

Investigation Protocol for Safeguarding Issues involving Drugs

Introduction

This protocol gives specific information about student disciplinary cases in relation to reported safeguarding issues associated with the manufacture, possession, supply and/or intent to supply drugs (see: [Definitions](#)) to other students and members of the wider community.

The protocol should be read in conjunction with the [University Student Drug Policy](#), the [Accommodation Alcohol and Drug Policy](#) and [Student Disciplinary Policy and Procedures](#). If you are involved in disciplinary proceedings of this nature (either as a Student Reporter or a Student Responder), we advise you to read this protocol carefully and familiarise yourself with its contents.

The purpose of this document is:

- To reinforce our focus on harm reduction within the University towards drug use;
- To provide you with clarity and confidence around the effective processes in place to deal with safeguarding issues related to drugs, when they occur;
- To outline how the University will respond to reports of manufacture, possession, misuse or possible distribution of drugs by student members of the University community and how students will be supported;
- To show how reports of this nature will be specifically investigated and managed under its Student Discipline Procedure.

Key principles

Newcastle University is committed to developing a culture that is safe, positive, inclusive and supportive, to which all staff and students contribute and within which all can reach their full potential. The University has a duty, as set out in our [Student Charter](#) to provide a safe environment for all members of the University and wider community.

The University recognises that the most effective response to drug use is through education and support; as such its primary aim is to reduce harm and do all we can to safeguard you from the detrimental impact of drug use.

The University therefore needs to ensure that any safeguarding concerns for you or others are dealt with using effective procedures, which include the [Student Disciplinary Procedure](#).

When investigating reports of safeguarding issues related to drugs, the University uses the civil standard of proof, which means that the Academic Registrar (or their nominee) will decide whether, 'on the balance of probabilities', University policies have been breached.

The University investigates whether there has been a breach of the University's code of conduct (i.e. whether "misconduct" has occurred). It is not the role of the University to determine whether criminal offences have occurred and the University will investigate all reports of safeguarding issues relating to drugs even where no action has been taken via the criminal justice system.

Disciplinary action will not be brought against any reporter for the consumption of alcohol or drugs in relation to reports of other instances of misconduct.

Options for reporting incidents and obtaining support

Any student can report or disclose potential manufacture, possession, supply and/or intent to supply drugs, or seek support, via the following routes:

- **Student Health and Wellbeing Service:** <https://www.ncl.ac.uk/wellbeing/supportservices/>
- **The Student Progress Service:** casework@ncl.ac.uk
- **Accommodation Services:**
- **The Students' Union Report and Support system:** <https://www.nusu.co.uk/support/>

Further support can be obtained from the following external agencies:

- **NTaR (Newcastle Treatment and Recovery)** www.cntw.nhs.uk/services/drug-alcohol-service-addictions-services-newcastle/ (A dedicated service for anyone in Newcastle experiencing problems with drugs and alcohol).
- **Talk to Frank** - www.talktofrank.com (Friendly, confidential advice about drugs and alcohol).

Definitions

Drug Classification is used to define the 3 classes into which illegal drugs/substances are categorised by the UK Government i.e. A, B or C.

Drugs are controlled substances which are a criminal offence to possess, supply or intend to supply, prescription medicines that are not prescribed to the person or are not being used in accordance with medical instruction and any other substances (other than alcohol) that produce physical, mental, emotional, and/or behavioural changes in the user.

Drugs Paraphernalia usually relates to equipment or accessories that are intended or modified for making, using or concealing drugs e.g. - grinder, shisha pipes, snap bags

etc.

Supplying, intent to supply or dealing is the sharing/passing of (or planning to share/pass) a controlled drug to another, even where there is no financial profit or gain for you.

Investigation process

Where a student is found in possession of drugs or drug paraphernalia in University Accommodation, this will be dealt with in line with the [Accommodation Alcohol and Drug Policy](#).

Where a report of supply or intent to supply is made to the University, this will be investigated under the [Student Disciplinary Procedure](#).

After the initial meeting (see 'Investigation Process' in the [Student Disciplinary Procedure](#)), if the report has been submitted by a Student Reporter, they will have the following options available to them:

- Request the University formally investigate the incident under the [Student Disciplinary Procedure](#);
- Report the incident to the Police;
- Make a disclosure which will be held confidentially;
- Make no report of the incident at this time.

Please note that the provision of support is **not** dependent on a formal report being made.

If a safeguarding issue relating to drugs is submitted by a Student Reporter and they do not wish to attend a meeting, they can submit a statement for consideration in any disciplinary case or they can decide to allow their initial report or Police Disclosure (if applicable) to be investigated without their further involvement. In such cases, the Student Reporter will be advised of the implications of their decision.

The University will not normally investigate reports made about a student anonymously. However, if another student wishes to make a report regarding drugs in confidence, a discussion may take place as to whether it is appropriate for their name and any other identifying details to be removed from the report before it is shared with the Student Responder. This will usually take place as part of a wider [risk assessment](#) exercise.

In most cases, the investigation of the incident will follow the Level 2 Investigation Procedure as set out in the [Student Disciplinary Procedure](#). Occasionally, the Academic Registrar will determine that the case is sufficiently serious or complex that it should be referred to a Student Disciplinary Committee. The case will then be investigated in accordance with Level 3 of the [Student Disciplinary Procedure](#).

In accordance with the [Student Disciplinary Procedure](#) if a case is being considered under the criminal process, the University reserves the right to pause its disciplinary investigation until any criminal investigation or judicial proceedings have come to a conclusion. Where the University has postponed its investigation, and the conclusion of the criminal investigation/judicial proceedings result in an acquittal, consideration will be given, as relevant, to the details of the case and the needs of all parties (including Student Reporters and Student Responders), as to whether the disciplinary investigation should continue.

Risk assessment

During the investigation, a Risk Assessment Panel will carry out a risk assessment and this may result in precautionary action being put in place for the Student Responder while the investigation is ongoing. This may include, but is not limited to:

- Receiving an interim suspension of studies;
- Receiving a ban from attending University campus;
- Relocation of the University accommodation;
- A change to their timetabled programme sessions (in consultation with their Head of Academic Unit).

The implementation of precautionary action does not imply that the University has prejudged the student to be guilty, only that the nature of the report is sufficiently serious to warrant interim risk-prevention measures.

If the Student Reporter decides to withdraw their report, the Risk Assessment Panel will determine whether the safeguarding issues are sufficiently serious for an investigation to proceed without the Student Reporter's consent.

Sanctions

The level of Investigation and potential sanctions are listed in [Appendix 1](#).

Any sanctions imposed as a result of a Student Disciplinary Committee may prevent a Student Responder from readmission to the University for a further programme of study. This is specific to any Newcastle University sanction imposed as a result of a disciplinary hearing.

Information sharing

Reports of drug use/possession will be handled confidentially by the Student Progress Service. Where the reported incident raises concerns for the wellbeing of a Newcastle University student, information may be shared in confidence with the Student Health and Wellbeing Service.

Where drugs are found in University Accommodation/Property they will usually be confiscated and stored by University Security before they can be reported to, and disposed of, by Northumbria Police.

If a case is referred to a Student Disciplinary Committee, the Student Responder and (where applicable) any Student Reporter will be provided with all the documentation in advance.

Where a case involves a Student Reporter, they will be informed that the case has been concluded and whether misconduct was established. A Student Reporter will be told whether a Student Responder remains on campus and what sanctions have been imposed. Both a Student Reporter and a Student Responder have the right to appeal.

Appeals

Any Student Responder and Student Reporter (where applicable) has the right to appeal against any decision, instruction or sanction imposed as a result of the investigation. If you wish to submit an appeal, you should follow the appeals process as set out in the [Student Disciplinary Procedure](#).

Appendix 1: Examples of safeguarding concerns related to drugs considered under this protocol

Examples of safeguarding concerns related to drugs	Indicative level of procedure	Likely sanctions
Possession of Drugs Paraphernalia e.g. shisha pipe, grinder, scales, snap bags etc. in University Accommodation	Level 1	<ul style="list-style-type: none"> - Referral to ResLife (uni. accom. only) - Advice and Guidance with possible referral to Student Health and Wellbeing
Possession of Class A – including but not limited to crack cocaine, cocaine, ecstasy (MDMA), heroin, LSD, magic mushrooms, methadone, methamphetamine (crystal meth)	All levels dependent on amount	<ul style="list-style-type: none"> - Written warning - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Possession of Class B – including but not limited to amphetamines, barbiturates, cannabis, codeine, ketamine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (for example mephedrone, methoxetamine)	All levels dependent on amount	<ul style="list-style-type: none"> - Written warning - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Possession of Class C – including but not limited to anabolic steroids, benzodiazepines (diazepam), gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), khat	All levels dependent on amount	<ul style="list-style-type: none"> - Advice and Guidance - Record kept of misconduct - Written warning - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Manufacture of any Class of drug	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance - Record kept of misconduct - Written warning - Final warning

		<ul style="list-style-type: none"> - Suspension - Deferred expulsion - Expulsion with immediate effect
Supplying/Dealing/Distribution of any class of drug on University Property (includes intent to supply)	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance - Record kept of misconduct - Written warning - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Dealing/Distribution of any class of drug to the wider community (includes intent to supply)	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance - Record kept of misconduct - Written warning - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect