

Substance Misuse policy

1 Legal Obligation

1.1 Misuse of Drugs Act 1971 - Oxford Brookes University is legally bound under the Misuse of Drugs Act 1971, making it a criminal offense to knowingly allow the use, production, or supply of controlled drugs on its premises.

1.2 Psychoactive Substances Act 2016 - Brookes University must also adhere to the Psychoactive Substances Act 2016, prohibiting the knowing permission for the production, supply, import, or export of any substance intended for psychoactive effects. Exemptions include nicotine, alcohol, caffeine, medicinal products, and substances controlled by the Misuse of Drugs Act.

1.3 Health and Safety Compliance - Brookes University, mandated by the Health and Safety at Work Act 1974, is committed to ensuring the health and safety of employees, students, and others. Smoking, including e-cigarettes and vapes, is strictly prohibited within university buildings and halls of residences, aligning with the smoking ban enforced since July 1, 2007.

1.4 Scope of the Policy - This policy encompasses alcohol, drugs regulated by the Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016, and unauthorized use of prescription medicines regulated by the Medicines Act 1968. Staff are directed to the Staff Code of Conduct.

2 Policy Statement

2.1 Commitment to a Safe Environment

Oxford Brookes University is committed to providing a safe, supportive, and inclusive environment for study, work, and living. The University categorically prohibits the use or distribution of illegal drugs by students, and appropriate action will be taken with evidence of such activities.

2.2 University Commitments

- Foster mutual respect in the university community.
- Cultivate understanding of acceptable behaviour.
- Assist students in informed decisions about alcohol, drugs, and other substances.
- Promote a supportive community recognizing diverse attitudes toward substance use.
- Acknowledge the link between responsible behaviour and an enjoyable learning experience.
- Prioritize the legal responsibility for the health and safety of students, staff, and visitors.
- Provide guidance to students and staff on actions regarding substance misuse concerns.

2.3 Awareness and Support

The University recognizes the role of alcohol, drugs, and other substances in some individuals' lives but is committed to preventing adverse effects on teaching, learning, and the student experience

3 Purpose of this Policy

This policy aims to:

- Establish a clear framework for acceptable and responsible behaviour.
- Clarify disciplinary actions for misconduct related to prohibited drugs.
- Dispel the notion that substance misuse justifies discriminatory, harassing, or bullying behaviors.
- Promote health, safety, and wellbeing through information, advice, guidance, and support.
- Make students and staff aware of available support and guidance for alcohol or drug-related issues.
- Educate on Substance Support Procedures and encourage seeking help for substance misuse issues.
- Inform about potential consequences leading to disciplinary or legal action.
- Provide guidelines for responsibilities in substance misuse and seeking support.
- Educate staff on their responsibilities in relation to substance misuse, including signposting and offering support.
- Raise awareness of the adverse consequences of alcohol and drug misuse.
- Inform students about support for those in recovery or supporting others in recovery.

3.1 Establish Clear Framework

- Define a comprehensive framework for acceptable and responsible behaviour.
- Specify potential disciplinary actions for misconduct related to the possession, supply, or use of prohibited drugs.

3.2 Combat Discrimination and Harassment

- Emphasize that substance misuse does not excuse discrimination, harassment, bullying, victimization, or behaviors warranting disciplinary action.

3.3 Promote Health, Safety, and Wellbeing

- Prioritize the health, safety, and wellbeing of the university community.
- Achieve this through the dissemination of information, advice, guidance, and support.

3.4 Raise Awareness of Support Services

- Inform students about available support and guidance, both internally within the University and externally, for individuals impacted by alcohol or drug-related issues.

3.5 Guide Staff in Substance Support

- Equip staff with knowledge on how to effectively support students through the Substance Support Procedures.

3.6 Inform Students about Support Procedures

- Ensure students are aware of the Substance Support Procedures and how they will be implemented when seeking assistance.

3.7 Encourage Seeking Help

- Advocate for individuals to proactively seek help for issues related to substance misuse, including alcohol, new psycho-active substances (commonly referred to as 'legal highs'), and performance-enhancing drugs.

3.8 Clarify Consequences

- Inform students about the potential disciplinary and/or legal actions resulting from substance misuse or the use of illegal drugs.

3.9 Provide Guidelines for Responsibility

- Offer comprehensive guidelines to all students, outlining their responsibilities concerning substance misuse and seeking support.

3.10 Guide Staff Responsibilities

- Provide guidelines to all staff, detailing their responsibilities in relation to substance misuse, including signposting and offering support.

3.11 Educate and Raise Awareness

- Promote an understanding of the adverse consequences of alcohol and drug misuse among the student body.

3.12 Highlight Support for Recovery

- Inform students about available support for individuals in recovery and those supporting others in their recovery journey.

These purposes collectively aim to create a safe, inclusive, and supportive environment that fosters responsible behaviour and prioritizes the health and wellbeing of the entire university community.

4 Who is Covered by This Policy?

This section outlines the scope of the policy, specifying the individuals to whom it applies and highlighting considerations for specific groups.

4.1 General Applicability:

This policy is applicable to all students enrolled or registered with the University at all times. However, students should be mindful of additional regulations and local laws that might supersede this policy, potentially resulting in different disciplinary measures.

4.2 Special Considerations for Certain Groups:

4.2.1 Placement, Overseas Study, and Professional Bodies: Students on placement, studying overseas, or members of professional bodies need to be aware that they may be subject to laws and regulations distinct from this policy. Consequently, they might face different penalties for substance misuse.

4.2.2 Student-Athletes: Student-athletes should be cognizant of the UK Anti-Doping (UKAD) and World Anti-Doping Agency (WADA) positions, which Brookes Sport adopts as part of their Sports England TASS Delivery Site status.

4.2.3 Brookes Union Members: Brookes Union members fall under the purview of this policy, considering its independence and the right to manage its affairs in accordance with its constitution, policies, and regulations. Their inclusion is subject to due regard for this autonomy. This section establishes the broad coverage of the policy while also providing specific guidance for students in unique circumstances, ensuring a comprehensive and nuanced approach to substance misuse across different scenarios.

5 What is Covered Under This Policy?

5.1 Definition of Substance Misuse

- Substance misuse encompasses the consumption of substances, including new psychoactive substances or 'legal highs,' and performance-enhancing drugs.
- Occasional or habitual excessive drinking of alcohol by students is also considered substance misuse.
- Criteria for identifying substance misuse include impairment of sound judgment, unacceptable conduct, bringing the University into disrepute, or endangering the health and/or safety of oneself or others.

5.2 Proportionate Disciplinary Action

- Acknowledging that many students may engage in behaviour falling under the definition of substance misuse, the University commits to taking disciplinary action proportionate to the nature of the offense, the circumstances, and the frequency of occurrence.

5.3 Definition of Drug Misuse

- Drug misuse is defined as the taking of illegal drugs or dealing illegal drugs to other students or non-students.

- This also includes controlled prescription drugs used outside of a GP's direction or knowingly given or sold to another person.
- These definitions aim to provide clarity on the scope of behaviours covered by this policy and ensure that disciplinary measures are applied judiciously, taking into account the nature and circumstances of the incidents.

6 Student Awareness of Legal and Regulatory Context

6.1 Understanding Legal Implications

- Recognizing the lasting impact of criminal convictions on life chances, students involved with controlled drugs or psychoactive substances must acquaint themselves with the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016, and relevant Crown Prosecution Service guidance.
- Students should be particularly vigilant about Misuse of Drugs Act 1971 Section 4, understanding that any involvement in facilitating the supply of a controlled drug, even if offered and not supplied, is considered a supply offense rather than a possession offense. Awareness of varying legal and regulatory contexts is crucial, especially when studying or on placement overseas.

6.2 Higher Standards for Professional Programmes

- Students enrolled in professional programs, accredited and regulated by professional, statutory, or regulatory bodies, must adhere to elevated standards of conduct. Familiarity with the University Fitness to Practise policy, along with their respective professional codes of conduct, is essential to safeguard professional registration and future careers. Inappropriate use of drugs, including alcohol or related antisocial behaviour, may necessitate investigation under the Professional Suitability policy.

6.3 Residence-Specific Awareness

- Students residing in university-managed accommodation must familiarize themselves with the terms and conditions to mitigate potential risks.

6.4 Private Accommodation Considerations

- Students in privately rented accommodation should be aware that landlords, governed by national legislation and the Misuse of Drugs Act 1971, would commit a criminal offense if knowingly permitting the use, production, or supply of controlled drugs on their premises.
- Understanding and compliance with relevant university policies, including the Anti-Harassment and Discrimination Policy, are imperative. Substance misuse will not be considered a mitigating factor in cases of policy breaches, emphasizing the importance of upholding expected behaviours.

7 Approach to Harm Reduction and Commitments

In addressing issues related to alcohol or drug misuse, the University is committed to offering support, advice, and information to students facing such challenges, with a focus on well-being. This commitment involves a shared responsibility, with both the university and its students having specific roles outlined below:

7.1 University Commitments

To fulfil its responsibility, the University will:

- **Educate Students on Harms:** Provide comprehensive education on the physical and mental health harms associated with substance misuse.
- **Offer Guidance and Support:** Extend advice, guidance, and support to students disclosing substance misuse issues, including those in recovery. This may involve making appropriate referrals to specialist services.
- **Act Responsibly:** Act responsibly as a university to support the well-being of the student community, meeting professional and statutory requirements.

7.2 Student Commitments

Students, in turn, commit to:

- **Understanding the Approach:** Be aware of and understand the university's approach, supporting documents, and available services.
- **Engaging with Information:** Actively engage with information and education about alcohol and drugs to make healthy choices for themselves and their peers.
- **Seeking Help Voluntarily:** Voluntarily seek help if concerned about alcohol or drug misuse, utilizing the resources provided in the Student Support section.
- **Encouraging Peers:** Encourage fellow students to seek help while respecting their choices, ensuring their dignity is upheld.
- **Promoting Well-being:** Be aware of the behavior of students around them, taking action when necessary to ensure support, safety, and well-being.
- **Alerting Staff:** Promptly alert an appropriate member of staff to any developing problems, particularly those involving legal or health and safety concerns.
- **Complying with Regulations:** Adhere to relevant discipline regulations, behaving responsibly and respectfully toward neighbours on campus and in the local community.
- **Protecting Reputation:** Avoid behaviours that might damage the University's reputation.

7.3 Mutual Commitments

Both the University and Students will:

- **Provide Support Services:** Ensure the availability of support services that maintain a proactive approach to addressing alcohol or drug-related issues, directing students to appropriate services.
- **Liaise and Communicate:** Foster communication with internal stakeholders and external substance misuse support agencies to sustain focus and development of student well-being concerning alcohol and drugs.
- **Policy and Procedure Development:** Collaboratively participate in setting policies, procedures, site-specific restrictions, and processes alongside available support services and referral procedures for handling substance misuse-related issues.
- **Encourage Responsible Behaviour:** Encourage students to comply with discipline regulations, behaving responsibly and respectfully toward neighbours both on campus and in the local community.
- **Clarify Expectations:** Clearly communicate expectations that students should not engage in behaviours that could damage the University's reputation.

8 Preventative Approach

8.1 Increasing Awareness:

- Utilizing Multiple Channels: Employing various channels such as posters, leaflets, the official website, and social media platforms to raise student awareness.
- Providing Links to Help Sites: Including links to established help sites like Talk to Frank, Drugs & Me, and local recovery agencies such as Turning Point Oxfordshire.

8.2 Communicating Consequences:

- Highlighting Adverse Effects: Ensuring students are informed about the adverse consequences of substance misuse, encompassing physical, mental, social, and financial aspects.

8.3 Staff Training:

- Training Relevant Staff: Providing training for relevant staff members, including those from Student Support Services, Residences, Accommodation, Bar, and Brookes Sport, to enhance their capacity to address substance misuse issues.

8.4 Collaborative Engagement:

- Involving Partner Agencies: Inviting representatives from partner agencies, such as Thames Valley Police, to host stalls and deliver talks at key events and other forums, fostering a collaborative and informative environment.
- Supporting Campaigns: Actively supporting campaigns initiated by the student union, residence teams, and other key groups, particularly events like Alcohol & Drug Awareness Week.
- By implementing these measures, the University aims to create a comprehensive and proactive framework that addresses alcohol or drug misuse, emphasizing prevention through increased awareness and collaborative engagement.

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 its premises, including student rooms in University Halls of Residence and third-party-managed premises.

9.1.2 Offenses like possession for personal use or use of prohibited drugs will be approached supportively and educationally initially, involving an educational conversation and referral to support services. A second offense may trigger the university's discipline procedure for minor offenses.

