

# Authorization and Approval

**Responsibility:** Associate Vice-President, People and Resources / Vice-Provost, Teaching, Learning and Student Experience

**Authorization:** Board of Governors

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## Purpose

This policy is intended to provide a framework to establish rules, understanding and expectations regarding the use of Smoking (and the use of all Electronic Smoking Products), Alcohol, Cannabis and other Lawful Substances. Definitions for this policy can be found in the Appendix.

## Principles and Goals

The University is committed to fostering an environment that promotes wellness and the adoption of health-enhancing attitudes and behaviours and, as such, is committed to promoting a safe and responsible environment for staff and students as it relates to Smoking (and the use of all Electronic Smoking Products), Alcohol, Cannabis and other substance use.

The University of Saskatchewan works to engender a culture – not of prohibition and abstinence – but rather of moderation and informed use subject to Federal, Provincial and Civic legislation. As we work to maintain an environment that promotes and supports the health and well-being of all who study, work, live at and visit our campuses, we encourage members of the broader university community to be well informed about the use and impact of substances on their own health and well-being as well as that of those around them.

This policy will identify the ways in which the University's approach continues to be guided by principles of public safety, health/wellness promotion, harm and stigma reduction, and compliance with laws/regulations.

The policy has the following main guiding goals:

1. To create an environment that promotes and supports the health, safety and well-being of all who study, work, live on and visit our campuses.
2. To provide education related to Smoking, Alcohol, Cannabis, and other substance use in a transparent and accessible manner so as to assist students, staff, and faculty to make healthy choices.

3. To minimize risk to others including (but not limited to) exposure to second-hand smoke and smoking or substance product vapours containing hazardous chemicals.
4. To ensure compliance with applicable legislation and regulations, including the health and safety provisions of *The Saskatchewan Employment Act*, *The Saskatchewan Human Rights Code* and civic bylaws.

Adjustments to the University's approach will be made periodically as legal, health and cultural developments occur surrounding the impact of substance use in our environment.

## Scope of this Policy

This policy pertains to all students, University staff, faculty, and visitors working, studying, living or participating in activities on University Property or while acting as representatives of the University while off University property.

Indigenous spiritual or cultural practices or ceremonies are exempt from this Policy but shall comply with the [Smudging and Pipe Ceremonies Policy](#) and related [Smudge/Pipe Ceremony Safety Guidelines](#).

## Policy

### 1. Consumption and Locations

- a. In accordance with Provincial legislation, Cannabis consumption is not permitted by any individual on University Property, any public place, or space including student residences.
- b. Cannabis plants are not permitted to be grown on University grounds or in buildings, with the exception of bona fide research projects as part of the University's research agenda.
- c. Smoking of any Lawful Substance is prohibited in all University Property buildings, residences, parts of buildings, enclosed spaces, leased spaces, parking lots, University owned or leased vehicles and outdoor seating areas that are part of a restaurant or licensed facility.
- d. The University will designate various locations across campus where Smoking (excluding Cannabis) and Alcohol consumption by staff, faculty, students, and visitors is permitted. These locations are outlined in the Procedures attached to this policy.
- e. Alcohol, Smoking, and consumption of Lawful Substances (excluding Cannabis as per sub-section (a) above) are not permitted in locations other than designated areas. As per subsection (a) above, consumption of Cannabis is not permitted.
- f. Alcohol may only be served/permitted in the specific locations designated on the University's liquor permit. Occasional exceptions may apply for special events subject to

approval from the appropriate Senior Leader. It is not permissible to serve any other Lawful Substances otherwise.

- g. Alcohol and Lawful Substances cannot be consumed by those under legal age as defined by provincial legislation.
- h. The possession, manufacture, use, exchange, sale or transfer of all Illicit Substances on University Property at any time is strictly prohibited.

## **2. Student Residences**

- a. The possession and consumption of Alcohol and Lawful Substances in residences shall be governed by this policy, the Residence Handbook and Agreement, other applicable University policies and any applicable provincial or federal laws. This policy is intended to complement the Residence Handbook and Agreement, other applicable University policies and any applicable provincial or federal laws, not supersede them.
- b. Any storage or consumption of Cannabis in a student residence is prohibited.
- c. Only persons of legal age may consume Alcohol and/or Lawful Substances (excluding Cannabis) in resident's rooms or apartments.
- d. The consumption of Alcohol or Lawful Substances is not permitted in public spaces including but not limited to common rooms, washrooms, student lounges, stairways, hallways, and games or laundry rooms.
- e. Manufacturing or sales of Alcohol in University Residences are prohibited.
- f. Cannabis plants are not permitted to be grown, transported or stored within or around student residences.

## **3. Safety and Risk Management**

- a. In order to properly address safety and risks within employment, the following apply to employees of the University:
  - i. Employees may use Lawful Substances (said use or consumption being in accord with this Policy and Procedures) that do not interfere with an employee's ability to be Fit for Work and are being used as directed or prescribed by an attending/treating medical professional.
  - ii. It is the responsibility of every employee when taking any Lawful Substance that is prescribed by a physician to review their job duties with their attending/treating medical professional to confirm that the use of the Lawful Substance will not impair the safe and efficient performance of the job duties and assignments or otherwise cause the Employee not to be Fit for Work.
  - iii. Employees in Safety Sensitive Positions must refrain from the use of any Lawful Substance while at work as such use will be considered a breach of this Policy.
- b. In order to properly address safety and risks for students acting in a safety sensitive capacity, as well as to enhance a positive experience for all students, students are expected to be free from impairment of Alcohol or Lawful Substances when attending scheduled learning activities.
- c. In certain instances, including but not limited to the health professions, both employees and students may be subject to licensing and/or regulatory standards of their profession

that place additional restrictions on the consumption of Lawful Substances causing impairment or endangering individual and/or patient safety.

## 4. Testing

- a. To achieve the goals of this Policy, the University may conduct Testing of employees in Safety Sensitive Positions, in the following circumstances:
  - i. There is reasonable cause to believe the employee is impaired at work or not Fit for Work, including but not limited to observed use or possession of a Lawful Substance or Illicit Drug during employment, and/or any observable change in an employee's behaviour or ability to perform the regular duties of their job that is impacting their work performance, absenteeism, or illness for themselves or others.
  - ii. The employee has been involved in a workplace Incident.
- b. The University may conduct Testing in non-Safety Sensitive positions or Safety-Sensitive positions when it is a component of an employee's return to work program.
- c. A positive Testing result obtained pursuant to this policy does not necessarily reveal that an employee is not Fit for Work or has a Substance Use Disorder, and may be investigated further to determine an appropriate course of action. However, a positive Test alone or with other observations of an employee's behaviour, performance, or attendance may demonstrate that an employee is impaired and not Fit for Work, which shall be a breach of this Policy giving rise to disciplinary action.
- d. Testing and Test results will be considered highly confidential, and will be handled in accordance with the University's privacy obligations pursuant to applicable legislation.
- e. Failure to participate in Testing in accordance with this Policy may result in disciplinary action.

## 5. Accommodation

- a. The University recognizes the duty to accommodate employees as it relates to an Employee's Substance Use Disorder.
  - i. The University treats accommodation requests relating to Substance Use Disorder very seriously and will appropriately support the accommodation process. Employees that are affected by a Substance Use Disorder that impairs their ability to be Fit for Work or perform work safely are expected to disclose such information that relates to a workplace accommodation. No employee with a Substance Use Disorder will be disciplined because of the employee's disclosure of a Substance Use Disorder or involvement in a rehabilitation efforts.
  - ii. Employees who choose not to disclose such a need for accommodation arising from a Substance Use Disorder and are involved in an Incident where the employee is not Fit for Work are subject to discipline. Similarly, employees seeking an accommodation for Substance Use Disorder after a workplace incident will not prevent the employee from being disciplined.
  - iii. The University may require an employee who seeks or is undergoing treatment to enter into a return-to-work agreement, a requirement of which may be that the employee submit to periodic testing for Lawful or Illicit Substances.

- iv. Any further information and procedures related to medical accommodation of employees as it relates to substance use disorder can be referenced in the University's Medical Accommodation guidelines.
- b. A student who wishes to access an academic accommodation related to Substance Use is directed to contact Access and Equity Services.

## Responsibilities

The University will undertake to educate all staff, faculty, employees, students, and volunteers on this policy.

All University staff, faculty, students and visitors are responsible to adhere to this policy when engaged in activities as part of the University, and to report observed violations of the policy. Individuals are accountable for their own decisions regarding Smoking, Alcohol, Cannabis or other substance use. All individuals engaged with the University are responsible for knowing, understanding, and complying with other applicable University policies, Provincial legislation and Civic legislation as it relates to Smoking, Alcohol, and Substance Use.

University Management and Supervisory employees are responsible for the training and education of their staff on this policy and other applicable policies that relate to Smoking, Alcohol, and Substance Use. Additionally, University Management and Supervisors are also responsible for being alert to signs of impairment within the workplace, and addressing such situations as appropriate.

University Faculty members are expected to be alert to signs of impairment of students within the course of their studies, and addressing such situations as appropriate.

