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ASUM Student Government

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SB28-20/21: Resolution Urging the Adoption of a Good Samaritan Policy to the University of Montana

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1 **The Associated Students of the University of Montana**
2 **Resolution Urging the Adoption of a Good Samaritan Policy to the University of Montana**
3 **Student Conduct Code**

4 **August 30, 2020**

5 **SB 28 -20/21**

6 **Authored by: Jonathan Karlen, ASUM Senator; Izy Lyon, ASUM Senator;**
7 **Vincent C. Tarallo Jr., ASUM Senator; Kyle Yoder, President, Missoula Chapter of**
8 **Students for Sensible Drug Policy; Michael Layeux, Vice-President, Missoula Chapter of**
9 **Students for Sensible Drug Policy;**

10 **Sponsored by: Maggie Bornstein, ASUM Senator; Sandy Curtis, Executive Director of UM**
11 **Housing and Community Standards; Paul Tran, ASUM Senator; Isaac La'a, ASUM**
12 **Senator; Christian Pfeifer, ASUM Senator; Lou Villemez, ASUM Legal Services Director;**

13
14 Whereas, The Associated Students of the University of Montana (ASUM) advocates for the health,
15 safety, and interest of all University of Montana (UM) students;

16
17 Whereas, Nationwide, 80% of college students consume alcohol¹, more than 50% of college
18 students have engaged in binge drinking², 20% of college students meet the criteria for alcohol use
19 disorder, and more than 1,800 college students die each year from alcohol-related unintentional
20 injuries³;

21
22 Whereas, In 2018, University of Montana students consumed alcohol at a higher rate than
23 college students nationally (73% of UM students consumed alcohol within 30 days of the survey,
24 compared with 64% of students nationwide)⁴.

25
26 Whereas, The use of prescription opioids among college students nationally increased by 343%
27 between 1993 to 2005⁵, and nearly 3% of college students report misusing prescription opioids in
28 2018⁶;

29
30 Whereas, Eight times as many UM students reported misusing opioids in 2018 (0.8%), compared
31 with 2014 (0.1%)⁷;

32
33 Whereas, The University of Montana Student Conduct Code does not have a Good
34 Samaritan policy to protect students who solicit medical aid for themselves or others during an
35 emergency;

36
37 Whereas, Good Samaritan policies on college campuses increase the likelihood that 1) students
38 call for help when they or their peers need urgent medical intervention; and 2) increase the
39 likelihood that students treated for alcohol-related medical emergencies will receive preventive
40 intervention⁸;

41
42 Whereas, Good Samaritan policies do not increase the frequency or intensity of student alcohol or
43 drug use⁹;

44
45 Whereas, In 2017, The Montana State Legislature adopted the Help Save Lives From Overdose
46 Act, which acknowledges that “persons who witness an overdose are sometimes reluctant to call

47 9-1-1 for fear of being arrested and prosecuted for a crime”, and provides some immunity when
48 seeking medical assistance for a drug-related overdose¹⁰;

49
50 Whereas, More than 250 colleges across the country, including Montana State
51 University, have Good Samaritan policies for drug and alcohol-related medical emergencies (see
52 page five and six for a partial list);

53
54 Whereas, A section of the UM Discrimination and Sexual Harassment policy, separate from the
55 Student Conduct Code, outlines an amnesty policy for reporting drugs and alcohol, but only in
56 cases where a student is “reporting” on another student/s possession or use;

57
58 Whereas, The 2018 University of Montana Alcohol and Drug Biennial Review states:
59 *“It is suggested that these policies (Good Samaritan Policies) need to be enhanced in*
60 *writing for students and the campus community, especially with regard to the Student*
61 *Conduct Code and UMPD, and an awareness campaign is needed to increase students’*
62 *knowledge of the University’s amnesty policies and practices.”;*

63
64 Whereas, The University of Montana Police Department and the University of
65 Montana administration practice unwritten drug and alcohol amnesty policies;

66
67 Therefore, Let It Be Resolved, That ASUM urges the University of Montana to amend
68 the Student Conduct Code and adopt a policy to ensure that students who
69 seek emergency medical assistance for themselves or others will not receive disciplinary
70 sanctions for drug and alcohol violations of the Student Conduct Code which occurred at or near
71 the time of the incident.

