

### **APPENDIX 3: Amnesty Provision**

The health and safety of members of the University of Colorado (CU) Boulder are the primary concerns of the university. To this end, we have instituted an “Amnesty” policy. The purpose of this policy is to facilitate an educational and safety-focused response to qualifying incidents rather than a disciplinary consequence. This provision only governs the application of the university’s Student Code of Conduct and has no status in other jurisdictions such as local or state courts. The conduct officer may choose to invoke the Amnesty Provision at any point in the process, including before a student is charged with an alleged violation of the policy. Based on the totality of the incident, the conduct officer will make the final determination as to the applicability of this provision and reserves the right to reduce sanctions or dismiss charges. The Amnesty policy 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 state or local laws.

#### **1. Scenarios in which Amnesty May Apply**

##### **a. Alcohol and Drug Related Emergencies**

Whenever a student assists an intoxicated individual in procuring the appropriate assistance as determined by SCCR, neither the intoxicated individual nor the individual(s) who assists will be subject to formal university disciplinary sanctions with respect to the alcohol, drug, or infectious disease policy. This provision does not preclude disciplinary action regarding other violations of university standards, such as theft, sexual harassment/assault, vandalism, harassment, or other prohibited conduct. The University of Colorado Boulder Police Department and City of Boulder Police Department will assist those individuals whose judgment or health is severely affected due to alcohol or drug use or infectious disease by facilitating transport to the Mental Health Partners Withdrawal and TRT programs, Boulder Community Hospital, Wardenburg Health Center, or by taking other protective measures. Appropriate assistance can be local or state police, community safety officer, 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 student and cooperate with staff in obtaining assistance.

##### **b. Victims**

The university provides amnesty to victims of violations of policy who may be hesitant to report the incident to the university because they fear that they themselves may be accused of Code of Conduct violations at the time of the incident. Victims who commit minor Code of Conduct violations, such as underage drinking or COVID-19 related prohibitions, will not be subject to formal university disciplinary sanctions.

##### **c. Witnesses to Conduct Code Violations**

Students who are engaged in minor violations, such as underage drinking or COVID-19 related prohibitions, but who cooperate with the university in providing information related to serious violations by others, while they engaged in those minor violations, will be provided amnesty for their minor violations. Educational options may be explored, but the reporting student will not be subject to formal university disciplinary sanctions.

##### **d. Public Health Orders**

Whenever a student calls for appropriate assistance in ending large social gatherings in their homes that are in violation of active Public Health Orders, neither the individual who called for assistance nor other tenants who are present or on the lease will be subject to formal university sanctions with respect to the Public Health Order violation. This provision does not prevent disciplinary action regarding other violations of university standards, such as theft, sexual harassment/assault, vandalism, harassment, or other prohibited conduct, as determined by SCCR. The City of Boulder Police Department will assist those individuals in ending the social gathering. Appropriate assistance can be local or state police. If calling to help to end a social gathering in violation of the public health order, the reporting party must remain at the social gathering and cooperate with law enforcement in obtaining assistance.

#### **2. Additional Conditions of the Amnesty Policy**

In order for this policy to apply:

- a. The student must agree to a timely conversation with a Student Conduct & Conflict Resolution or Housing and Dining Services Residence Life staff member.
- b. If it is determined by the conduct officer that education activities, assessment, and/or treatment are necessary to address the concern for student health and safety, students will be required to pursue and complete such intervention(s).

Serious or repeated incidents will prompt higher level educational requirements. Furthermore, students that deliberately or repeatedly violate the Code of Conduct, as determined by SCCR, may be ineligible for the Amnesty policy.

Failure to complete recommended follow-up may also result in loss of eligibility for Amnesty and in disciplinary action.

2. **If the Amnesty policy is invoked by the Student Conduct & Conflict Resolution:**

a. The university **will**:

- i. Review the facts of the incident;
- ii. Initiate a meeting with students involved;
- iii. Discuss/assign educational interventions.

b. The university **will not**:

- i. Assign formal disciplinary sanctions: informal probation, formal disciplinary probation, suspension, or expulsion.
- ii. Charge an adjudication fee for this incident.