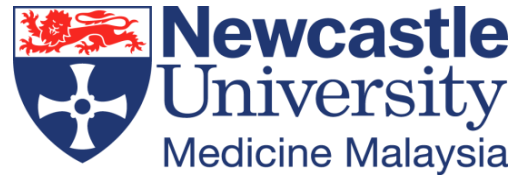


# Illegal Substances (Zero Tolerance) Policy

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## **1.0 PURPOSE STATEMENT**

Accommodation Services is committed to the active promotion of healthy lifestyles for students. This includes encouraging a culture of self-restraint from illegal substance use and legal substance misuse and as such there is a 'zero tolerance' of misuse illegal substances within our residences.

The University does acknowledge that alcohol and drugs may be present in the lives of some students and will endeavour to offer support and guidance to those who encounter difficulties as a result of substance misuse.

This policy seeks to reinforce the University's position of not condoning substance use/misuse by adopting a zero-tolerance stance but at the same time providing guidance and support to all residents.

## **2.0 APPLICABILITY AND SCOPE**

This policy applies to all residents who have a contract or booking for University managed accommodation and their invited guests.

## **3.0 DEFINITION**

The Illegal Substances (Zero Tolerance) policy extends to possession, use, supply or production of controlled substances in University managed accommodation regardless of location. Please note that in accordance with the Terms and Conditions of your Accommodation Contract, as a resident you are responsible for the action/behaviour of any guests invited onto our property.

## **4.0 POLICY AIM**

- a) All residents and prospective residents of University accommodation to be made aware by specific and sufficient notice of their responsibilities and the consequences of their actions in relation to illegal substances and anti-social behaviour.

- b) All residents to be able to live in a safe, secure and healthy accommodation environment and protected from illegal substance use.
- c) To deter residents from illegal substance use.
- d) All residents to be treated in a fair and consistent manner.

## 5.0 RESPONSIBILITIES

Accommodation Services is part of Newcastle University Medicine Malaysia (NUMed) and has both a pastoral role and a legal duty of care to all residents, as well as a responsibility for preventing unlawful actions taking place in residences under its control.

The University will

- Ensure that all staff with direct responsibility for residents are fully aware of their duties in this area
- Provide training for staff to inform, support and manage drug related issues
- Arrange for information to be made available to residents which clarifies the zero-tolerance policy in addition to making available educational materials outlining the harms associated with substance use/misuse

It is the responsibility of residents

- not to engage in illegal substance use, not to expose other residents of shared University student accommodation to such use and not to expose the University to reputational and legal risks concerning such illegal drugs use.

Senior Manager - Accommodation will fully investigate any allegation of substance misuse and/or Police will be involved for further investigation. The term illegal substances misuse is to be interpreted broadly, including (but not restricted to) a residents or residents having illegal substances on their person or in their accommodation, using illegal substances or being found to be supplying illegal substances and using the accommodation for this purpose.

If illegal substance misuse is established on the available evidence, the 'Illegal Substances (Zero Tolerance) Policy' will apply and will result in the following action being taken:

**Where the possession of use of illegal substances is suspected, it would have to be reported to the relevant authorities immediately for further action. If proven that the resident is in possession or found to have used illegal substances, this would then result in the automatic termination of the accommodation contract. The University will not bear any legal fees and will not interfere with the course of action taken by the relevant authorities.**

**(Refer to Appendix for offence and punishments)**

In practical terms, the resident will be requested to leave their University managed accommodation and be served with a notice to quit. Whilst the resident may have been asked to leave, they will remain liable for all accommodation fees due under the original contract.

## 6.0 APPENDIX

### Act 234 Dangerous Drugs Act 1952 (Revised 1980)

Section 39A. Increased penalty where the subject matter is the prescribed amount of certain dangerous drugs.

(1) Every person found guilty of an offence against this Act where the subject matter of the offence is—

