

Meeting of the Student Experience Committee

2.00 - 4.00 pm on Wednesday, 30 January 2019
in 1B16 - Technopark, SE1 6LN

Agenda

<i>No.</i>	<i>Item</i>	<i>Pages</i>	<i>Presenter</i>
10.	Drugs in Halls research	3 - 14	SB, RH

Date of next meeting
2.00 pm on Wednesday, 15 May 2019

Members: Pat Bailey (Chair), Steven Brabenec, Kat Colangelo, Kirsteen Coupar, Gary Francis, Dawn Ingleson, Nelly Kibirige, David Mead, Samantha Robson, Carol Rose and Shân Wareing

Apologies: Sajjad Hossain

In attendance: Steve Baker and Anita Ikpa

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Agenda Item 10

	INTERNAL
Paper title:	Drugs in Halls research
Board/Committee:	Student Experience Committee
Date of meeting:	30 January 2019
Sponsor(s):	Steve Baker, Chief Executive Officer, LSBU Students' Union
Purpose:	For discussion

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Drugs in Halls Research.

Introduction:

The aim of this research was to get an understanding of the national landscape of Cannabis use in Halls of Residence and the sanctions used in disciplinaries. This research was prompted by safeguarding concerns raised by myself in the last academic year (2017/2018) following sitting on Halls disciplinary panels. The majority of the cases that did, and still do arise, weekly are drug related, most commonly the Class B drug Cannabis and its use recreationally in Halls.

Within the current disciplinary structure, any student found in possession of Cannabis or admits to Cannabis use on the property, falls within clause 12.4. The clause states that *'Possession or use of illegal substances, or the trade, supply or distribution of illegal substances, will lead to termination of the Accommodation agreement and withdrawal of all rights of access to the halls of residence'*¹. The termination of the Accommodation Agreement, also known as issuing a Notice to Quit (NTQ) has been the most common sanction given to students over the last 2 academic years (with 5 cases being the exception) despite having the policy to enforce a range sanctions within the disciplinary structure.

In research published in June 2018, National Union of Students (NUS) made the recommendation that, *'Students should not be disciplined for drug related behaviour that does not constitute a criminal offence, such as merely using substances, possessing a drug that may come under the Psychoactive Substances Act 2016 or possessing drug paraphernalia. Disciplinary outcomes for student drug offences should be reasonable and proportionate, with enough flexibility to determine outcomes based on individual circumstances.'*²

Methodology:

On May 15th 2018 a Freedom of Information request was sent out to all Universities in Britain to determine the number of instances of students being disciplined for cannabis use in Halls. The aim of this request was to create a benchmark for instances of cannabis use and the subsequent support or sanctions available to students. The institutions were asked the following questions in the request:

1. How many disciplinaries have you had around Class B Cannabis use? Please include the last 3 academic years including this one.
2. How many of these disciplinaries have resulted in exclusion from Halls?
3. How many students/bed-spaces do you have available in your Halls?
4. What is the normal/average response to personal Cannabis use in Halls?
5. Please could you include a copy of your institutional Drugs Policy?

¹ https://www.lsbu.ac.uk/__data/assets/pdf_file/0010/124777/halls-of-residence-disciplinary-procedure.pdf

² National Union of Students. 2018. *Taking the Hit, Student drug use and how institutions respond.* (Page 40)

[ONLINE] Available at: [https://nusdigital.s3-eu-west-](https://nusdigital.s3-eu-west-1.amazonaws.com/document/documents/42041/Taking_the_Hit_-_Student_drug_use_and_how_institutions_respond.pdf?AWSAccessKeyId=AKIAJKEA56ZWKFU6MHNQ&Expires=1548674074&Signature=Lo5QKmrhJ3scsyJ6V3uUtvYY7LY%3D)

[1.amazonaws.com/document/documents/42041/Taking the Hit -](https://nusdigital.s3-eu-west-1.amazonaws.com/document/documents/42041/Taking_the_Hit_-_Student_drug_use_and_how_institutions_respond.pdf?AWSAccessKeyId=AKIAJKEA56ZWKFU6MHNQ&Expires=1548674074&Signature=Lo5QKmrhJ3scsyJ6V3uUtvYY7LY%3D)

[Student drug use and how institutions respond.pdf?AWSAccessKeyId=AKIAJKEA56ZWKFU6MHNQ&Expires=1548674074&Signature=Lo5QKmrhJ3scsyJ6V3uUtvYY7LY%3D](https://nusdigital.s3-eu-west-1.amazonaws.com/document/documents/42041/Taking_the_Hit_-_Student_drug_use_and_how_institutions_respond.pdf?AWSAccessKeyId=AKIAJKEA56ZWKFU6MHNQ&Expires=1548674074&Signature=Lo5QKmrhJ3scsyJ6V3uUtvYY7LY%3D). [Accessed 28 January 2019].

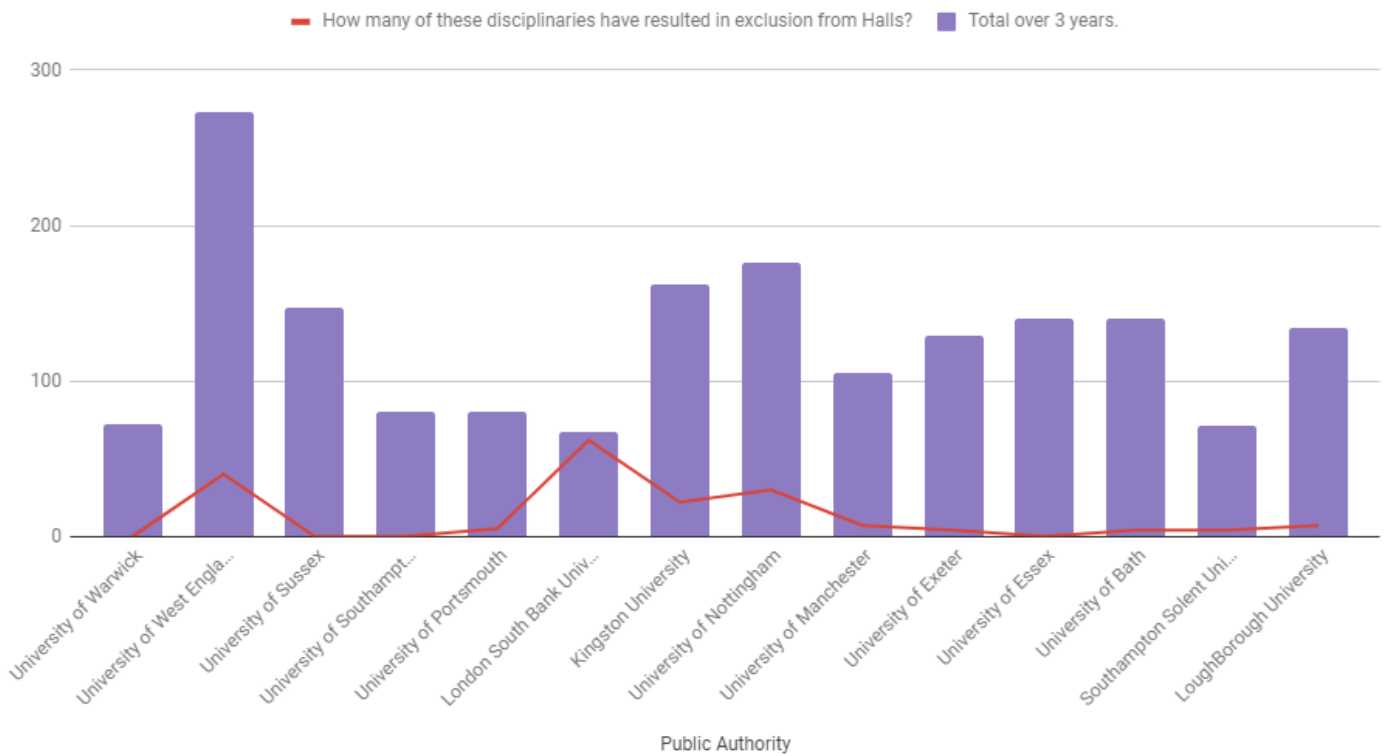
Some institutions were not able to offer a complete data set for the last academic year (2017/2018), therefore the data for the last academic year (2017/2018) covers the period until May 15th 2018, when the request was given. In instances where the institution did not have the information available this is marked within the charts.

In many cases Universities gave answers of <5 instances of students being disciplined or given “Notice to Quits”(NTQs). Due to the specificity of the information it is exempt from disclosure because the response would be 5 or fewer and could lead to identification of those involved. This is to ensure that the information could not be used in the public domain with other information to lead to the identification of an individual(s) to which the data relates. This information is exempt under section 40 of the Freedom of Information Act 2000³. In order to chart these figures in the data analysis the number has been changed to 4 (as the worst possible scenario) and highlighted appropriately in charts and tables (with a asterix* in charts and the colour red in tables.)

17 of the 134 institutions surveyed did not own any accommodation and therefore did not hold any management information or policy, there was one exception, Aston University, who provided figures for the academic year 2015/2016 but stated that following that academic year the ownership and management of their Halls of Residences transferred to an external authority.

³ <https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Total over 3 years. and How many of these disciplinarys have resulted in exclusion from Halls?



As you can see in Chart 1 (above) and Data set 1 (page 9), London South Bank University has the highest rates nationally of issuing Notice to Quits (NTQs) as sanctions to students with Cannabis-related disciplinarys. LSBU issued 62 NTQs over the last 2 academic years, demonstrating an increase in disciplinarys relating to student Cannabis use in Halls (from 21 in 2016/2017 to 46 in 2017/2018) as opposed to a general decrease as shown in the case of Loughborough University (from 51 in 2016/2017 to 39 in 2017/2018) and University of Exeter (from 66 in 2016/2017 to 17 in 2017/2018).

Data set 3.

Public Authority	Total over 3 years.	Number of Notice to Quits issued	Expulsion from Halls Ratio (%)
Heythrop College*	4	4	100.0
University of Westminster	1	1	100.0
London South Bank University	67	62	92.5
University of East London	17	10	58.8
Kings College London*	12	4	33.3

The same can also be said within London, looking at Data set 3 (above) and Chart 2 (page 9). Looking specifically at London Universities LSBU has the third highest ratio for issuing Notice to Quits over 3 years (92.5%) as a sanction outcome for the number of disciplinarys held. While this is not the highest ratio percentage when considering the total number of disciplinarys that results in NTQs, this is a far higher figure than other London Higher Educational Institutions.

LSBU issues the most NTQs nationally. A reason for this is that an NTQ is the only sanction available as an outcome of a Cannabis related student disciplinary, regardless of any mitigating circumstances in the student's case. This inflexible punishment leaves students to find alternative arrangements for accomodation within 4 weeks of notice along with the option for the student to see the Wellbeing Team if they wish. This leaves the student with little to no follow up or education on the effects of using drugs. A drug education course would be a useful resource in these situations as evidenced below. Not only does this pose a major safeguarding risk for arguably some of our more vulnerable students (students using drugs to self-medicate for example), this can often have a very serious effect on their studies and mental health which they may already be suffering. Ensuring our students are supported if they disclose drug-use is essential and drug awareness/education courses have been used by 22 of the institutions surveyed.

Types of sanctions:

A drug education course is often used when drug use is confirmed by a student. In talking to other VP:Welfare officers across the country there are several drug awareness and education courses that have supported their student populations, these include but are not limited to; University of Surrey and Brunel University. While the Universities could not provide specific details of the courses, a signpost to Marshall E-learning⁴ consultancy was given which offers an example of the type of bespoke awareness courses or training Universities use. The resources on the website provided worked with Brunel University to develop the course which offers a wide range of information to students around drug-use and their wellbeing.

