Policy, Procedures and Guidelines on Possession and Use or Abuse by Students of Legal and Illegal Drugs

1. Introduction:

1.1. Oxford Brookes University is committed to enhancing the health, welfare and safety of the members of its community, based upon a recognition of the intrinsic value of each individual member of that community. Oxford Brookes recognises that it is a microcosm of society as a whole and as such, acknowledges the use and influences of both legal and illegal drugs within the University community and the wider community. The University has therefore developed the following policy and procedures working in partnership with a multi-disciplinary team from key agencies providing local support services, educational programmes and information. These include Thames Valley Police, Oxford Brookes Students' Union, The Headington Campus Medical Centre, University Health Visitor, local voluntary drug and alcohol agencies and Oxford City Drugs Reference Group.

1.2. The Policy and Procedures on Possession and Use or Abuse of Legal (e.g. alcohol, prescribed drugs, drugs used in association with sport) or Illegal drugs by students aims to:

- support the health and welfare of students and visitors within the community of Oxford Brookes
- enable the University to fulfil its legal, welfare, health and safety, educational and duty of care responsibilities
- reflect current Government strategy\(^1\) and UUK guidelines\(^2\)
- reflect Oxford Brookes University's commitment to its Health Promoting University Programme.

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\(^2\) Committee of Vice-Chancellors and Principals [1996] *Guidelines on drugs and alcohol policies for higher education*, London, CVCP
2. Policy

2.1. The University is committed to providing a safe and healthy environment for students, staff and visitors.

2.2. The University does not condone the possession, use or supply of illegal drugs within its community and therefore will take disciplinary action or report matters to the Police or other authorities where appropriate.

2.3. The University does not condone the misuse of legal drugs, including alcohol or drugs in sport and is committed to reducing the risks associated with all drug use within its community. Whenever it is appropriate the University will take disciplinary action in response to unacceptable behaviour associated with the misuse of legal drugs.

2.4. The University is committed to providing a comprehensive educational and disciplinary framework by promoting awareness, understanding and knowledge of all drugs to enable its community to make informed choices.

2.5. The University will provide supportive harm minimisation strategies which reduce the risks associated with drug use; these include:

- on site support services
- confidential counselling for those experiencing difficulties associated with drug use
- up to date information
- access to expert advice from local specialists.

2.6. The University recognises that the possession, use, supply or production of controlled drugs is a criminal offence under the Misuse of Drugs Act 1971. In particular, Section 8 means that the university, as a landlord, has to ensure that its premises are not used for illegal drug activity:

"A person commits an offence if being the occupier or concerned with the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say-

a) producing or attempting to produce a controlled drug in contravention of section 4 (1) of this Act;

b) supplying or attempting to supply a controlled drug to another in contravention of section 4 (1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);

c) preparing opium for smoking;

d) smoking cannabis, cannabis resin or prepared opium"

2.7. The University recognises that there are students governed by Professional Bodies that operate a strict Professional Code of Practice prohibiting any drug abuse. These include students intending to become professionals in Health Care; Education; Law.

3. Procedure Governing the University’s Response to the Possession or Use of Illegal Drugs by Students

3.1. If a member of the University Community believes that a student is in possession of or using illegal drugs on University premises and wishes or (as a member of staff) is required to report it, he/she shall inform the appropriate Disciplinary Officer listed in the Student Conduct Regulations and Disciplinary Procedures. Exceptions to this requirement shall include those circumstances where a student has made known his/her possession or use of illegal drugs, in confidence, to a member of staff (e.g. a Counsellor, chaplain or nurse) and where the staff member’s reporting of this information to a Disciplinary Officer would constitute the breach of a professional code...
of ethics. It is accepted that this shall extend to those situations where a student has approached a personal tutor for advice and help with respect to the possession or use of illegal drugs except in those situations where the tutor and student are bound by professional codes of practice that prohibit use of illegal drugs and/or abuse of legal drugs. Additionally, it is important that staff only discuss their belief that a student is in possession of illegal drugs with a Disciplinary Officer; it is important that they do not make any allegations of actual possession or use of illegal drugs. All that they are required to do is to report their own belief concerning possession or use of illegal drugs which will then be acted on by the Disciplinary Officer.

