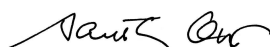


SUBJECT	POLICY 15 (SMOKING AND SMOKING PRODUCT PROMOTION ON CAMPUS)
MEETING DATE	SEPTEMBER 13, 2018

Forwarded on the Recommendation of the President

**APPROVED FOR
SUBMISSION**



Santa J. Ono, President and Vice-Chancellor

FOR INFORMATION

Report Date	August 21, 2018
Presented By	Hubert Lai, Q.C., University Counsel Michael Serebriakov, Legal Counsel

If this item was previously presented to the Board, please provide a brief description of any major changes since that time.

Policy #15 was created in 1991 and last revised in 2007.

EXECUTIVE SUMMARY

Federal Bill C-45, the Cannabis Act (the “**Federal Act**”) has received Royal Assent and will come into effect on October 17, 2018. The Federal Act’s principal focus is the legalization of the possession and sale of certain amounts and classes of cannabis.

In anticipation of the passage of the Federal Act, the Office of the University Counsel convened the Marijuana Policy Development Committee (the “**Committee**”) to undertake a review of current UBC policies that may relate to the topic of cannabis and identify existing gaps or matters requiring clarification that need to be resolved prior to the Federal Act coming into effect.

After several months of meetings, discussions, and engagement with key stakeholders, the Committee has proposed revisions to UBC Policy #15 – Smoking and Smoking Product Promotion on Campus (“**Policy 15**”). The revisions to Policy 15 will ensure that “vaping” is added to the definition of smoking and that smoking or vaping of tobacco and cannabis products will be treated the same under the Policy. The consumption of cannabis edibles will remain outside the scope of Policy 15.

The proposed revision to Policy #15 are intended to complement and form part of an overall suite of initiatives that also include:

- Enhanced guidance on workplace impairment and safety issues
- Awareness and education campaign targeting students
- Amendments to student residence contracts
- Review of areas where smoking and vaping will or will not be permitted
- Development of criteria to be applied in assessing business permit applications for cannabis retail outlets

Attachments

1. Proposed clean version of Policy 15
2. Black-lined version showing the proposed changes to Policy 15
3. HR Communications information page
4. C&CP map regarding smoking in the precinct

INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED☐ Learning☐ Research☐ Innovation☐ Engagement
(Internal / External)☐ Internationalor ☒ Operational**DESCRIPTION & RATIONALE****Legislative Framework***Federal Act*

On October 17, 2018, the Federal Act will legalize the following:

- sale and distribution of cannabis of prescribed classes, such as dried cannabis and cannabis oil (but not the sale of cannabis edibles, which is targeted to be legalized in 2019);
- possession of cannabis in certain quantities, such as:
 - 30g of dried cannabis; and
 - 450g of cannabis edibles; and
- the cultivation of up to four cannabis plants per dwelling house.

The Federal Act restricts the promotion of cannabis to point of sale in places where persons under the age of 18 are not allowed to enter, which essentially limits promotion to within cannabis retailers.

Provincial Act

The British Columbia government has announced Bill 30 – the Cannabis Control and Licensing Act (the “**Provincial Act**”), which is anticipated to come into effect on or before October 17, 2018. The Provincial Act complements the Federal Act. The Provincial Act establishes 19 as the minimum age for the consumption and possession of cannabis and prohibits the smoking or vaping of cannabis in the following places:

- a skating rink, sports field, swimming pool, playground or skate park;
- a spray pool, wading pool or a splash pad;
- a park;
- an outdoor area established by a local government for purposes of community recreation; and
- within a prescribed area of any such place (the government is yet to specify the precise area)

The Provincial Act sets up British Columbia to be towards the “permissive” end of the scale of provincial cannabis legislation, similar to that of Alberta. Towards the other end of the scale, Ontario has prohibited the consumption of cannabis in any public place, and Quebec has explicitly prohibited the smoking of cannabis on university campuses. Many municipalities have also taken more restrictive

approaches in their jurisdictions. Richmond has banned the sale of cannabis, and Calgary has banned the public smoking of cannabis.

