

Procedure Title:	Cannabis Possession and Use
Procedure ID:	OP #4-429
Manual Classification:	Section 4 – Finance and Facilities
Linked to Policy:	Policy #4-429 Cannabis Possession and Use
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Contacts for Procedure Interpretation:	Director, College Safety and Services Chief Building and Facility Officer

1.0 – Purpose

This policy applies to all employees, students, contractors, and visitors to all Fleming College campuses.

2.0 - Definitions

Cannabis	For the purpose of this policy, the definition of Cannabis shall be the same as the definition contained in the <i>Cannabis Control Act (2017)</i> .
Cannabis Product	Includes edibles that contain Cannabis and any other substance or mixture of substances that contain 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.

3.0 – Procedure

3.1 Overview

As a post-secondary institution and employer, Fleming College has a moral and legal

obligation to provide a safe and healthy environment for our community members to study, work and live.

The physical effects caused by the consumption of Cannabis or Cannabis Products are not conducive to post-secondary teaching and learning and pose serious safety risks in our experiential learning labs and while operating a variety of equipment.

Individuals who appear to be under the influence of Cannabis before or while engaging in safety-sensitive work or learning activities may be removed from class or their workplace. Such consumption of Cannabis unrelated to an approved medicinal Cannabis accommodation may result in disciplinary action being taken against the individual.

In addition to the enforcement of this policy, an education program related to the safe use of Cannabis will be implemented with a focus on harm reduction. This education program will include visual media, social media, online resources, and face-to-face education where appropriate.

- 3.2** The Procedure identifies the circumstances under which the following activities are prohibited. The smoking, inhalation, vaping, ingestion, growing and delivery of Cannabis or Cannabis Products is prohibited:
- a) Inside all College buildings, including residences
 - b) Inside any vehicle stopped, parked or in motion on College Property
 - c) On all College Property, including but not limited to parking lots, trails, and pathways
- 3.3** In quantities approved under the legislation, the possession of Cannabis and Cannabis Products 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.
- 3.4** 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.
- 3.5** The possession and use of medical Cannabis on campus is permitted subject to the conditions established in Appendix A of this Operating Procedure.

4.0 – Enforcement

- 4.1** Campus Security has primary responsibility for the enforcement of the Cannabis Possession and Use policy:
- 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
- 4.2** Once identified as being in breach of this policy, students, employees, visitors, and

- contractors are subject to such sanctions as determined by administration
- 4.3** Persons that refuse to provide identification to Campus Security shall be deemed to be trespassers and shall be dealt with accordingly

4.4 Violation Management

- a) All violations will be documented and kept on file by Campus Security in the same online system used to track, administer, and appeal or pay parking violations. Information will be forwarded to the appropriate school, department or administrators as required
- b) Employees found in violation of this policy or operating procedure shall be subject to the following actions:

	First Violation	Second Violation	Third Violation
Employees	Written warning	Supervisor incident report forwarded to Supervisor	Executive incident report forwarded to executive leader
Students	Written warning	Supervisor incident report forwarded to Security Supervisor	Student rights and responsibilities complaint
Visitors	Verbal/written warning	Trespass notice given	N/A

4.5 Appealing a Violation

- a) 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:
- b) 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
- c) New information / Extenuating Circumstances: If the complainant or respondent has new information or documentation of extenuating circumstances that were not available at the time the sanction was issued
- d) Appeals must be via the same online system used for parking permit violation appeals and payments within 10 business days of the sanction being issued
- e) An appeal not made within the time limit will not be heard unless there are, in the opinion of the Director, College Safety and Services, exceptional circumstances
- f) The decision of the Director, College Safety and Services is final

4.6 Education and Harm Reduction

- a) Student Services has primary responsibility for the creation, distribution, and delivery of education about safe Cannabis use to students
- b) Human Resources has primary responsibility for the creation, distribution, and delivery of education about safe Cannabis use to employees
- c) 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

5.0 – Appendices

Appendix A: Medical Cannabis Use

6.0 – Related Documents

Criminal Code of Canada (1985)
Controlled Drugs & Substances Act (SC 1996)
Cannabis Control Act (S.O. 2017)
Cannabis Act (SC 2018)
College Policy #4-429 Cannabis Possession and Use

7.0 - History of Amendments & Reviews

Original implementation date 2018;
Violation management, Medical Use revisions November 13, 2018
Procedure review, revisions to online tracking, appeal, and violation management February 2020
Reviewed Feb 2022

Appendix A to OP #4-429: Medical Use of Cannabis

Introduction

The College affirms the rights of all persons, including those with disabilities, to have 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 accommodations related to medical Cannabis.

Consumption of Cannabis for Medical Purposes

By law, you cannot smoke or vape Cannabis in several places, including the following that apply to the College:

- a) indoor common areas (i.e. university/college residences)
- b) enclosed public places and enclosed workplaces
- c) 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:

- a) consume edible Cannabis on College property
- b) smoke or vape Cannabis outdoors, provided they are:
 - 9 metres from any College building
 - not in the proximity of any door, window, or air intake
 - not in close proximity to others.

Individuals with a medical Cannabis prescription must carry their documentation 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 regarding 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 Administrative Operating Procedure OP 4-429: Cannabis Possession and Use.

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 to evaluate 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:

- a) where the use of a prescription substance such as medical Cannabis by the individual may result in an unsafe working or learning environment or where the individual may cause risk to themselves or others or cause damage to College property
- b) the direct exposure of others to chemicals contained within the by-products of the combustion of medical Cannabis, such as second-hand smoke
- c) where an employee works in a role that 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
- d) 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.