group recommends the following:

- ✦ The University should adopt a Good Samaritan Policy, which would protect the caller from being sanctioned by the University for possession or consumption of alcohol, as well as a Medical Amnesty Policy, which would protect the student whose condition prompted the call from similarly being sanctioned. The applicable section of the Code of Student Conduct is 9(m) and section B21 of the Residence Hall Rules.
- ✦ The Office of Student Conduct and the Office of Rights and Responsibilities, depending on which office the student would be referred to, should take appropriate steps to prevent serious and aggravated incidents by habitual offenders in the administration of this policy. Any student whose condition has prompted a call for emergency services and subsequently exercised the Medical Amnesty Policy may be evaluated to determine if he/she should be required to participate in some form of substance abuse intervention program. The goal of this should be to identify and assess whether or not this student has a problem with alcohol abuse, to get him/her the necessary help, and to prevent the abuse of this policy by habitual offenders. This should be rehabilitative rather than punitive, and should not affect the student's judicial standing with the University.
- ✦ The University should closely monitor cases in which the GSP or MAP are used in order to assess the policy's effectiveness and mitigate any unintended consequences. This should include exit interviews with both a caller who invokes the GSP as well as a student whose condition prompted the call. Also, the University should track and periodically review important statistics related to these cases. The goal should be to ascertain how many students are using the policy, whether or not it tends to be the same students, and the number of emergency calls made. This will help administrators to determine the policy's effectiveness and to make any necessary adjustments to the policy.
- ✦ A strong educational component should accompany this policy:
 - Students should be educated on what the policy is designed for and how it works. The University should stress that, while not condoning underage drinking and dangerous behavior, its foremost concern is the safety of its students. The policy will only be effective in increasing the likelihood that a call is made if students know what protections the policy offers.
 - After discussing the policy with students at the forum and in surveys, it is clear to the Working Group that many current students cannot identify signs of alcohol poisoning and when a situation is serious enough that professional help is required. This policy cannot be successful if students do not recognize that medical assistance is needed in the first place. It must be stressed in this educational aspect what signs students need to look for when determining if someone is in need of help, and then who to call if/when it is determined that assistance is needed.
 - Educational efforts may include, but should not be limited to, the following:

- Floor meetings conducted by RAs going over both the policy and the warning signs of alcohol poisoning accompanied by posters in every hallway
- New student orientation
- Freshman classes such as UNIV100
- A major advertising campaign when the policy is first introduced, including fliers in residence halls and academic buildings, advertisements in the Diamondback, and an e-mail sent to all undergraduate students by the Division of Student Affairs

- ✦ Implementation of the policy into the Code of Student Conduct and the Residence Hall Rules should be charged to the Office of Student Conduct and the Office of Legal Affairs. It should include the elements outlined above.

APPENDICES

Appendix		Pages
1	House Bill 1273	13 - 15
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HOUSE BILL 1273

E1

9lr2333

By: **Delegates Valderrama, Anderson, Barnes, Carter, Conaway, Dumais, Gutierrez, Kramer, Lee, Ramirez, Rosenberg, Schuler, and Vallario**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Limited Immunity – Seeking Medical Assistance for Alcohol**
3 **or Drug-Related Overdose**

4 FOR the purpose of providing that a certain person who seeks medical assistance for a
5 person experiencing an alcohol or a drug-related overdose may not be charged
6 with or prosecuted for a certain crime under certain circumstances; providing
7 that a certain person who seeks medical assistance for a person experiencing an
8 alcohol or a drug-related overdose may not be detained on a certain warrant
9 under certain circumstances; providing that a person who seeks medical
10 assistance for a person experiencing an alcohol or a drug-related overdose may
11 not be required to provide personal identifying information except for a certain
12 purpose of assisting in certain medical treatment; creating a certain exception;
13 providing that a certain person experiencing an alcohol or a drug-related
14 overdose may not be charged with or prosecuted for a certain crime under
15 certain circumstances; providing that a certain person experiencing an alcohol
16 or a drug-related overdose may not be detained on a certain warrant under
17 certain circumstances; providing that the act of seeking medical assistance for a
18 certain person may be used as a mitigating factor in a certain criminal
19 prosecution; and generally relating to limited immunity for seeking medical
20 assistance for an alcohol or a drug-related overdose.

21 BY adding to
22 Article – Criminal Law
23 Section 5-601.1
24 Annotated Code of Maryland
25 (2002 Volume and 2008 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

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5-601.1.

(A) (1) A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN ALCOHOL OR A DRUG-RELATED OVERDOSE MAY NOT BE:

(I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF SEEKING MEDICAL ASSISTANCE;

(II) DETAINED ON AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT; OR

(III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL TREATMENT OF THE PERSON EXPERIENCING AN ALCOHOL OR A DRUG-RELATED OVERDOSE.

(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PROVIDED, SOLD, GAVE, OR EXCHANGED FOR OTHER GOODS OR SERVICES THE ALCOHOL OR DRUGS CAUSING THE OVERDOSE TO THE PERSON FOR WHOM MEDICAL ASSISTANCE IS SOUGHT.

(B) A PERSON WHO EXPERIENCES AN ALCOHOL OR A DRUG-RELATED OVERDOSE AND IS IN NEED OF MEDICAL ASSISTANCE MAY NOT BE:

(1) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE OVERDOSE AND THE SEEKING OF MEDICAL ASSISTANCE; AND

(2) DETAINED ON AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT.

(C) THE ACT OF SEEKING MEDICAL ASSISTANCE FOR A PERSON WHO IS EXPERIENCING AN ALCOHOL OR A DRUG-RELATED OVERDOSE MAY BE USED AS A MITIGATING FACTOR IN A CRIMINAL PROSECUTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.

Letter from Daniel P. Reardon, D.D.S.

Dear Members of the University Senate:

The question of reaching out to help one's fellow man is as ancient as time and is one of the pivotal questions in the Bible:

“The the Lord said to Cain, “Where is Abel your brother?” He said, “I do not know; Am I my brother's keeper?”

This same question is asked again in Luke 10:36, “Which of these three, do you think proved neighbor to the man who fell among the robbers?”

The Good Samaritan Parable.

