

**A RESOLUTION TO BE ENTITLED ACT TO:**

**Clarify and Increase Awareness of the Good Samaritan Medical Amnesty Program**

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**Short Title:** Good Samaritan Medical Amnesty Program

**Authored by:** Justin Walhart

**Resolution Number:** S23-02

**First Reading:** 1/20/2023 **Second Reading:** 2/6/23

**Referred to:** Health and Safety Committee

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9  
10 **WHEREAS**, The health and safety of students at Western Carolina University (WCU) is a  
11 commitment of both the University and the Student Government Association (SGA); and,

12  
13 **WHEREAS**, In cases of alcohol or other drug-related emergencies, students who may need  
14 assistance for themselves and/or others might be deterred from seeking medical attention due to  
15 the fear of disciplinary action from the University Student Conduct process regarding the  
16 incident; and,

17  
18 **WHEREAS**, The Good Samaritan Medical Amnesty Program (GSP) was designed to “remove  
19 this barrier that might prevent students from seeking medical attention;” and,

20  
21 **WHEREAS**, Currently, WCU doesn’t have this policy listed anywhere on their website, and,

22  
23 **WHEREAS**, East Carolina University (ECU), another school part of the UNC educational  
24 system, has a policy similar to GSP titled University Good Samaritan Regulation; and,

25  
26 **WHEREAS**, Adding this policy to WCU’s website explains how the GSP works, “through the  
27 Good Samaritan Medical Amnesty Program, students who actively seek assistance for another  
28 person in need of medical attention (Good Samaritan) or students who actively seek help for  
29 themselves (Medical Amnesty) will be exempt from the University Student Conduct Process, as  
30 outlined in the Code of Student Conduct; and,



32 **WHEREAS**, When the GSP is invoked during an incident, The Office of the Dean of Students  
33 will address this situation “as a health safety concern” as long as the student contacts the  
34 appropriate emergency officials depending on if the incident occurs on or off campus, remains  
35 with the individual(s) needing medical attention as long as it remains safe to do so, meets with a  
36 staff member in the Office of the Dean of Students following the incident, and agrees to and  
37 complete” educational and/or health interventions as a condition of deferring student conduct  
38 sanctions”; and,  
39

40 **WHEREAS**, WCU’s websites note that any student who fails to follow and meet all required  
41 conditions to be considered for the GSP will then “be subject to disciplinary action.” In addition,  
42 the website also notes that “this program does not apply to other alleged violations of the Code of  
43 Student Conduct that may have occurred as part of the incident, such as disorderly conduct,  
44 physical abuse, conduct which threatens safety, verbal or physical harassment or property  
45 damage”; and,  
46

47 **WHEREAS**, During the University Student Conduct process, the case’s assigned staff member  
48 in The Office of the Dean of Students will consider the incident and all relevant information in its  
49 entirety to make an appropriate decision; and,  
50

51 **WHEREAS**, WCU’s website fails to explain that any student who actively seeks assistance for  
52 themselves and/or others but then does not accept medical treatment, such as not being medically  
53 transported to the hospital, for reasons including but not limited to personal financial hardships or  
54 not medically needing to go to the hospital, forfeit their ability to be considered for this program  
55 and are subject to the University Conduct Process; and,  
56

57 **Therefore, Be It Resolved That:** The Student Government Association, acting in its official  
58 capacity as the representative of the undergraduate student body of Western Carolina University,  
59 hereby requests:

- 60 1. The Office of the Dean of Students clarifies the GSP regarding a student’s decision not to  
61 accept medical treatment due to reasons specific to each situation.
- 62 2. The Office of the Dean of Students clarifies and revises, if need be, the GSP regarding  
63 situations that also involve mental health incidents.
- 64 3. The Office of the Dean of Students and The Office of Residential Living actively and  
65 publicly promote and inform all students about the GSP and how it works.
- 66 4. Western Carolina University creates a section listing the GSP policy and the resources  
67 available on its website.  
68

69 **Be It Further Resolved:** WCU looks at ECU’s GSR policy in Appendix A when creating  
70 WCU’s online section for GSP.  
71

72 Appendix A: East Carolina University Good Samaritan Regulation:  
73

1. Purpose



74 1.1. The purpose of the Good Samaritan Regulation (“Regulation” or “GSR”) is to remove a  
75 potential barrier and facilitate access to emergency medical care in cases of alcohol-related  
76 medical emergencies. The goal is to increase the likelihood that a person needing medical  
77 assistance will receive this assistance by reducing the reluctance of students to seek out  
78 appropriate help due to fear of potential University consequences assigned by the Office of  
79 Student Rights and Responsibilities (“OSRR”) to themselves or another person in need of  
80 assistance.

