Alcohol, Drugs and Other Substances Policy

Section 1 - Introduction

(1) The University is committed to a healthy, safe and productive work and study environment that strongly discourages the inappropriate consumption of alcohol and/or the use, distribution or purchase of illicit drugs and other substances. In accordance with the Work Health and Safety (National Uniform Legislation) Act 2011, the University has a duty of care to ensure the health and safety of all staff, students, contractors and authorised visitors are protected from the dangers of alcohol, illicit drug and/or substance misuse whilst on University premises or using University facilities.

(2) The University has developed this policy as a positive strategy in addressing alcohol and drug abuse or misuse of substances by staff members and students. The University's Code of Conduct exemplifies the behaviours and attitudes expected in the learning and work environment. All members of the University community should familiarise themselves with and abide by the spirit of this document.

Section 2 - Statement of Authority

(3) The authority behind this policy is the Charles Darwin University Act 2003 part 3, section 15.

Section 3 - Compliance

(4) This is a compliance requirement under the University's Code of Conduct and the Work Health and Safety (National Uniform Legislation) Act 2011 or relevant state legislation.

Section 4 - Intent

(5) The intention of this document is to outline the University's position with respect to alcohol consumption, illicit drug abuse and/or substance misuse, and the consequences to health, academic achievement, relationships and employment from any misuse. This document also outlines the University's support programs for staff and students who may have alcohol, drug and/or substance abuse problems.

Section 5 - Relevant Definitions

(6) In the context of this document:

a. Alcohol (liquor) (according to the Liquor Act 1980) means a beverage that contains more than 1.15% by volume of ethyl alcohol;
b. Authorised officer means a University staff member (or any member of a law enforcement agency) who has responsibility for the safety and wellbeing of others in their care, for example, lecturers, supervisors, managers, executives, security personnel, campus administrators, residences managers, coordinators of fieldwork or off-campus learning activities;

c. Authorised visitors means bona fide visitors that the University may, from time to time, provide with access to facilities to enhance their ability to complete tasks for the University or to liaise with the University. Such visitors may include, but are not limited to: alumni; external auditors or consultants; potential clients or business partners; contractors or vendors; volunteers, conference delegates; and students and staff of other universities with reciprocal arrangements;
d. Drunk (according to the Liquor Act 1980 (NT)) means a person's speech, balance, coordination or behaviour appears to be noticeably impaired and it is reasonable in the circumstances to believe the impairment results from the person's consumption of alcohol;
e. Formal function means an official authorised event of the University;
f. Governance document means a formally approved document that outlines non-discretionary governing principles and intentions, in order to guide University practice. Governance documents are formal statements of intent that mandate principles or standards that apply to the University's governance or operations or to the practice and conduct of its staff members and students they include the Charles Darwin University Act (2003), by-laws, policies, procedures, guidelines, rules, codes and the Enterprise Agreement;
g. Illicit drug includes, but is not limited to, narcotics, stimulants, hallucinogens, cannabis;
h. Machinery means any motorised, mechanical, technical or scientific, machine, equipment or mechanical apparatus, instrument, tool, tackle or gadget that when operated, performs a particular job or activity. Machinery may include, but is not limited to, lathe, drill press, steel cutter, jackhammer, Bunsen burner, microscopes, oxy acetylene welder, and the like;
i. Senior Manager means a staff member of the University holding the position of Director or Head of School or equivalent;
j. Staff member means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee;
k. Student means a person prescribed as a student of the University in By-law 2 of the Charles Darwin University (Student of the University) By-laws;
l. Substances means any prescribed and non-prescribed medication and solvents and may include, but is not limited to, glue, petrol or aerosols;
m. Substance misuse means a pattern of harmful use of any substance for mood-altering purposes. It is the use of illicit drugs or the abuse of prescription or over-the-counter drugs for purposes other than those for which they are indicated or in a manner or in quantities other than directed which causes detriment to an individual's health, social functioning or work/academic performance and which affects efficacy, productivity, safety, attendance or conduct;
n. University community means officials and individuals carrying out University business. This includes, but is not limited to, all staff members, researchers, peer reviewers, students, volunteers, consultants, agents and contractors;
o. University facilities mean any premises, physical or virtual, for the time being, used for the purposes, or under the auspices, of the University;
p. University premises means all buildings, grounds and residences whether owned, leased, rented or otherwise under the control of the University; and
q. University vehicle means any motorised, non-motorised or fuel-powered vehicle including though not limited to, cars, boats, trucks, forklifts, golf carts and ride-on horticultural equipment. Vehicle is taken to include horses.

Section 6 - Policy

(7) All members of the University community are obliged to take reasonable care and maintain standards of acceptable behaviour whilst on University premises and when representing the University whilst off-campus.

