

Procedure Name: SUBSTANCE USE PROCEDURE– DRUGS AND ALCOHOL			
Parent Policy	Substance Use Policy-Drugs and Alcohol		
Policy Sponsor	Chief Human Resource Officer	Category	Administrative
Policy Contact	Chief Human Resource Officer	Effective Date	October 17, 2018
Procedure Contact	Chief Human Resource Officer	Review Date	October 17, 2023

Purpose: The University is committed to promoting the health, safety and wellness of all members of the Athabasca University Community. It recognizes that the use of Drugs and Alcohol can impair an individual, and that impairment may affect the health and safety of others, including students, contractors, and by extension communities we serve. This procedure outlines the University’s expectations and prohibitions regarding the personal, recreational and public use of Alcohol and Drugs.

Founded on our ICARE values, this procedure outlines the responsibilities of the members of the University Community supported by the principles of Fit for Duty/Fit for Learning.

1. Scope:

- 1.1. This procedure applies to all members of the Athabasca University Community
- 1.2. University owned, operated and leased properties. In the event of a conflict between this procedure and any related policy, practice or rules as governed by the owner or landlord of such leased property the Policy and Procedure that is most restrictive will apply.
- 1.3. This procedure complements, may interact with or may trigger, other university policies, procedures, collective agreements, contracts, terms of reference, and professional codes of conduct and shall be read in a manner which operates in conjunction with, and not as conflicting with, those policies and procedures.
- 1.4. The University recognizes that it has a duty to take reasonable steps, to accommodate an employee’s individual needs. This procedure is not intended to discourage or prevent individuals from receiving accommodation for the medicinal use of prescription drugs, including cannabis.
- 1.5. This procedure does not apply to or seek to limit any authorized academic or research projects or purposes that may include Drugs and Alcohol.

2. Definitions

Alcohol	Intoxicating agent in beverage alcohol, or other low molecular weight alcohols (i.e., isopropyl).
Cannabis	A cannabis plant and 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.
Cannabis Paraphernalia	A thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of Cannabis; or (b) a thing that is deemed to be represented to be used in the consumption or production of Cannabis.
Contractor(s)	A person, a partnership or group of persons who, through a contract, an agreement or ownership, directs the activities of one or more employees involved in work at a works site.
Drugs	Any substance, chemical or agent the use or possession of which is unlawful in Canada or requires a personal prescription or authorization from a licensed treating physician, or the use of which is regulated by legislation (such as Cannabis), or any other psychoactive substance, and any non-prescription medication lawfully sold in Canada. For the purposes of this Policy “drugs” also includes any drug paraphernalia.”
Employee	A full-time, part-time, casual, or seasonal staff member employed by the University.
Executive Team	Is comprised of the President; Provost and Vice-President Academic; Vice-President, Finance and Administration and Chief Financial Officer; Vice-President, Information Technology and Chief Information Officer; Vice-President, University Relations; University Secretary; Chief Human Resource Officer; the Chief of Staff, Office of the President, and any other position as so designated.
Fit for Duty	Being in a state which allows an individual to perform their assigned tasks and responsibilities competently and successfully and in a manner that does not compromise or threaten the health and safety of the individual, co-workers, students, property or the public-at-large.