72 Therefore, Let It Be Further Resolved, That in instances where students seek medical assistance,
73 the University of Montana should assign students to alcohol or drug education programs, with
74 the intention of providing support to prevent future occurrences;

75
76 Therefore, Let It Further Be Resolved, That ASUM believes that Good
77 Samaritan protections should apply to:

- 78
79
 1. the student(s) requesting medical assistance for another person
 - 80 2. the students(s) for whom medical assistance was provided
 - 81 3. the student requesting medical assistance for oneself
 - 82 4. students whose infraction(s) of alcohol or drug possession/use policies was
 - 83 discovered by the University of Montana *because* of a call for medical assistance;

84
85 Therefore, Let It Further Be Resolved, That ASUM calls on the University of Montana
86 administration to incorporate the following, or similar, language into the student conduct code,
87 under a newly incorporated heading:

88
89 **Good Samaritan Policy:**
90 *To promote the safety, health, and wellbeing of students at the University of Montana, the*
91 *University expects its students and organizations to immediately contact University staff,*
92 *emergency medical services, and/or law enforcement when they have reason to believe a*

93 *student is too impaired or intoxicated to seek necessary medical help on their own, or is*
94 *otherwise in need of urgent medical attention.*

95 *Therefore, in the situation where a student needs urgent medical*
96 *assistance, the student(s) who requests and/or receive emergency medical*
97 *aid, and fully comply with University, medical, and/or law enforcement personnel will*
98 *not be issued disciplinary sanctions nor have conduct files created for any violation of*
99 *the University's drug or alcohol possession or consumption policies which they might*
100 *have violated in connection with the reported incident.*

101 *If the University of Montana becomes aware of students who violated the alcohol or drug*
102 *or alcohol possession or consumption policies because of a call for medical assistance,*
103 *then these students will also be covered by the Good Samaritan policy.*

104
105 *In order for Good Samaritan policies to apply, the University of Montana may require*
106 *students involved to participate in an alcohol/drug education program or seek medical*
107 *treatment for alcohol and/or drug abuse, but these requirements will not be recorded*
108 *as disciplinary sanctions.*

109
110 *Students and organizations will be held accountable if other violations occur*
111 *concurrently with the drug or alcohol possession or consumption violations (e.g.,*
112 *disorderly conduct, assault, vandalism, etc.).*

113
114 *Notifying University staff, law enforcement, or emergency medical services of a medical*
115 *issue after they are on scene for other purposes will not result in amnesty*
116 *protection. Students and organizations may be subject to disciplinary measures if they do*
117 *not make a good-faith attempt to reach out to emergency medical services or law*
118 *enforcement in the event of a medical emergency.*

119
120 *The University of Montana may issue sanctions to students and organizations, including*
121 *but not limited to the alcohol or drug sanctions, to those who purposely misuse the Good*
122 *Samaritan policy.;*

123
124 *Therefore, Let It Be Further Resolved, That the ASUM senate recommends that the University of*
125 *Montana institute a policy asserting that if the organization or student hosting an event becomes*
126 *aware of an emergency and promptly calls for assistance, this action will be as a mitigating*
127 *factor in determining sanctions;*

128
129 *Therefore, Let It Be Further Resolved, That if a Good Samaritan policy is enacted,*
130 *the ASUM senate strongly encourages that the policy is explained to all UM students during new*
131 *student orientation sessions, through campus communications, and through targeted outreach to*
132 *Greek organizations, athletic organizations, student groups, and other groups, as appropriate;*

133
134 *Therefore, Let It Be Further Resolved, That the ASUM senate strongly encourages UM Housing*
135 *to notify all students living in University-owned properties of Good Samaritan policies;*

136
137 *Therefore, Let It Be Further Resolved, That this resolution be sent to: Seth Bodnar, President of*
138 *the University of Montana; Sandy Curtis, Executive Director of UM Housing and Community*

139 Standards; Sarah Swager, Vice Provost for Student Success; Brian Reed, Associate Vice Provost
140 for Student Success; Paul Lasiter, Vice President for Operations and Finance; Marty Ludemann,
141 Chief of University Police.

142

143

144 Passed by Committee: _____, 2020

145

146 Passed by ASUM Senate: September 23, 2020

147

148

149

150 _____
150 Noah Durnell, Patrick James Flanagan,

151 Chair of the Relations and Affairs Committee Chair of the Senate

152

153

154

155 _____
155 Ethan Hanley,

156 Chair of the Board on Member Organizations

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166 **Partial list of Universities with Good Samaritan and Good Samaritan Policies:**

