

Policy Name:	Drug & Alcohol Policy		
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Policy Statement

NSCAD University (NSCAD) is committed to sustaining an academic environment that both respects individual freedom and promotes the health, safety, and well-being of all members of the NSCAD’s community. Our health and safety performance relies on good judgment and responsible action. NSCAD recognizes that one of its most important obligations to employees and students is to maintain a safe environment which is completely free from any negative safety effects of alcohol and drug usage. We understand that the use of illicit drugs and other mood-altering substances, and the inappropriate use of alcohol, and drugs can adversely affect individual performance, and may pose serious safety and health risks, not only to the user, but to all those who work at NSCAD, including visitors and contractors.

Reason for Policy

Recognizing the safety-sensitive nature of much of our operations and the many art-making processes involving students, staff and visitors, this policy has been developed to support NSCAD’s ongoing objective to provide a safe environment for faculty, students, employees and visitors. The use of alcohol and drugs either legal or otherwise can cause impairment which creates a serious health and safety risk for both the user and others. Promoting a healthy and safe environment is integral to the personal, professional and academic experience of students, faculty, staff and visitors.

Policy Applies to

This Policy applies to all faculty, students and employees while they are engaged in university activities, at all times when on the university premises, and when operating NSCAD vehicles and equipment. Events which are legally licensed are exempt from this policy (see Alcohol Usage and Licensing Policy). Any violation of these provisions will result in disciplinary action. Failure of Supervisors and others who direct or assign work, instruct and oversee student activity, to meet their responsibilities under this Policy will be grounds for disciplinary action.

All contractors will be advised of the applicable sections of this Policy and will be expected to ensure their representatives are in compliance. Failure to do so is considered a breach of their contract.

Who Should Read this Policy?

- All members of the university community
- Any individuals with management or supervisory responsibilities
- All regular staff and faculty members
- Contractors

Contacts

- Human Resources Department
- Department of Facilities Management
- Office of Student Experience
- Office of Academic Affairs & Research
- Office of Finance & Administration

Definitions

“Contractor”: refers to any company or individual which NSCAD has contracted to perform a service on university premises or as a representative of the NSCAD. This would include contractors, their employees, sole provider contractors or consultants, and subcontractors and their employees who are not on NSCAD’s payroll.

“Distribute”: includes administer, give, transfer, transport, send, deliver, provide or otherwise make available in any manner, whether directly or indirectly, and offer to distribute or have in possession for distribution.

“Drugs”: means any substance, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For purposes of this Policy, drugs of concern are those that inhibit an individual’s ability to perform in a safe and productive manner. The definition of Drug includes but is not limited to:

- **“Alcohol”**: refers to beer, wine and distilled spirits, and includes the intoxicating agent found in medicines or other products.
- **“Cannabis means”**:
 - 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; and
 - any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
 - Cannabis does not mean a non-viable seed of a cannabis plant, a mature stalk, without any leaf, flower, seed or branch, of such a plant, fiber derived from a mature stalk, the root or any part of the root of such a plant.
- **“Medical-use Cannabis”**: means cannabis used for medical purposes within the meaning of Cannabis Regulations (federal), or in accordance with a court order.
- **“Illicit Drug”**: means any drug or substance which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law (e.g. street drugs such as heroin and cocaine).
- **“Medication”**: refers to a drug obtained legally, either over-the-counter or through a doctor’s prescription.
- **“Mood Altering Substance”**: refers to any other product that is legally or illegally used, resulting in cognitive or physical limitations that negatively impact performance on the job or in the classroom.

“Drug Paraphernalia”: Any personal property which is associated with the use of any drug, the use of which is unlawful in Canada.

“Employee”: Includes all regular full time, part time, temporary, casual, and seasonal employees on NSCAD’s payroll.

“Employee Assistance Program”: is a benefit available to all employees which provides confidential access to assessment, counseling, treatment and aftercare services for any personal problem an employee may face. For more information, contact the Human Resources department.

“Federal Act”: means the Cannabis Act (Canada);

“Fitness for Work or Study”: in the context of this Policy means being able to safely and acceptably perform assigned duties or educational activities without any limitations due to the use or after-effects of drugs, including alcohol.

“Impairment”: means that there are reasonable grounds to conclude that an individual is not Fit for Work or Study. Such reasonable grounds include showing signs of behavioural change including the smell of Alcohol or Drugs, glassy or red rimmed eyes, unsteady gate, slurring, poor coordination and/or aggressive loud behaviour not typical to the person.

“Supervisor”: refers to a NSCAD employee accountable for a particular area, including managers, faculty, instructors, technicians and facility staff in supervisory positions who are directly responsible for the safety and performance of employees, students and contractors.

