



### Amnesty Policy

<b>Policy Number:</b>	SA-01-002
<b>Policy Administrator:</b>	Vice President, Cadet Leadership & Development
<b>Policy Initiator:</b>	Director, Cadet Equity
<b>Authority:</b>	<b>Division of Cadet Leadership &amp; Development</b>
<b>Effective Date:</b>	October 18, 2021
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<b>Approved:</b>	President Thomas A. Cropper
<b>Approval Signature:</b>	/s/

**Purpose:**

The purpose of this policy is to hold harmless\* those cadets seeking immediate **medical assistance** on behalf of persons experiencing drug- or alcohol-related emergencies or when an alleged victim and/or witness is reporting any incidents of Sexual Misconduct, Dating or Domestic Violence, or Stalking, out of concern that they might be disciplined for related violations of drug, alcohol, or other University policies. In addition, we uphold the California Good Samaritan Code Section 25667 that applies amnesty to people under the age of 21 under certain conditions.

**Scope:**

This policy applies to all cadets enrolled at Cal Maritime.

**Accountability:**

The Cadet Conduct Administrator and Director of Cadet Equity are responsible for administering this policy.

**Policy:** Cal Maritime amnesty policy is designed to encourage cadets to call for medical assistance when faced with any situation that involves the use (or abuse) of drugs or alcohol. To encourage reporting in these types of situations, the University will not subject the reporting party, who is a student or a student-employee, to disciplinary action due to violation of the University’s policies. University’s primary concern is the safety of the campus community.

This protocol removes punitive sanctions for first-time infractions involving alcohol and/or other drugs and substances for both the person making the call for help as well as the person experiencing the medical emergency.

**Procedure:** When an incident occurs, the Conduct Office will review the incident to confirm it falls within the parameters of the Amnesty Protocol. The individual who seeks medical assistance on behalf

of another must remain with the individual experiencing the alcohol or drug related overdose until help arrives.

University reserves the right to require individuals who are granted amnesty under this policy to participate in assessments, training, counseling, or related educational programs.

\*US Coast Guard regulations shall apply

# California State University Maritime Academy Amnesty Policy ATTACHMENT

## Frequently Asked Questions

**Q. If a member of a student group or organization calls on behalf of the group or organization, and multiple members stay with the “victim” until help arrives, do they all qualify for “amnesty”?**

A. Yes

**Q. Can you or your student club or organization be held liable for not seeking help if something happens?**

A. Yes, it’s possible, depending on the consequences of your failure to act. Bystanders have faced legal consequences in case of deaths because, fearing disciplinary consequences, their friends didn’t seek medical attention for them. Seeking help may *reduce* the consequences faced by a student organization or club if the incident occurred during one of their events.

**Q: What happens if it’s *not* your first offense?**

A. Individuals receiving repeat amnesty may be required to participate in assessments, training, counseling, or related educational programs.

**Q. If an incident happens off campus does this policy apply? How does the [Good Samaritan law](#) fit in?**

A. Yes. On or off campus, [California’s Good Samaritan laws](#) apply. Essentially, that means if you call for help for a drug/alcohol overdose and you don’t obstruct medical or law enforcement personnel from providing help, you and the person in need of help, won’t be arrested, charged, or prosecuted for violating *state laws* regarding being under the influence, possessing drugs or drug paraphernalia for personal use, or underage drinking.

**Q. Do you have to say anything to invoke the amnesty policy?**

A. No, that shouldn’t be necessary unless an authority somehow fails to act in accordance with the policy.

**Q. The policy says you have to stay with the person after you call for help. Once authorities arrive, am I allowed to leave?**

A. After you provide any relevant information, you can leave once authorities give you the “go-ahead.”

**Q. What does it mean to seek medical assistance in good faith?**

A. It means the amnesty policy won’t apply in the case of an obviously bogus or fake call for help. We want to discourage phony calls made by students or a student clubs/organizations when they know they’re about to be “busted” for a student code violation and want to misuse the policy to reduce their consequences. If, however, you are genuinely worried that a peer may be at risk for death or injury

due to alcohol or drug use, please seek help. If it turns out they don't need medical attention, but you had good reason for concern (that is, you acted in good faith), the amnesty policy applies.

**Q. Would this policy support me if another person drugged me?**

A. Yes. If an incident investigation revealed a person was drugged, the drugged person wouldn't experience disciplinary consequences.

**Q: What are considered *mitigating factors* and how do these factors apply to student clubs and organizations?**

A. "Mitigating factors" are circumstances or actions that may be taken into consideration by campus authorities when determining consequences for a student club or organization. For example, if the club or organization took measures to prevent underage drinking or unhealthy alcohol use (e.g. binge drinking) and the emergency event occurred despite that, disciplinary consequences are unlikely. Similarly, it's considered a "mitigating factor" if the club or organization was forthcoming with information relevant to Cal Maritime incident investigation. It would be considered mitigation if they agreed to work cooperatively with relevant Cal Maritime Student Affairs programs to prevent future incidents.

***FAQs Specific to University Housing***

**Q. What happens when an underage person is drinking off campus and then comes onto campus? Are they still covered?**

A. It doesn't matter where the student initially consumed the substances. If a student is on campus and needs medical attention due to drug or alcohol use, Cal Maritime's amnesty policy applies to them and to the person that calls for help.

**Q: Does this first-time infraction portion also apply to RHOs if they need to call for help for multiple residents?**

A. As long as the RHO didn't violate a campus or university housing policy during the incident, they have nothing to worry about. Calling for medical assistance when a student is in danger from alcohol or drug use is an important part of the RHO's job.

**Q. Residence Hall Officers, by protocol, are required to document any alcohol or substances in the room—even when they make a medical call. Does the Amnesty Policy protect me from any consequences for having an alcohol bottle out when the RHO comes? Or do I need to hide/remove any policy violations before making the call?**

A. Yes, you would be protected from consequences in this situation. Focus on the student in need while you wait for assistance.

**Q. If I call the RHO before I call the police, am I still covered by the Amnesty Policy? Or do I need to call the police and then my RHO?**

A. Yes, you are protected as long as you call a campus authority, the police, or 9-1-1.

**Q. Does this policy only apply if both parties are under 21?**

A. Age is not a factor.

**Q. How does the Amnesty Policy apply in private space (resident room) versus a public space (outside the building or in common building areas)?**

A. The policy applies equally in Cal Maritime public or private spaces.

**Q. Does Cal Maritime's Amnesty Policy and CA-AB 1999 protect me, specifically in the case of legal consequences of underage drinking?**

A. California's Good Samaritan laws state that if you call for help for a drug/alcohol overdose, and you don't obstruct medical or law enforcement personnel from providing help, you and the person in need of help, won't be arrested, charged, or prosecuted for violating *state laws* regarding being under the influence, possessing drugs or drug paraphernalia for personal use, or underage drinking. Cal Maritimes amnesty policy works similarly: it protects the caller and the intoxicated person from disciplinary consequences associated with violating *campus policies* regarding underage drinking and drug use.