- (a) 2 grammes or more but less than 5 grammes in weight of heroin;
  - (b) 2 grammes or more but less than 5 grammes in weight of morphine;
  - (c) 2 grammes or more but less than 5 grammes in weight of monoacetylmorphines;
  - (d) a total of 2 grammes or more but less than 5 grammes in weight of heroin, morphine and monoacetylmorphines or a total of 2 grammes or more but less than 5 grammes in weight of any two of the said dangerous drugs;
  - (e) 5 grammes or more but less than 15 grammes in weight of cocaine;
  - (f) 20 grammes or more but less than 50 grammes in weight of cannabis;
  - (g) 20 grammes or more but less than 50 grammes in weight of cannabis resin;
  - (h) a total of 20 grammes or more but less than 50 grammes in weight of cannabis and cannabis resin;
  - (i) 100 grammes or more but less than 250 grammes in weight of raw opium;
  - (j) 100 grammes or more but less than 250 grammes in weight of prepared opium;
  - (k) a total of 100 grammes or more but less than 250 grammes in weight of raw opium and prepared opium;
  - (l) 250 grammes or more but less than 750 grammes in weight of coca leaves;
  - (m) 5 grammes or more but less than 30 grammes in weight of 2-Amino-1-(2, 5-dimethoxy-4methyl) phenylpropane;
  - (n) 5 grammes or more but less than 30 grammes in weight of Amphetamine;
  - (o) 5 grammes or more but less than 30 grammes in weight of 2, 5-Dimethoxyamphetamine (DMA);
  - (p) 5 grammes or more but less than 30 grammes in weight of Dimethoxybromoamphetamine (DOB);
  - (q) 5 grammes or more but less than 30 grammes in weight of 2, 5-Dimethoxy-4-ethylamphetamine (DOET);
  - (r) 5 grammes or more but less than 30 grammes in weight of Methamphetamine;
  - (s) 5 grammes or more but less than 30 grammes in weight of 5-Methoxy-3, 4-Methylenedioxyamphetamine (MMDA);
  - (t) 5 grammes or more but less than 30 grammes in weight of Methylenedioxyamphetamine (MDA);
  - (u) 5 grammes or more but less than 30 grammes in weight of N-ethyl MDA;
  - (v) 5 grammes or more but less than 30 grammes in weight of N-hydroxy MDA;
  - (w) 5 grammes or more but less than 30 grammes in weight of N-methyl-1-(3, 4-methylenedioxyphenyl)-2-butanamine
  - (x) 5 grammes or more but less than 30 grammes in weight of 3, 4-Methylenedioxymethamphetamine (MDMA);
  - (y) 5 grammes or more but less than 30 grammes in weight of Paramethoxyamphetamine (PMA);
  - (z) 5 grammes or more but less than 30 grammes in weight of 3, 4, 5-Trimethoxyamphetamine (3, 4, 5-TMA);
- or
- (za) a total of 5 grammes or more but less than 30 grammes in weight of any combination of the dangerous drugs listed in paragraphs (m) to (z), shall, instead of being liable to the punishment provided for that offence under the section under which the person has been so found guilty, be punished with imprisonment for a term

which shall not be less than two years but shall not exceed five years, and he shall also be punished with whipping of not less than three strokes but not more than nine strokes.

(2) Every person found guilty of an offence against this Act where the offence is not punishable with death and where the subject matter of the offence is—

- (a) 5 grammes or more in weight of heroin;
- (b) 5 grammes or more in weight of morphine;
- (c) 5 grammes or more in weight of monoacetylmorphines;
- (d) a total of 5 grammes or more in weight of heroin, morphine and monoacetylmorphines or a total of 5 grammes or more in weight of any two of the said dangerous drugs;
- (e) 15 grammes or more in weight of cocaine;
- (f) 50 grammes or more in weight of cannabis;
- (g) 50 grammes or more in weight of cannabis resin;
- (h) a total of 50 grammes or more in weight of cannabis and cannabis resin;
- (i) 250 grammes or more in weight of raw opium;
- (j) 250 grammes or more in weight of prepared opium;
- (k) a total of 250 grammes or more in weight of raw opium and prepared opium;
- (l) 750 grammes or more in weight of coca leaves;
- (m) 30 grammes or more in weight of 2-Amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane;
- (n) 30 grammes or more in weight of Amphetamine;
- (o) 30 grammes or more in weight of 2, 5-Dimethoxyamphetamine(DMA);
- (p) 30 grammes or more in weight of Dimethoxybromoamphetamine (DOB);
- (q) 30 grammes or more in weight of 2, 5-Dimethoxy-4-ethylamphetamine (DOET);
- (r) 30 grammes or more in weight of Methamphetamine;
- (s) 30 grammes or more in weight of 5-Methoxy-3, 4-Methylenedioxyamphetamine (MMDA);
- (t) 30 grammes or more in weight of Methylenedioxyamphetamine (MDA);
- (u) 30 grammes or more in weight of N-ethyl MDA;
- (v) 30 grammes or more in weight of N-hydroxy MDA;
- (w) 30 grammes or more in weight of N-methyl-1-(3, 4-Methylenedioxyphenyl)-2-butanamine;
- (x) 30 grammes or more in weight of 3, 4-Methylenedioxymethamphetamine (MDMA);
- (y) 30 grammes or more in weight of Paramethoxyamphetamine (PMA);
- (z) 30 grammes or more in weight of 3, 4, 5-Trimethoxyamphetamine (3, 4, 5-TMA); or
- (za) a total of 30 grammes or more in weight of any combination of the dangerous drugs listed in paragraphs (m) to (z), shall, instead of being liable to the punishment provided for that offence under the section under which the person has been so found guilty, be punished with imprisonment for life or for a term which shall not be less than five years, and he shall also be punished with whipping of not less than \*\*ten strokes.

Reference:

<https://www.pharmacy.gov.my/v2/sites/default/files/document-upload/dangerous-drugs-act-1952.pdf>

<b>Document control information</b>		
<b>Does this replace another policy?</b> Yes / No If yes please state. <b>NO</b>		
<b>Approval</b>		
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<b>Policy author:</b>		Senior Manager – Student Accommodation Adapted from Newcastle University Alcohol and Drugs Policy dated June 2021
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<b>Does the policy have the potential to impact on people in a different way because of their protected characteristics? Yes/ No/ Unsure: NO</b>		
If yes or un-sure please consult the Diversity Team in HR for guidance		
<b>Initial assessment by:</b>		<b>Date:</b>
<b>Key changes made as a result of Equality Impact Assessment</b>		
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