Fit for Learning	That a student is not impaired by any Drugs or Alcohol or other impairing substance that will disrupt the learning experience or compromise or threaten the health and safety of the individual, fellow learners, faculty or staff, property or the public-at-large. Except where such USE is in accordance with the terms of Medicinal Use.
FOIP Act	<i>Freedom of Information and Protection of Privacy Act, R.S.A 2000, c. F-25, as amended.</i>
Legislation	Applicable law that is enacted by the Federal Government, Provincial Legislature, Municipal Council, or other governing body having jurisdiction.
Medicinal Use	The use of prescription drugs, including Cannabis, as prescribed by a Physician who is licensed to practice medicine in Canada and is authorized by their respective governing body to prescribe drugs for medicinal purposes in Alberta.
Minor	A person under the age of 18 years.
Personal Use	Any use of drugs that is not Medicinal Use.
Safety-Sensitive Position	Any position where the job function, including non-routine and emergency duties, involves responsibility for actions or decisions, which if not performed correctly, could directly cause or contribute to a danger to the health and safety of employees, contractors, customers, the public, or the environment. The [University] reserves the right to designate positions as Safety Sensitive Positions, based on its review of the duties and responsibilities of its positions, and upon notice to Employees. Employees who are required to temporarily relieve in a Safety Sensitive Position, or who directly supervise Safety Sensitive Positions and who may perform the same duties or exercise the same responsibilities, are deemed to hold Safety Sensitive Positions.
University Community	All faculty and staff, students, Board Members, contractors, postdoctoral fellows, volunteers, visitors and other individuals who work, study, conduct research or otherwise carry on business of the University.
University Event	Gatherings that require formal planning and organization (for example: booking a venue, advertising or promoting on social media or otherwise, selling tickets or charging for entry, arranging entertainment, hiring servers) that are organized by faculty, staff acting on behalf of the University. This does not include small personal gatherings that are not University related events.

University Property	Any land, or building part thereof owned, leased, or occupied by the University. Including any motor vehicle, piece of equipment, container or other means of transportation, owned, leased, rented or used by the University and any private vehicle used in the course of University Business.
Use	Smoking, vaping, applying, inhaling, ingesting (i.e. eating) and otherwise consuming or injecting legal or illegal drugs and alcohol.
Visitor	An individual or group that is neither registered as a student(s) nor university faculty or staff and who attends University owned, operated or leased property.

3. Guiding Principles

3.1. Procedure

- a) The Use, preparation, cultivation, growth, manufacturing, distribution, or offering for sale of any:
 - i. Alcohol;
 - ii. Drugs or drug paraphernalia; and
 - iii. Prescribed medication not authorized for personal use,

anywhere on University Property is strictly prohibited except as expressly authorized by the Substance Use Policy – Drugs and Alcohol or where such activity is in compliance with the University Events Policy or is required as part of an employee's work duties.

3.2. Expectations

a) **Employees must:**

- i. Assess if they are Fit for Duty. The employee must not report to work while the Employee's ability to competently and safely perform their duties is impaired from the use of Alcohol or Drugs (legal or illegal).
- ii. Remain Fit for Duty when in an on-call or stand-by capacity; and
- iii. Decline any unscheduled work requests made by the University if the employee is under the influence of Alcohol and Drugs. There will be no adverse consequences to the Employee for declining in these circumstances; and
- iv. Use prescription Drugs responsibly, be aware of potential side effects and notify their supervisor of any potential unsafe side effects where applicable; and
- v. Report any hazards to their Supervisor.

b) **Contractors must:**

- i. Report Fit for Duty and remain Fit for Duty while engaged in the delivery of any services to the University or representing the University in a contractor or sub-contractor capacity.

c) **Supervisors must:**

- i. Employees or Contractor(s) performing work when they are not Fit for Duty may introduce a hazard to the University Community. Supervisors must exercise due diligence to ensure the health and safety of their employees (direct reports) while in the workplace; and
- ii. Remove from Duty, in a respectful manner, any Employee or

Contractor who presents as impaired and possess a potential risk or hazard to themselves or members of the University Community; and

- iii. Report any hazards to their Supervisor and Human Resources; and
 - iv. Protect the confidentiality of Employee personal information which is collected, used and disclosed in the conduct of assessing workplace hazards, as authorized and in accordance with FOIP Act.
- d) **Students must:**
- i. It is the Student's responsibility to assess if they are Fit for Learning. The student must not engage in University Learning Communities while the Student's ability to competently and safely perform their duties is impaired from the use of Alcohol or Drugs (legal or illegal).