81 1.2. The GSR is part of East Carolina University’s comprehensive approach to reducing the  
82 harmful consequences caused by the misuse of alcohol. It is designed to promote responsible  
83 decision-making when students are faced with a potentially dangerous or deadly alcohol-related  
84 medical situation. This regulation finds support in the ECU Creed which states: “I will be  
85 thoughtful and responsible in my words and actions” and “I will engage in purposeful citizenship  
86 by serving as a positive role model,” and aligns well with the University’s mission to help  
87 prepare future leaders by encouraging healthy, pro-active, civically responsible actions by our  
88 students in a time of a crisis.

89 1.3. The minimum legal drinking age (MLDA) in North Carolina is 21 years old. Nothing in this  
90 procedure should indicate that the University condones underage drinking. We are also cognizant,  
91 however, that many underage college students will choose to consume alcohol regardless of the  
92 MLDA. With this choice comes the risk of very harmful consequences; research has long  
93 demonstrated that the misuse of alcohol is the number one health risk on U.S. college campuses.  
94 This GSR regulation is designed to address this reality by reducing the risk of alcohol-related  
95 harm for students via an increased likelihood of medical intervention. The regulation stipulates  
96 that individuals involved in an emergency are provided education about alcohol risk reduction to  
97 reduce the possibility of future occurrences.

## 98 2. Students Qualifying for Good Samaritan Amnesty

99 2.1. Subject to the provisions of this regulation, the ECU GSR may apply in the following  
100 situations:

101 2.1.1. When a student, acting in good faith and upon reasonable belief that they were the first to  
102 call for assistance, contacts ECU personnel or emergency services (“EMS”) for medical  
103 assistance related to their alcohol use or intoxication, and EMS responds and makes a medical  
104 assessment at the locale.

105 2.1.2. When a student calls for emergency assistance on behalf of another person experiencing an  
106 alcohol-related medical emergency, and EMS responds and makes a medical assessment at the  
107 locale. The student shall use their name when contacting authorities and remain with the person  
108 needing medical attention until help arrives.

109 2.1.3. When a student is named in an ECU Police Report or Campus Appearance Ticket as having  
110 been present and lending a helping hand during an alcohol-related medical emergency, it is  
111 documented that emergency assistance was requested. Likewise, failure to call for medical aid in  
112 an alcohol-related emergency may be considered an aggravating circumstance that may affect a  
113 conduct case resolution and/or result in increased sanctions.

## 114 2.2 Gathering Information and Documents

115 2.2.1 In a preliminary meeting with the student or organization, OSRR will gather information  
116 pertinent to the facts for determining the appropriateness of granting GSR amnesty. This meeting



117 will consider the available facts and documentation, including, but not limited to, the following:  
118 Documentation verifying that EMS was called, responded, and rendered medical attention;  
119 Documentation of a visit to a hospital Emergency Department; A written report from a police  
120 department, other law enforcement entity, or Campus Living; Any record of the Blood Alcohol  
121 Level as determined by medical personnel.

122 2.3 Procedures for case management

123 2.3.1 Students who receive or request on behalf of another person emergency medical attention  
124 related to the consumption of alcohol may be eligible to receive GSR amnesty. Such students  
125 should be referred to OSRR. OSRR will track each GSR amnesty request to maintain appropriate  
126 data and documentation. OSRR will document that the office has discussed the potential for GSR  
127 amnesty with potentially qualified students or organizations referred to it, explaining the GSR  
128 regulation, its usage, and GSR onetime per academic school year applicability. Additionally,  
129 OSRR will provide such students with an informational Good Samaritan letter detailing the GSR  
130 regulation specifics.

131 3. Effect of GSR Amnesty

132 3.1. At the discretion of OSRR, if the student qualifies for medical amnesty under this regulation,  
133 OSRR may refrain from charging or sanctioning the student for one or more violations of the  
134 Student Code of Conduct related to alcohol. As a condition of receiving amnesty, students may be  
135 required to successfully complete a substance abuse assessment through the Center for  
136 Counseling and Student Development (“CCSD”) or undergo such other educational activity or  
137 medical course of treatment as deemed appropriate by OSRR.

