

# REGULATIONS

## E16 SUBSTANCE MISUSE POLICY – STUDENTS

### 1 Policy statement

1.1 Oxford Brookes University is committed to providing a safe, supportive and inclusive environment in which to study, work and live. The University does not tolerate the taking of illegal drugs or dealing illegal drugs by students and will take appropriate action if there is evidence of these activities.

1.2 The University will:

- Encourage and support mutual respect within the whole of the university community
- Work to create an understanding of acceptable behaviour
- Assist students to make informed decisions about the use of alcohol, drugs and other substances
- Promote a community which is supportive and which recognises different attitudes towards the use of alcohol, drugs and other substances
- Recognise the link between responsible behaviour and an enjoyable learning experience and seek to promote a social environment from which all may benefit
- Take very seriously the legal responsibility for the health and safety of students, staff and visitors and aim to provide a safe, healthy and high quality learning environment
- Provide guidance and information to students and staff to help them know what action to take if they are concerned about substance misuse, the health and safety of fellow students or staff members, or themselves.

1.3 The University recognises that alcohol, drugs and other substances will play a part in the lives of some people. However the University is committed to ensuring that this does not have an adverse effect on the teaching, learning and social conditions of students, employees and visitors.

### 2 Purpose of this policy

The purpose of this policy is to:

- Promote health, safety and wellbeing through the provision of information, advice, guidance and support
- Encourage individuals to seek help for issues related to substance misuse (including alcohol, new psycho-active substances – so called ‘legal highs’ - and performance-enhancing drugs) and/or the use of illegal drugs
- Provide information about support available within the University
- Inform students how substance misuse and/or the use of illegal drugs and its potential consequences may lead to disciplinary and/or legal action
- Offer guidelines to all students and staff regarding their responsibilities in relation to substance misuse.

### 3 Who is covered by this policy?

3.1 This policy applies to all students, at all times while enrolled or registered with the University.

3.1 The policy also applies to Brookes Union with due regard to its independence and right to manage its own affairs in accordance with its constitution, policies and regulations.

## **4 What is considered under this policy?**

4.1 *Substance misuse* is defined as the consumption of substances (including new psycho-active substances or so-called 'legal highs', and performance-enhancing drugs) or the habitual or occasional excessive drinking of alcohol by students, whereby:

- their ability to make sound judgments is impaired *or*
- their conduct becomes unacceptable *or*
- they bring the University into disrepute *or*
- they endanger the health and/or safety of others or themselves

4.2 The University recognises that many students engage in behaviour which could be considered 'substance misuse' under this definition. Disciplinary action taken by the University will be proportionate to the nature of any offence, the circumstances and the frequency of occurrence.

4.3 *Drug misuse* is defined as:

- the taking of illegal drugs *or*
- dealing illegal drugs (to other students or to non-students)

4.4 Drugs include any substance which it is unlawful to use, possess or sell. This includes controlled prescription drugs where they are used outside of a GP's direction or are knowingly given or sold to another person.

## **5 How substance misuse will be addressed**

### **5.1 Disciplinary action**

5.1.1 The University does not tolerate substance misuse or the possession and selling of illegal drugs on any of its premises. This includes individual student rooms in University Halls of Residence and in premises managed on behalf of the University by a third party, such as privately-managed halls of residence or University properties off-campus.

5.1.2 The use, possession and selling of illegal drugs is a criminal offence. Students, employees or visitors who commit such offences may, by their actions, put others in danger or at risk and bring the University into disrepute. Such offences are a breach of the University Conduct Regulations and, where appropriate, cases will be reported to the police.

5.1.3 Unacceptable conduct arising from substance misuse by students may affect other members of the University or wider community. Any such breach of the University Student Conduct Regulations will lead to disciplinary action under the Student Conduct Procedure.

5.1.4 Breach of the Student Conduct Regulations as a result of substance misuse may result in a number of actions ranging from a verbal reprimand to expulsion from the University. In the case of incidents occurring in University Halls of Residence, disciplinary procedures may result in the termination of the licence agreement, or other sanctions.

5.1.5 Disciplinary action in the context of substance misuse could have implications for a student's future at the University and on future employment and professional registration.

5.1.6 If a student is undertaking a course leading to a profession where the graduate will be required to be on a professional register (e.g. courses in Health and Social Care, Education, Law), substance misuse or the misuse of drugs will have serious implications for their Fitness to Practise, and may mean that they are unable to continue in practice or on placement. The relevant University Fitness to Practise procedure must be followed, which is likely to include suspension of the student's Fitness to Practise during an investigation and any hearing. Upon notification of evidence of substance misuse or the possession and/or selling of illegal drugs, the Fitness to Practise of a student on a professional programme would immediately be called into question and a decision taken by the relevant Faculty Dean as to whether to suspend their Fitness to Practise.

