



## **Restrictions on Alcohol, Drug and Tobacco Use Policy: New Policy (Phase 5)**

**To:** Governance and Policy Committee

**Date:** 26 March, 2019

**Report No.:** 03-19-3606

### **Strategic Directions**

- Create a Culture for Student and Staff Well-Being
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being
- Allocate Human and Financial Resources Strategically to Support Student Needs

### **Recommendation**

It is recommended that the Restrictions on Alcohol, Drug and Tobacco Use Policy (Phase 5), as presented in this report, be approved.

### **Context**

The proposed Restrictions on Alcohol, Drug and Tobacco Use Policy (the “Policy”) was developed in response to the legalization of recreational use of cannabis in Canada on October 17, 2018 and the new legislative requirements as outlined in Ontario’s *Cannabis Act* with regard to use, purchase, possession, cultivation and distribution of recreational cannabis in Ontario. The draft Policy (Appendix A) was prepared in accordance with the Policy Development Work Plan (Appendix B) that was approved by the Governance and Policy Committee on November 8, 2018, and subsequently by the Board of Trustees on November 28, 2018.

The Policy is based on the updated legislative requirements, Ministry PPMs (128, 144, and 145), operational requirements, and review of school boards’ best practices related to the legalization of recreational cannabis.

In addition to the specific cannabis related provisions, the scope of the Policy includes restrictions related to alcohol, drugs, and tobacco.

As part of the public consultations from December 6, 2018 to February 22, 2019, the draft Policy was shared with various stakeholder groups (i.e., Community Advisory Committees, school councils, Student Senate, and professional associations and unions) for input and comments. The feedback obtained through the public consultations was reviewed and is reflected in the updated Policy presented for Committee's consideration.

## **Action Plan and Associated Timeline**

Subject to the Governance and Policy Committee's directions, the Policy will be presented to the Board of Trustees for consideration and final approval on April 17, 2019. Once approved by the Board, the new Policy will come into effect immediately. Staff will initiate the review of existing and, as required, development of new operational procedures to support implementation of the Policy.

## **Resource Implications**

As outlined in an October 17, 2018 memorandum from the Ministry of Education, the TDSB will be provided with a total of \$229,300 in one-time funding to support local training needs related to the legalization of recreational cannabis, including providing school boards with the resources to support schools, students, and staff related to mental health and addiction needs.

## **Communications Considerations**

The communication on cannabis legalization and its applicable legislation and restrictions have been communicated to school principals via system-wide messaging.

System-wide communication to all stakeholders, including staff, students and parents, will be implemented following approval of the Policy.

## **Board Policy and Procedure Reference(s)**

- Community Use of Board Facilities (Permits) Policy (P011)
- Student Health Support Policy (P092)

## **Appendices**

- Appendix A: Restrictions on Alcohol, Drug and Tobacco Use Policy - Draft
- Appendix B: Policy Development Work Plan

## **From**

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# Toronto District School Board

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Policy P0XX

Title: **RESTRICTIONS ON ALCOHOL, DRUG AND TOBACCO USE**

Adopted: TBC  
 Effected: TBC  
 Revised: TBC  
 Reviewed: TBC  
 Authorization: Board of Trustees

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## 1.0 RATIONALE

The Restrictions on Alcohol, Drug and Tobacco Use Policy (the “Policy”) affirms the Toronto District School Board’s (TDSB) commitment to a healthy working and learning environment that is free from alcohol, drug (including cannabis), and tobacco use except in accordance with this policy.

This Policy supports governing legislation and Ministry of Education Policy/Program Memoranda (PPM), including but not limited to the *Criminal Code*, *Education Act*, *Human Rights Code*, *Occupational Health and Safety Act*, *Smoke-Free Ontario Act*, *Controlled Drugs and Substances Act*, *Cannabis Act* (both federally and provincially), *Liquor License Act*, PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct, PPM 144: Bullying Prevention and Intervention, PPM 145: Progressive Discipline and Promoting Positive Student Behaviour, and the Ministry of Education Memorandum: Legalization of Cannabis – Supports for Schools.

## 2.0 OBJECTIVE

To promote a working and learning environment that is free from the harmful effects of drugs, alcohol and substance use, including tobacco, cannabis, and its related products.

## 3.0 DEFINITIONS

*Addiction* refers to a primary, chronic disease, characterized by impaired control over the use of a psychoactive substance and/or behaviour. Clinically, the manifestations occur along biological, psychological, sociological and spiritual dimensions. Common features are change in mood, relief from negative emotions, provision of pleasure, pre-occupation with the use of substance(s) or ritualistic behaviour(s); and continued use of the substance(s) and/or

engagement in behaviour(s) despite adverse physical, psychological and/or social consequences. Like other chronic diseases, it can be progressive, relapsing and fatal. Drug and alcohol (substance) addictions are disabilities protected by the Human Rights Code.