167

168 Alfred University, American University, Amherst College, Antioch College, Augustana College,

169 Appalachian State University, Aurora University, Babson College, Ball State University, Bard

170 Collegebound College, Baylor University, Beloit College, Benedictine University, Binghamton

171 University, Boston College, Boston University, Bradley University, Brown University, Bucknell

172 University, California Institute of Technology, Carnegie Mellon, Centre College, Clark

173 University, Clemson University, Colgate University, College of Charleston, College of the Holy

174 Cross, College of William and Mary, Colorado College, Columbia University, Connecticut

175 College, Cornell College, Cornell University, Dartmouth College, Davidson College, Denison

176 University, DePauw University, Dickinson College, Drake University, Drew University, Duke

177 University, Duquesne University, East Stroudsburg University, Eckerd College, Elizabethtown

178 College, Elmira College, Lon University, Emerson College, Emory University, Fairfield

179 University, Florida Atlantic University, Florida State University, Fordham University, Franklin &

180 Marshall College, Franklin Pierce University, Furman University, George Washington University,

181 Georgia College, Georgia Institute of Technology, Gettysburg College, Gonzaga University,

182 Green Mountain College, Grove City College, Gustavus Adolphus College, Hamline University,

183 Hampshire College, Hanover College, Harvard University, Hastings College, Hobart and William

184 Smith College, Humboldt State University, Illinois State University, Illinois Wesleyan University,

185 Ithaca College, Ithaca College, Kalamazoo College, Keene State College, Kenyon College,

186 Keystone College, Kutztown University, Lafayette College, Lake Forest College, Lake Superior
187 State University, Lehigh University, Lewis & Clark College, Loyola Marymount University,
188 Loyola University: Chicago, Lynn University, Macalester College, Marietta College,
189 Massachusetts College of Liberal Arts, Massachusetts Institute of Technology, Michigan
190 Technical University, Minnesota State University Moorhead, Minnesota State University:
191 Mankato, Misericordia University, Missouri Southern State University, Missouri State University,
192 Mitchell College, Monmouth University, Montana State University, Montclair State University,
193 Mount St. Mary's College, Muhlenberg College, Nazareth College, New College Florida, New
194 Mexico State University, New York University, New York University, North Dakota State College
195 of Science, Northeastern University, Northwestern University, Oberlin College, Ohio State
196 University (Columbus), Ohio University, Olivet College, Palm Beach Atlantic University,
197 Pennsylvania State University (all campuses), Pepperdine University, Pacific Lutheran University,
198 Pomona College, Potomac State College, Princeton University, Providence College, Purdue
199 University, Ramapo College of New Jersey, Reed College, Rhode Island School of Design, Rhodes
200 College, Rice University, Rider University, Ripon College, Rochester Institute of Technology,
201 Roger Williams University, Rollins College, Roosevelt University, Sacred Heart University, Saint
202 Joseph's University, Saint Louis University, Saint Mary's College, Santa Clara University, Sarah
203 Lawrence College, Scripps Collegemate University, Seton Hall University, Skidmore College,
204 Smith College, Southern Methodist University, Southwestern University's. Benedict/St. John's
205 University's. Cloud State University's. John's Colleges. Mary's College of Maryland, St. Lawrence
206 University's. Olaf College, Stevenson University, Suffolk University's Albany's Binghamton's
207 Buffalos College at Old Westbury's Cortland's New Paltz's Purchase College, Swarthmore
208 College, Syracuse University, Temple University, Texas Christian University, Thiel College,
209 Tompkins Cortland Community College, Transylvania University, Trine University (formerly Tri-
210 State), Trinity University, Tufts University, Tulane University, Union College (NY), Unity College
211 (Maine), University of Alabama (Tuscaloosa), University of Alabama at Birmingham, University
212 of Central Florida, University of Colorado at Boulder, University of Dallas, University of Dayton,
213 University of Delaware, University of Florida, University of Georgia, University of Iowa,
214 University of Kansas, University of Louisville, University of Maine, University of Maryland,
215 University of Massachusetts, University of Massachusetts Amherst, University of Massachusetts
216 Dartmouth, University of Michigan, University of Nebraska-Lincoln, University of New
217 Hampshire, University of New Hampshire, University of North Alabama, University of North
218 Dakota, University of North Florida, University of Northern Iowa, University of Oregon,
219 University of Pennsylvania, University of Pittsburgh, University of Richmond, University of
220 Rochester, University of San Francisco, University of Scranton, University of Southern Indiana,
221 University of St. Thomas, University of Tampa, University of Texas at Austin, University of
222 Toledo, University of Vermont, University of Virginia, University of Wisconsin - Madison,
223 Valdosta State University, Vanderbilt University, Vassar College, Wake Forest University,
224 Warren Wilson College, Washington College, Wellesley College, Wesleyan
225 University, Westminster College, Western Michigan University, Wheaton College, Whittier
226 College, William Jewell College, Winona State University, Wofford College, Xavier University,
227 Yale University