

Student Substance Misuse Harm Reduction Policy

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1 Legal Obligation

Under the Misuse of Drugs Act 1971, it is a criminal offence for Oxford Brookes University to knowingly permit the use, production or supply of any controlled drugs on its premises. Under the Psychoactive Substances Act 2016 it is an offence for Brookes University to knowingly permit the production, supply, import or export of any substance if it is likely to be used for its psychoactive effects and regardless of its potential for harm. The only exemptions from the Act are nicotine, alcohol, caffeine, medicinal products and those already controlled by the Misuse of Drugs Act.

Brookes University must operate in the context of national legislation and would be committing a criminal offence were it to knowingly permit the use, production or supply of any controlled drugs on its premises. Therefore Brookes University cannot allow the unlawful possession, use or supply of controlled drugs or psychoactive substances on its premises. Brookes University is required by the Health and Safety at Work Act 1974 to ensure as far as is reasonable, the health and safety of its employees, students and others at work. The smoking ban in England came into force on 1 July 2007 as a consequence of the Health Act 2006. Smoking, including e-cigarettes and vapes, is prohibited in all halls of residences and university buildings. Non-smoking areas include a 5-metre area outside building entrances and windows and any other area where a 'no smoking' sign is displayed. Students living in 3rd party accommodation should familiarise themselves with the smoking policy in these residences.

This policy relates to the use of alcohol and other drugs that are controlled by the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and the unauthorised use and possession of prescription medicines regulated by the Medicines Act 1968, by students. Staff employed by and working for Brookes University should refer to the Staff Code of Conduct.

2 Policy statement

2.1 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.

2.2 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 within reasonable means.
- 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.

2.3 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.

3 Purpose of this policy

The purpose of this policy is to:

- Set a clear framework of acceptable and responsible behaviour and be clear regarding the possible disciplinary action for related misconduct arising from the possession, supply or use of prohibited drugs.
- Make students aware that substance misuse is not an excuse for discrimination, harassment, bullying and victimisation, or other behaviours that would usually lead to disciplinary action.
- Promote health, safety and wellbeing through the provision of information, advice, guidance and support
- Make students aware of the support and guidance available both within the University and externally for students affected by alcohol or drug related problems.
- Make staff aware of how to support students through the [Substance Support Procedures](#).
- Make students aware of the [Substance Support Procedures](#) that will be followed if they seek 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
- 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 regarding their responsibilities in relation to substance misuse and seeking support.
- Offer guidelines to all staff regarding their responsibilities in relation to substance misuse, signposting and offering support.
- Educate and promote an awareness of the adverse consequences of alcohol and drug misuse
- Make students aware of the support for those in recovery, or those supporting others in recovery

4 Who is covered by this policy?

4.1 This policy applies to all students, at all times while enrolled or registered with the University. However, students must be aware of additional regulations and local laws that may override this policy and leave them subject to different disciplinary measures.

4.2 Students who are on placement, studying overseas, or members of professional bodies should be aware that they may be subject to laws and regulations that differ from this policy and may face different penalties for substance misuse.

4.3 Student-athletes should be aware of the UK Anti-Doping (UKAD) and World Anti-Doping Agency (WADA) position which Brookes Sport adopts as part of their Sports England TASS Delivery Site status.

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

5 What is considered under this policy?

5.1 *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

5.2 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.

5.3 *Drug misuse* is defined as:

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

Controlled prescription drugs where they are used outside of a GP's direction or are knowingly given or sold to another person.

6 Student awareness of the legal and regulatory context

6.1 Criminal convictions impact on life chances. Any student who has involvement with controlled drugs or other psychoactive substances should familiarise themselves with the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and Crown Prosecution Service guidance¹¹. Students should be particularly aware that under s4 of the Misuse of Drugs Act 1971, any involvement in facilitating the supply of a controlled drug to another person, even if it is only offered and not supplied and even if no personal profit is made, is seen as a supply rather than possession offence. Students should also be aware of different legal and regulatory contexts when studying or on placement overseas.