*Alcohol* refers to a product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol as outlined in the *Liquor License Act* (e.g. beer, wine, spirits, etc.).

*Board* refers to the Toronto District School Board, which is also referred to as the "TDSB".

*Board Property or "Board Premises"* refers to any TDSB land, premises, location or thing at, upon, in or near which a student learns or an employee works.

*Cannabis* refers to a drug that is made from the dried leaves and flowers of the hemp plant. Often referred to as marijuana, pot, weed, etc., and is typically smoked, vaped, or digested.

*Cannabis Related Product* refer to any product containing, made or derived from cannabis that is intended for human consumption whether smoked, heated, inhaled or dissolved. Common types of cannabis products include dried cannabis (e.g., joints, spliffs, blunts), concentrated cannabis products (e.g. edibles, hash, hash oil, shatter, wax, etc.), or tetrahydrocannabinol (THC)/cannabidiol (CBD) infused drinks.

*Controlled Drugs* for the purpose of this Policy refers to the harmful substances, illicit drugs or narcotics as set out in the *Controlled Drugs and Substances Act*.

*Electronic Cigarette Device* refers to any vapourizer inhalant-type device whether called an electronic cigarette or by any other name, that contains a power source and heating element and produces vapour intended to be inhaled.

*Impaired (or being under the influence)* refers to having a substance that alters or diminishes an individual's fitness to work and has negative effects on workplace health and safety and or performance of essential duties.

*School Sponsored Events*, for the purpose of this Policy, refers to events that are scheduled outside of school hours, strictly related to school activities (e.g., fundraising), and where no minors and students are present at the event.

*TDSB* refers to the Toronto District School Board, which is also referred to as the "Board".

*TDSB Vehicles* refers to any vehicles owned, leased, or rented by the TDSB, and operated by Board staff.

*Tobacco* refers to the leaves of the tobacco plant that have been dried and processed for people to roll up and smoke. Tobacco is the main ingredient in cigarettes and chewing tobacco.

*Tobacco Related Product* refers to any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. Common types of tobacco products include, but are not limited to, cigarettes, cigars, cigarillos, blunt wraps, beedies, shisha, chew, plug, snuff and snus.

*Medical Cannabis User*, for the purpose of this Policy, refers to any person who is authorized to possess cannabis solely for their own medical purposes in accordance with the *Education Act*.

#### **4.0 RESPONSIBILITY**

The Director of Education holds primary responsibility for this Policy.

Within the Director's Office, the executive oversight and responsibility for the implementation, coordination and day-to-day management of the Policy is assigned to the Associate Director, School Operations and Service Excellence.

#### **5.0 APPLICATION AND SCOPE**

This Policy applies to all students, employees and Trustees of the Board.

The Policy also covers, parents/guardians, school council members, visitors, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations while partaking in any activities that occur in Board premises or while engaging in Board related functions.

Schools and school-related activities, such as extra-curricular activities and excursions comprise the learning and working environment, fall within the scope of this Policy, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff parties, retirement celebrations) also fall within the scope of this Policy.

#### **6.0 POLICY**

- 6.1 The Board prohibits all persons from being in the possession of, or under the influence of alcohol or drugs (including cannabis) while on Board premises or while engaging in Board related functions. Exceptions include the *Human Rights Code* duty to accommodate a person's disability-related needs arising from medical use or addiction, the use of tobacco in connection with culturally significant celebrations formally conducted by

Indigenous persons or the Indigenous community or by special approval of the Director or designate. (Source: PPM 128)

- 6.2 In accordance with its duty under the *Human Rights Code*, the Board will accommodate persons who require use of cannabis for medical reasons or have an alcohol, drug (including cannabis) or tobacco addiction short of undue hardship based on significant health and safety risks. The person seeking the accommodation may need to provide medical or other information to support a disability-related need, subject to protection of privacy requirements.
- 6.3 Alcohol may be served on Board premises by permit holders for school-sponsored events only, subject to the approval of the Director of Education or designate. (Source: Community Use of Board Facilities (Permits) Policy - P011)
- 6.4 The Board prohibits the promotion of alcohol, drug (including cannabis), and tobacco on Board premises at all times. This does not include the appropriate discussion of the use of drugs or other substances for educational purposes.
- 6.5 In accordance with the *Smoke-Free Ontario Act* and Ontario's *Cannabis Act*, the smoking, growing, consumption, vaping (including electronic cigarette devices), holding or heating of tobacco or cannabis (except for medical cannabis) and their related products is prohibited:
- a) at school, on school grounds, and all public areas within 20m of these grounds;
  - b) on children's playgrounds and public areas within 20m of playgrounds;
  - c) in child care centres, or where an early years program is provided;
  - d) in places where home childcare is provided – even if children aren't present; or
  - e) within 20m of Board property, including TDSB vehicles or in personal vehicles parked on Board property.
- 6.6 TDSB employees, service providers, contract employees, and co-op students have a duty to report any hazards to their supervisor under the *Occupational Health and Safety Act*. This includes notifying the employer of other employees who are possibly impaired in the workplace. Impairment at work (or being under the influence) which compromises safety and ability to perform duties is unacceptable.
- 6.7 The Board prohibits all persons to sell or provide others (including minors) with alcohol, controlled drugs (including cannabis), tobacco and their related products on Board premises or while engaging in Board related functions. (Source: PPM 128)

- 6.8 Board funds will not be used to purchase alcohol, drug (including cannabis), tobacco and its related products.
- 6.9 Paraphernalia for the consumption of cannabis (e.g., pipes, rolling paper, e-cigarettes, vapes, etc.) must be out of sight and inaccessible at all times while on Board premises.
- 6.10 The Board prohibits use of any drugs to enhance athletic performance related to curricular or extra-curricular activities, events, programs or organized competitions.
- 6.11 The Board prohibits the illegal use of prescription medication or misuse/abuse of solvents, gasoline, cleaning fluids or other inhalants.
- 6.12 The Board will routinely inform employees who work in safety sensitive positions about the need to disclose if they are using any substances for medical purposes or as a result of addiction that could lead to on-the-job impairment and encourage employees to ask for disability-related accommodation for any related instances before harmful incidents occur.
- 6.13 The use of any substance for medical purposes, including but not limited to cannabis, must adhere to applicable legislation, the Student Health Support Policy (P092), as well as other related Board policies and procedures.
- 6.14 In accordance with the *Smoke Free Ontario Act*, exceptions are to be made for the traditional use of tobacco related products that form part of Indigenous culture and spirituality. A person may give tobacco to an Indigenous person who is or appears to be less than 19 years of age only if the gift is made for traditional Indigenous cultural or spiritual purposes. An Indigenous person/non-Indigenous person may smoke tobacco or hold lighted tobacco if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes.
- 6.15 All persons within TDSB vehicles are prohibited from having any presence of alcohol or controlled drugs (including cannabis and its related products) in their body system while driving TDSB vehicles. In addition, TDSB employees who are impaired by any substance including prescription drugs or over-the-counter medications are prohibited from driving TDSB vehicles.
- 6.16 Permit holders will not be allowed to be in possession of or consume, distribute, sell, encourage, tolerate the use of controlled drugs (including cannabis related products) or make it available to anyone at events and activities taking place on Board premises.

6.17 The Board will not fund or support any event, activity, advertising campaign, or sponsorship that relates to the consumption or sale of alcohol, drugs (including cannabis), or tobacco.

6.18 The Board will ensure that all TDSB students and employees understand that violation of this Policy and related legislation and Board policies could result in disciplinary action(s), including and up to suspension, expulsion, or termination, as appropriate.

6.19 The Board will continue to support programs of prevention and intervention which educate persons on the harmful effects of drugs, alcohol and substances, including tobacco, cannabis, and its related products to prevent students and staff from starting to use and abuse such products.

6.20 The Board will provide leadership for the effective implementation of this Policy and related procedures by ensuring that all persons who visit, use, work or learn on Board premises are made aware of and are in compliance with appropriate legislation, policies, and procedures.

## **7.0 EVALUATION**

This Policy will be reviewed as required, but at a minimum every four (4) years after the effective date.

## **8.0 APPENDICES**

Not applicable

## **9.0 SPECIFIC DIRECTIVES**

The Director of Education has authority to issue operational procedures to implement this Policy.