My son, Daniel Francis Reardon, died on Valentine's Day, 2002 due to complications of a severe alcohol overdose due to a fraternity hazing gone awry at the University of Maryland. It was ascertained by the Prince George's County Police Department that Danny passed became unconscious around 11:30 and was sequestered in a separate room and supervised by six members of the fraternity to make certain that he was okay. None of them called 911 for fear of getting either Danny or the fraternity into trouble. The fire barn and EMT were less than ½ mile away, and that evening, the technicians waited around for the phone call that didn't come until it was too late. They found Danny dead at 3:30 a.m., and even then were able to resuscitate a non-beating heart and bring Danny to the Adventist Hospital, alive, but brain dead. Danny's mom and I had to make the decision the day before Valentine's Day to take him off of life support and say good-bye to our son forever.

Five days after Danny's death, I received a letter of condolence from Dr. Mote on behalf of the University:

“With a heavy heart I write to express my deepest condolences for the tragic loss of your son Dan. You are having every parent's nightmare. When my children were young, I spent many nights fearing the late night phone call that I hoped would never come. I suppose that I was anxious because I can remember many times in my youth when I did things that could have turned out tragically, but fortuitously did not. There is no replacing luck in life, especially to protect young men growing up. I regret deeply that luck eluded Dan. It could have happened so easily to anyone.”

I do not believe that this was a simple matter of good luck or of bad luck. I feel that the University policy towards alcohol and drug use had a direct role in Danny's death. Many of those in attendance at that hazing had cell phones in their pockets, and anyone of them could have made the call if the policy of the University of Maryland had encouraged that phone call. Each of those unused cell phones were a direct link to the EMT and could have saved Danny's life.

I am not eschewing that Danny also had a role in this matter, but it must be recognized that 44 states recognize that the environment of hazing is such a dangerous setting that they allow for both criminal prosecution and civil suits in this specific occurrence. It is well documented that the age group between 18 and 22 has a poorly developed ability to assess risk. It is for this reason that the Army sends 18 year olds into battle. Every university and college is all too well aware of this low risk assessment capacity in this age group.

I am certain that Dr. Mote and every member of the University Senate would want someone to make that call if one of their children were in danger. Without exception.

This issue of saving a life in trouble is a very different issue than the issue of the binge drinking and drug use on the university campus. And must be recognized as such. The one hundred or so college and universities that have in place a policy of no punishment when a life threatening situation occurs also have a track record of a use of this lifeline and a track record of getting post-emergency counseling and help for the victims.

But here again, it must be understood that the university administration and officials can only set policy and a tone toward the greater issue of binge drinking on campus. I believe that a solution for that can only come about from a change in attitude from the student body itself. From my point of view, it is a great privilege that we parents bestow upon our children giving them the opportunity for academic and scholastic training. For this to be wasted with alcohol and drugs is one of the great shames of our society and of our university and college systems.

So, I do write on behalf of Danny's lost voice in support of the efforts of the Students for Sensible Drug Policy that the University Senate will provide support for this initiative. But I feel that this is only ½ of the issue. The other ½ lies with the student body in creating a type of campus wide Danny Project to mirror a Danny Bill so that not only is there a balanced policy in regards to alcohol and drug use, but more important actions from the student body to change the culture of alcohol and drugs that is doing so much damage to our universities and colleges.

Sincerely,

Daniel P. Reardon, D.D.S.

GOOD SAMARITAN POLICY WORKING GROUP
OPEN FORUM – WEDNESDAY, MARCH 11, 2009 5:00pm-6:30pm

Due to the anonymous nature of the forum, no electronic recording were in use. Therefore, the following conversations are not verbatim and are derived from the notes taken by a neutral member of the Senate Office.

Members Present: Brad Docherty (Chair), Joanna Calabrese (Undergraduate), Lee Friedman (Faculty), Kevin Tervalva (Undergraduate), John Zacker (Judicial Affairs), Mitch Zuckerman (Undergraduate)

Members Excused: Sterling Grimes (Undergraduate), Anshul Gupta (Undergraduate), David Zuckerman (Undergraduate)

Senate Office Staff: Chelsea Benincasa (Coordinator)

Chair Docherty welcomed the student participants and called the forum to order at 5:08 p.m.

Chair Docherty gave background information on the Senate and its history with the proposed Good Samaritan Policy. He explained that the forum was designed to allow students to share stories, experiences, and firsthand knowledge on instances of alcohol induced medical emergencies.

The members of the working group introduced themselves. Chair Docherty explained that all stories will be kept anonymous. He opened the floor for stories and discussion.

Student #1: I was at a house party in an undisclosed area on College Avenue. Students were drinking and some were smoking marijuana. One student had a terrible anxiety attack and asked if anyone would bring him to the hospital, but everyone refused because the student was underage and engaging in illegal activity (underage drinking and smoking marijuana).

Docherty: The policy that we are reviewing does not cover drugs. It is strictly looking at alcohol related cases. Do you think that the students were hesitant to call because of his drinking?

Student #1: Yes, because one big factor in the decision of whether to take him to the hospital was that he was underage and drinking, and no one wanted to get involved.

Docherty: Do you feel confident in your ability to identify the warning signs of alcohol poisoning?

Student #1: Yes; I am twenty-five years old, and I've been in situations where people show the signs of alcohol poisoning and I've seen similar symptoms (i.e. "crying for your mother," passed out and not moving).

Docherty: If a Good Samaritan Policy was in effect, do you think that would have changed the minds of the people at the party so that they would have called for help?

Student #1: Well, I don't feel as if I can project, because of the drug use involved. I did not realize that this policy would not cover drugs.

Student #2: [Student #1] mentioned that he would know the symptoms of alcohol poisoning, but as a junior, I wouldn't know the symptoms. It would be important for the University to better educate students on the symptoms and what to do.

Docherty: Are you saying that the University should launch an education piece regardless of a Good Samaritan Policy?

Student #2: It would be good to add in an education factor to a policy like this.

Student #3: Because of the ambiguity of the signs, it is easy to think, "Oh, well, I am not sure if he is suffering from alcohol poisoning, so I am not going to call."

Student #4: I was reading an article in the Washington Post about a fraternity brother who died a while back at the University of Maryland from alcohol poisoning. He was at a fraternity party and passed out from drinking. His fraternity brothers periodically checked-in on him throughout the night, thinking that he was just "sleeping it off." However, it was in an alcohol induced coma, and he died. Of course, this is a sensational story that doesn't happen every day, but I do have a story from a friend from her freshman year. She just told it me; I have it here to read. She was at a formal party for her sports team, and she knew that she was going to arrive late to the party. So, she "pre-gamed" to catch-up. She drank many shots of alcohol quickly during the first twenty minutes of her time at the party. She apparently drank for hours, but cannot remember anything after those first twenty minutes. Eventually, some guys drove her back to her residence hall on campus. They put her in bed and she slept through the night. During the early hours of the morning, her roommate looked in on her and saw that she was pale white and shaking, but her roommate did nothing and did not call for help. Her roommate assumed that she was just sleeping it off.