Cannabis Sale

The Federal Act and Provincial Act will legalize sale of certain amounts of certain types of cannabis product, which is currently limited to dried cannabis, cannabis oil, and cannabis seeds. The Federal Act and the Provincial Act do not legalize the sale of edibles but this is expected to come in future legislation. (Note that, while the legislation prohibits the sale of edibles, it does not prohibit an individual from making and possessing edibles for personal use.)

The Federal Act and Provincial Act create a strict regime for the sale of cannabis. For instance, clubs will not be able to have “cannabis bake sales” even when the sale of edibles is legalized, as there will be three layers of licensing an individual or corporation has to go through before legally selling cannabis products: federal, provincial, and municipal. The British Columbia cannabis distribution framework will allow for both public and private retailers of cannabis, with wholesale distribution to be controlled by the Province. There appears to be no mechanism in the Federal Act or Provincial Act for the creation of “smoke lounges” – where patrons would be able to purchase and consume cannabis on site.

Overall Approach

The Policy Committee acknowledged that, while not identical, cannabis shares significant similarities with two other legalized drugs: tobacco, as something that is consumed primarily through smoking, and alcohol, as a behaviour-altering drug with short and long-term side-effects.

The legalization of possession of cannabis raises many issues, particularly in light of this duality. Many of these issues can be addressed in a more nuanced manner through mechanisms other than Board policy. Therefore, the development of amendments to Policy #15 is only one of several initiatives that are being undertaken in response to the Federal Act and the Provincial Act. Details of the initiatives being undertaken by Human Resources, the Vice-President, Students, portfolio, Student Housing & Hospitality Services (“SHHS”), and Campus & Community Planning, as well as the proposed revisions to Policy #15, are outlined in the sections below.

Based on experience in jurisdictions that have legalized a previously illicit substance, the Policy Committee anticipates a short-time spike in its usage. It is not clear whether the rate of use after the spike will stabilize at more, less, or the same as current levels. However, we can expect that the visibility of use will increase, since existing users will no longer need to conceal their currently illegal activities.

Human Resources

Neither the Federal Act nor the Provincial Act changes existing requirements relating to workplace safety and impairment. Neither Act address an employer’s or academic institution’s rights or obligations with respect to accommodation of addictions or other disabilities. The issues are the same regardless of whether a workplace safety or impairment issue arises from the use of legal (alcohol) or illegal (cocaine) substances, and accommodation must still be provided in a way that is consistent with the B.C. Human Rights Code and the Canadian Charter of Rights and Freedoms.

Human Resources already deals with accommodation and impairment in the workplace and the Policy Committee established that, with enhancements, current policies and procedures with respect to the following will continue to be appropriate after the Federal Act becomes effective:

- Cannabis use in the workplace;
- Accommodation of medical cannabis; and
- Accommodation of cannabis addiction.

This has been reviewed with leadership from the Office of the Vice-President, Human Resources. They are pleased with this approach and have seen this as an opportunity to review, strengthen, and more explicitly articulate the manner in which workplace safety and impairment issues should be dealt with.

One of the outcomes from this process is a new information page that Human Resources has recently created to be used by supervisors as a resource on how to address substance use in the workplace. The document takes a universal approach to substance use, which would include cannabis use, and focuses on work performance and safety. Information about the new information page was sent out through HR Communications at the end of June, and can be found as Attachment 3 or at the following link: <http://www.hr.ubc.ca/administrators/managing-staff/information-for-supervisors-regarding-employee-substance-use/>.

Students

Other than the usage spike discussed in the previous section, the Policy Committee does not foresee that the passing of the Federal Act will create a significant shift in student behaviour.

Nonetheless, the changing legal context has raised many questions and the Office of the Vice-President, Students has been working on an education initiative to raise awareness and educate students about cannabis consumption prior to legalization on October 17, 2018.

Cannabis education for students on the UBC Vancouver campus is being initiated by the Substance Use Education Working Group, which started in May 2018, convened by Student Development & Services. Current initiatives include ensuring incoming students to residences and to campus are aware of how to reduce harms associated with cannabis use.

