

DRUG MISUSE POLICY IN UNIVERSITY MANAGED RESIDENCES AND UNIVERSITY MANAGED HOUSING

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1. INTRODUCTION

The Government's 10-year strategy 'Tackling Drugs to Build a Better Britain' (HMSO 1998) highlights the scale of drug misuse in UK society. In particular it states that drug misuse is most common amongst people in their teens and early twenties.

CVCP management guidelines on drugs and alcohol policies for higher education propose that higher education institutions should seek to develop a coherent policy and resultant procedures which, for all sections of the University would:-

- Raise awareness about health, legal and other risks;
- Provide training opportunities for those likely to be faced with drug misuse issues;
- Provide access to support services for students through services within the University and referral to external agencies if necessary;
- Stress the importance of clear disciplinary guidelines;

The core principles underpinning this policy and guidelines reflect the University of Teesside's responsibilities:-

- the University does not condone the possession, use or supply of illegal drugs or other substances, on its premises or in university managed residences or houses;
- the University will promote supportive and caring harm minimisation strategies which reduce the risks associated with drug use/misuse;
- the University will endeavour to provide a safe, healthy and supportive environment for staff, students and visitors;
- the University will promote knowledge, awareness and understanding to enable its community to make informed choices.

1.1 TO WHAT DOES THE POLICY APPLY?

The policy applies to the 'non -medical use of drugs that are only intended for use in medical treatment and the use of drugs that have no accepted medical purpose. Such drugs are controlled under the Misuse of Drugs Act 1971.' [*Drug Prevention & Schools 4/95*]. For the legislative framework and background refer to Appendix 1.

2. THE UNIVERSITY'S RESPONSIBILITIES REGARDING DRUG USE/MISUSE

2.1 INTRODUCTION

The University is committed to protecting and promoting the health and well being of students, staff and the wider community - a commitment which is highlighted in a range of University documents.

Drug use/misuse is a key issue that highlights the University's responsibilities not only in relation to health protection and promotion, but also in the fields of legislation, health and safety, welfare and education. This Policy and Procedural Guidelines seek to acknowledge, clarify and balance these responsibilities, which themselves have a number of implications.

2.2 RESPONSIBILITIES

2.2.1 LEGAL RESPONSIBILITIES

The University has a paramount responsibility to uphold the law in all matters. Working within the framework provided by the Misuse of Drugs Act 1971 and other relevant legislation [see Appendix 1], the University is clear that the possession and/or use of illegal drugs on its premises is wholly unacceptable and will not be tolerated.

2.2.2 HEALTH AND SAFETY RESPONSIBILITIES

The Health and Safety at Work etc. Act 1974 and other associated legislation requires the University to do what is reasonable to protect the health and safety of staff, students and visitors. In addition, all individuals have a general duty of care to take care of themselves and not to endanger others.

2.2.3 DUTY OF CARE AND RESPONSIBILITIES

The University has a duty of care to and a responsibility to promote the wellbeing of its community. This has two clear implications:

- *Firstly*, it is important that clear action is taken to protect people in situations where their well being is affected or put at risk by the drug use and misuse of others [e.g. in situations involving dealing/supplying or antisocial behaviour in University residences and other contexts].
- *Secondly*, it is essential that students and staff should feel able to seek advice, support, guidance and counselling about drug-related concerns and problems without fear of reprimand or punishment. This in turn requires respect for and a commitment to confidentiality, clarity and openness concerning the limits of this (see section 3.3) and a widespread knowledge of appropriate internal and external advice and referral channels [e.g. Student Services, Students Union and external agencies].

2.2.4 EDUCATIONAL RESPONSIBILITIES

The University has a responsibility to promote knowledge, awareness and understanding in relation to drug use/misuse amongst students and staff to assist and empower them to make their own informed choices. It has a responsibility to raise awareness of relevant advice and referral channels and to equip relevant staff to deal sensitively and effectively with drug-related incidents.

2.3 TRAINING AND DEVELOPMENT

A rolling programme of staff training and development is available for all staff but has particular relevance to the following personnel;

- ® 'front line' staff [Student Services staff, Caretakers, Security Staff, Cleaning Staff, Wardens].
- ® First Aid personnel

Please note: Training is mandatory for Accommodation staff, Wardens and Caretakers located in Residences.

3. RELATIONSHIP TO OTHER UNIVERSITY POLICIES, REGULATIONS AND PRACTICES

3.1 COMMUNICATION WITH POLICE

Failure to observe the provisions of this Policy and Procedure will be considered a serious matter by the University and may lead to action in compliance with the University of Teesside Policy on Referral to the Police or other relevant authorities.

3.2 UNIVERSITY REGULATIONS AND DISCIPLINARY PROCEDURES

3.2.1 STUDENTS

Failure to observe the provisions of this Policy and Procedure will be considered a serious matter by the University and may lead to disciplinary action in compliance with the University of Teesside Disciplinary Regulations.

3.3 CONFIDENTIALITY

The University seeks to respect confidentiality in all matters and at all times. It is vital that students are enabled to talk informally to appropriate and experienced staff on issues surrounding drug use and misuse without fear of confidentiality being broken unnecessarily.

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1. LEGISLATIVE FRAMEWORK

1.1 INTRODUCTION

There is no legal obligation to report every drug-related incident or the identity of those involved to the police. However, Section 8 of the Misuse of Illegal drugs Act 1971 requires that in the event of such an incident, clear action is taken to address the situation and ensure that it does not recur - and makes clear that 'failure to act' is an offence. Legislation relating to controlled drugs [i.e. controlled by legislation] is contained primarily within the Misuse of Drugs Act 1971. This categorises controlled drugs into three classes [see websites under Appendix 1 re. detailed information on particular drugs]:

- **Class A:** includes morphine, opium, heroin, cocaine, injectable amphetamines, LSD and ecstasy.
- **Class B:** includes amphetamines, codeine.
- **Class C:** includes tranquillisers, cannabis (cannabis oil may carry Class A penalties), Rohypnol, certain anabolic steroids and Gammahydroxybutrate (GHB)].

Recent research suggests that a number of substances not covered by this legislation [e.g. ketamine, poppers] are being used with increasing regularity, in particular by young people - often in conjunction with or as a replacement for ecstasy and amphetamines. Whilst the manufacture and supply of some of these substances are covered by legislation under the Medicines Act 1968, possession of many others does not constitute an offence.

The most commonly encountered offences under the Misuse of Drugs Act are:

- possession of a controlled drug
- unlawful supply
- possession with intent to supply
- knowingly permitting or suffering controlled drugs on premises.
- production or cultivation of a controlled drug

1.2 TYPES OF OFFENCES

1.2.1 POSSESSION OF A CONTROLLED DRUG

The Misuse of Drugs Act 1971 states that:

"It is an offence for a person unlawfully to have a controlled drug in his possession."

'In his possession' includes the drug being on an individual's person [e.g. pocket, bag] and/or within their control [e.g. in a car, locker, drawer] and also includes it being in the custody of another [N.B. more than one person can be in possession of the same drug].

There are two statutory defences to an offence of simple possession and the onus is on the person found in possession to prove their defence:

- that, knowing or suspecting it to be a controlled drug, took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and as soon as possible after taking possession of it they took such steps as were reasonably open to them to
 - I. destroy the drug
 - II. deliver it into the custody of a person lawfully entitled to take custody of it [i.e. a police officer]

- knowing or suspecting it to be a controlled drug took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it, and as soon as possible after taking possession of it they took such steps as were reasonably open to them to deliver it into the custody of such a person.

NB. Destruction of a substance may hinder the effective treatment of a person in a medical emergency and may also preclude its evidential value.

1.2.2 UNLAWFUL SUPPLY

The Misuse of Drugs Act 1971 states that:

“It is an offence for a person unlawfully:

- a] to supply a controlled drug to another*
- b] to be concerned in the supplying of such a drug to another*
- c] to offer to supply a controlled drug to another*
- d] to be concerned in the making to another of an offer to supply such a drug”*

The offence of ‘supplying’ includes distributing [i.e. buying for another] and there is no requirement for payment or profit. For the offence of offering to supply it is not necessary to be in possession of a controlled drug or to prove that the substance is a controlled drug. The offence is complete when the offer is made to a person [e.g. offers to supply a tablet they state is ecstasy but know is really paracetamol].

1.2.3 POSSESSION WITH INTENT TO SUPPLY

The Misuse of Drugs Act 1971 states that:

“It is an offence for a person to have a controlled drug in the possession, whether lawfully or not, with intent to supply it unlawfully to another. ”

Having proved a person is in possession of a controlled drug all that is required is to prove an intention to supply it unlawfully to another. Factors such as quantity of the drug in a person’s possession and how it is packaged may be taken into account in establishing an offence. A person in lawful possession of a controlled drug can commit this offence if they intend to supply it unlawfully to another [e.g. a person prescribed a controlled drug supplying it to another].

1.2.4 KNOWINGLY PERMITTING OR SUFFERING CONTROLLED DRUGS ON PREMISES

The Misuse of Drugs Act 1971 states that:

“A person commits an offence if, being the occupier or being concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises:

- a] unlawfully producing or attempting to produce a controlled drug*
- b] unlawfully supplying or attempting to supply a controlled drug to another or offering to supply a controlled drug unlawfully to another*
- c] preparing opium for smoking*
- d] smoking cannabis, cannabis resin or prepared opium.”*

The word ‘knowingly’ encompasses wilful blindness or closing one’s eyes to the obvious and not caring what happens; the word ‘permits’ implies actual knowledge and allowing an offence to go on without caring; and the word ‘suffers’ involves a failure to act knowing what is taking place.

This offence makes it clear that the University has a responsibility to act decisively to address such drugs-related activities and ensure that they are not knowingly tolerated. However, this does not mean that the University is required to refer every incident to the police and it is important that each incident is sensitively assessed and responded to [see Procedures to be Followed in Response to Drug-Related Incidents]

1.2.5 PRODUCTION OR CULTIVATION OF A CONTROLLED DRUG

The Misuse of Drugs Act 1971 states that it is unlawful for a person to produce a controlled drug, to be concerned with the production of a controlled drug or to cultivate a cannabis plant.

1.3 ARRESTABLE OFFENCES

The Police and Criminal Evidence Act 1984 defines an arrestable offence as:

- a] an offence for which the sentence is fixed by law
- b] an offence for which, on first conviction, a person aged 21 years or over may receive at least five years imprisonment
- c] certain offences specified by the Act
- d] attempting, aiding and abetting or conspiring to commit any of the above offences.

All offences under the Act are arrestable *except* possession of Class C controlled drugs.

APPENDIX 2

FURTHER INFORMATION

Agency/Service	Services Offered	Tel. Number
University of Teesside		
Student Services:	Advice and guidance re. Procedural Guidelines	01642 342277
Student Services: Counselling	Confidential advice, counselling and referral	01642 342253
Student Services: Student Health Adviser	Confidential advice and referral. First Aid	01642 342277 ext. 3202
Health and Safety Adviser	Advice and guidance re. health, safety, first aid and waste disposal issues	01642 342213
Security Office	Security advice	01642 342086
Other		
Albert Centre	Advice and Information on Drugs	01642 221484
Addictive Behaviours Service	Advice and information on Drugs/ Solvents.	01642 516351
Fulcrum Medical Centre Acklam Road Middlesbrough TS5 5HA	Specialist Addictions GP Practice. Provides services for users of opiates	01642 354550
Talk to Frank	Confidential advice and information on Drugs	0800 776600
Drugline	Confidential advice and counselling	0208 692 4975 [Advice Line]
Drugscope	Confidential advice and information	0207 928 1211
National Drugs Helpline	Confidential advice and counselling	0800 776600
Release	Drug related advice	0207 729 5255
Lifeline	Helpline offering advice & info	0161 839 2054

Useful Web Sites for Information on Drugs

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

<http://www.thesite.org/drugs/>

<http://www.talktofrank.com>

References

'Tackling Drugs to Build a Better Britain' HMSO 1998.

Guidelines on Drugs and Alcohol Policies for Higher Education; CVCP Management Guidance, London, Universities UK . 1997.

Drug Prevention and Schools; circular no. 4/95; Dfee.

Managing and Making Policy for Drug Related incidents in Schools; Standing Conference on Drug Abuse 1999.

Procedural Guidelines on Drug Misuse; University of Central Lancashire, 2001.