

# Drugs Policy



## Drugs Policy

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## 1. Introduction and principles

- 1.1. The law is very clear that to use or supply illegal drugs is a breach of criminal law and as a result the University of Sunderland will always take an appropriate and proportionate response against any student or employee found to be taking, under the influence of, in possession of, or selling or supplying any form of illegal drug.
- 1.2. This policy covers all drugs which are illegal in the UK. It is important to note that the Psychoactive Substances Act is law as of January 2016, and in force from May 2016, which means that substances previously known as 'legal highs' are now illegal, and as such are subject to this policy in every respect.
- 1.3. In certain exceptional circumstances (for example in research, or in commercial testing) there may be exemptions for employees in terms of storing or handling such substances where prior approval has been granted at Executive Board level.
- 1.4. The University has a commitment to creating a working environment for employees, students and visitors which actively promotes their health, safety and welfare. This policy recognises the risks to this that may be caused by the misuse of drugs and other substances, and the behavioural issues which such misuse may cause and their impact upon the University community.
- 1.5. The policy aims to facilitate the early identification of such problems and to encourage employees and students to seek advice, help and assistance voluntarily before their health, wellbeing, work or studies are adversely affected. The University will achieve these goals through educational, wellbeing support and disciplinary approaches. Appropriate employees, including and in particular the Occupational Health Service for employees and the Health and Wellbeing team within Student and Learning Support will provide guidance as to where further, appropriate professional assistance is available.
- 1.6. In this Policy, "Student" shall mean any student studying or registered at the University. Students studying at collaborative partner organisations are also subject to the discipline and conduct regulations of those partners. Employee shall mean any individual employed directly by the University or by one of its subsidiary companies. Employees employed by collaborative partner organisations are subject to the discipline and conduct regulations of those partners and the law in their country of residence. Any references to named roles include the equivalent to that role at London Campus.

## 2. The Legal Context

- 2.1. The law regulating dangerous and otherwise harmful drugs is the Misuse of Drugs Act 1971, which makes it clear that it is an offence for 'the occupier or someone concerned in the management of any premises knowingly to permit or suffer on those premises the smoking of cannabis; or the production, attempted production, supply, attempted supply, or offering to supply of any controlled drug'.
- 2.2. The Health and Safety at Work Act 1974 requires the University to do what is reasonable to protect the health and safety of employees, students and visitors. Drug misuse can have an impact on the health and safety of an individual and also for others, for example students in shared accommodation or employees having to handle illegal substances and drug-related paraphernalia.
- 2.3. The University has a responsibility to uphold the law. Employees and students, who contravene the legislation outlined above, may be subject to disciplinary action by

the institution (which may include expulsion from the programme of study / suspension from work) and this may include reporting incidents to the Police.

### 3. Management - students

- 3.1. Where there is physical evidence of illegal substances having been used on campus or items found that are believed to be illegal substances then University Security Manager (or nominated deputy) will be informed. If safe to do so found items may be removed for the evidence and to prevent persons from committing or continuing to commit a drug related offense. The removal will be conducted by Security Staff under a formal framework agreed with Northumbria Police. The University has a legal obligation under the protocol to report all such cases to the Police and to hand over any related items / evidence, which have been found / removed.
- 3.2. The Security Manager will convene an incident management group to consider the incident and to initiate any additional appropriate actions.
- 3.3. The Security Manager (or nominated deputy) has the power to search the University estate, including individual student rooms, where there is reasonable suspicion that illegal activities are taking place. Searches will be carried out by security staff in the presence of a Accommodation Services Manager (or nominated deputy) in the case of student accommodation, and the student. If the student is not present the University still has the right to search the room, if there is reasonable suspicion that illegal activities are taking place, although this would not be an in-depth search.
- 3.4. Where students are living in University accommodation their accommodation contract specifically prohibits the misuse of drugs on University premises. Students who are proved to have contravened the terms of their accommodation contract may be served with 'notice to terminate their accommodation contract. Support to find alternative accommodation in the private sector will be provided by the Accommodation Office at The Gateway.
- 3.5. The possession or supply of illegal drugs is a criminal offense, and constitutes misconduct under the University's regulations on student discipline, and the University has the right to take its own disciplinary action. This may include immediate precautionary suspension from the University while the case is investigated, or pending the outcome of any Police investigation or criminal proceedings, and following the conclusion of any formal disciplinary process penalties may be applied such as suspension from the University for a period of time, or permanent expulsion. Where relevant, the University will also report the incident to the appropriate professional or statutory bodies associated with the employee, or with the student's programme, and for professional programmes may trigger a fitness to practise hearing.
- 3.6. In the first instance, the University's Security Manager (or nominated deputy) will make a decision on whether any case is handled under local student disciplinary authority, or is referred to the appropriate Dean, or in serious cases which might result in suspension or expulsion referred to the Vice Chancellor. In cases where the Security Manager determines that the case creates potential risk to other students or employees, the effective operation of the University, or the University's reputation, he/she may refer the case via Academic Services to the Vice Chancellor with recommendation that an immediate precautionary suspension be put in place. All instances, however they are dealt with in disciplinary terms, will be notified to the student's faculty.

#### 4. Management - staff

- 4.1. Where there is physical evidence of illegal substances having been used on campus or items found that are believed to be illegal substances then University Security Manager (or nominated deputy) will be informed. If safe to do so found items may be removed for the evidence and to prevent persons from committing or continuing to commit a drug related offense. The removal will be conducted by Security Staff under a formal framework agreed with Northumbria Police. The University has a legal obligation under the protocol to report all such cases to the Police and to hand over any related items / evidence, which have been found / removed.
- 4.2. The Security Manager will convene an incident management group to consider the incident and to initiate any additional appropriate actions.
- 4.3. The Security Manager (or nominated deputy) has the power to search the University estate, including employee offices, where there is reasonable suspicion that illegal activities are taking place. Searches will be carried out by security staff in the presence of the employee's line manager (or nominated deputy) and the employee. If the employee is not present the University still has the right to search the room, if there is reasonable suspicion that illegal activities are taking place, although this would not be an in-depth search.
- 4.4. The possession or supply of illegal drugs is a criminal offense, and constitutes misconduct under the University's regulations on employee, and the University has the right to take its own disciplinary action. This may include immediate suspension from the University while the case is investigated, pending the outcome of any Police investigation or criminal proceedings, and following the conclusion of any formal disciplinary process. Where relevant, the University will also report the incident to the appropriate professional or statutory bodies associated with the employee.

All employee cases will be referred to Human Resources for advice on the employee disciplinary process. In cases where the Security Manager determines that the case creates potential risk to other students or employees, the effective operation of the University, or the University's reputation, he/she may refer the case via Human Resources to the Vice Chancellor with recommendation that an immediate suspension be put in place.

#### 5. Help and Support

- 5.1. Student Services will offer initial support, information signposting and referral for students via the Health and Wellbeing team.
- 5.2. Human Resources will offer initial support, information signposting and referral for employees via the Occupational Health Service.
- 5.3. The University will deliver drug and alcohol awareness campaigns in line with national advice.
- 5.4. External support is available from:

<http://www.neca.co.uk/>

<http://www.talktofrank.com/>

<http://www.lifeline.org.uk/>

<http://www.counted4.co.uk/>

## **6. Conclusion**

- 6.1. The University has responsibilities to its students and employees and recognises the importance of providing a safe place to work and study.
- 6.2. The University will ensure that appropriate support and advice is available to employees and students but will also take disciplinary action, where illegal activities are taking place and particularly when they endanger the individual or other members of the University.

## Drugs Policy

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