6.2 Students on professional programmes are held to higher standards of conduct as those programmes are accredited and/or regulated by professional, statutory or regulatory bodies

which seek to ensure that students comply with professional codes of conduct. These students should familiarise themselves with the University Fitness to Practise policy and procedure and their own professional, statutory or regulatory bodies' codes of conduct to avoid putting their professional registration and future career at risk. Inappropriate use of drugs including alcohol or related antisocial behaviour is likely to require investigation by the University under the Professional Suitability policy.

6.3 Students living in university managed accommodation should familiarise themselves with the terms and conditions as they may be at risk.

6.4 Students in privately rented accommodation should be aware that their landlords must similarly operate in the context of national legislation and under the Misuse of Drugs Act 1971 would be committing a criminal offence were they to knowingly permit the use, production or supply of controlled drugs on their premises.

Students should familiarise themselves with relevant university policies, including the Anti-Harassment and Discrimination Policy, and be aware of the behaviours that they are expected to uphold, noting that where these policies are breached, substance misuse is not considered to be a mitigating factor.

7 Approach to Harm Reduction and Commitments

The University has a responsibility to all of its students and will offer appropriate support, advice and information to any students who are experiencing problems with alcohol or drug misuse (this may include referral to suitable external services).

7.1 We will ensure this by:

- Educating students on the harms of substance misuse including both physical and mental health;
- Offering advice, guidance and support to any students who disclose a substance misuse issue (including those in recovery) including making appropriate referrals to specialist services;
- Ensuring that we act responsibly as a university to support the wellbeing of our student community through individual support and also by meeting professional and statutory requirements. The wellbeing of the student community is the key driver for this approach and to enable the idea of shared responsibility, we have established a set of commitments from the university and its students.

7.2 Students

- Be aware of, and understand this approach, supporting documents (information found on the [Contracts and regulations page](#)) and services;
- Engage with information and education about alcohol and drugs to enable healthy choices to be made for themselves and their fellow students;
- Seek help voluntarily if you are concerned about your alcohol or drug misuse (see the [Student Support](#) section for sources of support);
- Encourage other students to seek help if they have a problem whilst being respectful of their choices to ensure their dignity is upheld;
- Be aware of the behaviour of students around you and do your best to ensure their support, safety and wellbeing taking action where appropriate;
- Alert an appropriate member of staff to any problems you see developing within the institution, particularly where legal or health and safety concerns are an issue
- Comply with the relevant discipline regulations and behave responsibly and respectfully towards our neighbours both on campus (in halls of residence) and in the local community.
- Do not behave in a way that might damage the University's reputation.

7.3 University

- Provide support services that help to maintain a proactive approach to supporting students with alcohol or drug related issues and signposting students to appropriate services.
- Liaise and communicate with internal stakeholders and other substance misuse support agencies to help maintain ongoing focus and development of student wellbeing with regard to alcohol and drugs.
- Ensure that the University community is proactive with regard to setting policy and procedures (including site specific restrictions and processes as appropriate) alongside available support services and referral procedures available for dealing with student substance misuse related issues.
- Encourage students to comply with the relevant discipline regulations and behave responsibly and respectfully towards our neighbours both on campus (in halls of residence) and in the local community.
- Clarify the expectations that students do not behave in a way that might damage the University's reputation.

8 Preventative approach

We will endeavour to increase awareness and understanding of alcohol or drug misuse and related issues.

We will do this by:

- Raising student awareness with posters, leaflets and through the website and social media channels with links to established help sites such as Talk to Frank, Drugs & Me, and of local recovery agencies such as Turning Point Oxfordshire
- Ensuring students are aware of the adverse consequences of substance misuse including physical, mental, social and financial;
- Training relevant staff, such as Student Support Services staff including Residences, Student Support Services, Accommodation, Bar and Brookes Sport staff.
- Inviting representatives from our partner agencies such as Thames Valley Police to host stalls and deliver talks at key events and other appropriate forums;
- Supporting the student's union, residence's team and other key teams in campaigns such as Alcohol & Drug Awareness Week

9 How substance misuse will be addressed

9.1 Disciplinary action

9.1.1 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.