The University of Surrey disciplinary procedure states that '*Disciplinary action and fine letters should, where appropriate, signpost to support services, including mentors. In the case of confirmed cannabis use, this would include signposting to CUBIC (Cannabis Users Brief Intervention Course) run by Centre of Wellbeing*⁵'. When contacting the Centre of Wellbeing at Surrey I was told that this is a brief intervention course run by the trained advisors to ensure students are supported and given the correct information around drugs and drug use.

Table 1

Type of Sanction	Number of Universities that use these sanctions.	Sanctions that Southbank issue.
Monetary fine.	35	
Written warning (including final written warnings)	51	
A drug education course (or a fire safety course if fire safety is breached)	22	
Notice to Quit	30	X
Police intervention/notification.	9	
Behavioural contract drawn up.	3	

Of the 74 Universities that elaborated on the types of sanctions given to students found using drugs in Halls, there are a number of potential outcomes that have been identified as being effective. Giving students warnings upon a first offence was the most popular sanction used at 51 of the 74. The Universities that use this sanction often use it in conjunction with a monetary fine or a 2-strike system leading to an eventual NTQ.

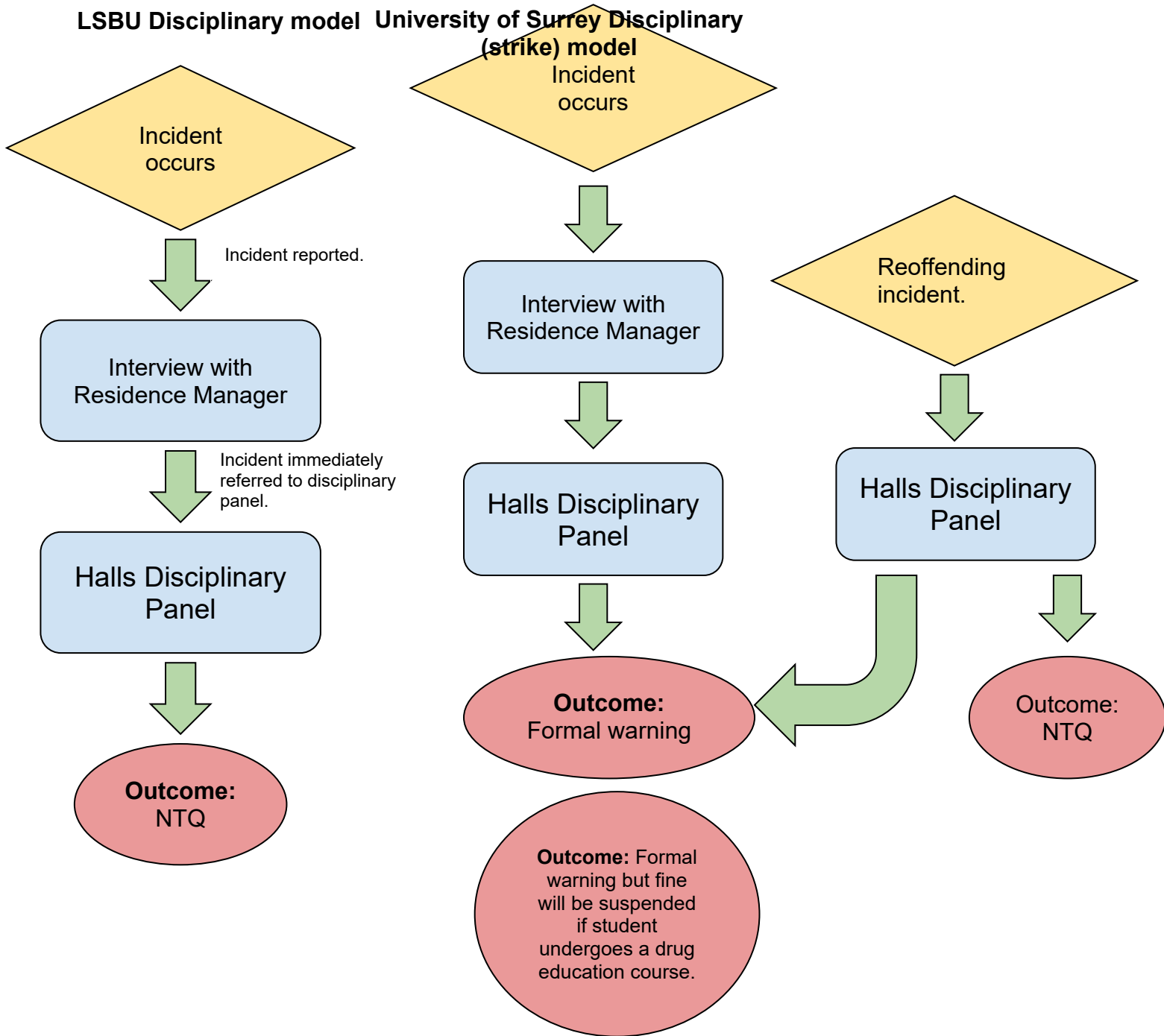
⁴ <https://marshallelearning.com/e-learning-courses/alcohol-and-drug-awareness/>

⁵ <https://www.surrey.ac.uk/currentstudents/Files/Disciplinary%20Action%20Guide%202017%20-%202018%20-%20final.pdf>

A drug education course (sometimes coupled with a fire safety course depending on the case) was also a popular sanction and was often used in lieu of a fine; for example a student would be given a fine of £100 but would only have to pay a fraction of that or have it waived if they completed the course. Through talking to other VP:Welfare officers across the country the use of education and fines as sanctions, has aided in the elimination of reoffending.

The other alternatives include drawing up a behavioural contract with the student which if breached would trigger an immediate Notice to Quit and possible Police intervention/notification. However it should be noted that the involvement of the Police is often limited to the disposal of substances (in the instance of personal use) found on Halls property rather than filing criminal charges.

Example of Disciplinary model:



The different types of sanctions used nationally are already written into our Halls of Residence disciplinary procedures in clause 12.2,⁶ therefore there is no need to rewrite current policy but re-examine the overwriting clause 12.4 which issues an immediate termination of the accommodation agreement when illegal substances are found. Please see clause 12.2 below.

'Penalties under this procedure are as follows:

- a) an oral warning; and/or;*
- b) an action plan and conditions for improvement of your conduct (to be reviewed within 2 months of being issued); and/or*
- c) a formal written warning; and/or*
- d) community service; and/or*
- e) a fine (up to £200) payable on <http://trade.lsbu.ac.uk>; and/or*
- f) payment of clearing up/repair costs; and/or*
- g) relevant training; and/or Halls of Residence Disciplinary Procedure for Student Residents 2018–2019 12*
- h) revocation of the permission for the Resident to have guests in their room; and/or*
- i) relocation to alternative accommodation; and/or*
- j) reference to the Deputy Vice-Chancellor Education if, in the opinion of the Disciplinary Committee, the misconduct additionally constitutes a serious breach of discipline under the Student Disciplinary Procedure; and/or*
- k) reference to the Dean of the School of Health and Social Care if, in the opinion of the Disciplinary Committee, the misconduct may raise questions about your fitness to practise; and/or*
- l) termination of the Accommodation Agreement and withdrawal of all rights of access to the halls of residence. You will usually be given notice to leave your accommodation in accordance with the terms of the Accommodation Agreement⁷.*

The legal implications:

According to the gov.uk⁸ website 'Police can issue a warning or an on-the-spot fine of £90 if you're found with cannabis.' Cannabis is different to other Class B drugs as it falls under the discretionary warning scheme⁹ which means that a police officer can choose to issue you with a street warning only (which doesn't form a criminal record, though it will be recorded). It would therefore be unusual for a University to offer such a severe punishment which is not so severely punished in the legal system. It should also be noted that the sanctions that do not include an immediate Notice to Quit are for cases where the amount of cannabis found constitutes 'Personal use' and not in the cases where intent to supply is evident, (Police involvement would be necessary).

⁶ https://www.lsbu.ac.uk/__data/assets/pdf_file/0010/124777/halls-of-residence-disciplinary-procedure.pdf

⁷ https://www.lsbu.ac.uk/__data/assets/pdf_file/0010/124777/halls-of-residence-disciplinary-procedure.pdf

⁸ (<https://www.gov.uk/penalties-drug-possession>)

⁹ (<https://www.talktofrank.com/drug/cannabis?a=Cannabis#the-law>)

Recommendations and Summary:

London South Bank University issues the most NTQs nationally for Cannabis use in Halls by a significant amount. Despite most Universities having a 'zero tolerance policy' towards drug use, LSBU enforces the policies with the clause of 12.4 in the Student Halls disciplinary procedure. The Students' Union agrees with the NUS research that states that, *'Policy responses that focus solely on disciplining students fail to recognise the complex reasons that lead people to use drugs and therefore there is a risk that they may only serve to further marginalise certain groups of students, such as poorer students and those from a liberation background.'*¹⁰

There is a large number of institutions that assess each instance of cannabis abuse on a *case by case* basis indicating that a blanket zero tolerance policy that offers the same outcome (Notice to Quit) to every indication of cannabis use is not helpful and a type of support or drug education necessary. A sanction would not be given based on a zero-tolerance policy but on a case by case basis. Following experience on many Halls disciplinary panels, each case is covered by a blanket 'zero tolerance' policy which issues NTQs and mentions to students that they can self refer to the Wellbeing Team. However, there is no education from the University around drug use, nor an opportunity for the students circumstances to be taken into account when deciding an outcome.

Therefore the recommendations of this report are as follows:

- To re-examine clause 12.4 in the Halls Disciplinary procedure to allow for the sanctions in clause 12.2 to be applied to cases where Cannabis is found in Halls.
- To work with the Students' Union to develop an appropriate sanction system including a strike system as shown in the example from University of Surrey.
- To develop an action plan to ensure students who are issued NTQs in Halls of residences are adequately supported and check up on, through an implementation of drug education or awareness training.

Considering this and the recommendations, as VP:Welfare I would like to suggest looking at the Halls Disciplinary clause 12.4 and consider a collaboration with the Student Union to develop a revised sanction system for students caught using Cannabis in Halls.

Thank you very much for reading this report.

Please feel free to ask any questions or discussion points around anything in my report. I look forward to hearing from you.

Samantha Robson,
VP Welfare and Equalities
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¹⁰ National Union of Students. 2018. *Taking the Hit, Student drug use and how institutions respond.* (Page 40) [ONLINE] Available at: https://nusdigital.s3-eu-west-1.amazonaws.com/document/documents/42041/Taking_the_Hit_-_Student_drug_use_and_how_institutions_respond.pdf?AWSAccessKeyId=AKIAJKEA56ZWKFU6MHNQ&Expires=1548674074&Signature=Lo5QKmhrJ3scsyJ6V3uUtvYY7LY%3D. [Accessed 28 January 2019].

Appendix.

Chart 1: Top 13 Universities with the most number of student disciplinarys over 3 years and the number of NTQs issued.

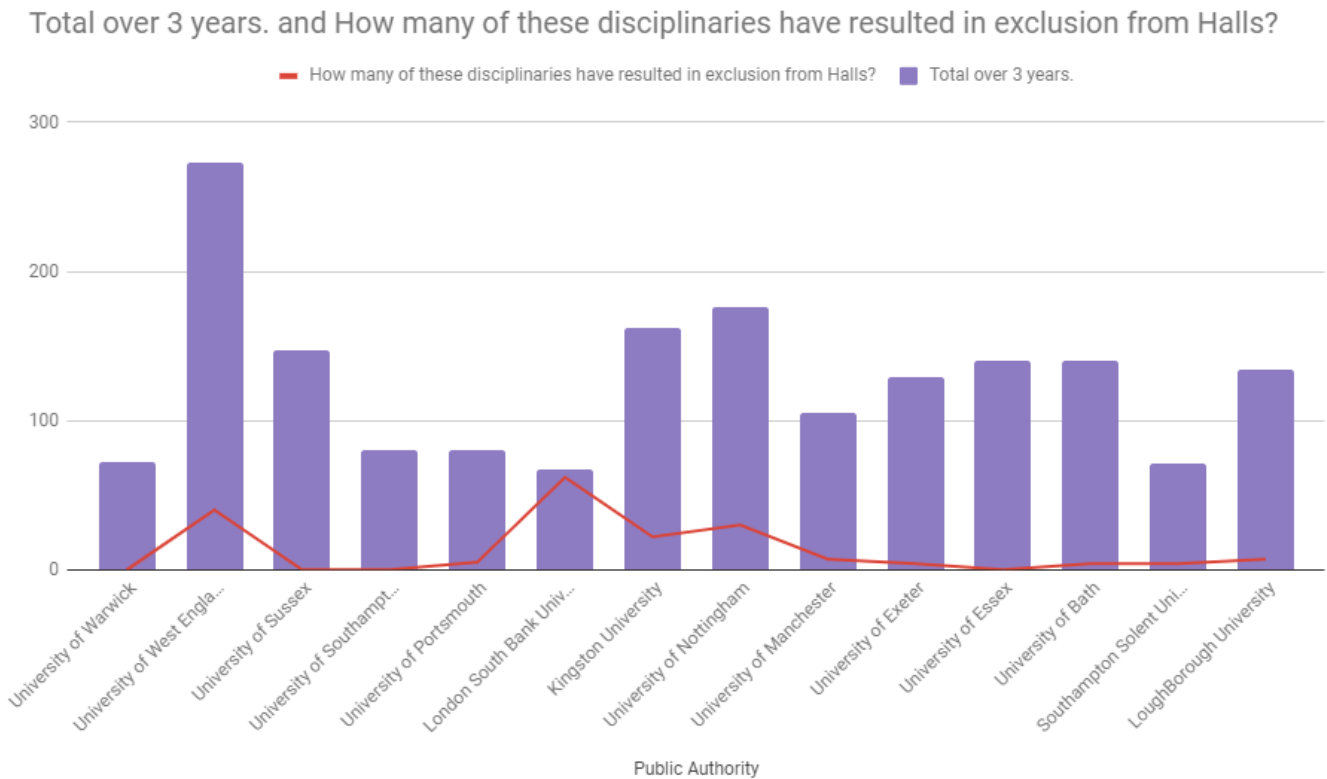
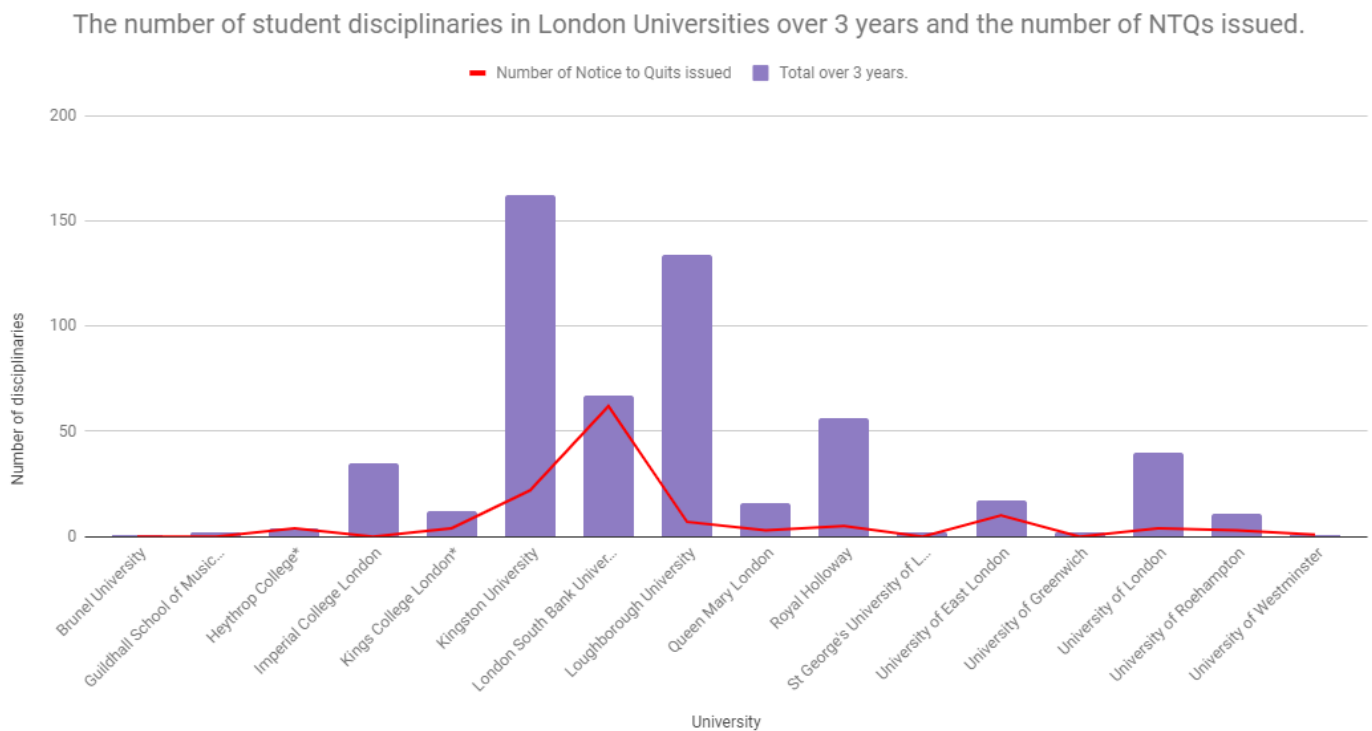