138 3.2. In compliance with the Family Educational Rights and Privacy Act (“FERPA”) and  
139 University policies and regulations, OSRR will notify the parent(s) or legal guardian(s) of  
140 students under the age of 21 who receive GSR amnesty under this regulation. A student that does  
141 not want their parents to be notified may appeal to OSRR. Pursuant to the Parental Notification  
142 Policy, OSRR will, in turn, refer the student to CCSD. CCSD will recommend that will be given  
143 back to OSRR for consideration in determining parental notification disposition.

144 3.3. A student may be granted GSR amnesty at most once per academic school year. Records of  
145 all known requests for assistance in medical emergencies shall be maintained by OSRR, as  
146 outlined in section 2.3. above. Suppose a student who previously received amnesty is involved in  
147 a subsequent conduct-related incident. In that case, the existence of a previous receipt of amnesty,  
148 and the circumstances involved in the last incident, may be considered by OSRR when  
149 considering sanctions in subsequent conduct-related incidents.

150 4. Clubs/Organizations

151 4.1. Good Samaritan amnesty for a recognized club/organization may only be granted to the  
152 club/organization.

153 4.2. If a student representative of a university-recognized club or organization hosting an event  
154 seeks medical assistance in a medical emergency as described in section 2 above, then the  
155 club/organization may be eligible for GSR amnesty as it applies to clubs/organizations.

156 4.3. Representatives from the organization may be required to meet with OSRR.


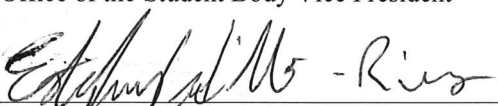
157 Clubs/organizations qualifying for GSR amnesty under this regulation will not be charged or  
158 sanctioned for violating the University’s alcohol-related policies.



**STUDENT GOVERNMENT ASSOCIATION of WESTERN CAROLINA UNIVERSITY**

**99<sup>th</sup> SESSION GORDILLO-RIVAS-MITCHELL ADMINISTRATION, Fall 2022-Spring 2023**

- 159 4.4. As a condition of receiving amnesty, such organizations/clubs may be required to participate
- 160 in or organize an appropriate educational program to be presented to the club/organization
- 161 members or others and/or complete such other educational activity as deemed appropriate by
- 162 OSRR.
- 163 4.5. Clubs/organizations may be granted GSR amnesty at most once per academic school year
- 164 and only for appropriately recognized events of their organization.
- 165 4.6. While the act of responsibly calling for prompt medical attention in compliance with this
- 166 regulation may mitigate OSRR sanctions against the club/organization resulting from Code
- 167 violations that may have occurred at the time of the incident, failure to call for medical assistance
- 168 in an alcohol-related emergency may be considered an aggravating circumstance that may affect a
- 169 conduct case resolution, and/or result in increased sanctions
- 170 5. Limitations
- 171 5.1. The GSR applies to alcohol-related incidents that require emergency medical attention as
- 172 described in this regulation. This regulation does not apply to drug-related behavior, including
- 173 use, possession, or distribution.
- 174 5.2. The GSR applies only to alcohol Student Code of Conduct violations. If other prohibited
- 175 conduct occurs, including, but not limited to, assault, theft, driving while impaired, property
- 176 damage, etc., the student(s)/clubs/organizations will be held responsible by the University and
- 177 OSRR for those violations.
- 178 5.3. Nothing in this regulation shall prevent an individual who has enforcement obligations under
- 179 state or federal law from reporting, charging, or taking other action related to the possible
- 180 criminal prosecution of any student for their conduct.
- 181
- 182

Senate Vote: Aye: _____ Nay: _____ Abstain: _____			
	<u>02/17/23</u>	Passed: <input checked="" type="checkbox"/>	Failed: <input type="checkbox"/>
CJ Mitchell Office of the Student Body Vice President	Date		
	<u>02/17/23</u>	Passed: <input checked="" type="checkbox"/>	Veto: <input type="checkbox"/>
Estefany Gordillo-Rivas Office of the Student Body President	Date		