5.1.7 If inappropriate behaviour arises from dependency on alcohol or other substances and the student involved acknowledges this and undertakes an agreed medical and/or counselling programme, the University may suspend action under the Conduct Regulations pending the outcome of that programme. Where a student fails to follow an agreed action plan and where there is little evidence of the student seeking appropriate support, the case may be considered under the University Fitness to Study policy and procedure.

## **5.2 Support**

5.2.1 The University will provide support and guidance to students to assist them in making informed decisions about the use of drugs, alcohol and other substances.

5.2.2 If a student approaches a member of staff to discuss concerns about substance misuse or the use of illegal drugs, such discussions should be treated in confidence. The member of staff is not normally obliged to share any information disclosed (although they may seek the student's permission to do so if, for example, they wish to discuss the situation with a member of Wellbeing staff.) However, staff should make it clear to the student that if the disclosure indicates that there may be risk to self or others (including issues around Fitness to Practise), or that the student is engaged in criminal/illegal activity, they will share this information and seek further guidance from the Head of Wellbeing.

5.2.3 The Oxford Brookes Counselling Service (part of Wellbeing) offers individual triage assessment appointments. These appointments offer an opportunity for the student to discuss their substance misuse and consider if further specialist referral would be helpful. The Service also runs a programme of psycho-educational workshops on substance misuse. Students can self-refer to this programme or can be referred by a member of staff.

5.2.4 If a student believes that someone else is experiencing difficulties related to substance misuse they should encourage them to seek advice and support. If there are concerns about risk to self or others, the student should inform their Student Support Coordinator or a member of staff in Wellbeing.

5.2.5 Staff in Wellbeing will help a student access support from external agencies where appropriate, and provide information and guidance about substance misuse.

5.2.6 The University will provide support for students who are undertaking a rehabilitation programme, by ensuring that appropriate reasonable adjustments are put in place. The student should be encouraged to contact the Disability Advisory Service to discuss their support needs.

5.2.7 Subject to any overriding legal obligations, student disclosure and the nature of subsequent support or intervention will be confidential and there will be no unnecessary sharing of information.

## **6 The legal framework**

6.1 Under the Misuse of Drugs Act 1971 the term 'misuse' covers the supply, possession and use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents. Supply or possession of an illegal drug is unlawful. It is an offence for an employer, an occupier of premises or persons concerned in the management of premises to allow the supply, use or production of drugs to take place on their premises. The penalties for offences involving controlled drugs depend on the classification of the drug. Further information is available at:

<http://www.homeoffice.gov.uk/drugs/drugs-law/Class-a-b-c>

6.2 The Health and Safety at Work Act 1974 places a duty on employers to ensure, so far as it is reasonably practicable, the health, welfare and safety at work of staff, students and other users of its premises. Substance misuse can have an adverse impact on the individual and on others. Whilst consumption of alcohol is not illegal, any resultant inappropriate behaviour may contravene the law.

6.3 Behaviour arising from the misuse of substances by students (whether or not they are illegal) that are in breach of University Regulations will be dealt with through the Student Conduct Procedure.

## **7 Data protection and confidentiality**

All cases will be dealt with in confidence and all personal information will be processed securely in accordance with the Data Protection Act 1998. Wherever possible, confidential disclosure of information by students will be honoured, unless the student or someone else is at serious risk of harm or involved in criminal/illegal activity. Staff should clearly state from the outset that confidentiality will not be maintained if the withholding of information constitutes a risk to the individual or others.

For further information about these regulations, please contact the Head of Wellbeing.

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Next reviewed: April 2018

## **Appendix 1 Procedure governing the University response to the possession or use of illegal drugs by students**

### ***1 A student approaches a member of staff to discuss substance misuse***

1.1 Students may approach a member of staff to talk about substance misuse and/or the misuse of drugs. Such discussions will be treated in confidence, and the member of staff is not obliged to share any information disclosed, unless they are concerned that there may be risk to the student or others, a student's Fitness to Practise may be affected or there is a legal duty to disclose the information.

1.2 Where possible, the member of staff approached should encourage individuals with issues related to substance misuse (including alcohol) and/or the use of illegal drugs, to seek help, and provide information about support available from Wellbeing.

1.3 Support from Wellbeing includes individual triage assessment sessions with the Counselling Service and psycho-educational workshops; counselling staff can also provide information about external agencies and refer students on as appropriate. If a student is engaged in a programme to address substance misuse, staff in the Disability Service can recommend appropriate reasonable adjustments.