(8) There is an expectation that each member of the University community will be, at all times, unimpaired by alcohol,

illicit drugs and/or other substances whilst attending or representing the University.

(9) Unlawful, excessive and/or irresponsible use of alcohol, drugs and other substances can have a negative impact on judgement, academic or work performance, health, personal relationships, safety and overall wellbeing of the individual. It can also impact on the operating capability of the University, the safety of the members of University community, and can result in damage to person, property and/or equipment.

(10) The University will not accept alcohol, drug misuse and/or substance abuse as an excuse for inappropriate behaviour or sub-standard performance, and will assist staff members and students who develop alcohol, drug and/or substance abuse problems through appropriate rehabilitation and support programs as far as reasonably practicable.

(11) Staff members must arrive at work free from the effects of alcohol, illicit drugs and/or other substances. The consumption of alcohol or misuse of drugs or substances is forbidden during working hours. The moderate consumption of alcohol during work-related social events may be permitted.

(12) Failure to abide by the terms outlined in this policy may lead to disciplinary action, and if severe enough may be referred to the relevant law enforcement authorities.

(13) Any disciplinary action will be determined after due consideration of the facts and may include, but is not limited to, the following:

a. direction from an authorised officer to cease duties or academic activity immediately, for example, lectures, tutorials, laboratory work, workshops, training, or excursions, pending an investigation;
b. imposing a monetary penalty under the terms of the Charles Darwin University Site and Traffic By-laws (clauses 8 (1) (c) (i); (h); (k) (ii) and clause 9 (1) (g));
c. referral to the appropriate disciplinary procedures for misconduct in the Charles Darwin University (Student Conduct) By-laws or current Charles Darwin University and Union Enterprise Agreement; and/or
d. referral to relevant law enforcement authorities, where the misconduct constitutes a legal offence.

(14) The rights of members of the University community to privacy and confidentiality are respected however; this right must be balanced with the University's duty and responsibility to maintain a safe and healthy workplace for all. Should a situation arise where alcohol, drug or other substances misuse may impact negatively on the safety of anyone in the University community, the University will act responsibly to protect all members of the community in which it operates. This may include providing information when appropriate to a relevant person in authority and/or law enforcement agencies.

University Responsibilities

(15) To provide a safe and healthy workplace for all members of the University community whilst on the University premises or when engaged in University business.

(16) To eliminate potential alcohol, illicit drugs and/or other substance-related harm to all members of the University community, the University premises and/or reputation of the University.

(17) To meet legal and compliance responsibilities in the Responsible Service of Alcohol across all University related activities.

(18) Endeavour to educate, raise awareness and facilitate the adoption of healthy lifestyles.

(19) When organising a University function, to encourage moderation in the consumption of alcohol including measures such as supplying only light alcohol, providing food or snacks, offering water and non-alcoholic alternatives and ensuring that function hosts/caterers have the appropriate Responsible Service of Alcohol nationally recognised qualifications.

(20) To provide an inclusive environment for staff and students who choose not to consume alcohol.

(21) The University aims to reduce the impact of potential personal and professional harm associated with the misuse of alcohol, illicit drugs and/or other substances by members of its community through:

a. raising awareness amongst members of the University community that the misuse of alcohol, illicit drugs and other substances can contribute to accidents, injuries and violence;
b. minimising or eliminating potential hazards associated with alcohol, drug and other substances use in the workplace and study environment, in a way that is consistent and fair to all;
c. encouraging a positive culture where being intoxicated or under the influence of illicit drugs or other substances while at work, in University residences, studying or using University facilities, at a University business, or using University vehicles, is understood to be not acceptable;
d. providing students with access to counselling and support through the Office of Equity Services and referral to the appropriate community services as necessary; and
e. providing staff members with access to “Wellness Programs”, counselling and support through the Office of People and Capability that include prevention, education, counselling and rehabilitation for substance misuse.

(22) If a University authorised officer has reasonable concerns that a staff member or student is impaired by alcohol, drug and/or substance use, they will direct that staff member/student to cease work or study/training activity immediately.

Staff Members - Responsibilities

(23) In accordance with their designated level of responsibility, all staff members are responsible for conducting themselves in an appropriate manner and encouraging standards of acceptable behaviour in others. All staff members are responsible for addressing inappropriate behaviour in students/staff under their care.

(24) All staff members are required to act in an ethical and lawful manner as consistent with the University’s Code of Conduct and this policy.

(25) All staff members are expected to recognise that performance of duties and personal safety and that of others can be adversely affected by alcohol, drugs and/or other substances.

(26) Staff members who are taking prescription or non-prescription drugs that may impact on their performance or behaviour in the workplace are encouraged to bring the matter to the attention of their supervisor prior to commencing work.

