



Policy Name:	Mercy University Drug/Alcohol Use Amnesty Policy		
Associated Form(s):	N/A	Policy Number:	2016-3
Reviewed:	Non-Academic Policy Committee	Approved:	March 14, 2016
Approval Authority:	President <i>Timothy L. Hall</i>	Adopted:	March 23, 2016
Responsible Executive(s):	Vice President of Student Affairs	Revised:	N/A
Responsible Office(s):	Student Affairs	Contact(s):	Associate Dean of Student Affairs

I. Background

The Mercy University Drug/Alcohol Use Amnesty Policy has two principal purposes. First, it is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. Because the use of drugs or alcohol may be life-threatening, Mercy wishes to reduce barriers to seeking and receiving medical help in those situations. Second, Mercy wishes to encourage students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Toward that end, Mercy's Policy is that students who seek medical assistance either for themselves or others and/or are reporting violence or harassment will not be subject to discipline under the circumstances described below.

II. Seeking Medical Assistance

Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the use of drugs or consumption of alcohol (either if underage or if consumed on Mercy University property (including residence halls and off-campus hotels)) as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. Other violations that would invoke discipline include but are not limited to (i) unlawful distribution of alcohol or drugs; (ii) sexual misconduct, as defined in Mercy's Policy and Procedures Relating to Sexual Misconduct; (iii) causing or threatening physical harm; (iv) causing damage to property; and (v) hazing.

III. Counseling and other Services

The students involved will be referred to counseling services, either at Mercy University or other local services, as set forth in the Student Handbook. If incidents of alcohol or drug use are severe and/or repeated, there may be issues of medical concern, which may result in parental notification, withdrawal from classes, and/or other non-disciplinary responses.

IV. Implementation of Laws

Mercy's Policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for reporters of violence) and to complement New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event

of an alcohol or drug-related emergency. Generally, the Good Samaritan Law protects persons who witness or suffer from a medical emergency involving drugs or alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs.