

<b>POLICY NAME</b>	<b>POLICY CONCERNING ALCOHOL, CANNABIS AND OTHER DRUGS</b>
<b>Approving Body</b>	Board of Governors
<b>Initial Approval Date</b>	October 31, 2019
<b>Date of Last Review</b>	January 14, 2020 (Executive Committee)
<b>Date of Next Review</b>	Winter 2025
<b>Executive Co-Sponsors</b>	Provost and Executive Vice-President (Academic) Vice-President (Administration and Finance)
<b>Related Documents</b>	Procedure on Drug and Alcohol Testing of Employees

## **PART I – POLICY STATEMENT, PURPOSE AND SCOPE**

### **1. POLICY STATEMENT**

McGill University is committed to promoting the health, safety and wellness of all Members of the University Community. The University recognizes its responsibility to provide a healthy, safe, respectful and impairment-free working and learning environment for all. This Policy seeks to balance this responsibility with respect for the rights of all Members of the University Community.

### **2. PURPOSE**

This Policy and its procedure aim to:

- Promote health and safety by preventing risks associated with the consumption of alcohol, cannabis and other drugs;
- Ensure a safe and secure campus;
- State the rules and framework applicable to alcohol, cannabis and other drugs on campus;
- Ensure Employees are Fit for Work during work hours.

### **3. SCOPE**

This Policy shall apply to all Members of the University Community.

## PART II – POLICY

### 4. DEFINITIONS

For the purposes of this Policy:

- 4.1 “*Alcohol*” means any beverage containing alcohol, including but not limited to, beer, wine, or spirits.
- 4.2 “*Cannabis*” means a cannabis plant, any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, any substance or mixture of substances that contains or has on it any part of such a plant, any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained, and whether or not it is comestible.
- 4.3 “*Consuming*” means smoking or inhaling in any manner, including but not limited to a joint, pipe, electric cigarette, bong (water pipe), vaporizer or any similar product, injecting, eating, swallowing, drinking, vaporizing or applying to the skin.
- 4.4 “*Drugs*” means any substance which, when consumed, may affect the mental and physical processes, i.e. the users’ conscience and behaviour. The term “*Drug*” includes but is not limited to any controlled drugs referred to in the *Controlled Drugs and Substances Act* (S.C. 1996, c.19).
- 4.5 “*Employee*” has the same meaning as the definition provided for in the *Labour Standards Act* (CQLR, c. N-1.1), and includes all academic staff, nil-salary academic staff, and students employed by the University while in function.
- 4.6 “*Fit for Work*” means capable of safely and effectively carrying out one’s duties as assigned by a contract of employment or collective agreement.
- 4.7 “*Illegal Drugs*” means any substance which, when consumed, may affect the mental and physical processes, i.e. the users’ conscience and behaviour, and as referred to in the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19).
- 4.8 “*Member of the University Community*” means Employees, contractors, sub-contractors, students, visitors and guests of the University.

- 4.9** *“Reasonable Grounds”* is based on an observation of behaviours including, but not limited to, observed use or evidence of use of a substance, such as the smell of alcohol, observed signs of drug or alcohol impairment, such as lack of coordination, loss of balance, slurring of speech, delayed reaction, uninhibitedness, atypical behavior, changes in the individual’s physical appearance consistent with impairment, such as glassy eyes.
- 4.10** *“Safety-Sensitive Position”* means a position where an Employee’s mistakes or faulty work performance could result in an injury to the Employee or others, and/or damage to property or the environment.
- 4.11** *“Under the Influence”* means a state caused by Alcohol, Cannabis, Drugs or Illegal Drugs limiting an individual’s ability to perform work or other activities in a safe, respectful and/or productive manner, or rendering the individual in a mental or physical state that represents a hazard for the health, safety and well-being of the individual and/or any other person.
- 4.12** *“University Property”* includes the indoor and outdoor campus areas of any McGill University campus in the Province of Quebec. University Property includes buildings, structures, parking lots, grounds, and outdoor areas owned or leased by the University, including residences. It also includes vehicles owned or leased by the University. Private vehicles on University-owned and leased land or in University-owned or leased parking structures are also subject to this Policy.

## **5. ALCOHOL**

### **5.1 Alcohol possession**

Possessing unopened Alcohol containers for later consumption outside University Property, or as outlined below, is permitted.