Zacker: Do you think that if a Good Samaritan Policy were in effect, the students would have realized that she needed help and called? Do you think that they did not call because they were afraid of judgment from the University?

Student #4: I believe that instead of receiving judgment or punishment, it would be better if students receive counseling, in addition to being covered by a Good Samaritan Policy.

M. Zuckerman: What do you think happens when someone is judged by the University? What do you think is the sanction for underage drinking according to University policy?

Student #4: Well, you would be sent to the Student Judiciary Committee, and they would decide what happens. You may not get kicked out of your dorm, but there is always a chance and a fear.

M. Zuckerman: How would you feel if you knew that the maximum sanction you could receive would be losing two priority points and receiving probation—with no chance of getting kicked out?

Student #4: I think that it doesn't matter—even a moment of hesitation due to fear of University sanctions could lose a life.

M. Zuckerman: But what about police sanctions? Under this policy, we could not control what the police do.

Student #4: Well, it is my personal belief that we should have a statewide Good Samaritan Policy, but I understand that that would be a stretch. However, I believe that the number one goal of this University should be safety. Students care enough to be here—they want to be good students. The University perspective is important to the students. If we do the most that

we can (i.e. give medical amnesty), then that will at least give them a couple more minutes for help.

Student #5: There are limits as to what a Good Samaritan Policy can accomplish. But minimizing hesitation is key. The positives of this policy “ridiculously outweigh” the negatives.

Zacker: Yes, but isn’t it contradictory on the part of the University to give amnesty for something that is illegal?

Student #5: If the goal of the University is to punish students, then yes, it is. But, the goal should be to protect the students. And there wouldn’t be negative consequences, like abuse of the policy. Are members of the Student Conduct Committee worried that people would abuse this policy? Abusing a policy like this wouldn’t come into the “rational calculus” of someone’s thinking when deciding to call for medical assistance.

Docherty: We, on the working group, represent those who were asked to review this policy. We cannot make the policy, and some of our members do serve on the Student Conduct Committee. We will be making a recommendation based on our findings to the Senate as to whether the University should adopt a policy.

Friedman: There could be opportunities for repeat offenders, so we have to look into chances of abuse of policy.

Student #6: I’d like to point out that the penalty from the police is the equivalent of a speeding ticket. It’s minor when compared to the consequences of violating the Code of Student Conduct. It would be a civil sanction—not a crime.

M. Zuckerman: And you think that the civil sanction is less harmful to students than judiciary probation?

Student # 6 and multiple students: Yes. Absolutely.

Student #8: I have a story I’d like to share. In a residence hall, a guy got drunk in a room and became very violent. He started threatening everybody and even punched a couple people. He was making a lot of noise, so the students locked him out of the room, because they were afraid that the police would come and arrest them all.

Docherty: So, the students were drinking in their room in the residence hall and they showed fear of getting help.

Student #8: Yes.

Docherty: I also have a story relating to a residence hall. As a Resident Advisor (R.A.), I responded to a call for help. A girl was passed out from drinking alcohol at an off-campus fraternity party. Two of the fraternity brothers drove her back to her residence hall and they called the service desk. The fraternity brothers didn’t want to stay and talk, because they were afraid of getting their fraternity in trouble. As we waited for the police and medical assistance, I noticed that they kept inching away like they wanted to leave. The girl was underage, and they were worried. Thankfully, they stayed. But it brings up the question of whether the Greek community, student organizations, or athletic teams present unique situations. What happens when younger students are driven back from off-campus parties so that they are then under University Code regulations?

Student #9: Well, if members of groups are together drinking, there only has to be a certain number (i.e. three members), before they are recognized under the University policy has having an organization party and could be punished accordingly.

Zacker: That is true.

Docherty: So what could we do about addressing those unique issues?

Student #9: I guess we could be the first University to take strides toward protecting groups as a whole.

Docherty: Under this proposed policy, we are not reviewing that possibility.

Student #10: I am 22 years old, but when I was 20, I lived in the Leonardtown residence community. We drank alcohol and had parties frequently. There were times when students were unconscious and nobody ever called. I wouldn't have expected anyone to call for help for me. Our rationale for making those decisions was that there was a "95% chance that they'll sleep it off."

Docherty: Did you ever doubt yourself or your decisions not to call for medical assistance?

Student #10: It happened a couple of times, yes. But being subject to judicial University penalties negatively tipped the scale in my decision-making of whether to call.

Student #11: I am a senior now, but when I was a freshman, there was a girl in my hall whose boyfriend was either in high school or from another university. They went to an off-campus party and got completely wasted. Her boyfriend was extremely drunk and practically passed-out; someone put something in his mouth and told him that it would "make it better." It turns out that what they slipped him was LSD. He ended up getting violent and dangerous. But everyone wanted to wait it out and monitor the situation. They tried to restrain him. They decided to take him back to our residence hall. When they got there, there were plenty of sober people in the hall. And everybody, including the sober people, hesitated in calling for help.

Docherty: How much of the fear do you think was about the students not wanting to get in trouble and how much of the fear was for him, since he was underage and had taken drugs?

Student #11: I think it certainly was a mix of both; but even though he hadn't accepted the drug—it had been forced upon him—they were still scared.

Tervalva: I have a story to share that just happened to me recently. I passed by a person's room on my hall that I don't know, and I noticed that a party was going on inside. Thirty minutes later, I heard a person screaming. A boy had taken somewhere between 8-10 shots of alcohol and he slammed his head on something and was gushing blood. People were running around frantically trying to decide what to do. Before they even called their R.A., they were deliberating the options. Every single person who had been drinking left the room and ran. The only people who were left when they called for help were the injured boy and his roommate.

M. Zuckerman: I would like to pose a question. Aside from police sanctions or University sanctions, what else plays a role in determining whether someone calls for help? For instance, what about cost of medical transport? Or, what about your [Student #10] personal wishes?

Student #10: People don't think about those costs, because there are some federal rules that allow anyone to utilize the Emergency Room, plus these are students who are paying tuition for college, so I don't think cost is a significant factor. My personal wish of not having anyone call on my behalf was because I would not want to feel guilty if they received repercussions because of me and it turns out that it wasn't really that serious.

