



Student Conduct Amnesty for Alcohol and Other Drugs

The University of Arkansas is committed to the safety and welfare of its students. It is critical for the safety of the campus community that students immediately call for help when they are faced with an alcohol- or drug-related emergency that requires immediate medical intervention for themselves or others. To encourage students to seek emergency medical care in these situations, the University has instituted this Amnesty protocol.

This protocol is a mechanism for appropriate University officials to apply an alternative resolution process in lieu of disciplinary action under the University of Arkansas Code of Student Life, for minor violations related to the possession or use of alcohol and drugs that arise out of a bona fide attempt to seek emergency medical care for someone experiencing alcohol intoxication or a drug overdose. The purpose of this protocol is to encourage students to call for help in these emergency situations, and to cooperate with the University's reporting and investigative processes, by facilitating an educational and safety-focused response rather than focusing on disciplinary outcomes.

This protocol is designed to be applicable to alcohol- and drug-related violations of the University of Arkansas Code of Student Life. It does not ordinarily apply to other types of conduct violations, or violations of other University policies or procedures, although its use may be considered in situations involving victims and witnesses of other types of student conduct violations. Application of this protocol will have no bearing on criminal, civil, or other legal proceedings in federal, state, or local courts. Additionally, this protocol does not limit the authority of law enforcement personnel or University staff to act as required at the time of an alleged violation of University policies or federal, state, or local laws.

Application of Protocol

Subject to the limitations identified below, this protocol applies to any enrolled student (a) requiring or seeking medical attention on behalf of themselves due to an alcohol or drug related emergency, (b) requiring or seeking emergency medical attention on behalf of another enrolled student due to that student's alcohol or drug related emergency, or (c) who is a victim of a University protocol violation and/or witness to a University protocol violation related to alcohol or drugs. The specific application of this protocol is as follows:

1. Alcohol and Drug Related Emergencies

Whenever a student seeks on their own behalf or assists another student in obtaining bona fide emergency medical attention in connection with alcohol or drug use, neither the intoxicated individual nor the individual(s) who assist will be subject to formal University disciplinary action under the Code of Student Life with respect to the possession or use of alcohol and/or drugs. In lieu of formal disciplinary action, an alternative resolution under this protocol will be implemented.

Medical assistance can be provided through local or state police, residence life staff, or medical professionals. If calling to help in an alcohol or drug related emergency, the reporting party must remain with the intoxicated individual and cooperate with staff in obtaining assistance.

2. Victims

Victims of University protocol violations who have themselves committed minor alcohol or drug related violations of the Code of Student Life (such as underage drinking), but who report the underlying incident to the University and cooperate with the investigation, may not be subject to formal University disciplinary action for those minor Code violations. In lieu of formal disciplinary action, an alternative resolution under this protocol may be implemented.

3. Witnesses

Students who have committed minor alcohol or drug related violations of the Code of Student Life (such as underage drinking), but who cooperate with the University in providing information related to serious Code violations by others that they witnessed while they were committing those minor violations, may not be subject to formal University disciplinary action for those minor Code violations. In lieu of formal disciplinary action, an alternative resolution under this protocol may be implemented.

Invocation of Amnesty in the Student Conduct Process

- Students seeking to invoke Amnesty may submit a petition to the Office of Student Standards and Conduct (OSSC) at any time prior to formal resolution of the student conduct processes. For purposes of this protocol, “formal resolution” is considered to have begun upon the dissemination of the Decision of Hearing letter from a University hearing officer.
- The University hearing officer may choose to invoke this protocol at any point in the student conduct process on behalf of any qualified student, even in the absence of a petition from the student.
- Students who receive medical attention for an alcohol or drug emergency will be eligible for alternative resolution to Code of Student Life charges one (1) time during their tenure as a student.
- Students who are victims, witnesses, or who seek medical attention on behalf of another student and petition for or receive alternative resolution under this protocol may receive one or more alternative resolutions during their tenure as a student; however, if in the sole discretion of the Dean of Students or their designee, it appears that a student is abusing the protocol or using the protocol to avoid responsibility for alcohol or drug related Code violations, the student will be notified that their alternative resolution is denied and may face additional charges based on the Code of Student Life.
- Students who petition for application of this protocol, and students who had this protocol invoked on their behalf by a University hearing officer, will be granted a meeting with a University hearing officer who will objectively review all relevant information as applied to the requirements of this protocol. Based on the totality of the circumstances, the University hearing officer will make the final determination as to the student's eligibility.
- **Eligible Students:** The University hearing officer will hold all charges of the Code of Student Life in abeyance pending successful completion of educational components assigned, in writing, by the University hearing officer. Eligible students must complete the required educational components by the assigned deadline, and failure to do so will result in the revocation of this protocol, at which time the matter will be processed as otherwise provided for under the Code of Student Life. If the educational components are satisfied and the protocol applies, then the alternative resolution will be approved by the University hearing officer. Students who receive an alternative resolution under the protocol will be informed that a record of the incident will be maintained in the student's confidential education record during their tenure at the University in the event the student seeks to invoke the protocol in the future.
- **Non-eligible Students:** If the student does not meet the prescribed requirements for application of the protocol for any of the reasons outlined herein, then the matter will be processed as otherwise provided for under the Code of Student Life and the student will be directed to schedule a pre-hearing meeting with an alternate University hearing officer for resolution under the Code of Student Life.

