

**ADMINISTRATIVE OPERATING PROCEDURE: Cannabis Possession and Use**

<b>Procedure ID:</b>	OP #4-429
<b>Approved by Senior Management Team:</b>	<i>Original:</i> September 18, 2018
<b>Revision Date(s):</b>	November 13, 2018
<b>Effective Date:</b>	September 27, 2018
<b>Next Review Date:</b>	2019
<b>Monitoring Responsibility:</b>	Campus Security; Manager – Security, Parking & Emergency Management
<b>Linked to a College Policy:</b>	#4-429, <i>Cannabis Possession and Use</i>

**Policy Statement**

The smoking, inhalation, vaping, ingestion, growing and delivery of cannabis or cannabis products is prohibited:

1. Inside all College buildings, including residences.
2. Inside any vehicle stopped, parked or in motion on College Property.
3. On all College Property including but not limited to parking lots, trails and pathways.

The possession of cannabis and cannabis products, in quantities approved under legislation, is permitted on College Property, provided that the cannabis or cannabis products are for personal use and not for the purpose of sale or other distribution with or without payment.

The possession of cannabis and cannabis products in the Residence Buildings are subject to the conditions of this policy as well as those of the Residence Agreement. Where this policy and the Residence Agreement are in conflict the Residence Agreement shall take precedence.

The possession and use of medical cannabis on campus is permitted subject to the conditions established in Appendix A of this Operating Procedure.

**Definitions/Acronyms**

**Cannabis:** for the purpose of this policy the definition of cannabis shall be the same as the definition contained in the Cannabis Act.

**Cannabis Product:** includes edibles that contain cannabis and any other substance or mixture of substances that contains cannabis.

**Reasonable Accommodation:** Those accommodations which do not impose undue hardship on the College. Examples of undue hardship may include but are not limited to significant alteration to the fundamental nature of the learning outcomes and/or the academic standards of a program or course; significant alteration to a work process that would disadvantage other employees; substantial economic hardship to a College program or department that would affect its economic viability; significant adverse impact on learning opportunities for other students; the health and safety of other students or employees and/or safety hazards to other persons or property; or significant disruption of College operations. What is reasonable must be determined objectively on a case-by-case basis, based on all the circumstances of the case. Where there is more than one reasonable approach to accommodation, the College reserves the right to choose the approach that is best suited to its operational and academic requirements.

## Operating Procedure

### 1.0 Enforcement

- 1.1 Campus Security has primary responsibility for the enforcement of the Cannabis Possession and Use Policy.
- 1.2 Campus Security will take the following action with individuals they find in violation:
  - a. Inform the violator of the College Policy or Residence Agreement.
  - b. Request the person cease the prohibited behaviour.
  - c. Verify if the person will be operating a motor vehicle.
  - d. Request identification for the purpose of documentation.
  - e. Complete a report regarding the violation for follow-up action.
- 1.3 Once identified as being in violation of this policy, students, employees, visitors and contractors are subject to such sanctions as determined by Administration.
- 1.4 Persons that refuse to provide identification to Campus Security shall be deemed to be trespassers and shall be dealt with accordingly.

### 2.0 Violation Management

- 2.1 All violations will be documented and kept on file by Campus Security and forwarded to the appropriate school, department or administrators as required.
- 2.2 Employees found in violation of this policy or operating procedure shall be subject to the following actions:

1 <sup>st</sup> Offence	Written Warning	Issued by Campus Security
2 <sup>nd</sup> Offence	Supervisor	Incident report forward to immediate supervisor
3 <sup>rd</sup> Offence	Executive	Incident report forwarded to Executive leader

- 2.3 Students found in violation of this policy or operating procedure shall be subject to the following actions:

1 <sup>st</sup> Offence	Written Warning	Issued by Campus Security
2 <sup>nd</sup> Offence	\$50.00 Penalty Fee	Billed to Student Account
3 <sup>rd</sup> Offence	Refer to SR&R	Student Rights & Responsibilities complaint

- 2.4 Visitors or contractors found in violation of this policy or operating procedure shall be subject to the following actions:

1 <sup>st</sup> Offence	Verbal/Written Warning	Issued by Campus Security
2 <sup>nd</sup> Offence	Trespass Notice	Issued by Campus Security

### 3.0 Appealing a Violation

- 3.1 Appeals will only be considered if they meet the appropriate grounds for an appeal. The College will only consider an appeal based on the following grounds:
  - a) Personal Bias / Unfair Treatment: Perceived unfair treatment based on not following the process as outlined in this policy. Perceived unfair treatment based on the sanction not fitting or appropriate based on the policy violation.

- b) New information / Extenuating Circumstances: If the complainant or respondent has new information, or documentation of extenuating circumstances that was not available at the time the sanction was issued.

3.2 Appeals must be submitted in writing (email acceptable) to the Manager, Security, Parking & Emergency Management within 10 business days of the sanction being issued.