For the avoidance of confusion in the following procedures, and in the context that the University accepts that what may be handed over by students remains “a substance” until the Police confirm by scientific analysis that it is “an illegal drug”, references to substances believed to be an illegal drug are contained within the term “alleged illegal drugs”.

3.2. The Disciplinary Officer should attend the scene of the alleged possession or use of an alleged illegal drug as soon as possible, accompanied by a colleague or another appropriate second person.

3.3. At the scene, the Disciplinary Officer should assess the situation and judge whether an alleged illegal drug is present or has been used. If he/she believes an alleged illegal drug is involved then the student(s) should be informed that its possession or use constitutes a breach of the Student Conduct Regulations, that the Disciplinary procedures will be invoked and he/she should request that the alleged illegal drug be handed to the Disciplinary Officer immediately. In particular, if the alleged breach of the Student Conduct Regulations has taken place in a room in a Hall of Residence or any other University owned or managed residential property, then the student who is the registered occupant of the room shall be advised that it is a breach of the Conduct Regulations to knowingly allow his/her room to be used for the consumption of illegal drugs.

3.4. The Disciplinary Officer will ask the student(s) involved to hand over the alleged illegal drug, taking care to complete DIS 2 if the material is handed over. A student’s refusal to hand over the alleged illegal drug may constitute a further breach of the Conduct Regulations and will be dealt with separately. A finding of guilt in relation to the last mentioned matter will normally attract the same penalty as that imposed for a breach of the Conduct Regulation about the possession or use of an alleged illegal drug. The Disciplinary Officer must not use any force whatsoever to obtain the alleged illegal drug nor shall he/she use any threat to secure it, other than warning the student that refusal to voluntarily hand over the alleged illegal drug may constitute a breach of the Student Conduct Regulations.

3.5. The Disciplinary Officer will place any illegal drug obtained from a student in a secure place (to be determined by the Disciplinary Officer) and ensure that it is passed to the Police as soon as possible, so that it may be analysed and/or disposed of. He/she shall ensure that the receipt section of form DIS 2 is completed in conjunction with the Police Officer receiving alleged illegal drug(s) and attached to any record of the incident lodged with the Secretary to the Disciplinary Committee. The University has received legal advice and an undertaking from the Thames Valley Police that taking possession of illegal drugs in these circumstances (see 4 above) will not expose Disciplinary Officers to prosecution for possession provided that they ensure that the police take possession of the drugs at the earliest available opportunity.

3.6. Staff who are leading Field Trips and who therefore have the authority of Disciplinary Officer in these settings, should note that they may have to deal with students in possession of or using illegal drugs outside the Thames Valley Police area. On occasion, such incidents may occur outside the United Kingdom. It is extremely
difficult to legislate for every set of circumstances which may arise and, in some instances, Disciplinary Officers may be required to make a judgement taking into account such factors as their knowledge of the local policing situation and the illegal drug involved. Probably the best advice is to make it clear to students that in the circumstances, possession and use of an illegal drug are entirely the student’s responsibility but that the matter will still be reported in line with Disciplinary Procedures and dealt with on return to Brookes. In certain countries, it would obviously be unwise for staff to take possession of an illegal drug and it may be more prudent to advise a student to dispose of the substance as soon as possible. The University acknowledges that the destruction of evidence that would occur as a consequence of this action may mean that it will not be possible to provide the necessary evidence to support a successful action against a student using the University’s Disciplinary Procedure. Please refer to "Travelling and working overseas" (OBHSN – 5744)

3.7. As soon as possible, the Disciplinary Officer will contact the Secretary to the Disciplinary Committee to check whether there is a record of any penalty against the student concerned for any previous breach(es) of the Student Conduct Regulation governing possession or use of illegal drugs.

3.8. If there is no record of any such penalty, then the Disciplinary Officer will arrange and conduct a Disciplinary Interview in accordance with Clauses 3-6 of Part 3 of the Disciplinary Procedure.