9.1.2 offences such as possession for personal use or use of drugs that are prohibited by the University will be subject to a supportive and educational approach rather than immediately being progressed via a discipline route. This would typically involve an educational conversation with a Residence Life Manager, and signposts to support services. However, a second offence may trigger the University's discipline procedure for minor offences.

9.1.3 Any student who is, or suspected to be, dealing illegal substances at premises owned by Brookes University or Brookes' Unions, will be subject to disciplinary action procedure for a major offence as detailed in the [Student Conduct Procedure](#). This applies to students who 'share' or provide other students with substances, even if not sold (i.e., given for free). During any investigation process, the student will be allocated independent support. In these circumstances, the University may inform the police of an incident involving illegal drugs, which could result in criminal prosecution.

9.1.4 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. The University takes a zero tolerance approach to harassment, discrimination, bullying and victimisation and does not consider substance misuse to be an excuse for breaches of its Anti-Harassment and Discrimination Policy.

9.1.5 If antisocial behaviour (that does not consist of harassment, discrimination, bullying and victimisation or assault), 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.

9.2 Fitness to Practise

9.2.1 As cases of 'possession for personal use' are considered as a minor breach of regulations and therefore approached as an educational conversation, such cases would not ordinarily be shared with a student's Faculty for consideration.

9.2.2 However, for particular disciplines there is a requirement that the behaviour and conduct of students throughout their programme complies with the expectations of the Professional, Statutory and/or Regulatory Body (PSRB) with which they will be eligible to register upon successful completion of their qualification. In order to meet the stringent requirements of these PSRBs - in particular, but not exclusively, those relating to the conduct of students on teacher training or clinical placements - the University has "fitness to practise" procedures in place to formally review any alleged breaches of professional standards, and to uphold the principles of promoting and safeguarding the public interest, and maintaining confidence in the profession, by ensuring students on these programmes act with integrity and to the highest standards of behaviour.

9.2.3 Students on courses which involve professional registration need to be aware of the requirements of their registration that may mean breaches of student conduct may mean that they are unable to continue in practice or on placement.

9.2.4 Students should familiarise themselves with the details of the Fitness to Practise procedures which apply to specific programmes will be provided in the relevant programme handbooks.

9.2.5 Students should be aware of the potential implications for professional suitability, professional registration etc., especially with regard to vocational qualifications.

9.3 Accommodation

9.3.1 Students living in university managed accommodation should familiarise themselves with the terms and conditions as they may be putting their accommodation at risk.

9.3.2 Students in privately rented accommodation should be aware that their landlords must similarly operate in the context of national legislation and under the Misuse of Drugs Act 1971 would be committing a criminal offence were they to knowingly permit the use, production or supply of controlled drugs on their premises.

9.4 Support

9.4.1 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.

9.4.2 If a student approaches a member of staff to discuss concerns about substance misuse or the use of illegal drugs, such discussions will normally 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 Mental Health and Wellbeing Support Service 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 Student Welfare and Support Advice Team.

9.4.3 The University Counselling service (part of the Mental Health and Wellbeing Support Service) 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.

9.4.4 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 the Mental Health and Wellbeing Support Service.

9.4.5 Staff in the Mental Health and Wellbeing Support Service will help a student access support from external agencies where appropriate, and provide information and guidance about substance misuse.

9.4.6 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 Inclusive Support Service to discuss their support needs.

9.4.7 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.

10 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.

11 Relevant Legislation

[Misuse of Drug Act 1971](#)

[Psychoactive Substances Act 2016](#)

[Health and Safety at Work etc. Act 1974](#)

[Health Act 2006](#)