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Illegal Drugs Policy

Swansea University and Students' Union

Illegal Drugs Policy for Swansea University and Students' Union

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INTRODUCTION

This Policy has been produced by a joint University/Students' Union Working Group which comprised elected Students' Union and Athletic Union Officers, Students' Union Bar and Advice Centre staff, University staff from the College of Human and Health Science, Security, Academic Registry, Residential Services, Wellbeing Services and a representative of the NHS.

The Working group took as its starting point the 'Exemplar Policy for Welsh HE Institutions, incorporating Universities and Students Unions'.

The draft policy was circulated for consultation to a broad range of personnel including the PVC Student Experience, the Healthy University Group, the Student Services Management Team and all Students' Union Full-Time Officers.

DRUGS POLICY STATEMENT

Swansea University and Students' Union are committed to promoting a safe and supportive environment in which to study and work.

In order to do so, we will:

- Encourage and support mutual respect within the whole of the university community
- Work to create an understanding of acceptable behaviour and sanction responsible use of disciplinary action where appropriate
- Raise awareness of the legal implications and the issues surrounding illegal drug use.
- Take very seriously our legal duty of care to our students, staff and visitors and aim to provide a safe, healthy and high quality work and study environment
- Recognise that staff have a duty of care to be alert to indicators of illegal drug use and to take appropriate action when necessary
- Provide guidance and information to staff and students to help them develop the confidence to know what action to take if they are concerned about illegal drug use, the health and safety of fellow students, of staff members, or of themselves
- Provide confidential support to students through Student Services or the Students' Union Advice Centre to students who are seeking help or have concerns about their drug use or that of their friends.

Drugs Policy

1. Introduction

This policy is part of a University and Students' Union approach that promotes a safe and supportive environment in which to study and work. The overarching premise is one of support and education, focusing on boundaries of acceptable, responsible and legal behaviour.

Swansea University and Students' Union do not condone the possession, use or supply of illegal drugs at or on any premises under their control. We aim to provide a safe, healthy and supportive environment for our students and staff.

The University recognises that the majority of students will not be affected by illegal drug use but, where a student declares that they have a problem, their cases will be treated sympathetically and in confidence. Support will be offered through Student Services and the SU Advice Centre where possible, and referrals to external support agencies may be made where the support required is outside the expertise of those services.

It is important to acknowledge that students who have or develop drug related problems may cause harm to themselves and to others and these risks will be considered in any course of action. The illegal use of drugs often affects students' performance, conduct and relationships both on their course and in their accommodation. It can also have consequences for future career choices.

The University has a legal duty of care to its students, staff and visitors and aims to provide a safe, healthy and high quality study and work environment.

The University aims to reduce the risks associated with the use of illegal drugs and assist in giving students and staff an increased knowledge, awareness and understanding of drug related issues.

All students have a legal responsibility to take reasonable care of their own safety and that of others.

2. Who is covered by the policy?

The policy applies to students in circumstances where there is a risk to themselves or others, or where their conduct or quality of work affects others or the reputation of the University (such as students on university-organised work placement, working in laboratories on research projects or as members of university sports teams). It applies whether students are on university premises or elsewhere on university business or study activities, including premises managed on behalf of the university by a third party, such as privately managed halls of residences or SAS properties off campus.

The policy also applies to Students' Unions, independent bodies which conduct and manage their own affairs in accordance with their constitution.

In certain situations individuals may be subject to disciplinary action under the [University's disciplinary procedures](#), be asked to leave and/or be reported to the police. The University does not wish to criminalise its students or visitors, but the use and possession of illegal drugs is a criminal offence.

3. Aims of the policy

The purpose of the policy is to:

- Promote health, safety and wellbeing through the provision of information, advice, guidance and support
- Inform students about the potential consequences of illegal drug use
- Inform students how illegal drug use and its potential consequences may lead to disciplinary and/or legal action
- Provide information on support options where appropriate
- Encourage individuals with drugs-related issues to seek help
- Offer guidelines to all students and staff regarding their responsibilities and the required code of conduct

4. What do we mean by illegal drugs?

Information on controlled drugs under the Illegal use of Drugs Act 1971, their classifications and potential penalties for breaching the law can be found at <http://www.homeoffice.gov.uk/drugs/drug-law/>. The table below provides the information as of May 2012.

		Possession	Dealing:
Class A	Ecstasy, LSD, heroin, cocaine, crack, magic mushrooms, amphetamines (if prepared for injection).	Up to seven years in prison or an unlimited fine or both.	Up to life in prison or an unlimited fine or both.
Class B	Amphetamines, Cannabis, Methylphenidate (Ritalin), Pholcodine.	Up to five years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.
Class C	Tranquilisers, some painkillers, Gamma hydroxybutyrate (GHB), Ketamine.	Up to two years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.

5. The legal position

The Illegal use of Drugs Act 1971 "To restrict the use of drugs which cause harm to the individual or others".

This Act relates to the:

- Possession
- Supply
- Possession With Intent To Supply
- Controlled Drugs on Premises

of Class A, B and C drugs.

The Health and Safety at Work Act 1974 places a duty of care on employers to ensure that, as far as is reasonably practicable, the health, safety and welfare at work of staff, students and other users of its premises.

The Road Traffic Act 1988 states that a person is guilty of an offence if driving or attempting to drive a motor vehicle in a public place while unfit through drink or drugs.

Disciplinary Action

- Although each case will be assessed individually, any resident found in possession of substances which either are or are suspected to be illegal drugs, or is found to be using or dealing in illegal substances at premises owned or managed by Swansea University Residential Services, will normally be subject to disciplinary action as detailed in the [Residence Regulations](#). Possession of illegal drugs is a category D offence, and the repeated possession or dealing of illegal drugs is a category E offence.
- This disciplinary action for category D and E offences includes the issuing of a "Notice to Quit" the accommodation. Students may also be referred to the Academic Registry under the University's Formal Disciplinary Procedures. This could have implications for a student's future at the University (particularly regarding fitness to practice) and on future employment and professional registration where applicable.
- Any incident involving illegal drugs could result in criminal proceedings. Any such proceedings may also lead to action by the University, under the [Disciplinary Rules and Procedures](#).
- Any person found on premises under the control of Swansea University or the Students' Union who is not a student and who is found or suspected to be involved with illegal drugs will be subject to an immediate lifetime ban from those premises.
- Any student who invites someone on to Swansea University or Students' Union premises who is found or to be involved with illegal drugs may also be subject to disciplinary action.

6. Code of conduct

The code of conduct describes the legal health and safety obligations and the expected standards of behaviour for students and staff. It is expected that all students will take personal responsibility for ensuring that illegal drug use does not affect work or study performance. A breach of the code may result in [disciplinary action](#).

The code states that:

- No one should undertake university-related business or represent the university while unfit through illegal drug use.
- Illegal drug use resulting in a risk to the safety to oneself or others is likely to lead to disciplinary action. Examples of this may include clinical work with patients, driving, sports activities, using machinery or hazardous substances or any other activities identified as hazardous on a risk assessment.
- Failure to comply with any statutory registration requirements, professional codes of ethics or accreditation provisions with reference to illegal drug use (e.g. in clinical work with patients, or work with schools).

- Students and staff are strongly advised not to compromise their own safety by working with or being reliant upon (e.g. as a car or bus passenger) someone who is under the influence of illegal drugs or other substances.
- Students are strongly advised that a disruption of academic activity due to illegal drug use will be investigated by the relevant college.
- Pressure should not be applied to others to take illegal drugs. This includes disrespectful or exclusive behaviour and the spiking of drinks.

7. Confidentiality and data protection

All cases will be dealt with in confidence and all personal information will be processed securely in accordance with the Data Protection Act 1998. It may be used by relevant personnel to consider any support needed and to manage the study relationship. Wherever possible, confidential disclosure of information by students will be honoured, unless the student or someone else is at serious risk of harm. Staff should clearly state from the outset that limited confidentiality applies and that confidentiality will not be maintained if the withholding of information constitutes a risk to the individual or others.

Appendix A

Guidance

All students should be able to:

- Be aware this policy and supporting documents.
- Seek help voluntarily if they are concerned about their drug use. Within the University, help is available from personal tutors, Student Services and the Students' Union. For sources of help within the community please refer to our website or contact the sources stated above.
- Seek help or advice if they have been asked to do so, including as part of a disciplinary sanction.
- Encourage other students to seek help if they have a problem.
- Access information about the potential impacts on illegal drug use on finances, health and other people. This is available through Student Services and the Students' Union.
- Alert an appropriate member of staff to any problems they see developing within the institution, particularly where legal or health and safety concerns are an issue
- Be aware of the behaviour of students around them and do their best to ensure their safety and well-being

Staff should:

- Be aware of the policy, procedures, available services and referral procedures available for dealing with drug-related issues. This information should be included in student induction.
- Encourage students to access appropriate support if there are concerns about their welfare in relation to illegal drug use.
- Be mindful of the potential impacts of drug use when conducting risk assessments on proposed activities.
- Investigate accidents and incidents for signs of illegal drug use and liaise with the relevant departments.

The Students' Union should:

- Act as a confidential self-referral facility for students.
- Adhere to confidentiality guidelines and the Data Protection Act when a student presents for support for a drug related issue.
- Offer information and advice about services available to students who seek help about their drug use.
- Provide and support educational events, awareness campaigns and activities that promote health and well-being in conjunction with other departments.
- Ensure that student related policies reflect attitudes to drugs which are conducive to student well-being and adhere to the law.

Student Support Services should:

- Act as a confidential self-referral facility for students.
- Provide information, advice, guidance and support to students presenting with alcohol related issues.

- Develop and publish information for students on the potential impacts of illegal drug use.
- Adhere to confidentiality guidelines and the Data Protection Act when a student presents for support for a drug related issue.
- Have in place systems of referral to community based drug support agencies
- Raise concerns to appropriate university personnel if a particular drug related welfare issue is presenting repeatedly for the service.
- Take all necessary steps to ensure that students with drug related issues do not present a risk to themselves or others.

Residential Services Staff should:

- Be aware of drug-related support services within the institution and signpost accordingly.
- Liaise and communicate with other personnel within the institution in relation to drug related incidents e.g. Student Support Services, Security
- Monitor and record drug related incidents within Residences and ensure these reports are available to relevant staff.
- Report and/or investigate any drug related incidents that contravene University regulations.
- Ensure that anyone found in accommodation premises, having used illegal drugs or suspected of having used illegal drugs, receives the necessary care and attention in relation to their physical condition.

Appendix B

Recommended actions for drug related incidents

The duty of care to students is paramount. If a student living in University residences presents a risk to themselves or others due to illegal drug use, this should be reported to Residential Services staff or, outside working hours, to Security staff who will take the appropriate action. It is recommended that a student who is heavily under the influence of drugs is kept under observation until assistance can be summoned.

If a student living in private accommodation presents a risk to themselves or others due to illegal drug use, it is recommended that action be taken if possible to ensure their safety until the effects have worn off. This may include calling the Emergency Services or contacting NHS Direct for advice.

If a student is known to repeatedly use illegal drugs to the extent of putting themselves or others at risk, they should be advised to seek advice from Student Support Services or a community based drug support agency. If they are unwilling to do so, those concerned about their behaviour can contact Student Support Services to discuss the case anonymously.