### **5.2 Alcohol consumption**

**5.2.1** Consuming Alcohol while on University Property, or while operating a vehicle or equipment owned or leased by the University is prohibited, with the exception of the following:

- (a)** At a location, activity or event for which an alcohol permit has been obtained;
- (b)** For the purposes of participating in duly-approved research related to Alcohol consumption, in accordance with the terms of approval determined by the relevant research ethics committee;
- (c)** For students living in University residence buildings and their guests, within the residence they live, and in accordance with applicable residence regulations.

**5.2.2** For Employees, consuming Alcohol during work hours is prohibited, except during lunch break or at an activity or event that an Employee participates in due to the nature of the Employee's functions.

**5.2.3** Employees holding a Safety-Sensitive Position are prohibited from consuming Alcohol during work hours at all times, including during the lunch break.

**5.2.4** When Alcohol consumption is allowed, it must be consumed responsibly.

### **5.3 Sale and distribution of alcohol**

It is prohibited to sell, distribute, give or otherwise offer Alcohol on University Property, except in locations or events where a valid permit for serving or selling Alcohol is held.

## **6. CANNABIS**

### **6.1 Cannabis Possession**

#### **6.1.1 Prohibition**

Possessing Cannabis on University Property is prohibited, except in student residences, in accordance with student residence regulations.

#### **6.1.2 Exception for research purposes**

Cannabis possession for duly-approved research purposes is permitted on University Property, under a licence issued by Health Canada, in accordance with the terms of approval determined by the relevant research ethics committee.

#### **6.1.3 Exception for medical reasons**

The possession of Cannabis for medical reasons is permitted for Members of the University who meet the conditions set out in section 6.2.3.

#### **6.1.4 Conditions applicable to the exceptions**

When Cannabis possession is allowed, Members of the University Community are responsible for:

- a) ensuring they respect the limits of the legislation, including any changes that may occur;
- b) storing Cannabis in a safe manner, somewhere that is not accessible to minors, and stored in a way that remains scent-free.

## **6.1 Cannabis consumption**

### **6.2.1 Prohibition**

Consuming Cannabis while on University Property, or operating a vehicle or equipment owned or leased by the University, is prohibited. In addition, Employees are prohibited from consuming Cannabis outside of University Property during work hours, while they are carrying out their employment responsibilities, or while acting as a University representative.

### **6.2.2 Exception for research purposes**

Cannabis consumption for duly-approved research purposes is permitted on University Property, under a licence issued by Health Canada, in accordance with the terms of approval determined by the relevant research ethics committee.

Only persons who are research subjects may consume Cannabis in the research site as part of the research.

The Principal Investigator of the laboratory must inform the Minister of Health and Social Services, and obtain the University's approval, before beginning to use a location where Cannabis smoking is permitted for research purposes.

### **6.2.3 Exception for medical reasons**

Although smoking or inhaling Cannabis is prohibited on University Property, the consumption of Cannabis for medical reasons may be permitted in other forms in the following circumstances:

The Member of the University Community meets all legislative requirements and has a medical certificate providing the following information: diagnosis, treatment plan (including dosage, frequency and duration), functional limitations associated with the disability or illness, and functional limitations associated with the treatment.

The medical certificate must be submitted to:

- In the case of Employees: the Employee's immediate supervisor, Human Resources representative or Disability Management Advisor;
- In the case of students: the Dean of Students.

The Member of the University Community must have obtained prior written authorization from the authorized University representative before consuming

Cannabis on University Property. Members of the University Community who were required to consume Cannabis on University Property due to medical reasons prior to the implementation of this Policy are required to submit their medical certificate as soon as possible after the implementation of the Policy.

### **6.3 Cannabis cultivation**

Cannabis cultivation is prohibited on University Property, including for personal and/or medical reasons, except if the cultivation of Cannabis is for duly-approved research and teaching purposes, and undertaken pursuant to a licence issued by Health Canada.

Cannabis cultivation includes the planting of seeds and plants, the propagation of plants from cuttings, the cultivation of plants and the harvesting of the production of Cannabis cultivation.

### **6.4 Sale and distribution of cannabis**

It is prohibited to sell, distribute, give or otherwise offer Cannabis on University Property, except if the sale or distribution of Cannabis is undertaken by a holder of a licence issued by Health Canada, and done in accordance with the terms of such licence.