3.9. If the student accepts responsibility for the alleged breach of the Student Conduct Regulations then, at the close of the interview, the Disciplinary Officer shall impose as a penalty “an informal verbal warning”. [Note – this and other specific points of this section may need to be revised in the light of the work of the Working Group reviewing the Student Conduct Regulations and Disciplinary Procedures. This work is now nearing completion.] However, the Disciplinary Officer also has a responsibility to ensure that the student is aware of local sources of information and advice in Oxford with respect to drug usage (including confidential counselling) by using an information leaflet prepared by the University for this purpose. The leaflet is included in the publication ‘Supporting Students: a Staff handbook’. The Disciplinary Officer will then complete form DIS 1 and lodge a copy with the Secretary to the Disciplinary committee in the usual way.

3.10. If the student denies a breach of the Student Conduct Regulations, then the Disciplinary Officer will continue to handle the matter in accordance with the Disciplinary Procedure and, provided that he/she believes that there is a case to answer, it shall be referred to the Disciplinary Committee in the normal way. The Committee will hear the case in the normal manner. If it decides that the case is proven, then the Committee shall impose a penalty of an “informal verbal warning”. It also has a responsibility to ensure that the student is aware of local sources of information and advice with respect to drug usage (See 9 above). The Secretary shall retain a copy of the committee’s decision for his/her files.

3.11. On those occasions where a disciplinary Officer, having followed actions 2 – 6 (see above) establishes that there is a record of the student concerned having one previous penalty imposed for illegal drug possession or usage, then the matter shall be pursued, in the manner described at 7–10 above, with the exception of the penalties imposed. For in those cases where a second occasion of possession or using illegal drugs is admitted or proven, the disciplining authority shall impose a penalty of “a formal written warning”, making it quite clear to the student that a third instance of proven or admitted possession or use of illegal drugs will lead to the matter being referred immediately to a Deputy Vice-Chancellor with a recommendation that the
case should be referred to the police. The disciplining authority shall again ensure that the student is aware of local sources of information and advice about drug usage.

3.12. Where there is a second occasion of possession or using illegal drugs, a Disciplinary Officer or Committee shall also have the power to impose a further penalty of exclusion from a University Hall of Residence, or any other University owned or managed residential property. In those instances where a Disciplinary Officer does not have the authority to impose this particular penalty, it will be necessary to refer the case to a Disciplinary Committee if the Disciplinary Officer believes that exclusion from hall is an appropriate penalty to impose.

3.13. On those occasions where the Disciplinary Officer, having followed actions 2 – 6 above, establishes that there is a record of the student concerned having **two** previous penalties imposed for illegal drug possession or use, then the matter shall be referred immediately to a deputy Vice-Chancellor with a recommendation that the case should be referred to the police.

3.14. A Deputy Vice-Chancellor shall review the evidence and ensure that the proper procedures have been followed before referring the matter to the Police. If a decision is taken to refer the matter to the Police, then the student shall be informed as soon as possible.

3.15. In accordance with his/her powers within the general Disciplinary Procedures, the Vice-Chancellor may suspend the student from the University pending the outcome of Police investigations.

3.16. When a Disciplinary Officer is called to an incident of alleged possession or use of illegal drugs and judges that there is evidence that a student is ‘dealing in’ or supplying illegal drugs then, after asking the student(s) involved to hand over the alleged illegal drugs, he/she shall refer the matter immediately to the Police, pass to them any drugs obtained from the students involved and report the referral as soon as possible to a Deputy Vice Chancellor or the Head of Student Services. Disciplinary Officers should remember that even in situations of this kind, they must not use force or threats in an attempt to obtain any alleged illegal drug.

3.17. If a Disciplinary Officer wants to obtain a ‘second opinion’ before making a referral to the Police, or on any other aspect of this Procedure, then the Head of Student Services can be contacted on: Mobile phone 07831-414870 (#6413 if calling from an internal extension).

**Note**

3.18. If a visitor is found in possession of illegal substances for personal use, Thames Valley Police would consider the offences not notifiable but would encourage the appropriate Brookes authorities to dispose of the substance with witnesses.
4. Guidelines

4.1. Health and Welfare

Oxford Brookes University will provide a safe, healthy and supportive environment for staff, students and visitors and do what is required or reasonable to protect their health and safety. The University's conduct regulations apply to all University settings.

4.2. University Accommodation and other Premises

The University has a Duty of Care to all members of its community. Action is taken to protect people in circumstances where their well being is threatened or put at risk by illegal drug use or legal drug abuse of others.