Student #12: I think how long the consequence will stick matters more. For instance, a punishment is a punishment. Students are not thinking about fees. They are not the same as University sanctions.

M. Zuckerman: What about when parents find out?

Student #12: Well, I can only speak for me, but that definitely wouldn't be a factor in my thinking process.

Student #13: I am a junior and a couple of years ago I was about to go to a party on College Avenue, but before I left I was stopped by a few of my hallmates. They told me that their friend had taken about eleven shots of alcohol in four minutes. I was able to revive him, but my worry is that if my hallmates hadn't been able to locate me, I don't know what they would have done.

Docherty: What knowledge did you have to be able to handle the situation?

Student #13: I had been taught by an EMT program back home. And they sort of looked up to me as an older student.

Docherty: If you had also been drinking, would you have called for help?

Student #13: I have the maturity to know to call for help when someone needs it, so if I could have, I would call and take the licking.

Zacker: You say that you would be the one to "take the licking" for making the call. Why do you say that?

Student #13: Well, I believe that 'no good deed goes unpunished.' Other people would certainly not have called. Even these guys were trying to dissuade me from calling; I believe that "the law is a poor parent."

Docherty: Here's a different scenario to discuss. Since I am an R.A., I know that there is a response process to answering calls for help. I am going to call on a fellow R.A. to answer this question—[Student #14] do you think that having a Good Samaritan Policy in place where students could directly call for help would help save time?

RA/Student #14: Yes, because the process takes about fifteen minutes. Time is crucial in these cases. By the time someone calls the main desk, they switch the call to me, I get to the scene, and then I call the police and EMT—it can take a bit of time. Also, even with my residents, who are over age twenty-one, they still appear to have hesitance before calling for help. Why is this?

Student #13: I think a problem is that the ratio of underclassmen to upperclassmen in the high-rise residence halls isn't good. Many of these kids are young—freshman and sophomores—who are immature. At the beginning of their academic careers, they have just tasted freedom and are wilder than ever. And they view their R.A. more as a parental figure than a big brother or sister.

RA/Student #14: But we'd like to see that calling for help is their immediate reaction. Why is there still hesitancy even in older students?

Calabrese: It could be because they are having parties where underclassmen might be present and they don't want to get into trouble.

Student #12: The fact of the matter is that students are still drinking and breaking the rules and needing medical help. In terms of the University being contradictory, isn't it more contradictory that the University is basically saying 'we'll punish you if you do the right thing?'

Student #4: I also read about brain development, and it appears that the brain is still developing even after age eighteen—especially in the areas needed for making judgment calls. The first thing students are going to think when something bad happens is "will I get in trouble?"

Student #13: There is a huge lack of maturity in the young students at first, and if we have a Good Samaritan Policy, it can create a culture of safety and freshmen can become educated. People might not give the advice of calling for help to freshmen right now.

Student #15: I am twenty-nine years old, and once while I was at a party I blacked out for two hours. No one called until I had been out for an hour and a half. An EMT came and found that I was ok.

Docherty: Why do you think it took them so long to call?

Student #15: Because they viewed the authority figure as the enemy. Even the person who called wasn't drinking.

Student #10: If you are in the mindset that the authority figures aren't on your side when you are eighteen to twenty-one years old, when you turn twenty-one that mindset isn't just going to immediately change.

Student #4: Has setting up a mechanism for anonymous calls been discussed in the plans for this policy?

Zacker: This working group did not consider anonymous calls. But in the past, it has been considered. Anonymous calls may help, because students are not only fearful of University punishments, but they are also afraid of their parents finding out, and of embarrassment.

Student #4: I don't personally think so, because students are here on campus and their parents are away. Parents might get angry, and they could call and yell for a few minutes, but it certainly wouldn't be a factor for me.

Zacker: That may be true for some, yes. But the real fear with anonymous calls is that someone would call for help and then everyone would leave the person in need alone.

Student #9: I understand that [Docherty] described earlier than the Senate is looking for data-driven research, but if this policy saves one person from having one minute of hesitation—that could save a life. And if people disagree with that, then they should be the ones to call the parents in the morning.

Docherty: We must prove that there is a problem that students fear to call for help, which this policy would address. If we can put provisions into a policy to offset potential negatives and create a policy that is tailored enough to help the majority of students in need, then I would agree with your statement.

Student #15: But how can you gather data from parties from which nobody calls for help? How could you know that there were people in need if no one calls? How else would you find out that alcohol-induced medical emergencies are a problem unless people call for help regardless of a policy?

Student #16: I was walking back to my house, and I was near Fraternity Row. On the other side of the street there is a fence that separates off-campus from campus territory. Right next to the fence I saw three girls looking crazed and frantic. I crossed the street and asked if they needed help. There was a person passed out on the ground, and he was extremely clammy and didn't look good. I decided to call for an ambulance, because he was still off-campus. I would certainly have been hesitant to call if he was on the other side of the fence, on campus. When the EMTs arrived they couldn't even get the gurney to him; they actually had to lift him up and put him on the stretcher.

Docherty: Why would you have been hesitant to call if he was on campus?

Student #16: Because of University sanctions. I assumed they were all underage. The girls really didn't want me to call. They kept saying, "We don't think you should call." I actually stepped away from them before I called. But the next day I got a Facebook message from one of the girls thanking me for calling. The boy had his stomach pumped at the hospital.

Friedman: Do you know what the University sanctions are? (**Student #16 came in late; he was not present when M. Zuckerman posed the same question to Student #4).*

Student #16: Yes, I do. The student would be sent to the Judicial Board and then it would be up to Dr. Zacker and the council to make a determination as to what would happen next.

Zacker: Right, well the situation is that there is a societal perception of police as the enemy.

Student #10: But the police would still have discretion in determining sanctions, as well.

Student #16: The University can't do anything about the law, sure, but what we can control is whether the Code will charge students.

Friedman: Do you agree that police sanctions are less harmful than Code sanctions?

Student #16: Oh, yes. Definitely. I'm interning in legal affairs, and I've sat in chambers with judges and watched as they give unsupervised probation and a slap on the wrist to underage offenders. But in regards to the University Code sanctions, students will have to report that they received a judiciary sanction on applications for graduate school, medical school, law school. And those applications have specific wording that reads, "Have you ever been *charged...?*," as opposed to the United States judicial system, which mandates that applications ask, "Have you ever been *convicted...?*"

Student #4: Dr. Linda Clement said that we pretty much use a Good Samaritan Policy with discretionary tools anyway, so there really should not be any fear of harsh penalties. So I don't understand why we don't just put it in writing. The Student Government Association has gathered more than three hundred names on a petition for a Good Samaritan Policy, and no one who was approached declined to sign.