Limitations to the Protocol

- This protocol does not apply to the University of Arkansas Police Department (“UAPD”) or any other law enforcement agency. Nothing in this protocol shall preclude UAPD or other law enforcement personnel from detaining, arresting, or issuing citations to students.
- This protocol does not apply to individuals experiencing an alcohol or drug related medical emergency who are found or otherwise identified by University employees, community members, UAPD or local law enforcement, or other non-students (i.e., faculty, administrative staff, residence hall staff, etc.).
- This protocol is not intended for students who repeatedly violate the Code of Student Life. In cases where repeated violations of the Code of Student Life occur, the University reserves the right to take disciplinary action regardless of the manner in which the incident was reported.
- This protocol does not preclude the imposition of disciplinary consequences for other violations of the Code of Student Life that are unrelated to the underlying alcohol or drug related emergency. It also does not preclude disciplinary action for violations of other University policies.
- This protocol does not extend to the sale, distribution, or manufacturing of drugs or alcohol.

- The University reserves the right to deny application of this protocol based on the facts and circumstances of the situation (e.g., egregious misconduct, prior disciplinary history, repeated violations of the Code of Student Life, or conduct that jeopardizes the health and safety of the campus community).
- This protocol applies to individual students rather than student organizations. However, in circumstances where a student organization is found to be hosting/housing an event where medical attention is sought for an intoxicated or overdosing guest or member, the organization's willingness to seek prompt medical attention for that individual may be considered as a mitigating factor by the University hearing officer when determining sanction(s), if any, for any Code of Student Life violation(s) related to alcohol or drugs.

Parental Notification

In cases where the student is not 21 years of age, parental notification will be made, regardless of eligibility, if the situation warrants parental notification. Notification will be made consistent with FERPA guidelines.

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Students who apply for exemption under the Student Conduct Amnesty Policy will be granted a meeting with a university hearing officer who will objectively review all relevant information along with the stipulations of the Student Conduct Amnesty Policy to determine the student's eligibility.

Name: _____ **Student ID:** _____

Email: _____ **Phone Number:** _____

Date of Incident: _____

(Request for alternative resolution must be submitted within 5 business days of the incident)

Please check all that apply to your situation:

- | | |
|--|---|
| <input type="radio"/> Did you seek medical for yourself? | <input type="radio"/> Do you have a prior disciplinary history with the University of Arkansas? |
| <input type="radio"/> Did someone seek medical attention on your behalf?
Who? _____ | |
| <input type="radio"/> Did you seek medical attention for someone else?
Who? _____ | Have you requested an alternative resolution in the past for? |
| <input type="radio"/> Did you contact UAPD, EMS, or University Staff? | <input type="radio"/> Yourself |
| | <input type="radio"/> Someone else |

Please provide a summary of the incident for which you are requesting an alternative resolution.

Signature: _____ **Date:** _____

Please return to the Office of Student Standards and Conduct, Pomfret B110, or via email at judicial@uark.edu

Parental Notification: In cases where the student is not 21 years of age, parental notification will be made, regardless of eligibility, if the situation warrants parental notification. Notification will be made consistent with FERPA guidelines. - [found here](#).

For office use only:

IR Number _____ Date of IR: _____ Approve _____ Denied _____

Hearing officer: _____ Date _____