“University business”: refers to all business activities undertaken by employees or contractors in the course of NSCAD’s operations, it also refers to any activities undertaken by students in the course of their educational pursuits while on NSCAD premises.

“University premises”: includes but is not necessarily restricted to all land, facilities, work sites, and vehicles owned, leased or otherwise controlled by NSCAD for the purpose of conducting university business. This includes all surrounding ground, parking lots and leased or rented space.

“Sell”: includes offer for sale, expose for sale and have in possession for sale;

The Policy

To minimize the risk of unsafe and/or unsatisfactory performance due to the use or after-effects of alcohol or other drugs, employees and students are expected to comply with the following standards at all times when on NSCAD university premises, and when operating NSCAD vehicles and equipment. Everyone is expected to report fit for work or study and remain fit throughout their normal day at NSCAD.

1. **Illicit Drugs and Mood-Altering Substances:** The following are prohibited:
 - 1.1. the use, possession, distribution, offering or sale of illicit drugs and other mood-altering substances, and related drug paraphernalia, NSCAD reserves the right to confiscate drug-related paraphernalia;
 - 1.2. reporting to work or being at work while under the influence of illicit drugs and other mood-altering substances; and
 - 1.3. attending classes or studio/labs while under the influence of illicit drugs and other mood-altering substances;
 - 1.4. any conduct or behavior related to illicit drugs or other mood-altering substances that threatens the safety or well-being of oneself or others is prohibited.

2. **Legalized Cannabis:**
 - 2.1. the possession of cannabis in any form on university premises is strictly prohibited unless under prescription from a medical doctor.
 - 2.2. students who have a prescription from a medical doctor for the use of cannabis, hashish or their derivatives must register with the office of Student Experience and Registrar prior to possessing or using them on NSCAD property. In such cases NSCAD will abide by their obligations as outline in the Nova Scotia Human Rights Act.
 - 2.3. growing and cultivation of cannabis plants are not permitted on the premises of the University.
 - 2.4. any conduct or behavior related to cannabis use that threatens the safety or well-being of oneself or others is prohibited.

3. **Alcohol:** The following are prohibited with the exceptions noted below:
 - 3.1. the use, possession, distribution, offering or sale of beverage alcohol;
 - 3.2. brewing and distilling alcohol are not permitted on the premises of the University;
 - 3.3. reporting for work or being at work while under the influence of alcohol from any source;
 - 3.4. attending classes or studio/labs while under the influence of alcohol from any source;
 - 3.5. any conduct or behavior related to alcohol that threatens the safety or well-being of oneself or others;
 - 3.6. **Exemptions:** Individuals covered by this Policy may use alcohol on university premises during special events which are legally licensed (see Alcohol Usage and Licensing Policy), when alcohol is used responsibly, and the individual is not returning to work after the event.
 - 3.7. Possession of beverage alcohol is strictly prohibited on university premises. It may be temporarily stored in a factory sealed container in a personal vehicle parked on university premises, or transported in a vehicle provided or assigned by the NSCAD when not being used for university business, provided it is locked in the trunk of the vehicle or otherwise appropriately secured.

4. **Impaired Driving Charge/License Suspension:** Employees must inform their supervisor immediately if they have been charged with an impaired driving offense under the Criminal Code or have received an administrative license suspension under the Highway Traffic Act when operating a university vehicle or driving on behalf of NSCAD. Impaired driving would include but not be restricted to testing over the legal BAC (Blood Alcohol Content) in that jurisdiction, driving while impaired, or refusal to blow into a breath analyzer or provide a sample for testing. If an employee receives a charge or suspension, there will be an investigation. Action taken, including any discipline, will be appropriate to the situation. Failure to report the charge will normally be grounds for discipline up to and including termination of employment.

5. **Medications:** Employees and students are required to responsibly use all medications, including those that are prescribed and over-the-counter. Medications of concern are those that inhibit or may inhibit an individual's ability to perform in a safe and productive manner. The following are prohibited:
 - 5.1. being unfit-for-work or study due to the use of a medication;
 - 5.2. the intentional misuse of medications (e.g. not using the medication as it has been prescribed or directed by the pharmacy or packaging, using someone else's prescription medication, combining medication and alcohol use against direction); and
 - 5.3. the possession of prescribed medications without a legal prescription and the distribution, offering or sale of prescription medications (trafficking).
 - 5.4. in the interest of health and safety, employees and students who need to use medication, including medical cannabis are required to:
 - 5.4.1. investigate (through their doctor or pharmacist) whether the medication can negatively affect safe