## **10.0 REFERENCE DOCUMENTS**

### Policies:

- Community Use of Board Facilities (Permits) Policy (P011)
- Student Health Support Policy (P092)

### Procedures

- Not Applicable

### Legislative Acts and Regulations:

- *Cannabis Act (Federal and Provincial)*
- *Controlled Drugs and Substances Act*
- *Criminal Code of Canada*
- *Education Act*



- *Liquor License Act*
- *Occupational Health and Safety Act (OHSA)*
- *Ontario Human Rights Code (OHRC)*
- *Smoke-Free Ontario Act (SFOA)*

Other Documents:

- Ministry of Education Memorandum: Legalization of Cannabis – Supports for Schools
- Ontario Human Rights Commission Policy statement on cannabis and the Human Rights Code
- Ontario Human Rights Commission: Policy on drug and alcohol testing
- Ontario Human Rights Commission: Policy on preventing discrimination based on mental health disabilities and addictions
- PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct
- PPM 144: Bullying Prevention and Intervention
- PPM 145: Progressive Discipline and Promoting Positive Student Behaviour

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## POLICY DEVELOPMENT WORK PLAN

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Date: [November 8, 2018](#)

All policies will be developed to ensure consistency with the TDSB's *Mission and Value (P002)* policy, including the principles within the TDSB's Integrated Equity Framework that promote equity and inclusion.

### POLICY INFORMATION

Proposed Policy Title: Restrictions on Alcohol, Drug and Tobacco Use

Director Council member responsible for development of the new Policy:  
[Manon Gardner, Associate Director, School Operations and Service Excellence](#)

### Phase I. POLICY RATIONALE

The rationale for the new Policy:

- The proposed Restrictions on Alcohol, Drug and Tobacco Use Policy (P0XX) is being developed in response to Ontario's *Cannabis Act* and Ministry of Education Policy and Program Memoranda (PPMs) 128, 144, and 145.
- Amendments to the *Education Act* have also been made in relation to Ontario's *Cannabis Act* to reflect suspension, expulsion, and code of conduct changes so that cannabis remains prohibited at school, on school property and at school-related activities.
- Scan of Ontario school board's practices indicated that many school boards have separate policies on alcohol, drug (including cannabis) and tobacco use.

This Policy Development Work Plan has been discussed with the Policy Coordinator:

- Yes  
 No

### Phase II. OBTAINING TRUSTEES' DIRECTIONS AND DRAFTING POLICY

This Policy Development Work Plan will be discussed at the Governance and Policy Committee meeting held on: [November 8, 2018](#)

#### Creating the Draft Policy

Subject to the Governance and Policy Committee and Board directions, the draft Policy will be created and aligned with the current Policy Template (see Operational Procedure PR501, Policy Development and Management, Appendix A):

Yes No

A review of leading practices for similar policies across jurisdictions has been undertaken for this policy.

### Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The draft Policy will include input from TDSB departments affected by the Policy:

- School Operations and Service Excellence
- Business Operations and Service Excellence
- Equity, Well-Being and School Improvement
- Leadership, Learning and School Improvement

In addition, the following three departments will be required to sign-off on the proposed draft Policy:

- Governance and Board Services
- Government, Public and Community Relations
- Legal Services

Following internal reviews and TDSB departments' sign-offs, the draft Policy will be submitted to Director Council on: [December 2018](#)

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

- Director of Education

### Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

 Yes

No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at minimum:

1. Posting of the working draft Policy on the TDSB website for public feedback (45 days minimum)

2. Extending invitations for consultation to all Advisory Committees of the Board and conducting consultations with the Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees):

- Aboriginal Community Advisory Committee
- Alternative Schools Advisory Committee
- Black Student Achievement Community Advisory Committee
- Community Use of Schools Advisory Committee
- Early Years Advisory Committee
- Environmental Sustainability Community Advisory Committee
- Equity Policy Advisory Committee
- French as a Second Language Advisory Committee
- Inner City Advisory Committee
- Parent Involvement Advisory Committee (PIAC)
- Special Education Advisory Committee (SEAC)
- Student Nutrition Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- Student Senate
- School Councils
- Other: unions and professional associations

The following methods will be applied in the external consultations:

- Public meeting
- Facilitated focus group
- Call for public delegations
- Expert panel discussion
- Survey
- Posting on the TDSB website
- Other: [Email correspondence to appropriate groups](#)

#### **Phase V. COMMITTEE/BOARD APPROVALS**

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date:  
[January/February 2019](#)

Following recommendation by the Governance and Policy Committee, the new Policy will be presented to the Board on the following date: [February/March 2019](#)

Once approved, the new Policy will be added to the TDSB website.

#### **Phase VI. IMPLEMENTATION**

Following Board approval, the new Policy will be communicated through: March 2019

- Posting of the new Policy on the TDSB website through the Policy Coordinator
- Sharing with staff through the System Leaders' Bulletin
- Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- Implementation of a broad communication plan for internal and external audiences

Policy implementation will include:

- Conducting information/training sessions to TDSB staff affected by the Policy

The projected time period for conducting information/training sessions to staff will be:

- Initiate review of associated policies and procedures: [March 2019](#)

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