3.3 An appeal not made within the time limit will not be heard unless there are, in the opinion of the Manager, Security, Parking & Emergency Management, exceptional circumstances.

3.4 The decision of the Manager, Security, Parking & Emergency Management is final.

#### 4.0 Education & Harm Reduction

4.1 Student Services has primary responsibility for the creation, distribution and delivery of education about safe cannabis use to students.

4.2 Human Resources has primary responsibility for the creation, distribution and delivery of education about safe cannabis use to employees.

4.3 Education programs related to the safe use of cannabis will focus on harm reduction. Educational programs will include visual media, social media, online resources and face to face education where appropriate.

#### Related Documents

- Criminal Code of Canada
- Controlled Drugs & Substances Act (Canada)
- Cannabis Act 2017 (Ontario)
- Cannabis Act (Canada)
- Applicable Municipal By-laws
- College Policy #4-429, *Cannabis Possession and Use*

#### Appendices

- Appendix A: *Medical Use of Cannabis*

#### Review / Revision Log

Summary of Changes	Date
• New procedure established	2018
• Addition of violation management for visitors/contractors (Section 2.4) and revised medical use of cannabis section (Appendix A)	SMT November 13, 2018

## Medical Use of Cannabis

### Introduction

The College affirms the rights of all persons, including those with disabilities, to have access to equal opportunity in employment, education, accommodation or business dealings with the College and will make efforts to provide reasonable accommodations to those who may request them, including for accommodations related to medical cannabis.

### Consumption of Cannabis for Medical Purposes

By law, you cannot smoke or vape cannabis in a number of places, including the following that are applicable to the College:

- indoor common areas (i.e. university/college residences)
- enclosed public places and enclosed workplaces
- in publicly-owned sports fields, nearby spectator areas and public areas within 20m of these areas.

By law, you cannot consume cannabis (smoking, vaping, eating) in a vehicle or boat that is being driven or is at risk of being put into motion.

Where an individual is required to consume cannabis for a medical purpose related to a disability, and as long as it does not interfere with the safe and effective working and learning environment at the College, an individual may:

- consume edible cannabis on College property
- smoke or vape cannabis outdoors, provided they are:
  - o 9 metres from any College building
  - o Not in proximity of any door, window or air intake
  - o Not in close proximity to others.

Individuals with a medical cannabis prescription must carry their documentation with them while on campus and produce it upon request to Security staff.

### Residences (Students)

Students who are living in or visiting a Fleming College Residence and are requesting medical cannabis accommodations, must make their request to the appropriate Residence Manager.

### Academic Accommodations (Students)

Students who are enrolled in programs or courses that are safety-sensitive must speak with Accessible Education Services in regard to how their consumption of medical cannabis may affect the safe and effective learning environment. Accessible Education Services will work with Program Coordinators and Health Services as appropriate.

### Employees Requiring Accommodations

Requests for accommodation related to medicinal cannabis for employees will be reviewed in accordance with the College's Return to Work and Medical / Disability Accommodation Policy and the

Return to Work / Medical Accommodation Procedure. Disputes arising will be addressed according to that procedure. Employees may contact their Union representative for support if they have one.

### **Requesting Additional Medical Cannabis Accommodations / Making a Complaint**

Individuals requesting additional medical cannabis accommodations beyond what is outlined in this procedure have a responsibility to communicate their needs in adequate detail and sufficiently in advance of their actual need for accommodation to enable the College to give reasonable consideration to their request. Requests will be considered on a case-by-case basis.

Individuals requesting accommodation are also responsible for cooperating in the consultation process which will enable the College to conduct appropriate due diligence in responding to their request. This will involve the individual requesting accommodation providing appropriate documentation to support their request which demonstrates an approved medical need.

Individuals who feel their accommodation needs are not met by the processes outlined in this procedure may choose to pursue a resolution or complaint under the College's Harassment and Discrimination Prevention Policy complaint procedures.

### **Safety and Impairment**

In all cases medical cannabis accommodation requests will be considered with a view to evaluating whether and, if so, to what degree to which they affect the safe and effective working and learning environment at the College. This consideration will include but is not limited to:

- where the use of a prescription substance such as medical cannabis by the individual may result in an unsafe working or learning environment and/or where the individual may cause risk to themselves or others, or cause damage to College property
- the direct exposure of others to chemicals contained within the by-products of the combustion of medical cannabis such as second-hand smoke
- where an employee works in a role which requires that they exercise judgment or provide consistent customer service, and their capacity to do so will be impaired as a result of ingestion of medical cannabis
- where the use of or possession of medical cannabis is otherwise prohibited by program requirements including where the individual may be required to drive or operate hazardous or potentially hazardous equipment

Individuals who appear to be under the influence of medical cannabis or otherwise impaired in a manner that may compromise safety or learning may be removed from their class or their workplace. The College will provide assistance to these individuals as appropriate and will support them in making a request for accommodation as outlined above.