- performance by explaining their job functions, and/or study requirements; and
- 5.4.2. act responsibly and use a safe alternative medication choice when available (e.g. non-drowsy); however
 - 5.4.3. if the medication they are using will affect their ability to perform safely, employees and students are required to notify NSCAD. If they are an employee they must advise their supervisor or the office of Human Resources, students shall notify their instructor/technician or the office of Student Experience and Registrar.
 - 5.4.4. If there is any concern about safe performance on the job or in the classroom, NSCAD will abide by their obligations regarding “Duty to Accommodate” as outline in the “Nova Scotia Human Rights Act” on a case by case basis.
6. **Unexpected Call-in:** If an employee is under the influence of alcohol or other drugs, or is in a condition that could impact safe operations, and is contacted by the University to perform unscheduled services, it is the responsibility of the employee to decline the call. Employees who are being paid to be on-call should avoid being under the influence of drugs and alcohol during the paid on-call period.
7. **Responsibilities**
- 7.1. Employees are expected to perform their job in a safe manner and in all ways be consistent with established NSCAD practices. In addition, they are responsible to:
 - 7.1.1. read and understand the Policy and their responsibilities under it;
 - 7.1.2. report fit for work and remain fit for work while on university business and premises;
 - 7.1.3. before a Policy violation occurs, seek advice and follow appropriate treatment if they have a current or emerging alcohol or drug problem and follow recommended monitoring programs after attending treatment;
 - 7.1.4. co-operate with any work modification related to safety concerns;
 - 7.1.5. intervene as appropriate to encourage a co-worker to access assistance before an alcohol or drug problem impacts safe performance of their work;
 - 7.1.6. in the interest of safety, immediately report of any unsafe acts or conditions to their supervisor; and
 - 7.1.7. co-operate with an investigation into a violation of this Policy.
 - 7.2. **Supervisors** are responsible for:
 - 7.2.1. ongoing performance management to ensure safe operations and effectiveness of the Policy;
 - 7.2.2. guiding employee(s) and student(s) who voluntarily seek assistance for a personal problem to appropriate resources (e.g. through the Employee Assistance Program (EAP), the office of Student Experience and Registrar or community resources) while maintaining confidentiality;
 - 7.2.3. taking appropriate steps to investigate any possible violation of the standards set out under this Policy;
 - 7.2.4. monitoring and ensuring Policy compliance of contract workers.
 - 7.3. Students are expected to perform study activities in a safe manner and in all ways be consistent with established NSCAD practices. In addition, they are responsible to:
 - 7.3.1. read and understand the Policy and their responsibilities under it;
 - 7.3.2. report fit for study and remain fit for study while on university premises;
 - 7.3.3. before a Policy violation occurs, seek advice and follow appropriate treatment if they have a current or emerging alcohol or drug problem and follow recommended monitoring programs

- after attending treatment;
- 7.3.4. in the interest of safety, immediately report of any unsafe acts or conditions to their instructor or technician; and
- 7.3.5. co-operate with an investigation into a violation of this Policy.

Students experiencing problems involving the consumption of drugs or alcohol will be encouraged to meet with the Manager of Financial Aid and Student Counselling. No employee will be disciplined or terminated due to a request for assistance in overcoming Alcohol or Drug dependence or because of involvement in a rehabilitation effort. However, the employee must be willing to address dependence issues before they negatively impact performance or cause safety issues.

8. The office of Human Resources is responsible for:

- 8.1. ensuring consistent administration of the Policy;
- 8.2. resolving any questions related to the interpretation;
- 8.3. supporting supervisors, instructors and technicians in meeting their responsibilities;
- 8.4. coordinating development and delivery of education and supervisor training programs;
- 8.5. supporting employees requiring professional assessment, counselling and/or treatment as per this Policy.

Forms and Tools

- NSCAD Tobacco & Smoke Free Policy: <https://navigator.nscad.ca/wordpress/wp-content/uploads/2018/12/8.5-Tobacco-Smoke-Free-Campus-Policy-6.pdf>
- Bill 108, Nova Scotia Cannabis Control Act: https://nslegislature.ca/legc/bills/63rd_1st/1st_read/b108.htm
- Nova Scotia Human Rights Act: <https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>
- Nova Scotia Smoke Free Places By-law: <https://nslegislature.ca/sites/default/files/legc/statutes/smokfree.htm>
- NSCAD Alcohol Usage & Licensing Policy: <https://navigator.nscad.ca/wordpress/wp-content/uploads/2018/12/8.6-Alcohol-Usage-Licensing-Policy-3.pdf>

Drug & Alcohol Policy: <https://navigator.nscad.ca/wordpress/wp-content/uploads/2018/12/5.10-Drug-Alcohol-Policy-6.pdf>