Chart 2: Number of Student Disciplinarys in London Universities over 3 years and the number of NTQs issued.



Data set 1: Top 16 Universities nationally with disciplinaries over 3 years for cannabis use.

Public Authority	Q1a (2015/2016)	Q1b (2016/2017)	Q1c (2017/2018 to date)	Total over 3 years.	NTQs issued
University of West England, Bristol	131	142	Info not held	273	40
University of Nottingham	68	52	56	176	30
Kingston University	n/a Info not held	162	n/a Info not held	162	22
University of Sussex	85	29	33	147	0
University of Bath	60	41	39	140	4
University of Essex	43	49	48	140	0
LoughBorough University	44	51	39	134	7
University of Exeter	46	66	17	129	4
University of Manchester	0	0	105	105	7
University of Portsmouth	34	22	24	80	5
University of Southampton	0	0	80	80	0
University of Warwick	26	30	16	72	0
Southampton Solent University	39	32	Info not held.	71	4
London South Bank University	n/a info not held	21	46	67	62
Bournemouth University	0	0	66	66	5
University of Reading	0	36	28	64	0

Data Set 2: Top 11 Universities nationally issuing Notice to Quits.

Public Authority	Q1a (2015/2016)	Q1b (2016/2017)	Q1c (2017/2018 to date)	NTQs issued
London South Bank University	n/a info not held	21	46	62
University of West England, Bristol	131	142	n/a info not held	40
University of Nottingham	68	52	56	30
Kingston University	n/a info not held	162	n/a info not held	22
Liverpool Hope University	15	11	7	13
University of East London	4	6	7	10
University of Surrey	0	30	0	10
LoughBorough University	44	51	39	7
Bucks New University	8	9	9	6
Royal Holloway	12	7	37	5
University of Portsmouth	34	22	24	5

Data set 3: Expulsion from Halls ratio for London Universities over 3 years.

Public Authority	Total over 3 years.	Number of Notice to Quits issued	Expulsion from Halls Ratio
Heythrop College*	4	4	100.0
University of Westminster	1	1	100.0
London South Bank University	67	62	92.5
University of East London	17	10	58.8
Kings College London*	12	4	33.3
University of Roehampton	11	3	27.3
Queen Mary London	16	3	18.8
Kingston University	162	22	13.6
University of London	40	4	10.0
Royal Holloway	56	5	8.9
Loughborough University	134	7	5.2
Brunel University	1	0	0.0
Guildhall School of Music and Drama	2	0	0.0
Imperial College London	35	0	0.0
St George's University of London	2	0	0.0
University of Greenwich	2	0	0.0