This education is taking place through presentations at First Year Student orientation, through educational materials (Residence Parent Guide and Connections Magazine, July 2018), and via planned updates to the “Alcohol and Other Drugs” webpage on students.ubc.ca. Prior to legalization, blog posts for students, messages to faculty and staff through newsletter and other channels, and a series of presentations for frontline and student-facing staff will occur to support the implementation of the initiative.

Subsequent to legalization and ongoing throughout the school year, a multi-channel educational effort will continue with Nurse on Campus and AMS VICE. All messages are informed by Canada’s Lower Risk Cannabis Use Guidelines: <https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2017.303818>

Another aspect of the education component is a more comprehensive set of FAQs that will be developed for student, faculty and staff information. The FAQ is expected to cover legislation, Policy #15, and other UBC procedures and guidelines

surrounding cannabis. The development of the FAQ will be led by the Office of the University Counsel with input from key stakeholders, and is anticipated to be posted online prior to October 17.

In those cases where cannabis-related impairment in the classroom (or elsewhere) results in disruptive behaviour, it will be addressed through existing student discipline mechanisms, just as behavioural issues resulting from alcohol-related impairment are.

Finally, the use of medicinal cannabis to address a disability will be addressed through existing accommodation mechanisms under UBC Policy #73.

Housing

The Policy Committee reviewed and discussed a number of potential issues that would impact SHHS:

- Smoking cannabis;
- Possession of dried cannabis and edibles;
- Cooking edibles;
- Cultivating cannabis plants; and
- Consumption of cannabis.

The Policy Committee determined that the possession and use of cannabis in student residences was best addressed through amendments to the residence leases, and not through revisions to Policy #15. While the Policy Committee set out a range of possible solutions to these issues, it was left within the judgment of SHHS to consider these issues and to decide on how they would like to deal with them.

SHHS has since determined that the student residence contracts for all student housing facilities should include the same provisions:

- A prohibition on the cultivation of cannabis plants;
- A prohibition on the smoking or vaping of any cannabis products on the residence property whether inside or outside of a building; and
- The obligation to store cannabis products and accessories in a private place, clearly labeled, and sealed so as not to cause any nuisance to other residents.

Any nuisance issues that may arise out of cannabis use and preparation that is not explicitly prohibited by the terms of the lease will be dealt with under the general nuisance provisions of such lease.

The Office of the University Counsel has assisted SHHS in amending the form of residence contracts. The amended contracts are now in place and are being used by SHHS across all student housing facilities as of September 2018.

Campus & Community Planning

Campus and Community Planning has been working with the Vice-President, Health in order to explore the potential of creating a new No Smoking Area around the health precinct on the Vancouver campus. These discussions will need to take into account both the therapeutic benefits of cannabis and the impact of second hand smoke on non-users.

C&CP has collected some data regarding the extent of smoking in the precinct (as shown in the map attached as Attachment 4), however, focused engagement with stakeholders will be necessary to determine the most effective policies. The level of Board support for the revisions to Policy #15 will provide important context for any consultations about new No Smoking Areas on campus.

Analysis to date has not included engagement with smokers, or vulnerable populations who will require accommodation. Implementation of an expansive No Smoking Area will likely push smokers to the perimeter of that area. Some research suggests accommodation in specific areas within the precinct can be more effective.

C&CP will undertake a consultation process in October to confirm an approach which will address the public feedback regarding the proposed Policy #15 amendments.

With respect to the UBC licensing process, Campus and Community Planning have been developing a principled approach to licensing requirements for business that may apply to sell cannabis. Discussions have been held with other Metro Vancouver municipalities with respect to their approaches, and C&CP's current recommendation is to align with the requirements of the City of Vancouver.

Vancouver has recently created new use definitions to prohibit the sale of cannabis within 300 metres of schools, community centres, youth facilities serving vulnerable young people, and other licensed cannabis retail outlets. This may create a significant restriction on the sale of cannabis on the Vancouver campus, but alignment with the nearest municipality is currently considered the most principled approach.

C&CP will proceed with public consultations concurrently with the public comment period for Policy #15 to develop appropriate Land Use Rule amendments informed by analysis of retail potential in the University Boulevard commercial area. C&CP expects to adopt a final version of the permitting requirements on a timeline that is consistent with the approval of amendments to Policy #15.

The City of Kelowna is currently reviewing its own bylaws with respect to cannabis sales, and is considering restricting retail stores to properties that are zoned to allow cannabis retail stores as a permitted use.

Revised Policy 15

General

The proposed version of Policy #15 is attached as Attachment 1 and a black-lined document showing the changes from the current version of Policy #15 to the proposed version of Policy #15 is attached as Attachment 2. The changes between the two versions are significant, since the Policy Committee took the opportunity to clarify the scope of Policy #15, to update the definitions, and to update the assignment of responsibility for various decisions at both campuses.

Smoking

The proposed revisions to Policy #15 do not establish a blanket ban on cannabis consumption. Instead, they treat the smoking and vaping of cannabis the same way the smoking of tobacco is currently treated.

The current version of Policy #15 already restricts the smoking of cannabis in the same way it restricts the smoking of tobacco – by virtue of the inclusion of cannabis is “plant product” in the definition of “Smoking”. The revised definition of Smoking

in section 6.6 now explicitly includes cannabis, as well as “using a Vaporizer” for both tobacco and cannabis products.

Section 3 of Policy #15 and sections 4.1 and 4.2 of the Procedures under Policy #15 (the “**Procedures**”) set out the areas at UBC where smoking is prohibited. Although these sections have been extensively revised, the revisions were made to improve clarity and did not materially change the substance of the prohibitions. The effect of these revisions is that, at the UBC Vancouver campus, smoking and vaping of any substance will continue to be prohibited inside UBC buildings, UBC vehicles, bus shelters, designated non-smoking areas, and within 8 metres of doors and air intakes.

At the UBC Okanagan campus, all outdoor areas other than smoking gazebos will continue to be designated as non-smoking areas. The UBC Okanagan members of the Policy Committee have scheduled a meeting to formulate recommendations for which smoking gazebos should be designated for tobacco versus cannabis use, which will be presented to the executive team at UBC Okanagan on September 10. The final designations are intended to be put in place prior to October 17.

It is important to note that “Residential Premises”, is defined by section 6.4 of Policy #15 to include both student housing and market housing. These are excluded from the smoking prohibitions of the Policy. Any smoking prohibitions within Residential Premises would be addressed through the individual leases for such premises. For example, as previously discussed, the smoking prohibition in students residences is created through the residence leases and not directly through Policy #15.

Policy #15 specifically enables the creation of designated “no-smoking” areas where neither tobacco nor cannabis can be smoked or vaped, which allows a tailored approach to be taken in different parts of the UBC Okanagan and UBC Vancouver campuses.

Section 4.4 of the Procedures has been revised to move the responsibility of designating No Smoking Areas from the Responsible Executive to, in respect of UBC Okanagan, Campus Planning and Development, and, in respect of UBC Vancouver, Campus and Community Planning. The designation of No Smoking Areas is now aligned with the designation of Smoking Areas, which was already the responsibility of these two units.

In addition to the anticipated No Smoking Area to be developed by Campus and Community Planning in the health precinct as described above, C&CP will consider other appropriate areas for designation as No Smoking Areas, such as outdoor athletics facilities.

The combined effect of the smoking ban on the grounds of student residences, and the expected creation of a No Smoking Area in the health precinct, as well as other appropriate areas, should result in a balanced approach to smoking on campus.

Other Consumption

The consumption of cannabis edibles has not been restricted by the proposed revisions to Policy #15, since they do not create the same level of nuisance for third parties as smoking or vaping.

If Provincial legislation imposes similar regulations to cannabis edibles as it does with respect to the public consumption of alcohol, any such restrictions will automatically apply at UBC.

Promotion & Sale

The Policy Committee has had extensive discussions regarding the sale of cannabis and cannabis accessories on campus and whether it should be banned in the same manner as tobacco products or whether it should be left to provincial and municipal regulation in the same manner as alcohol. Currently, there is a government-operated liquor store located at the Vancouver campus in Wesbrook Village.

The promotion and sale of tobacco, and accessories that can be used to consume tobacco and other plant products (including cannabis), will be prohibited, while the promotion and sale of cannabis itself will not be prohibited. (The promotion of cannabis is already restricted by the Federal Act to legal point-of-sale locations for cannabis.) The Policy Committee is also recommending that, where a product (such as pipes or rolling papers) is generally used by smokers, the sale of such products continue to be banned even if they could be used to consume cannabis instead of tobacco. The Policy Committee has been informed that the AMS is supportive of this approach.

In the context of the overall set of initiatives described in this docket, it is not necessary to establish a blanket ban on cannabis sales. The Policy Committee concluded that anticipated provincial and municipal regulations, in combination with business permitting and landlord requirements, should provide an appropriate framework for managing issues relating to the sale of cannabis. Anyone wishing to legally sell cannabis on UBC property will need to obtain a premises lease under which that activity is permitted, a cannabis retail outlet licence from the Province, and a business licence from the applicable authority (being the City of Kelowna for UBC Okanagan or Campus & Community Planning for UBC Vancouver).

Unlike with alcohol, which is often available for sale at student events, there appears to be no mechanism in the Federal Act or the Provincial Act to allow for similar sales of cannabis. Cannabis sales would then be confined to brick-and-mortar locations that have gone through federal, provincial, and, where applicable, UBC application processes.

University Neighbourhoods

The strata corporations and the University Neighbourhoods Association are currently in the process of considering how their smoking bylaws will be adapted to the legalization of cannabis.

Other Universities

Post-secondary institutions across Canada are dealing with the same issues in anticipation of the passing of the Federal Act, with many, if not most, institutions still in the process of creating their rules. For some institutions, certain decision-making has been taken out of their hands. For instance, Quebec has banned smoking cannabis on university campuses, while Calgary and Ontario have banned smoking of cannabis in public places.

Manitoba has banned all use of cannabis in public. The University of Manitoba cannabis rules ban all smoking of cannabis on campus, while not prohibiting other forms of consumption, which would still need to be consumed in accordance with Provincial law. They have also banned the sale of cannabis on campus. The University of Alberta is still considering their range of options from a full cannabis smoking ban to creating designating smoke-free zones. They have also not made their decision on whether or not to allow cannabis sales on campus.

In British Columbia, neither the University of Victoria nor Simon Fraser University have finalized their rules, but both are considering either allowing limited designated areas to smoke cannabis or a complete smoking ban. Neither university appears to be considering approving the sale of cannabis on campus.

BENEFITS Learning, Research, Financial, Sustainability & Reputational	The revised Policy #15 is a significant way in which UBC can mitigate the uncertainties that are associated with the passing of the Federal Act. Policy #15 will ensure that UBC already will have clearly-defined boundaries around the use of smoked cannabis that protect the rights of those concerned with the health-effects of cannabis and second-hand smoke.
RISKS Financial, Operational & Reputational	Once the draft of Policy #15 is posted for public comment and community consultation, it is expected that it would attract significant attention. This attention would likely come not only from members of the community but also potentially from the media. The Media Relations team will have a media relations strategy in place before the proposed revisions to Policy #15 are published for community consultation.
COSTS Capital & Lifecycle Operating	Not applicable
FINANCIAL Funding Sources, Impact on Liquidity	Not applicable
SCHEDULE Implementation Timeline	The Federal Act is scheduled to come into force in October 17, 2018. Subsequent to this Board of Governors Meeting, Policy 15 will undergo the usual community consultation process, and the final proposal will be submitted to the Board of Governors for approval at its February 2019 meeting. As cannabis is currently included in the definition of Smoking in Policy 15, we don't expect the delay in approving these revisions to have a material effect.
CONSULTATION Relevant Units, Internal & External Constituencies	<p>In anticipation of the passage of the Federal Act, the Office of the University Counsel convened a Policy Development Committee to undertake a review of current UBC policies that may relate to the topic of cannabis and identify existing gaps or matters requiring clarification that need to be resolved prior to the the Federal Act coming into effect. To ensure that the Policy Committee considers the views of key stakeholders, members on the Policy Committee include representatives of the following:</p> <ul style="list-style-type: none"> • Campus and Community Planning;

- Campus Security;
- Risk Management Services;
- Human Resources (from both UBC Okanagan and UBC Vancouver);
- Clinical Services;
- Health and Wellness Centre;
- Ancillary Services, Food & Parking;
- Campus Operations & Risk Management; and
- students from UBC Okanagan and UBC Vancouver.