### **6.5 Publicity and promotion**

It is prohibited to provide publicity or promote, directly or indirectly, Cannabis, a brand or type of Cannabis, the Société québécoise du cannabis, a Cannabis producer, any products associated with Cannabis or Cannabis Consumption on University Property, in University communications or at University sponsored activities or events.

Notwithstanding the above, the following shall not be prohibited:

- Providing courses, programs, workshops, symposia or presentations on Cannabis;
- Publicizing, promoting or sponsoring University courses, programs, workshops, symposia, presentations or centres that provide education or training on Cannabis;
- Referring to Cannabis in scientific, educational, literary or artistic documents or presentations.

### **6.6 Signs**

The University will display signs indicating that it is prohibited to consume Cannabis on University Property. It is prohibited to remove, alter or damage these signs.

## **7 ILLEGAL DRUGS**

### **7.1 Possession of Illegal Drugs**

Possessing Illegal Drugs on University Property or in a vehicle owned or leased by the University is prohibited. It is further prohibited for Employees to possess Illegal Drugs during work hours outside of University Property.

### **7.2 Illegal Drug consumption**

Consuming Illegal Drugs while on University Property, or when operating a University vehicle or equipment is prohibited. It is further prohibited for Employees to consume Illegal Drugs during work hours outside of University Property.

### **7.3 Sale and distribution of Illegal Drugs**

It is prohibited to sell, distribute, give or otherwise offer Illegal Drugs on University Property.

## **8 IMPAIRMENT**

- 8.1.** Employees are expected to be Fit for Work. Employees are, therefore, prohibited from being Under the Influence of Alcohol, Cannabis or Drugs during work hours.
- 8.2.** An individual will be considered Under the Influence in the presence of Reasonable Grounds based on observation, which may, in certain circumstances, be confirmed by a health professional through a detection test.
- 8.3.** Employees holding a Safety-Sensitive Position will be considered to be Under the Influence of Alcohol if their blood alcohol content is at any level above 0.00%.
- 8.4.** Employees must report to their supervisor any requirements for modified work due to the risk of impairment from use of Drugs, including over-the-counter medications and medication prescribed by a physician, and follow any recommended course of action to minimize safety risks.
- 8.5.** An alcohol or drug detection test may be required from Employees in accordance with the Procedure on alcohol or drug testing of employees.
- 8.6.** Members of the University Community who appear Under the Influence may be requested to leave the University Property.

## **9 DEPENDENCY**

- 9.1.** Understanding that substance abuse due to a dependency is a disability, the University shall, for any student or Employee with a substance dependency, make reasonable accommodations up to the point of undue hardship to the University.
- 9.2.** Employees with substance dependency are encouraged to inform their immediate supervisor or Human Resources.
- 9.3.** Eligible Employees may contact the Employee & Family Assistance Program to obtain confidential support.
- 9.4.** Students may contact and access Students Services, as applicable, to obtain confidential support.

## **10 VIOLATIONS OF THIS POLICY**

- 10.1** A violation of this Policy by a student is regarded as a non-academic offense under the *Code of Student Conduct and Disciplinary Procedures*, such as, but not limited to Article 10 c) and 11 b), and may lead to the imposition of disciplinary measures pursuant to, and in accordance with, the provisions of that *Code*.
- 10.2** A violation of this Policy by an Employee may result in disciplinary and/or administrative measures in accordance with the applicable policies, regulations or collective agreements.
- 10.3** A violation of this Policy by a Member of the University Community or the public may result in a removal from University Property and/or termination of a contract for services.
- 10.4** In addition to potential disciplinary and/or administrative measures imposed by the University, a violation of this Policy may lead to penal charges under the applicable legislation.
- 10.5** Students and Employees studying or working in a clinical setting, or taking part in internships or stages off University Property, must, in addition to respecting the present Policy, abide at all times by the policies, regulations and procedures that apply to such locations.

**PART III – AUTHORITY TO APPROVE PROCEDURES**

- 11** The Provost and Executive Vice-President (Academic) and Vice-President (Administration and Finance) have the authority to establish and amend procedures necessary for the purpose of implementing this Policy.

**PART IV – REVIEW**

- 12** This Policy is in effect as of November 1, 2019.
- 13** This Policy will be reviewed by the Board of Governors at least once every five years following its adoption.

<b>Legislative History:</b>		
<u>Approved:</u> Executive Committee	October 31, 2019	Minute 10.1
<u>Revised:</u> Executive Committee	January 14, 2020	Minute 5.1.1