

## Drugs and Alcohol Policy – Table of Contents

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## University of Exeter Student Drugs and Alcohol Policy

### 1. Overarching Principle and Purpose of the Policy

- 1.1 The University of Exeter (“UoE”) does not endorse the use of drugs, including alcohol, but we prioritise the safety of our students and staff. We operate a policy of harm reduction that prioritises the welfare and wellbeing of our community.
- 1.2 This policy relates to the use of alcohol and other drugs that are controlled by the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and the unauthorised use and possession of prescription medicines regulated by the Medicines Act 1968, by students.
- 1.3 Staff employed by and working for UoE should refer to HR Policy: [XX]. Where someone is both a student and a member of staff, the relevant matter could be considered under both policies as appropriate. Post Graduate Research students will be considered under the Student Drugs and Alcohol Policy, save in relation to their specific employment role.
- 1.4 This Policy applies to students in an education context, including within teaching, study spaces, labwork, placements and on field trips. It also applies on and off campus and in UoE (and FX Plus) owned and managed accommodation.

### 2. Introduction

- 2.1 UoE is committed to providing a safe, healthy and sustainable working, learning and living environment for all employees, students and visitors involved in its operation.
- 2.2 In response to the reality of the use of drugs, including alcohol, UoE has chosen to adopt a policy of harm reduction. ‘Harm reduction’ describes a variety of policy and practice interventions aimed at reducing negative outcomes of the use of drugs, including alcohol, to users, their communities and wider society. It is supported by the WHO, UNODC and EMCDDA.<sup>1</sup> The primary focus of harm reduction is on the safety and wellbeing of the person and those around them rather than on their use of drugs and alcohol. UoE will continue to work proactively to reduce the harmful impact of alcohol and other drugs in order to prioritise the safety, health and wellbeing of everyone in our community.
- 2.3 UoE acknowledges that the use of drugs and alcohol, can be a common feature of the lives of young people in general and students in particular. Young people are likely to find themselves in environments and situations where they might come into contact with drugs and alcohol, and for many people university might be the first time they come into contact with illegal drugs.<sup>2</sup> Nationally around one in three adults will try an illegal drug in their lifetime. Currently the South West has the highest rate of adult illegal drug use of any of the regions of England.<sup>3</sup> The landscape of the use of drugs and alcohol is constantly and rapidly changing, as are the associated harms and risks.

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<sup>1</sup> United Nations Office of Drugs and Crime. Reducing the Adverse Health and Social Consequences on Drug Abuse: A Comprehensive Approach. UNDOC. (2017). European Monitoring Centre for Drugs and Drug Addiction. Annual Report to the European Monitoring. EMCDDA. (2014).

<sup>2</sup> Moyle, Leah. Coombes, Ross (2018). Student transitions into drug supply: exploring the university as a ‘risk environment’. Journal of Youth Studies, DOI: 10.1080/13676261.2018.1529863.

<sup>3</sup> National statistics Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales. Statistical Bulletin 14/18

- 2.4 One of UoE's fundamental values is inclusivity and UoE is committed to working towards the reduction of inequality. UoE aims to create a supportive and inspiring place to learn and work – a place where difference and different perspectives are explored and celebrated and learning and research is accessible to as many people as possible. Harms related to the use of drugs and alcohol, are disproportionately experienced by the most vulnerable and marginalised in our society.<sup>4</sup> While in some cases substances are used to alleviate the symptoms of long term illnesses, disabilities and trauma,<sup>5</sup> UoE recognises that policy responses that approach the use of drugs and alcohol as solely disciplinary issues fail to identify the complex reasons behind people's use and therefore risk further marginalising certain groups of students.<sup>6</sup> Where disciplinary action needs to be taken, the focus will be on the person's behaviour and its actual or potential impact on others, rather than on their substance use.
- 2.5 UoE recognises that the use of drugs and alcohol exists on a dynamic spectrum from managed and recreational to problematic and dependent; noting that problematic impacts of substance use can arise long before, and apart from, dependency. UoE understands that the use of drugs and alcohol can pose serious risks to individuals and communities, which can be exacerbated by inadequate policy and practice responses. Notable harms can include short and long term impact on individual physical and mental health, personal finances, relationships, educational attainment and career and life chances as well as local, national and global impact. Therefore, UoE aims to respond to the reality of the use of drugs and alcohol, and reduce risk of harms to its students, staff and visitors.

### **3. UoE's legal duty as an institution**

- 3.1 Alcohol use by adults is not illegal and its consumption subject to the Licensing Act 1964 is permitted on UoE premises.
- 3.2 Under the Misuse of Drugs Act 1971<sup>7</sup>, it is a criminal offence for UoE to knowingly permit the use, production or supply of any controlled drugs on its premises. Under the Psychoactive Substances Act 2016<sup>8</sup> it is an offence for UoE to knowingly permit the production, supply, import or export of any substance if it is likely to be used for its psychoactive effects and regardless of its potential for harm. The only exemptions from the Act are nicotine, alcohol, caffeine, medicinal products and those already controlled by the Misuse of Drugs Act.
- 3.3 UoE must operate in the context of national legislation and would be committing a criminal offence were it to knowingly permit the use, production or supply of any controlled drugs on its premises. Therefore UoE cannot allow the possession, use or supply of controlled drugs or psychoactive substances on its premises.
- 3.4 UoE is required by the Health and Safety at Work Act 1974<sup>9</sup> to ensure, as far as is reasonable, the health and safety of its employees, students and others at work.

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<sup>4</sup> UK Drug Policy Commission. Drugs and Diversity: Disabled People – Learning from the Evidence

<sup>5</sup> Public Health England. Health matters: preventing drug misuse deaths, Updated 15 September 2017

<sup>6</sup> National Union of Students and Release. Taking the Hit: Student Drug Use and How Institutions Respond. (2018).

<sup>7</sup> Misuse of Drugs Act 1971. <https://www.legislation.gov.uk/ukpga/1971/38/>

<sup>8</sup> Psychoactive Substances Act 2016. <http://www.legislation.gov.uk/ukpga/2016/2/section/14/enacted>

<sup>9</sup> Health and Safety at Work etc. Act 1974. <https://www.legislation.gov.uk/ukpga/1974/37>

3.5 The smoking ban in England came into force on 1 July 2007 as a consequence of the Health Act 2006.<sup>10</sup> Smoking is prohibited in areas used as a shared work-space and in flats with communal entrances or shared corridors.

#### **4. Student awareness of the legal and regulatory context**

4.1 Criminal convictions impact on life chances. Any student who has involvement with controlled drugs or other psychoactive substances should familiarise themselves with the Misuse of Drugs Act 1971, the Psychoactive Substances Act 2016 and Crown Prosecution Service guidance.<sup>11</sup> Students should be particularly aware that under s4 of the Misuse of Drugs Act 1971, any involvement in facilitating the supply of a controlled drug to another person, even if it is only offered and not supplied and even if no personal profit is made, is seen as a supply rather than possession offence.

4.2 Students on professional programmes are held to higher standards of conduct as those programmes are accredited and/or regulated by professional, statutory or regulatory bodies which seek to ensure that students comply with professional codes of conduct. These students should familiarise themselves with the [Fitness to Practise Policy and Procedure](#) and their own professional, statutory or regulatory bodies' codes of conduct to avoid putting their professional registration and future career at risk. Inappropriate use of drugs and alcohol or related antisocial behaviour is likely to require investigation by the University under the Fitness to Practise Policy.

4.3 Students living in UoE or FX Plus owned or managed accommodation should familiarise themselves with the relevant terms and conditions as they may be putting their accommodation at risk.

4.4 Students in privately rented accommodation should be aware that their landlords must operate in the context of national legislation and under the Misuse of Drugs Act 1971 would be committing a criminal offence were they to knowingly permit the use, production or supply of controlled drugs on their premises.

#### **5. UoE's approach to harm reduction**

5.1 Wellbeing and welfare staff are committed to doing everything possible to keep students who use drugs and alcohol safe and well. In line with UoE's Drug and Alcohol policy, wellbeing staff are fully supportive of an ethos of harm reduction, and will be guided in their support for students by the principles underpinning harm reduction approaches.

5.2 The Drug & Alcohol Student Support Pathways are set out here [\[link\]](#)

5.3 UoE recognises that for many people the use of drugs and alcohol is not a social or cultural norm and can be experienced as intimidating, alienating and disruptive. Additionally people who have previously struggled with problematic use may wish to avoid exposure to drugs and alcohol for their own safety. UoE is committed to providing a safe and inclusive environment that fosters respect for difference and consideration of others. UoE asks those in our community to be aware of how their behaviour may impact on and be experienced by others. UoE also asks those in our community to consider the impact of peer pressure on others, how individuals contribute to peer pressure and to aim for positive impact on others. UoE is a place

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<sup>10</sup> Health Act 2006. Available at: <http://www.legislation.gov.uk/ukpga/2006/28/>

<sup>11</sup> CPS Legal Guidance. Drug Offences. Available at <https://www.cps.gov.uk/legal-guidance/drug-offences>

of education - antisocial behaviour that negatively impacts on others' wellbeing and ability to learn will not be tolerated.

- 5.4 UoE encourages everyone in its community to look after one another by being 'active bystanders', i.e. safely challenging or intervening when witnessing unacceptable or dangerous behaviours. UoE aims to empower students to use evidence-based information in order to promote informed, responsible decision making. UoE works to support the development of self-confidence and assertiveness skills so that individuals are resilient to peer and other pressures.
- 5.5 Excessive use of drugs and alcohol can impair judgement and mental capacity, reduce inhibition and increase vulnerability to abuse, accidents and misadventure as well as presenting serious risks to short and long term health.
- 5.6 UoE is committed to providing education and advice around the use of drugs and alcohol. Communicating local and current risks is a method of harm reduction and available information that could benefit others will be valued and shared as appropriate.
- 5.7 The use of drugs and alcohol does not always but can impact on mental health. Some people use drugs and alcohol to improve or cope with a mental health condition, while such use may also trigger or worsen a mental health condition. People with mental health concerns are more vulnerable to problematic use and related harms.<sup>12</sup>
- 5.8 Support is available if any student wants or needs support to address any part of their use of drugs and alcohol. Support will be person centred, compassionate and kept confidential unless there are serious concerns about the risk of significant harm to any person or where the behaviour requires referral under the Fitness to Practise Policy.
- 5.9 Information may be shared within UoE (or within UoE and FXPlus in relation to Cornwall) in order to signpost to appropriate support and will not be shared outside UoE (and FXPlus, as relevant) unless the student consents to this or there are serious concerns about the risk of significant harm. Where a student has caring responsibilities for children or vulnerable adults and the nature of their use of drugs and alcohol presents a risk to those they care for, information may need to be shared externally under the [Safeguarding Policy](#).
- 5.10 Alcohol and other drug use and consent S74 of the Sexual Offences Act 2003<sup>13</sup> states that a person consents to a sexual act only if they agree by choice, and have the freedom and capacity to make that choice. If a person's capacity to consent to sex is limited by drugs and alcohol, then they can not give consent. Impaired judgement because of consumption of drugs and alcohol is not a valid defence against sexual offences. UoE takes a zero tolerance approach to sexual violence.

## **6. Response to drugs and alcohol on campus**

### *Possession and individual use:*

- 6.1 Where UoE becomes aware of personal use and possession on a campus, it will follow harm reduction principles and offer advice and support. Where controlled substances are found, they will be confiscated and safely disposed of in line with protocols agreed with the Police.

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<sup>12</sup> Public Health England, United Kingdom Drug Situation 2017 – UK Focal Point on Drugs

<sup>13</sup> Sexual Offences Act 2003. Available at: <http://www.legislation.gov.uk/ukpga/2003/42/>

- 6.2 UoE takes antisocial behaviour seriously. If UoE becomes aware that a student's behaviour in relation to use of drugs and alcohol is impacting negatively on others, this may be managed via the [Disciplinary Procedure](#) and Fitness to Practise processes as appropriate.
- 6.3 On a case by case basis, including consideration of type and amount of substance, history of similar incidence, impact on others and any presenting risks, UoE may take further action via the Disciplinary Procedures, [Health, Wellbeing and Support for Study Procedure](#) and the Fitness to Practise processes which could include any or all of the below:
- Provision of or signposting to support
  - Provision of or signposting to education
  - Disciplinary sanctions such as fines and warnings
  - Eviction from UoE (or FX Plus) accommodation
  - Suspension or expulsion from academic programmes

#### *Supply and intent to supply*

- 6.4 Dealing of drugs is seen as a harm to others. Where there is reason to believe that a student has been dealing drugs, or has invited others on UoE premises with the intention for them to deal to others, UoE will ordinarily immediately suspend the student pending internal investigation and/or criminal proceedings. Regardless of any criminal proceedings and related outcome, UoE will, in accordance with Disciplinary Procedure and/ or the Fitness to Practise Policy as appropriate, investigate and take appropriate action
- 6.5 Where controlled substances are found and drug dealing is suspected, they will be confiscated and may be provided to the Police as evidence.

### **7. Response to drugs and alcohol off campus**

- 7.1 If UoE becomes aware that a student has been arrested or charged off campus due to criminal offences related to the use or supply of drugs and alcohol, depending on the nature of the offence this may be managed via the Disciplinary Procedures or the Fitness to Practise policy, as appropriate. Where charges related to drug dealing have been brought but criminal proceedings do not result in conviction, the University may continue taking action under its procedures.

### **8. Review of policy and procedure**

- 9.1 This policy and procedure will be formally reviewed every three years unless there are internal or legislative changes that necessitates earlier review.

March 2021