

**Document Details**

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0.1	Nov. 2019	First draft

**Referenced policies and documents:**

[Student Discipline Regulations](#)

[Fitness to Study](#)

# Policy and Procedure on Student Drug and Alcohol Misuse

## 1. Introduction

This document sets out Lancaster University's policy and procedure relating to student alcohol and drugs<sup>1</sup> misuse in order that the University discharges its responsibilities. The University has a duty of care to provide a safe environment for all students and staff, along with a responsibility to play an active role in preventing unlawful actions from taking place on campus. Where incidents are reported off campus, they may also be subject to this policy. The University seeks to balance an educative and supportive approach to student alcohol and drugs misuse with a clear stance that the University will not tolerate the possession, use or supply of drugs, or any misconduct relating to the misuse of alcohol or drugs.

The University regards dependency on drugs or alcohol as a health problem and will provide appropriate support to students when requested. This policy is not intended to intrude on the privacy of a student's health matters where dependency does not affect conduct or academic performance. The University is, however, concerned when the inappropriate use of drugs or alcohol adversely affects or leads to unacceptable behaviours and/or misconduct or has an adverse impact on themselves or other members of the University community. In such cases, the University will normally take action under either the Fitness to Study procedure or the Student Discipline Regulations and, depending on the situation, may inform the Police.

## 2. Aims

The aims of the policy and procedure are to:

- a) Meet the University's obligations regarding the health and safety of its staff, students and others;
- b) Set out the University's approach to dealing with incidents arising from drug and alcohol misuse.
- c) Promote an awareness of the health, wellbeing and legal issues associated with alcohol and drug misuse to enable students to make informed choices, along with supportive and caring harm-minimising strategies;
- d) Facilitate the early identification of problems caused by alcohol or drug misuse and encourage students to seek advice, help and assistance voluntarily before their health and/or studies are adversely affected;
- e) Highlight the support and guidance available and provide clarity on staff roles, boundaries and referral mechanisms;
- f) Provide the procedures involved in supporting students whose actions fall under this policy including:
  - Students who experience temporary or longer term alcohol and drug difficulties;
  - Staff who have a role in advising and supporting students;
  - Staff or students who have a concern about alcohol or drug difficulties of another student.

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<sup>1</sup> For simplicity, the term 'drugs' is used within this policy and procedure. The University uses HM Government's guidance in its [list of controlled drugs](#) to identify illegal or misused drugs. The University's definition of 'drugs' also includes any substances defined under the Psychoactive Substances Act 2016. The term 'prescription drugs' applies to any drug given to an individual under medical prescriptions.

### 3. Policy Statement

It is the policy of the University that:

- The University does not condone the possession, use or supply of illegal drugs (including the production/manufacture,<sup>2</sup> misuse and unofficial sale of prescribed drugs), nor the misuse of psychoactive substances or misuse of alcohol on its premises, and will discharge its legal responsibilities in this area (see Appendix 1).
- The misuse of drugs or alcohol is not an acceptable excuse for poor behaviour.
- Students are expected to comply under the relevant policies and regulations of the University, including all residential requirements. Where there are potential breaches the University may take action under the [Student Disciplinary Regulations](#) and could refer students to the Police.
- Where the consumption of alcohol is not illegal, any resultant inappropriate behaviour may contravene the law and/or the University's Student Discipline Regulations.
- Any student found having used or being suspected of having used illegal drugs will be provided with the necessary care and attention in relation to their health needs to the extent that this is possible for the University so to do. The University's aim is to safeguard the wellbeing of the individual and all other students.
- The University will support any student who wishes to obtain help and assistance to address a drug or alcohol-related issues as far as it is able, using internal or external support services as appropriate.
- Where the University has concerns about a student's drug or alcohol misuse, it may instigate the [Fitness to Study](#) procedure when appropriate. The University has a range of support available and links with specific Alcohol and Drug Services for referrals.
- The University, in collaboration with Lancaster University Students' Union, will work to educate its students and staff on the issues surrounding the misuse of drugs, psychoactive substances and alcohol, and will signpost sources of appropriate help and advice. If a student is convicted of a drug-related offence, there may be implications for their future career and life choices. Students should be aware of the potential implications for fitness to practise particularly with regard to vocational, professional and clinical qualifications. The University may need to initiate Fitness to Practise proceedings when relevant.
- Whilst each case will be assessed individually, any student found in possession of, using, or dealing illegal drugs (or what are reasonably suspected to be illegal drugs) will normally be subject to disciplinary action.