9.1.3 Dealing or suspected dealing of illegal substances on university premises will lead to disciplinary action as a major offense. The university may inform the police, leading to criminal prosecution.

9.1.4 Unacceptable conduct arising from substance misuse may result in disciplinary action under the Student Conduct Procedure, with a zero-tolerance approach to harassment, discrimination, bullying, and victimization.

9.1.5 Antisocial behaviour related to dependency on substances, where the student acknowledges this and undertakes a medical and/or counselling program, may lead to suspension of action under the Conduct Regulations. Failure to follow the action plan may invoke the University Fitness to Study policy and procedure.

9.2 Fitness to Practise

9.2.1 Minor Breaches: Cases of "possession for personal use" as minor breaches are treated as educational conversations and are not ordinarily shared with a student's Faculty.

9.2.2 Professional Standards: Disciplines with professional, statutory, and/or regulatory body (PSRB) requirements may undergo fitness-to-practise procedures for alleged breaches of professional standards. These procedures uphold public interest, safeguard the profession's integrity, and maintain confidence.

9.2.3 Registration Requirements: Students on courses involving professional registration must align with registration requirements, considering that conduct breaches may impact their ability to continue in practice or on placement.

9.2.4 Awareness of Procedures: Students are advised to familiarize themselves with Fitness to Practise procedures outlined in relevant program handbooks.

9.2.5 Implications for Professional Suitability: Students should be aware of potential implications for professional suitability, professional registration, especially regarding vocational qualifications.

9.3 Accommodation

9.3.1 University Managed Accommodation: Students in university-managed accommodation must be aware of terms and conditions, as breaches may jeopardize their accommodation.

9.3.2 Privately Rented Accommodation: Students in privately rented accommodation should understand that landlords must comply with national legislation, and knowingly permitting the use, production, or supply of controlled drugs is a criminal offense.

9.4 Support

9.4.1 Information and Guidance: The University will provide support and guidance to students for informed decisions about the use of drugs, alcohol, and other substances.

9.4.2 Confidential Discussions: Confidential discussions about substance misuse or illegal drug use with staff members will typically remain confidential. However, in cases of risk to self or others, criminal activity, or Fitness to Practise concerns, information may be shared with guidance sought from the Student Welfare and Support Advice Team.

9.4.3 Counselling Services: The University Counselling service, part of the Mental Health and Wellbeing Support Service, offers individual triage assessment appointments to discuss substance misuse and explore further specialist referrals.

9.4.4 Reporting Concerns: Students observing difficulties related to substance misuse in others should encourage them to seek advice and support. If concerns involve risks, students should inform their Student Support Coordinator or a member of staff in the Mental Health and Wellbeing Support Service.

9.4.5 External Agency Support: Staff in the Mental Health and Wellbeing Support Service will assist students in accessing support from external agencies where appropriate and provide information and guidance about substance misuse.

9.4.6 Rehabilitation Programs: The University will support students undertaking rehabilitation programs by implementing appropriate reasonable adjustments. Students are encouraged to contact the Inclusive Support Service to discuss their support needs.

9.4.7 Confidentiality: Subject to any overriding legal obligations, student disclosure and subsequent support or intervention will be confidential, with no unnecessary sharing of information.

10 Data Protection and Confidentiality

This section underscores the importance of data protection and confidentiality in handling cases related to substance misuse.

10.1 Confidentiality Assurance:

All cases will be handled with the utmost confidentiality, and the processing of personal information will adhere to the standards outlined in the Data Protection Act 1998. The University is committed to ensuring the secure and lawful handling of sensitive information.

10.2 Conditions for Confidentiality:

10.2.1 General Principle: Confidentiality will be maintained whenever possible, respecting the confidential disclosure of information by students.

10.2.2 Exceptions to Confidentiality: However, confidentiality may be breached if the student or another individual is at serious risk of harm or is involved in criminal/illegal activity.

10.2.3 Clear Communication: Staff members involved in handling cases should communicate clearly and transparently with students. It should be explicitly stated from the outset that confidentiality cannot be maintained if the withholding of information poses a risk to the individual or others.

This section emphasizes the commitment to safeguarding personal information and highlights the circumstances under which confidentiality may be compromised to ensure the safety and well-being of individuals and the broader community.