1.4 The member of staff concerned should inform students that substance misuse and/or the use of illegal drugs and its potential consequences may lead to disciplinary and/or legal action. This may have particularly serious implications where students are required to be Fit to Practise, and for future employment and professional registration.

### ***2 A member of staff suspects that a student is in possession of illegal drugs on University premises, or is told by others that this is the case***

2.1 Staff should report this to a relevant Disciplinary Officer.

2.2 It is important that staff do not make any allegations of possession or use of illegal drugs, but report their own belief or the information they have received to the Disciplinary Officer.

### ***3 Disciplinary investigation***

The Disciplinary Officer should investigate the allegations as a potential breach of the Student Conduct Regulations.

3.1 Where relevant (e.g. if the alleged breach of regulations has taken place in a Hall of Residence) the Disciplinary Officer should attend the scene of the alleged breach, accompanied by a colleague or an appropriate second person.

3.2 If the Disciplinary Officer believes that the possession or use of illegal drugs is involved, then the student(s) concerned should be told that this constitutes a breach of the Student Conduct Regulations and will be investigated.

3.3 If the alleged breach 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 should 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.

### ***4 Confiscation of substances***

4.1 If a student is found to be using or in possession of a substance believed to be an illegal drug on University premises, the Disciplinary Officer should ask the student to give it to them. This may also apply to some paraphernalia believed to be associated with the use of illegal drugs (e.g. scales, plastic bags etc. which may indicate drug dealing). Where appropriate, substances believed to be illegal drugs can be confiscated by Police Community Support Officers.

4.2 A student's refusal to hand over the alleged illegal drug may constitute a further breach of the Conduct Regulations.

4.3 If a substance is handed over to a member of staff at a Hall of Residence, the Disciplinary Officer will complete Form DIS 2 and place the substance in designated locked storage before notifying the police, who will arrange to collect it. If a substance is handed over elsewhere on University premises, the member of staff concerned should contact the police to arrange safe disposal.

4.4 If a Disciplinary Officer has reasonable grounds to suspect that substances are Class A drugs, or if significant quantities of drugs are discovered, the police should be informed and substances handed over by students should be labelled with identifying information.

## **5 Outcome of disciplinary procedure**

5.1 In situations where there has been an allegation of the possession or use of illegal drugs, but there is no evidence to substantiate that allegation, the Disciplinary Officer may provide students with general information about sources of support within the University, including psycho-educational workshops on substance abuse.

5.2 The range of penalties available to Disciplinary Officers is listed in the Appendices to the Student Conduct Regulations and Procedure. The following guidance may be useful for dealing with cases of the possession or use of illegal drugs.

- The student accepts responsibility for the breach of regulations and this is the first recorded breach for this issue: confiscation of substances without identifying information; information about University support; referral to a psycho-educational workshop; a formal warning.
- The student denies responsibility but is found in breach of regulations and this is the first recorded breach: as above.
- There is a second incident and the student has not followed up support or attended a psycho-educational workshop: confiscation of substances with identifying information; formal reprimand; financial penalty and/or community service.  
The student should be informed that a third incident will normally result in referral to the police and exclusion from a University Hall of Residence where relevant. (There may be some situations where the Disciplinary Officer believes that exclusion from a Hall of Residence and/or notifying the police is an appropriate response to a second incident involving the possession or use of illegal drugs.)
- A third incident: confiscation of substances with identifying information; referral to the police; exclusion from a University Hall of Residence and possible suspension/referral to a University Misconduct Committee.

5.3 In determining an appropriate penalty the Disciplinary Officer will take into account the nature and quantity of substances involved.

## **6 Suspected dealing**

Where a Disciplinary Officer judges that there is evidence that a student is 'dealing in' or in possession of illegal drugs with intent to supply them to others, this matter should be referred to the Police and reported to the Academic Registrar.

## **Further information**

### **Health and safety**

Health and safety information for students: OBUHSN-12

Guidance on Fieldwork and Outdoor Education: OBUHSN- 24

If sharps are discovered on University premises, staff should contact their nearest First Aider or Grounds Maintenance on x8888 or [maintenance@brookes.ac.uk](mailto:maintenance@brookes.ac.uk) so that they can be disposed of safely.

**Online information**

[www.talktofrank.com](http://www.talktofrank.com)

[www.angelusfoundation.org.uk](http://www.angelusfoundation.org.uk)

[www.turning-point.co.uk](http://www.turning-point.co.uk)

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