3.3. Accommodation

- a) The University recognizes and respects:
 - i. the right to Medicinal Use for all members of the University Community; and
 - ii. its duty to accommodate individuals in accordance with Alberta Human Rights legislation.
- b) Where an Employee engaged in a Return to Work Program, is prescribed the Medicinal Use of prescription drugs (including Cannabis), and the licensed prescribing Physician indicates there may be a risk that the Medicinal Use may impair the Employee's ability to be Fit for Duty, the University may consider making a work modification for the University Member where appropriate. Employees may be assigned alternate duties if available at the discretion of the University.
- c) Where a University Member is or will be using Drugs for Medicinal Use, and that use may result in an impairment to the University Member's ability to be Fit for Duty or Fit for Learning, the University Member has an obligation to bring this to the attention of the University and to work with the University to facilitate any necessary accommodation efforts.
- d) Employees who believe or suspect they may have a substance abuse problem, or that a problem may be emerging, are encouraged to seek assistance from their supervisor, the Coordinator, Employee Health, or the University's Confidential Employee Family Assistance Program.

- e) Students who believe or suspect they may have a substance abuse problem, or that a problem may be emerging, are encouraged to seek assistance from the University's Counseling Services Unit or a licensed Health Practitioner.
- f) Employees or students that voluntarily seek help will not be subject to disciplinary action. However, the help must be accessed prior to engaging in activities which may lead to disciplinary action. Accessing assistance or declaring a problem does not eliminate the

requirement for employees to maintain a satisfactory work level or for students to maintain a satisfactory attendance record or minimum grade point average (GPA).

3.4. Compliance

- a) In all instances where there is a violation of this Procedure and Parent Policy, an investigation will commence:
 - i. **Employees** – investigations will commence in compliance with the Employee Code of Conduct, respective collective bargaining agreements, and related legislation.
 - ii. **Contractor(s)** – investigations will commence in accordance with the provisions contained in the agreement between the University and the Contractor.
 - iii. **Students** – investigations will commence in compliance with the Non- Academic Misconduct Policy.
- b) Confidentiality will be maintained in information resulting from an employee or student's disclosure of a substance use problem or an emerging Drug or Alcohol problem, except where the disclosure of such information is:
 - i. Necessary for related health and safety concerns;
 - ii. Necessary as part of any disciplinary process; or
 - iii. Required by law or any collective agreement.

3.5. Awareness and Education

- a) This policy is available in the online Office of the University Secretariat/University Policies and Procedures Manual at <http://ous.athabascau.ca/policy/index.php> and the Human Resources and Employment Services Policy and Procedure site.
- b) The University is committed to offering ongoing education and promoting awareness about the danger of Alcohol and Drug use.

4. Applicable Legislation and Regulations

[Alberta Human Rights Act, R.S.A. 2000, c. A-25.5,](#)
as amended [Bill C-45 - An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts,](#)
as amended [Bill 26 – An act to control and regulate Cannabis](#)
[Bill 29 – An act to reduce Cannabis and Alcohol](#)
[Impaired Driving Bill 6 – Gaming and Liquor Statues,](#)
as amended *Bylaw of the Town of Athabasca, in the province of Alberta, to Restrict the Consumption of Cannabis in Public Places*
[Bylaw Number 24m2018 Being A Bylaw Of The City Of Calgary To Restrict The Consumption Of Cannabis In Public Places](#)
[City Of Edmonton Bylaw 14614 Public Places Bylaw](#)
[Freedom of Information and Protection of Privacy Act, R.S.A 200, c. F-25,](#)
as amended [Post-Secondary Learning Act, R.A. 2003, c. P-19.5,](#)
as amended [All collective bargaining agreements in which the Governors of Athabasca are a party](#)

5. Related Procedures/Documents

[Alcohol at University Events Policy,](#)
as amended [Non-Academic Misconduct Policy,](#)
as amended [Substance Use Policy -Drugs & Alcohol](#)

History

<i>Date</i>	<i>Action</i>
October 17, 2018	Executive Team (associated policy approved)