Student #10: On a side note, I told my mom on the phone that I was coming here tonight to speak in support of a policy, and she was like, "Oh yeah, I support that for sure."

Student #16: Remember, when our parents were our age, the legal drinking age was eighteen. There are many reasons why the drinking age is twenty-one now, of which I will not go into all of them, but mostly it is due to red tape and highway regulations. However, the point is that drinking in college is a part of life. People are going to do it no matter what regulations the University has. But the top priorities are safety and the well-being of the students. In my opinion, the goals of this University should be to help and protect the students, inform the students, and guide the students. College in its entirety is a learning experience. Learning does not always just happen in the classroom.

Docherty: We thank you for your thoughts and stories. We are certainly going to utilize this information as we move forward. We are considering suggesting a trial period of the policy, which might help to gather some of the data we need. You have provided invaluable testimony.

The forum adjourned at 6:32 p.m.

Submitted by: Chelsea Benincasa

Spring 2008 SGA Elections Ballot Results

In the Spring of 2008, the University of Maryland Student Government Association placed two questions on its Spring 2008 SGA Elections Ballot.

The questions, along with the results, are listed below.

Ballot Question 1A: Do you support the adoption of a Good Samaritan Policy which would shield students from University-based punishments if they called emergency services to receive help as result of drug and/or alcohol use?

Yes: 94%

No: 6%

Ballot Question 2A: Would you be more inclined to call emergency services to receive help as a result of drug and/or alcohol use if a Good Samaritan Policy were in place?

Yes: 93%

No: 7%

University Student Judiciary (USJ) Survey

(this survey was submitted ONLY to the student members of the USJ)

Please keep this survey confidential until the University Student Judiciary decides to release it.

Total Started Survey: 42
Total Completed Survey: 42 (100%)

Question	Response Percent	Response Count
1. What USJ Branch do you serve on?		
Central Board	19.0%	8
Honor Council	26.2%	11
Resident Board	23.8%	10
Education Team	7.1%	3
Community Advocate	16.7%	7
Appellate Board	7.1%	3
<i>Answered Question: 42</i> <i>Skipped Question: 0</i>		
2. Are you 21 years old or older?		
Yes	64.3%	27
No	35.7%	15
<i>Answered Question: 42</i> <i>Skipped Question: 0</i>		
3. Do you live on campus?		
Yes	54.8%	23
No	45.2%	19
<i>Answered Question: 42</i> <i>Skipped Question: 0</i>		

4. Based on your current knowledge, what is the punishment for a first time alcohol offense?

Loss of priority points	61.9%	26
Educational Sanction (ex: AlcoholEDU)	61.9%	26
Suspension	9.5%	4
Warning	50.0%	21
Housing Probation	54.8%	23
Disciplinary Reprimand	16.7%	7
Expulsion	2.4%	1
Disciplinary Probation	14.3%	6
Loss of Housing	2.4%	1
None	2.4%	1

*Answered Question: 42
Skipped Question: 0*

5. What do you believe a reasonable punishment for a first time alcohol offense?

Loss of priority points	40.5%	17
Educational Sanction (ex: AlcoholEDU)	59.5%	25
Suspension	4.8%	2
Warning	69.0%	29
Housing Probation	35.7%	15
Disciplinary Reprimand	19.0%	8
Expulsion	2.4%	1
Disciplinary Probation	9.5%	4
Loss of Housing	2.4%	1
None	4.8%	2

*Answered Question: 42
Skipped Question: 0*

6. If a friend were seriously intoxicated, would you be concerned with the future consequences when deciding to call for help?

Yes	50.0%	21
No	50.0%	21

*Answered Question: 42
Skipped Question: 0*

7. Is so, what future consequences would you be concerned with?

Friend's Wishes	21.4%	9
False Alarm	16.7%	7
Permanent Record	47.6%	20
Police	47.6%	20
University Sanctions	47.6%	20
Friend's Reputation	11.9%	5
Parents	31.0%	13
Personal Inconvenience	9.5%	4
Hospital Bill	19.0%	8
Disapproval of Friends	9.5%	4
Other	4.8%	2
I would not be concerned with future consequences when deciding to call for help	35.7%	15

*Answered Question: 42
Skipped Question: 0*

8. Have you heard of the proposed Good Samaritan Policy?

Yes	95.2%	40
No	4.8%	2

*Answered Question: 42
Skipped Question: 0*

9. The Good Samaritan Policy currently under review by the University Senate would grant amnesty to students who call 911 with concerns about seriously intoxicated friends. As currently proposed, this policy would only cover alcohol violations under the Code of Student Conduct and the Resident Hall Rules. The proposed policy would not protect the caller from any violation other than alcohol (ex: lying to a Resident Assistant or destruction of University property). Furthermore, this policy would have no impact on how police may act when they arrive at the scene. Do you support this proposed Good Samaritan Policy?

Yes	90.5%	38
No	9.5%	4

*Answered Question: 42
Skipped Question: 0*

10. Please explain your support or disapproval of the Good Samaritan Policy as a member of the University Student Judiciary?

1. I would rather someone make the decision to call for help regardless of consequences but if it takes the implementation of such a policy to get people the help they need I fully support it. Someone's life is always more important than punishing them.
2. The policy makes sense in all respects. Safety must come before any concern for consequences after the fact.
3. I think if I was under 21 I would be even more worried about doing the right thing. That concern should not exist when people's lives are potentially in the balance.
4. Students' safety is top priority. If this policy is necessary to protect this safety, then it must be enacted.
5. The Good Samaritan Policy could possibly save lives. The hesitation that students feel because of punishments for themselves and friends could be harmful and/or deadly. Alleviating some of that pressure off of the caller/friend could be a great way to help.
6. In a life or death situation, students should not be worried about helping a friend versus being reprimanded. With the Good Samaritan Policy, a student would not endanger their friend(s)' lives further by having to weigh their own consequences against the decision.
7. Its good
8. Isn't this already a policy outside the University?
9. I support this because the university's priority should be to ensure the safety of its students, and by granting amnesty to "good samaritans," it encourages students to help their seriously intoxicated friends.
10. I think it will entice campus residents to be more proactive regarding helping their friends and peers in times of crisis.
11. Doing the right thing to preserve health/life is more important, in my opinion, than punishing it. I feel that this legislation would allow for more students to get the help they need in an alcohol related incident.
12. I think if someone is in serious trouble, one should not have to worry about what will happen afterwards. In the end, what is most important is that everyone is safe. And to better promote safety I think the good samaritan policy should be in effect. No one should be punished for trying to help

someone, and students who would call for help should not be deterred by the threat of punishment. It is not fair for anyone

13. I believe that a student's health and safety should be the University's number one concern. The health and well-being of the student body should take precedence over disciplinary goals.

14. I can't see how it would hurt. As far as I understand it there may still be consequences for this misconduct it would just be that they don't get the maximum which could be potentially losing housing or something

15. The good Samaritan policy really gives students a way out of trouble. What is to stop them from when an RA knocks on a door, to call for help, thereby protecting them from harm. Though it has good intentions, the good Samaritan policy will be used as a loophole in a judicial code that has far too many loose ends as it is. The judicial code is not terribly strict on individuals that are caught drinking as it is, and the sanctions need to be upheld. By giving into this policy, I do sincerely believe that we are opening up to a gateway of drinking and alcohol consumption at this University.

16. If such a policy gets students the help they need when they are severely intoxicated then it is worth it to have.

17. I think the number one priority should be student's safety. Without the Good Samaritan policy, I think a situation would have to be very dangerous before a student would call 911 on behalf of a friend if they are intoxicated themselves. Students are very concerned about getting in trouble as well as about getting their friends in trouble. There is a lot of pressure between friends to have each other's back and keep each other from getting caught. I think the Good Samaritan policy would at least remove the question in a student's mind about getting in trouble themselves if they are trying to take care of a friend. I'm an RA who is conscious about enforcing the drinking policy and I don't drink myself and I still feel this way.

18. It's safer and healthier for everyone involved

19. As members of the University Student Judiciary we have many duties and considerations when we sit on the board. This includes balancing the integrity of university policies with fairness towards those who are being charged with violating the Code of Student Conduct. However, all of these duties are intended to do one thing: benefit the university and thus benefit the students. Thus, when I analyze the usefulness of the Good Samaritan policy my main consideration is the safety of the students. Although not all students consider future consequences when a friend is in need, some certainly do. For the dangerously intoxicated friends of those who do, the Good Samaritan Policy ensures they immediately receive the help they need. I understand that some believe it is irresponsible for the university to grant amnesty to students for violating university policy. However, it is even more irresponsible for the university to put the safety of dangerously intoxicated students in the hands of their intoxicated friends who may not be able to logically assess the risks of getting in trouble vs the benefits of helping a friend when they are in such a state of mind.

20. If something can only help a situation, and not hurt it, then I support it. In this case, the chances of saving people from serious injury who are seriously intoxicated is beneficial to enact this policy.

21. Questions 4 and 5 do not specify if the first time offense yields a board finding for the standard sanction. As such, my opinions are based on the severity of potential situations. If presented this question when I was under 21, I would have supported this policy, but now being over 21 I do not. I am concerned that having a Good Samaritan policy may promote underage drinking while not breaking students' fears of calling in an event. Thus this policy would have the exact opposite effect. I would need to see data from other universities before I could make a definitive decision. But if students are going to drink underage, they should bear the consequences if they played a negative role.

22. Students should not have to worry about personal consequences if they are calling for help for a friend. A student could simply ignore the health of another student if they are concerned about getting in

trouble or ruining their college career because of consequences linked to alcohol use. Good Samaritan policy would allow for students in need to get help and those calling the police/medical service can have peace of mind that they won't get in trouble and helping a friend in need.

23. All people should face responsibility for their actions and should be held accountable.

24. I think the USJ should support the policy, as the welfare of friends should come first before anything else. Punitive measures are sometimes a concern when friends want to call for help, and there should be no reluctance to do so. Therefore, I think this policy would go a long way to resolving this issue. I know that some may be concerned that this policy will be abused, but the offenders should also take alcohol.edu and have a disciplinary reprimand as well, or face harsher consequences. I would also support this policy if it were extended to drugs as well (the offenders would have to meet with University officials and take a drug course after as well).

25. I support this policy as it protects the caller from helping their friend who is in need of assistance. However, as it is structured, it has a major philosophical flaw. The assumption is that the student calling for help only cares about his or her self and the consequences for themselves. But this student, almost by definition, is concerned about their friend who needs help. But I feel the biggest deterrent from getting help is the fear that the intoxicated student will suffer dramatic consequences. What if a sober roommate or designated driver wants to help a friend, but they know their roommate has nowhere else to live if he loses housing? Protect the student who can not make decisions for themselves in that state, so that the ones who are making the decision have no disincentive to make the right decision for them.

26. I approve of this policy because it will help save lives and stop unnecessary penalties from hurting students who make irresponsible decisions.

27. I believe that this policy will make it less likely for students to underestimate the situation that their friend is in. If they know they cannot get in trouble they will be more likely to play it safe and call the police if their friend is in trouble.

28. Students are often too afraid to call when doing so is critical. Therefore, incentives should be offered to make doing so less overwhelming. Although it seems selfish, the safety of our students necessitates a certain amount of leeway in the alcohol policy if it is to be most effective at preventing dangerous incidents which often go unreported.

29. I support the Good Samaritan Policy because realistically not everyone who drinks is 21. I would rather be safe than sorry. I do not think a person should have to suffer to help a friend. However, if you have never been in a situation where your friend is in trouble you will be worried about the consequences of yourself, who is probably a little intoxicated as well and of your friend who is most likely underage. The last thing you want to do is have your parents know or have your reputation questioned. Therefore if students know this option is available I think more alcohol related incidents can be avoided.

30. There should be no reason why someone cannot make a call to help a friend that could potentially be dying in a situation like this. Some people are capable of doing things based on what their own repercussion may be, but at the same time some won't. Regardless if this was passed this would give those who thought twice to call without wasting time and potentially causing harm to their intoxicated friend.

31. I support this Policy because some students might be less likely to call for help of an intoxicated friend if they have also been drinking and are under age. However, my fear is some under age students will take advantage of this Policy in order to avoid consequences.

32. I support the Good Samaritan Policy. More than hurt I feel it would help when dealing with intoxication situations. People would not be worried about the consequences of calling for help. They would call right away. Also, calling for help for a friend does not constitute punishment in my eyes.

- 33.** It can help save lives!
- 34.** I think it's more important to help people who are sick than to punish those who break the code.
- 35.** It would lead people in the right direction to do the right thing without consequences.
- 36.** I think student's who make the hard choice to call for help when their friends are in trouble should be rewarded, not get in trouble for doing the right thing, regardless of whatever role they might have played in the situation escalating to a level that requires formal assistance.
- 37.** If the GSP helps in even one case, it would be worth what I see as a relatively minor cost (not being able to charge callers with alcohol offenses). I think a GSP is good, but what about more education about symptoms of alcohol poisoning? I think there are very few students who wouldn't call if they KNEW help was needed, but plenty who would hesitate if they weren't sure.
- 38.** I support it because I think student safety is priority. It is more important that a student is treated instead of punished for a bad decision.
- 39.** In the college environment, where underage alcohol use is rampant, it is important that care for others is prioritized over fear of sanctions. While it is necessary for students to understand the consequences of their actions, particularly those in violation of University and state laws, it is also important that students take care of one another. There still must be sanctions for those who call the police to help a friend, but the fact that the act was one of care and concern is a definite mitigating factor.
- 40.** It would help guarantee that individuals put safety above the potential fear of negative repercussions. The university cannot keep students from choosing to violate the alcohol policy. It can help make sure that if a bad decision is made, it doesn't have to have life-threatening consequences.
- 41.** I support this Policy because I think a life is FAR more important than any possible sanction!
- 42.** I believe it could lead to unintended consequences that would hurt the goal of the policy.

Answered Question: 42
Skipped Question: 0



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December 12, 2008

TO: Dr. David Freund
Chair, Committee on Student Conduct

FROM: Kenneth G. Holum 
Chair, University Senate

SUBJECT: Request to Revisit Need for a Medical Amnesty Policy (MAP) (Senate Document Number 07-08-20)

Last year the Student Conduct Committee, under the leadership of Professor Boden Sandstrom, addressed the issue whether the Senate should recommend an amendment to the University of Maryland Code of Student Conduct adopting a so-called Medical Amnesty Policy (MAP). Such a policy would introduce amnesty in cases of alcohol use or substance abuse in apparent violation of the University of Maryland Code of Student Conduct if such a violation occurred while a student was seeking emergency medical assistance for themselves or another person. For your information, the Code of Student Conduct, a Board of Regents policy, is available at <http://www.president.umd.edu/policies/docs/v100b.pdf>, and the relevant sections are 9/(d)/i and (o). In its report of February 12, 2008, in response to Senate Document 07/08/20, the SCC did not support recommending an MAP, and the Senate Executive Committee declined to bring such a policy before the Senate.

In its meeting on October 22, 2008, the SEC decided that the 2007-2008 committee, while completing extensive research on MAP in the literature and at other campuses, did not sufficiently investigate opinion and experience on our own campus. We therefore request that you revisit the issue during the spring semester 2009.

In examining the advisability of recommending an MAP, the SCC should engage members of the University community fully. Particular attention should be given to members who deal with this type of emergency regularly, such as resident assistants, University Police officers, and students with relevant experience. One or more forums might be organized and publicized so members of the community can provide testimony in an open environment. An anonymous feedback mechanism might be developed in order to capture a larger number of candid responses from students. Officials of the Office of Student Affairs should be encouraged to provide opinions as well.

In order to complete this assignment expeditiously, the SCC might want to organize a working group including committee members and engaged students. The working group might also include a representative of the Office of Student Affairs, and in any case will want to consult with that Office while preparing to collect and evaluate the new data.

In order to permit Senate action in the Spring semester 2009, I ask that the SCC report on its findings, with its recommendations on MAP, no later than April 7, 2009.

February 12, 2008

MEMORANDUM

TO: William Montgomery
Chair, University Senate

FROM: Boden Sandstrom
Chair, Senate Student Conduct Committee

SUBJECT: Report on charge by the Senate Executive Committee to review Proposal on Discipline and Calls for Emergency Medical Service (Senate document Number 07-08-20)

The Senate Executive Committee charged the Student Conduct Committee to review a request from Anastacia Cosner for a "Senate review of disciplinary policies that apply to students who call for Emergency Medical Services for a drug or alcohol related illness or overdose."

The Student Conduct Committee (SCC) did extensive research on this subject by reading articles and surveys on medical amnesty policies (MAP) and soliciting opinions on MAP from the members of the University Community who would be knowledgeable about the current practices on campus and the possible impacts of such a change in policy. The SCC held a three-hour meeting on January 24, 2008 to discuss the wealth of information we gathered and analyzed. As a result of this meeting, we passed the following motions:

Motion #1:

It was moved that the Student Conduct Committee not recommend a change to the Code of Student Conduct at this time.

This motion was carried unanimously.

Motion #2:

The Student Conduct Committee recommends that the Senate Executive Committee:

- ascertain which recommendations of the Alcohol Task Force* have been implemented to date
- conduct or work with the Alcohol Coalition to conduct a survey to determine students' awareness of, and reaction to, suspected alcohol poisoning
- investigate the feasibility of an anonymous campus "hot-line" for reporting suspected alcohol poisoning
- develop or work with relevant campus or student groups to develop an educational tool such as a "business card" or magnet containing relevant information on the signs of alcohol poisoning and appropriate sources of help for distribution during the upcoming academic orientation period (Fall 2008).
- examine the appropriateness of current penalties for alcohol violations imposed by Resident Life on residents of University-based housing.

*for clarification purposes (University of Maryland Alcohol Task Force Final Report March 2004)

This motion was carried by a majority.

We are not recommending a change in the Student Conduct Code at this time for the following reasons:

First, the SCC feels strongly that it is premature to institute a Medical Amnesty Policy by changing the Student Conduct Code due to lack of sufficient information and data. The question of what students do or do not do in regards to calling for help in a drug or alcohol emergency is, at the present, under-documented. The research, available to date, however, does reveal one important fact: education has the largest impact on students' willingness to call for help in such situations. There was also a consensus that, because of the differences in alcohol poisoning and drug overdoses and their related penalties, any MAP deliberations should consider them separately. On and off campus policies for these two concepts would need to be considered separately as well.

Second, we spent a great deal of time collecting data and analyzing data. Perhaps one of the most critical outcomes of our research was that we learned that we were not qualified to recommend solutions at this time. Design and implementation of a MAP need to involve multiple stakeholders - students, staff in Greek and resident life, campus police, on- and off-campus healthcare providers, the University of Legal Affairs, members of the surrounding community, and off-campus local, state and federal law enforcement agencies. However, we discovered that the campus has already done much research on these issues and continues to do so. We would like to direct you to the work of the current UM Alcohol Coalition, which is considering a MAP as well as additional ways to better educate the University community, and the past reports of University of Maryland Alcohol Task Force Final Report (March 2004) and Report to the University of Maryland Board of Regents Summary of Alcohol and Substance Abuse Prevention Programs from the University of Maryland, College Park (February 2006).