(27) Staff members may not consume alcohol, illicit drugs and/or misuse substances at any time before reporting for duty when consumption may impair work performance when on duty. Staff members who are affected by alcohol, drugs and/or other substances must not report for work whilst affected.

(28) Staff members who are aware of a colleague or student whom they know, or have legitimate reason to suspect, is under the influence of alcohol, illicit drugs and/or other substances and therefore may compromise the safety of themselves or others, have a duty of care to bring this information to the attention of an authorised officer.

(29) When representing the University in any capacity whether on or off University premises, and whether inside or outside of normal business hours, where alcohol is available, staff members are expected to demonstrate professional and responsible behaviour.

(30) Staff members must not operate machinery or equipment or drive a University vehicle whilst under the influence of any alcohol, illicit drugs and/or other substances.

(31) Staff members have a duty of care to ensure that any student under their care does not operate machinery or equipment or drive a University vehicle whilst under the influence of any alcohol, illicit drugs and/or other substances.

(32) A staff member exhibiting behaviour that impacts on the safety or performance of the staff member and/or other members of the University community may be subject to disciplinary action in accordance with the misconduct/serious misconduct provisions of the Charles Darwin University and Union Enterprise Agreement and other University governing documents.

Student Responsibilities

(33) All students are required to act in an ethical and lawful manner as consistent with the University's Code of Conduct and this policy.

(34) All students are expected to recognise that performance of his or her academic activities and safety can be adversely affected by alcohol, illicit drugs and/or other substances.

(35) Students who are adversely affected by alcohol, drugs and/or other substances should not attend an academic activity, for example, lectures, tutorials, laboratories, workshops on University premises, facilities or University approved external excursions.

(36) If an authorised officer determines that a student may be impaired by alcohol, illicit drugs and/or other substances, the authorised officer may direct that student to cease academic activity immediately and remove them self from the facilities.

(37) A student exhibiting behaviour that impacts on the safety or performance of other members of the University community may be subject to disciplinary action being taken in accordance with the Charles Darwin University (Student Conduct) By-laws, Charles Darwin University (Student Residences) By-laws, Charles Darwin University (Site and Traffic) By-laws and/or any other Governance documents.

(38) When participating in any University activity or representing the University at any event, including functions; off-campus learning activities; international in-country study programs; exchange programs; sporting events. For example, where alcohol is available, or when visiting or residing on University premises, students are expected to demonstrate responsible and ethical behaviour.

(39) No University funds provided to student groups is to be used for the purchase of alcohol or drugs.

Other members of the University Community - Responsibilities

(40) All other members of the University community are required to act in an ethical and lawful manner as consistent with the University's Code of Conduct and this policy. Members of the University community must not attend University functions or work on University premises whilst under the influence of alcohol, illicit drugs and/or other substances. Any breach of this policy by members of the University community may be referred to an appropriate law enforcement agency.

Alcohol Restricted Areas

(41) The Liquor Act 1980 (NT) legislates that all members of the University community when working, conducting research, attending functions or participating in a learning activity must not consume, possess or transport alcohol into alcohol restricted areas whilst on University business. This includes transportation in any University, or personal, vehicle whilst on duty.

(42) Note: Drinking alcohol is prohibited in many Norther Territory towns and centres. For more information, contact the NT Department of Justice (Where You Can't Drink in the NT).

University Events Involving Alcohol

(43) All staff members responsible for organising University events, whether they are informal or formal events or functions, must follow the Liquor Act 1980 (NT) and any associated licenses in compliance with Responsible Service of Alcohol.

(44) University events deemed to be functions due to the nature of the event where alcohol will be provided must be approved by the Director, Facilities Services. Senior management must take responsibility for the event or function regardless of the size of the event, or number of people in attendance.

(45) At University events and functions where alcohol is served, staff members and students are expected to:

a. understand and respect individual and cultural differences in attitudes towards the consumption of alcohol;
b. ensure that all events are fully inclusive and welcoming of all invitees including those who are not of legal drinking age and those who choose not to drink alcohol. This excludes licensed venues where minors under eighteen (18) years of age may not be permitted in some areas; and
c. ensure that non-alcoholic drinks, including water, are available.

(46) At any University event or function:

a. alcohol will not be served to persons under eighteen (18) years of age;
b. alcohol will not be served to intoxicated persons;
c. only licensed venues may sell alcohol on campus;
d. licensed venues must have staff trained in Responsible Service of Alcohol as per the Liquor Act 1980 (NT) and Liquor Regulations 2019, and follow all abiding legislation associated with this licence;
e. alcohol may only be consumed in the area designated for the event;
f. the Office Facilities Management and Security must be made aware of any formal functions held on campus;
g. University staff/students responsible for formal functions must take appropriate action to ensure the safety and wellbeing of people and property;

(47) Note: It is illegal for any person to procure and/or distribute alcohol to anyone under the age of 18 years.

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