

DRUG & ALCOHOL POLICY

This document sets out the policy for the University's approach to drugs & alcohol which focuses on balancing a harm minimisation approach with other factors such as risks to the University community and institutional reputation.

ORGANISATION: FALMOUTH UNIVERSITY

APPLIES TO: STUDENTS

POLICY OWNED BY: QUALITY ASSURANCE & ENHANCEMENT (QAE)

REQUIRED CONSULTEES: THIS POLICY PUTS IN WRITING CURRENT PRACTICE OF FALMOUTH UNIVERSITY AND CORNWALL CAMPUS. GENERAL CONSULTATION HAS BEEN MADE WITH MEMBERS OF VCEG AND ALL DISCIPLINARY OFFICERS (FALMOUTH AND FXPLUS).

APPROVED BY: ACADEMIC BOARD

DATE APPROVED: WEDNESDAY, 09 JUNE 2021

REVIEW DATE: WEDNESDAY, 01 JUNE 2022

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This document sets out the policy for the University's approach to drug & alcohol which focuses on balancing a harm minimisation approach with other factors such as risks to the University community and institutional reputation.

1 KEY FACTS

No.	Clause(s)	Description
3	3.2	Outlines scope of policy is student conduct only and which policies cover other scenarios.
3	3.3	Outlines scope of policy is on and off campus within an educational context.
6	6.3	Highlights the impact of a criminal conviction and definition of dealing under the law.
6	6.4	Highlights that support is available to anyone affected by drugs and alcohol.
6	6.5	Outlines the data sharing elements of University drug & alcohol incidents.
6	6.6	Outlines the University's zero-tolerance stance on sexual misconduct and guides on consent in the context of drugs & alcohol.
6	6.7.3	Examples of University outcomes for personal possession and use on campus
6	6.7.4	University response to drug dealing on campus
6	6.8	University response to drug & alcohol off campus

2 PURPOSE

2.1 The purpose of this policy is to clarify at a high level the University's approach to drugs & alcohol. This information has previously been covered by the disciplinary policy and its application.

3 SCOPE

- 3.1** 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.
- 3.2** This policy applies to student conduct only and staff conduct in this area is covered by HR policy. 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.
- 3.3** This Policy applies to students in an education context, including within teaching, study spaces, placements and on field trips. It also applies on and off campus and in University (FX Plus) owned and managed accommodation.

4 RELATED INFORMATION

- 4.1** Further information regarding procedure can be found in the disciplinary policy & procedure and an upcoming student & staff facing page of the QAE SharePoint (to be built on approval of this policy).
- 4.2** Alcohol use by adults is not illegal and its consumption subject to the Licensing Act 1964 is permitted on Falmouth University premises.
- 4.3** Under the Misuse of Drugs Act 1971¹, it is a criminal offence for Falmouth University to knowingly permit the use, production or supply of any controlled drugs on its premises. Under the Psychoactive Substances Act 2016² it is an offence for Falmouth University 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.
- 4.4** Falmouth University 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, Falmouth University cannot allow the possession, use or supply of controlled drugs or psychoactive substances on its premises.
- 4.5** Falmouth University is required by the Health and Safety at Work Act 1974³ to ensure, as far as is reasonable, the health and safety of its employees, students and others at work.
- 4.6** The smoking ban in England came into force on 1 July 2007 as a consequence of the Health Act 2006⁴. Smoking is prohibited in areas used as a shared work-space and in flats with communal entrances or shared corridors.

5 KEY DEFINITIONS

- 5.1** 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.

6 POLICY STATEMENT(S) OR POLICY CONTENT HEADING(S)

- 6.1** In response to the reality of the use of drugs, including alcohol, Falmouth University adopts 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

¹ Misuse of Drugs Act 1971. <https://www.legislation.gov.uk/ukpga/1971/38>

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

³ Health and Safety at Work etc. Act 1974. <https://www.legislation.gov.uk/ukpga/1974/37>

⁴ Health Act 2006. Available at: <http://www.legislation.gov.uk/ukpga/2006/28>

WHO, UNODC and EMCDDA.⁵The 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. Falmouth University 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.

- 6.2** Falmouth University 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. Falmouth University 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, Falmouth University aims to respond to the reality of the use of drugs and alcohol, and reduce risk of harms to its students, staff and visitors.
- 6.3** 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.⁶ 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.
- 6.4** 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 Health Wellbeing Support for Study (HWSfS) Policy.
- 6.5** Information may be shared within Falmouth University in order to signpost to appropriate support and will not be shared outside Falmouth University 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.
- 6.6** Alcohol and other drug use and consent S74 of the Sexual Offences Act 2003⁷ 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 cannot give consent. Impaired judgement because of

⁵ 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)

⁶ CPS Legal Guidance. Drug Offences. Available at <https://www.cps.gov.uk/legal-guidance/drug-offence>

⁷ Sexual Offences Act 2003. Available at: [http://www.legislation.gov.uk/ukpga/2003/42/ Sexual Offences Act](http://www.legislation.gov.uk/ukpga/2003/42/Sexual Offences Act)

consumption of drugs and alcohol is not a valid defence against sexual offences. Falmouth University takes a zero-tolerance approach to sexual misconduct.

6.7 Response to drugs and alcohol on campus

Possession and individual use:

- 6.7.1 Where Falmouth University 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.
- 6.7.2 Falmouth University takes antisocial behaviour seriously. If Falmouth University 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 Disciplinary Procedure and Health Wellbeing Support for Study (HWSfS) processes as appropriate.
- 6.7.3 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, Falmouth University may take further action via the disciplinary procedures and Health Wellbeing Support for Study (HWSfS) procedures 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 Falmouth University (or FX Plus) accommodation
 - Suspension or expulsion from academic programmes

Supply and intent to supply:

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

6.8 **Response to drugs and alcohol off campus**

If Falmouth University 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 Health Wellbeing Support for Study (HWSfS), 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.

7 **EQUALITY IMPACT ASSESSMENT**

7.1 An Equality Impact Assessment is the process of considering the potential impact of a policy (referred to as an activity) on different groups of people according to their protected characteristics. This text is for information, delete 6.1 prior to publication.

7.2 The author has checked [here](#) to confirm whether an Equality Impact Assessment is required and confirms that:

- An Equality Impact Assessment is **not required**.
- An Equality Impact Assessment **is required and has been completed**.

<https://falmouthac.sharepoint.com/hr/forms/Lists/EqualityAnalysis/DispForm.aspx?ID=7>

8 **CONTACT FOR FURTHER INFORMATION**

8.1 Head of Student Cases & Advice at QAE@falmouth.ac.uk