## Non-compliance

Following procedural fairness, the university may take action against anyone whose activities are in violation of the law or of this policy. The actions taken may include, but are not limited to:

- disciplinary or administrative action for students as addressed under *The University of Saskatchewan Act, 1995, Regulations on Student Academic Misconduct, and The Standard of Student Conduct in Non-Academic Matters and Regulations and Procedures for Resolution of Complaints and Appeals*;
- referral to mandatory treatment program for employees, and/or participation in ongoing compliance monitoring, which may include testing;
- disciplinary action for employees, up to and including termination of employment, in accordance with *The University of Saskatchewan Act, 1995, The Saskatchewan Employment Act*, and the respective collective agreement where applicable; and/or

- legal action that could result in criminal or civil proceedings.

## Appendix A - Definitions

- “**Alcohol**” – Refers to beer, wine and distilled spirits, and any medication that includes intoxicating agents containing alcohol in a concentration of one half of one percent (0.5%) or more.
- “**Cannabis**” – Any product or substance derived from cannabis plants, including but not limited to leaves, buds, concentrates and oils for the purposes of consumption, or any substance that is identical to any phytocannabinoid produced by a cannabis plant regardless of how the substance was obtained.
- “**Designated Areas**” – Locations in which the University allows Smoking or Alcohol consumption to occur.
- “**Disability**” – Means disability as per *The Saskatchewan Human Rights Code*.
- “**Duty to Accommodate**” – Means the duty to make adjustments to conditions of employment, or conditions of study for a student, where employees or students have a disability that requires accommodation up to the point of undue hardship.
- “**Electronic Smoking Products**” – Includes all vaporizing devices such as electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, personal vaporizers (PV), electronic nicotine delivery systems (ENDS) as well as cartridges of nicotine solutions and related products and all similar Cannabis vaporizing devices.
- “**Employee Family Assistance Program (EFAP)**” – Refers to resources provided to University of Saskatchewan employees and their family members to deal with personal and work-life concerns.
- “**Fit for Work**” – In the context of this policy, to be able to safely and acceptably perform assigned duties, without impairment due to the use or after-effects of Illicit drugs or Lawful Substances.
- “**Illicit Drug**” – Refers to any illegal drug or substance whose use, sale, possession, purchase or transfer is restricted or prohibited by law.
- “**Incident**” – A serious or potentially serious work-related incident, student-related incident, or near miss incident of which involves the safety, well-being or personal injury of an individual or other individuals, property and/or vehicle damage, environmental incident or “dangerous occurrence” as outlined within *The Occupational Health and Safety Regulations, 1996*.

- **“Individual”** – Defined as students, University staff and faculty, volunteers, and visitors working, studying, living or participating in activities on University Property or while acting as representatives of the University while off University property.
- **“Lawful Substances”** – Includes substances an individual may lawfully use or possess including but not limited to Alcohol, Cannabis, Medication, aerosols or other products that when used, results in cognitive or physical impairment or limitations that may negatively impact capacity or employment performance on the job or during periods of study.
- **“Medication”** – Refers to a drug obtained legally, either over the counter or through a doctor’s prescription.
- **“Post-Incident Testing”** – Testing that may take place following any Incident as part of a full investigation into the circumstances, unless there is immediate evidence that the actions or omissions of the individual(s) were not a contributing factor in the Incident.
- **“Property”** – Includes University owned or leased properties, buildings, campus and/or vehicles.
- **“Safety Sensitive”** – Positions that are identified by the University where an employee has a role in operation where safety is a *bona fide occupational requirement* of the job, meaning that safety is necessary to ensure the efficient and economical performance of the job while protecting the employee, fellow employees, students, visitors, and the general public. It includes positions where employees have duties and responsibilities where any impaired performance, impaired motor skills or lack of judgment or momentary lapse of attention could result in a significant incident affecting the health, safety and well-being of employees, contractors, students, visitors, customers and the general public or result in property damage. These positions can also include trainee roles for students in the health professional colleges where there are required considerations regarding impairment and patient safety. Further details on these positions are in the Procedures attached to this Policy.
- **“Smoking”** – Refers to the use of cigarettes, bidis, cigars, cigarillos, pipes and all Electronic Smoking Products.
- **“Substance(s)”** – Refers to illicit drug or Lawful Substance.
- **“Substance Use Disorder”** –A condition, including but not limited to addiction and dependence, resulting from a pattern of use or overuse of a substance that a person continues to take despite experiencing impairment, distress, or adverse social consequences. It is characterized by behaviours that include one or more of the following: impaired control over substance use, compulsive use, or continued use despite harm, craving and relapse. This also includes an addiction related Disability.

- **“Testing”** – Any appropriate method used to test an individual for their level of impairment from a Lawful Substance or Illicit Drug; examples including but not limited to breathalyzers, saliva testing, or urine testing.