- Students in residential hall accommodation are required to have ‘reasonable consideration of other members of the hall community’ and ‘residents shall not do anything on the premises which may cause discomfort, annoyance or nuisance to their neighbours’

- Students in managed, shared houses ‘shall not do anything on the premises or common parts which shall be or become a nuisance or annoyance to the landlord or to their neighbours’ (neighbours in this instance also refers to other tenants in the house)

- On University Property: Relevant Staff such as Security Officers, Duty Wardens, Hall Managers, Bar Stewards should act in accordance with the law to protect others at risk by illegal drug use or legal drug abuse following the Misuse of Drugs Act 1971; Licensing Act 1964: section 172 "a licensee must not permit drunkenness or any violent, quarrelsome or riotous behaviour on the licensed premises and he must not sell intoxicating liquor to a drunken person"; It is an offence to be drunk in a public place.

- On the periphery of University Property (not owned but in close proximity): the Police will be notified of any illegal activity discovered by persons in authority or if there is a significant disturbance of the peace

4.3. Managing Staff and Student Disclosure

4.3.1. It is important for staff and students to feel able to seek out and discuss confidentially guidance about drug related concerns and problems without fear of punishment, CVCP Guidelines (1996), suggests giving careful consideration to offering support and guidance is more appropriate.

4.3.2. Confidential Services for Staff in the first instance

- On Campus: Occupational Health Services
- Off Campus:
  - General Practitioner
  - Local Drug services such as Cranston Drug Services – Libra; Helplines
4.3.3. Confidential Services for Students in the first instance

*Personal tutors play an important role in supporting students. The Supporting Students - a Staff handbook is a practical resource, drawing together the strands of University provision into one compendium.*

- On campus: General Practitioner via the Medical Centres, University Counselling Service, Students' Union Advice Centre, Chaplain
- Off Campus: General Practitioner, Local Drug services such as Cranston Drug Services - Libra; Helplines

4.4. Health, Safety and Waste Management:

4.4.1. To comply with Health and Safety legislation (1974) and thereby minimise the risk of injury to staff, students and visitors Health and Safety procedures will be followed:

- The university will provide sharps bins for the safe disposal of needles or vials to the relevant staff both on campus and for field trip co-ordinators
- Operate clear handling procedures for the disposal of drug related waste: Special self sealing bags will be provided to facilitate the ‘hand over’ to police
- Ensure that training and information is provided for appropriate staff in relation to the safe disposal of sharps or drug related waste
- Disciplinary procedures will be followed *where appropriate*, if alcohol or drug use has caused impaired performance when using machinery, laboratory equipment, driving vehicles or using any other equipment that could cause injury to themselves or others.

4.4.2. Sharps Disposal Policy: dealing with discarded hypodermic needles (sharps)

It is possible when undertaking your duties within Oxford Brookes University that you may come across discarded hypodermic needles, syringes and other sharps. In such circumstances it is important for you to follow the advice detailed below to ensure the personal safety of both yourself and others.

- Remember that you may find dangerous items and be alert to the hazards that they present.
- If you encounter any unusual problems or require advice on what action to take, make sure that the area where you found the problem is left as safe an possible and contact your line manager immediately.
- If you find any dangerous items or suspect their presence at your work site, isolate the area immediately while obtaining the appropriate equipment needed to dispose of the items safely. Wear and use the protective clothing provided, i.e., heavy duty gloves and tweezers/tongs.

*Whenever handling sharps, wear the gloves provided, and use a remote handling method whenever possible. Wear sturdy footwear just in case you drop the sharp DO NOT WEAR SANDALS OR CANVAS SHOES.*
• Remove the dangerous item from the work site by the safest method available, e.g., bring the container provided for this purpose to the sharp. Place the container in front of the sharp and yourself and crouch down to the item if possible. Dispose of the item by handling the least dangerous end with the tweezers/tongs provided and place it into the sharps container. If you do not have a special ‘sharps’ container, use any metal or solid plastic container such as a bucket or waste paper bin, preferably with a lid. Ensure that the container used is properly labelled to indicate that it contains a dangerous item.

• Take the container with you and hand it in to your line manager for safe disposal. Inform your line manager where the dangerous item was found in order that proper monitoring and appropriate action may be taken.

• If your line manager is not available contact the Safety Officer, Health & Safety Assistant* and/or Occupational Health Nurse* immediately.

    DO NOT WRAP THEM IN PAPER OR PLASTIC!

    DO NOT BURY THEM!

    DO NOT WALK AWAY AND LEAVE THEM!

    ❖ Safety Officer tel. 5744
    ❖ Health & Safety Assistant tel. 5745
    ❖ Occupational Health Nurse tel. 5772

4.4.3. Guidance to line managers

• A system for dealing with sharps must be established within your own areas.

• The system should cater for the way in which tasks are carried out, and the likelihood of such waste being found.

• Protective clothing and special equipment must be used, ensure that this is appropriate for the task and readily available.

• It is advisable that training be given to persons likely to come across sharps, to include:-

    - What actions to take
    - The use of equipment
    - Location of disposal points
    - The nature of the risk involved

• Assistance with training will be given by the Safety Officer, Assistant Safety Officer and/or Occupational Health Nurse.

• A reporting system to establish the size and nature of the problem should be established. The accident/incident report form as used for other accidents/incidents, must be used, whether or not injury results. This will enable the Safety Officer to collate information and monitor the situation.
• If you or your staff discover discarded needles, hypodermics etc (sharps) you should arrange for these to be safely transferred to a secure container.

• If you encounter any unusual problems or require advice on what action to take, make sure that the area where you found the problem is left as safe as possible and contact the Safety Officer, Assistant Safety Officer and/or Occupational Health Nurse immediately.

• If a proper sharps bin is available use it. However, if the situation requires it, use any metal or solid plastic container, such as a bucket, waste paper bin, etc, preferably with a lid.

• Seal, label and secure the container, awaiting disposal.

• Whenever handling sharps, wear gloves provided, and use a remote handling method whenever possible. Wear sturdy footwear just in case you drop the sharp not sandals or canvas shoes.

• Store the container safely until it can be disposed of.

• Final disposal of sharps bins is via the University Medical Centre.

• Report the incident to the Safety Officer/Occupational Health Nurse (use accident/incident Report Form).

4.4.4. Needlestick injuries

If you are injured by a discarded hypodermic syringe or similar you should:

• Encourage the wound to bleed (this helps to cleanse it).

• If possible wash the area with soap and water

• Report to the Accident and Emergency Department at the nearest hospital.

• Ensure your supervisor is informed of the incident and that it is recorded using the standard Oxford Brookes University accident/incident form.

4.5. Educational Framework

4.5.1. The University has a responsibility to increase knowledge, awareness and understanding in relation to all drug use and abuse amongst the community of Oxford Brookes. This list includes all illegal substances, use and abuse of alcohol, tobacco and performance enhancing steroids.

4.5.2. Educational resources

• An allocated budget
• Resources which are currently recognised as supporting best practice
• Support Service contact details and Help-line numbers widely disseminated
• Dedicated drug awareness web site
• Range of written materials available at designated sites on all campuses
• Collaborative Health Promotion campaigns with external agencies and other colleges
• Peer Education programme

4.5.3 Training

A clear and centralised system co-ordinating staff and student training to be overseen by Oxford Centre for Staff Learning and Development, Accommodation and Conferences Manager in liaison with The University Health Visitor & The Health Promotion Team.

• Drug and alcohol awareness training provided for staff and students with specific responsibilities: Residential Services staff, Residential Assistants, Students Union executive, Field Trip co-ordinators, Support Service Staff, Personal Tutors if required.
• Disciplinary Officers re implementation of the Drugs Policy
• Peer Education programme of training

4.6 Policy dissemination

• Policy is widely publicised
• Policy is widely distributed
• The policy is included in the induction of all new staff and students
• The policy is a regular agenda item in relevant committee meetings
• The policy is raised as an agenda item at Governors as appropriate
• The policy is reviewed in the light of new legislation

4.7 External Communications: responding to Media interest

Any incident relating to the use or abuse of illegal or legal substances which attracts media attention will be dealt with through the Directorate of Corporate Affairs. It will be the responsibility of the Public Relations team to respond accurately and quickly and with full regard for individual privacy and legal responsibility.