With specific reference to University property and accommodation, under this policy:

- It is forbidden to have drugs (unless they have been prescribed for personal use by a medical professional) or psychoactive substances brought or otherwise delivered to University property, including University residences. This includes nitrous oxide (unless it can be shown that it is being used for legal purposes). Where items are identified, the University reserves the right to confiscate them and, where relevant, inform/pass to the police.

### 3. Scope

This policy and procedure covers:

- the misuse, carrying, sale, sharing or dealing of psychoactive substances, controlled drugs or prescription drugs (as detailed in footnote 1 above);
- the misuse of alcohol.

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<sup>2</sup> Except as part of a course of study.

This policy and procedure applies to all registered students of the University, including those who are suspended from study or intercalating. The University's definition of 'student' can be found within section 2 of the Student Discipline Regulations.

Where a student is undertaking activities at another institution/organisation, it is the **responsibility of the student** to ensure that they are fully aware of their responsibilities and the policies, procedures and practices of the institution/organisation where they will be undertaking their activity. If this involves travel **outside of the UK**, the student will also be subject to the law of that country.

Students are responsible for anyone staying at Lancaster University premises as a guest or visitor. Where a visitor or guest's conduct is considered unacceptable, the registered student will be deemed to have accepted responsibility for the conduct of that visitor/guest under this policy and the University reserves the right to take action and/or invoke procedures against the responsible student.

This Policy should be read in conjunction with other relevant policies e.g. the 'Student Discipline Regulations', the 'Fitness to Practise Procedures' and the 'Fitness to Study Procedure'. Other policies which may be relevant are listed in section 8.1 of the Student Discipline Regulations.

The Students' Union has additional guidelines related to dealing with alcohol and drug-related incidents occurring at the Sugarhouse and any incident arising in that venue may also be subject to action under this policy and procedure.<sup>3</sup>

Under licencing laws any substance can be confiscated immediately if found on licensed premises.

## 5. Procedure

### Incidents in progress

Those who witness an incident occurring (e.g. drugs have been found), should not intervene directly. Instead the Police or the Security Team should be contacted on 01524 594541, with information on where the incident is occurring and any other relevant information. The Security Team will then take the appropriate action.

### Other incidents can be reported to:

- The Student Conduct Officer
- College Deanery
- Security and Porters (out of hours)
- Student Wellbeing Team
- College Advisory Teams
- Via the UniSafe app on iLancaster (Lancaster Staff and Students only). This allows anonymous, named and third-party reporting.

The University will determine what response will be made, depending on the circumstances. Whilst in many instances a supportive approach is likely to be taken, the University reserves the right to move straight to disciplinary processes.

Due to the complex nature of alcohol and drugs incidents, a number of key services actively liaise together to develop appropriate responses. The key named referral points for incidents relating to drug and alcohol misuse are the University's [Student Conduct Officer](#) and The [Student Wellbeing Co-](#)

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<sup>3</sup> Please see Lancaster University Students' Union's [Responsible Alcohol Consumption Policy](#) and the [Sugarhouse: Terms and FAQs](#)

[ordinator](#) in Student Wellbeing Services. Should these individuals not be available, [Student Wellbeing Services](#) will be able to assist..

The following procedural information applies:

1. If a student is seeking help, support and guidance related to their alcohol or drug use and there are no other related issues they will be given appropriate information, support and referral to external services where necessary. This may include referrals to other processes such as Fitness to Study/Fitness to Practise depending on the concerns raised.
2. Where the University considers that an incident requires disciplinary action, the processes set out in the [Student Disciplinary Regulations](#) will be applied.
3. If the situation requires it, a risk assessment will be undertaken to determine the most appropriate course of action and identify any immediate support. This will be done following the standard procedures set out in the Student Disciplinary Regulations. In some situations this could lead to temporary suspension and/or exclusion from the University or its constituent parts.
4. Appeals procedures (e.g. against the outcome of risk assessments or disciplinary outcomes) are set out in the [Student Disciplinary Regulations](#).
5. In lines with our regulations, items may be confiscated subject to an investigation being undertaken. These items will be stored by the University Security Team and may be handed over to the police for disposal.
6. The University reserves the right to refer to the Police. Examples of occasions which may raise such concerns include:
  - a. dealing/supplying<sup>4</sup>;
  - b. violent, aggressive or threatening behaviour;
  - c. repeat offences - the individual has previously received a formal written warning and penalties for drug-related offences, through implementation of student disciplinary procedures.

In these cases internal disciplinary and wellbeing procedures will still be followed.

## 6. Support and advice

The University regards an individual's dependency on either drugs or alcohol as a health problem. If a student reports a dependency issue, the University will consider how best to support them. The University offers a range of advice, guidance and support services to students with drugs and/or alcohol concerns. These services are freely available to all students who wish to access help and support. Students can contact the following services:

[University Student Wellbeing Services](#)  
[Lancaster Medical Practice](#)  
[College Wellbeing Officers](#)  
[Students' Union](#)

Student Wellbeing Services or the Students' Union will provide initial advice and support, including with regard to study-related needs. Wellbeing Services or the Students' Union may signpost to outside agencies where a need for more specialist support and treatment is identified.

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<sup>4</sup> The University will use the legal definitions of 'supply' in line with the following: Supplying or offering to supply a controlled drug, Misuse of Drugs Act 1971, s.4(3)  
Possession of a controlled drug with intent to supply it to another, Misuse of Drugs Act 1971, s.5(3)

**Additional help can be found on the following websites:**

[Talk to Frank](#)

[DrugWise](#)

[Alcohol Concern](#)

[Alcohol advice and information](#)

[NHS services and support](#)

If it is identified that a student is having difficulty in controlling their use of alcohol or drugs, they should be encouraged to seek support. The early identification of problems caused by alcohol or drugs makes it more likely that advice, help and assistance can be provided before the student's health and/or studies are adversely affected. If an individual is concerned that a student is a danger to themselves or others, they should contact the University's Student Wellbeing Services team urgently.

From time to time the University, in conjunction with the Students' Union, will run alcohol and/or drugs awareness campaigns. These will include the health, wellbeing and legal issues associated with alcohol and drug misuse, in order that students can make informed choices. There will also be information on harm-minimising strategies, support networks and how to access reliable sources of information.

## 7. Roles and responsibilities

### 7.1 Staff responsibilities

University Staff have a responsibility to respond and manage alcohol and drug misuse in the following ways:

- Familiarise themselves with this policy.
- Attend alcohol and drug awareness training, where it is appropriate for their role.
- If a student does disclose an alcohol or drug difficulty:
  - Listen to the student's concerns;
  - Clarify their role and the areas they can support;
  - Be aware of professional boundaries and limit of expertise and refer to the people listed above.
- Treat any disclosure of alcohol or drug use seriously and refer the student to Student Wellbeing Services. Student Wellbeing Services will identify whether referral to external services would be helpful e.g. Young Addaction.
- Where relevant to their role, work with Student Wellbeing Services to create a collaborative action plan under the [Fitness to Study](#)/Practise procedures (see relevant departmental website/handbook) to give the student the best chance of success.
- Report incidents in progress as set out in section 5 above.

### 7.2 Student responsibilities:

Students are expected to:

- Advise their College Wellbeing Officer or the Students' Union Advice Centre as soon as possible of any developing alcohol and drug difficulties and discuss the appropriate support required.

- Inform their College Wellbeing Officer or the Students' Union Advice Centre if something has triggered a previously managed condition which is now affecting their ability to fulfil their course requirements.
- Be aware of their impact on others; taking and acting on advice from academic and Student Services staff.
- See their Academic Tutors if they feel that their capacity to learn is being affected by changes in their health and well-being.

### 7.3 Student Wellbeing Services responsibilities

The [Student Wellbeing Coordinator](#) based in the University's [Student Wellbeing Services](#) team can be asked to provide support to any students experiencing issues related to alcohol or drugs misuse. This may involve referral to external agencies where this is the most appropriate option. The team can also provide information on relevant colleagues and external organisations who can provide support. The Head of Colleges and Student Life has responsibility for the University's Student Wellbeing Services team and is therefore responsible for the provision of pastoral and specialist support to students. The Head of Colleges and Student Life also has responsibility for the majority of operational matters relating to this Policy.

### 7.4 Student and Education Services responsibilities

The [Student Conduct Officer](#) within the Education Services team is the primary point of contact relating to disciplinary procedures. The Student Conduct Officer can provide advice on procedural matters relating to the University's consideration of alcohol and drugs misuse incidents that will be dealt with under the Student Discipline Regulations. The Academic Registrar has operational responsibility for the handling of cases under the Student Discipline Regulations.

### 7.5 Director of Students, Education and Academic Services responsibilities

The Director of Students, Education and Academic Services (or nominee) is accountable for the application, monitoring and regular review of this Policy. When necessary, the Director of Students, Education and Academic Services will propose revisions to this Policy for consideration by the relevant committee(s).

#### **Policy consideration and approval:**

<u>Committee:</u>	<u>Date:</u>
Student Experience Committee	19 November 2019
Vice-Chancellor	2 January 2020

Policy Review Due: January 2023

## Appendix 1 – Legal Obligations

### Misuse of Drugs

Legislation relating to misuse of drugs, including the definitions of terms and categorisation of substances, are contained primarily within two acts of Parliament - the Misuse of Drugs Act 1971 and the Psychoactive Substances Act 2016.

- Misuse of Drugs Act 1971 - Current penalties for possession and dealing can be found on the Home Office Tackling Drugs website <https://www.gov.uk/penaltiesdrugpossession-dealing> . Substances are categorised as Class A, B or C.
- Psychoactive Substances Act 2016 - The act prohibits and disrupts the production, distribution, sale and supply of new psychoactive substances (NPS) in the UK (specifically those not covered by the Misuse of Drugs act). The ban also covers the sale of nitrous oxide ('laughing gas') for human use, although its legitimate sale will not be affected. Note: *Possession* of any substances covered by this Act is *not* punishable under the law, although substances will be confiscated and potentially tested. If found to contain drugs that contravene Misuse of Drugs Act, further penalties may be applied.

The University will balance legal, health and safety, wellbeing, educational and professional conduct responsibilities. The legal context is of paramount importance and the Misuse of Drugs Act 1971 confirms that the University has no legal obligation to report every single illegal drug-related incident to the police. However, it does make it clear that in the event of such an incident, the University must take clear action to address the situation and ensure that it does not recur. The University must, therefore, be able to demonstrate that in the event of an illegal drug-related incident on its premises:

- Meaningful action is taken to prevent and/or discourage any recurrence (i.e. it is not knowingly condoning such illegal drug-related activity) through the implementation of disciplinary procedures and other appropriate measures.
- Risk assessments are completed where appropriate and any health and safety issues dealt with.
- Facilitated by Student Services, appropriate support and guidance are offered to individuals, including: making drug-related educational material available and offering support through existing University services or via referral to appropriate agencies.
- Individuals are made fully aware of the facts concerning illegal drug use and are informed of both the University's legal position and its policy.
- The impact of an incident on others (e.g. fellow students) is taken into account.

The University reserves the right to immediately inform the police where appropriate.

Where the use of drugs involves smoking, additional disciplinary action will be taken for breach of University regulations which ban smoking throughout University premises, accommodation and in University vehicles in compliance with our legal duties under the Health Act 2006.



### Misuse of Alcohol

It is legal to consume alcohol but where the consumption of excess alcohol leads to anti-social behaviour there may be legal consequences. In such cases the University will consider the most appropriate course of action, taking into account the relevant factors outlined in the *Misuse of Drugs* section of this appendix.

- Licencing Act 2003 – For people under 18, it's against the law:
  - for someone to sell them alcohol
  - for them to buy or try to buy alcohol
  - for an adult to buy or try to buy alcohol for them
  - to drink alcohol in licensed premises (such as a pub or restaurant)
- However, for someone aged 16 or 17 and accompanied by an adult, they can drink (but not buy) beer, wine or cider with a meal.
- A person aged 16 or under may be able to go to a pub (or premises primarily used to sell alcohol) if they are accompanied by an adult. However, this isn't always the case. It can also depend on the specific conditions for that premises.
- It is illegal to give alcohol to children under 5.