Third, we discovered that Fraternity and Sorority Life, Resident Life and Office of Student Conduct practice a progressive disciplinary process that takes into account violation severity, mitigating or aggravating circumstances, and past disciplinary offenses while agreeing that education is a key component of the process. While not directly related to the SEC charge, the SCC recommends that Resident Life policies be examined to make sure that they are consistent with those of the Office of Judicial Programs, etc. and that they contain an educational component. The SEC may wish to consider referring this matter to the Directors of Student Conduct and Resident Life for further consideration. In contrast, however, there are no statistical data that indicate the penalties for reporting medical emergencies are unduly severe or act as a deterrent from seeking medical assistance.

Fourth, J. Terrance Roach, Chief Counsel for the University, pointed out that the "Code of Student Conduct is a Board of Regents policy, not a campus policy over which the President has control. Only the BOR has the authority to make substantive changes to it. For that reasons, it is important that any proposal presented by the President to the

Regents be supported by careful research convincingly demonstrating the need for change.” (Roach, J. Terrance. Email to the author. 20 Dec. 2007.)

Fifth, the SCC reviewed a recently released national survey conducted by the University of Virginia examining MAPs at colleges and universities nationwide. Eric Hoffman, co-chair of the UM Alcohol Coalition and Coordinator of Campus Alcohol Programs at the University forwarded these results to the SCC. The following data are from his summary. Limitations of the study included a small sample size (61 institutions) and an inherent bias in that most responders either have a MAP in place or are considering one. Only 4 of the 17 institutions with enrollment over 12,000 students were public institutions (such as UM). Approximately 50% of institutions require an educational component for students when using the policy and a follow-up education class following infractions. The survey results indicate mixed results on the perceived effectiveness of MAP policies and the difficulty of getting all campus constituents on board. For more information see:

Survey Results

http://www.surveymonkey.com/sr.aspx?sm=4kAmd_2f_2fe_2bHy40n0Nz_2bkOzPB2eGU799kBJK_2bXm6Vopw_3d

Comparison of the responses of Private and Public institutions and a summary of open-ended responses

<http://www.virginia.edu/case/about/documents/masummary.pdf>

Sixth, the SCC also read a major report on the outcome of a MAP at Cornell University in 2002. The report indicated that there was both an increase in calls to emergency medical services and hospital emergency room visits for acute alcohol intoxication. However, the MAP developed at Cornell is a protocol not a change to the Cornell Code of Conduct and education is a major component of the MAP.

(Lewis, Deborah K. and Marchell, Timothy C. “Safety First: A Medical Amnesty Approach to Alcohol Poisoning at a U.S. University. International Journal of Drug Policy 7 (2006). <<http://www.sciencedirect.com>>)

In conclusion our extensive research on this topic has shown that there is insufficient data both for the UM Community and at comparable institutions to warrant the recommendation of a change to the UM Code of Student Conduct. Rather, we believe the best course of action is to concentrate on education and information dissemination about alcohol poisoning. Therefore, in Motion #2, the SCC recommends that the SEC work with the UM Alcohol Coalition to conduct a survey to determine students' awareness of, and reaction to, suspected alcohol poisoning. We also recommend an emphasis on creative ways to get information to the students about alcohol poisoning, such as establishing an anonymous campus "hot-line" and work with relevant campus or student groups to develop an educational tool such as a "business card" or magnet containing relevant information. The Committee strongly recommends a deadline of September 2, 2008 for survey completion and distribution of an educational tool. The SCC also encourages that the SEC promote collaboration with the existing components of the UM campus who have expertise in the arenas of alcohol use and research on a MAP and to see that they get the necessary resources to continue this work.



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November 5, 2007

MEMORANDUM

TO: Boden Sandstrom
Chair, Senate Student Conduct Committee

FROM: William Montgomery
Chair, University Senate

SUBJECT: Proposal on Discipline and Calls for Emergency Medical Service
(Senate Document Number 07-08-20)

I recently received a "Good Samaritan" proposal from Anastacia Cosner, who is an undergraduate student senator and a member of your committee. I brought Ms. Cosner's proposal to the attention of the Senate Executive Committee at its meeting on October 25. After a short discussion, the Executive Committee decided to charge the Senate Student Conduct Committee with reviewing the attached document because it might eventuate in a change to the Code of Student Conduct. Changes relating to the Code of Student Conduct normally fall under the purview of your committee.

Please send me your report on Ms. Cosner's proposal by or before Wednesday, February 13, 2008. In the course of your examination of this document you may want to consider the rules and practices of our peers and comparable institutions relating to students who call for emergency medical services because of alcohol or drug use. If you have any questions about this charge, please contact Dr. Mary Giles by phone on extension 5-5804, or by email at mgiles@umd.edu.

WLM:mdg

✓ cc: Vera McCoy-Espinoza

Attachment

From: "Anastacia Cosner" <anastaciacosner@gmail.com>
Date: October 20, 2007 8:38:16 PM EDT
To: wlm@umd.edu
Subject: Request for Senate review of policy - discipline & calls for emergency medical services

Dear Dr. Montgomery,

My name is Anastacia and I am an undergraduate Senator representing the College of Arts and Humanities, I am also President of Students for Sensible Drug Policy at the University of Maryland. I have been doing quite a bit of research on an issue commonly referred to as "Good Samaritan" policies as an option to reduce harm to our students.

I write to request Senate review of disciplinary policies that apply to students who call for Emergency Medical Services for a drug or alcohol related illness or overdose. Studies have shown that implementation of such "Good Samaritan" policies increase 911 calls in the area - in this case, the campus community. It is in the opinions of many of my fellow undergraduate senators that students should never be deterred from or hesitate to call for help because of fear of disciplinary action. I would recommend that an amendment be made to the Code of Conduct that would exempt such individuals from judicial action (such as for the possession or use of any substance – including alcohol, as well as other "harder" drugs) if they call for medical assistance for themselves or a friend.

I look forward to your response, and would be more than happy to discuss this issue at your earliest convenience.

Sincerely,

Anastacia Cosner

Anastacia Cosner
University of Maryland, College Park
Senator, College of Arts and Humanities
President, Students for Sensible Drug Policy
Secretary, SSDP Board of Directors

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