The Policy Committee has met six times over the course of the last year to develop proposed revisions to Policy 15.

In addition, the Chair and the Secretary of the Committee gathered input from the leadership of key UBC units such as SHHS through small-format meetings, which was considered by the Committee in the development of its recommendations.

Subject to input from the Board's People, Community & International Committee, the proposed revisions to Policy #15, together with an overview of the other initiatives that are being taken in anticipation of the coming into force of the Federal Act and the Provincial Act, will be published with a call for comments from the UBC community. In addition, notification will be sent to student leadership, union leadership, and the leadership of UBC's academic and administrative units.

Campus & Community Planning will consult on changes that would prohibit smoking within the health precinct on the UBC Vancouver campus in parallel with the Policy #15 consultation.

The Policy Committee will consider all input from the community consultation process and prepare a final proposal for the consideration of the Board of Governors, which is anticipated for January 2019.

 The University of British Columbia Board of Governors	Policy No.: 15	Approval Date: July 1991 Last Revision: [proposed January 2019]
	Responsible Executive: Vice-President, Finance and Operations	
Title: Smoking and Smoking Product Promotion on Campus		
Background & Purposes: <p>UBC promotes a healthy and safe university environment. Contrary to this principle, smoking causes harm to the user and poses danger and a discomfort to others. UBC will control tobacco, cannabis, and smoking product promotion, sale and use while allowing for exercise of personal choice subject to the primacy of protection of others from harm or nuisance.</p> <p>This policy is intended to diminish the exposure to smoke and promote health and safety by: reducing or eliminating sale and promotion of Tobacco-Related Products on campus, including prohibiting promotion and commercial dealings with Tobacco-Related Products; and reducing exposure of others to second hand and side stream smoke by designating permitted Smoking areas and establishing No Smoking Areas in other places where second-hand and side-stream smoke is unavoidable or impractical to avoid without creating a harm or nuisance for others.</p>		

1. Standards

Where this Policy and applicable legislation differ, the more stringent of the two shall apply.

2. No Promotion or Sale of Tobacco-Related Products

2.1 No person may:

2.1.1 advertise or promote for commercial purposes the use of Tobacco-Related Products; or

2.1.2 deal in, sell, offer for sale, or distribute Tobacco-Related Products;

in any UBC Premises or UBC Vehicles.

2.2 All Occupancy Agreements entered into after February 12, 2019 must contain language prohibiting the advertisement and promotion of the use of Tobacco-Related Products for commercial purposes and also prohibiting the dealing in, selling, offering for sale, or distribution of Tobacco-Related Products.

3. Smoke-Free Areas

3.1 Smoking is prohibited:

3.1.1 in any UBC Enclosed Premises and within such distance from any UBC Enclosed Premises as may be prescribed in the Procedures;

3.1.2 in any UBC Vehicle; and

3.1.3 in any designated No Smoking Area.

3.2 Notwithstanding section 3.1, a person or organization may apply for a permit in the manner set out in the Procedures for an exception that would allow Smoking in an area where it would otherwise be prohibited by this Policy, as long as the Smoking is permitted by law,. Such permit may include terms and conditions, the breach of which shall void the permit.

3.3 All Occupancy Agreements entered into after February 12, 2019 must contain language prohibiting Smoking.

4. Designated Smoking Areas

4.1 Designated Smoking Areas may be designated and identified by notice in the manner set out in the Procedures.

4.2 Designated Smoking Areas must be located so as to reduce the exposure to passersby and must not be located within any no-smoking buffer zones established under this Policy or any applicable legislation.

5. Compliance and Enforcement

5.1 The Responsible Executive shall specify the unit or units responsible for the day-to-day implementation and enforcement of this Policy.

6. Definitions

6.1 **“Designated Smoking Areas”** means the areas designated under this Policy (including any Procedures) as an area within which Smoking is permitted.

6.2 **“No Smoking Area”** means any area designated under this Policy (including any Procedures) as an area in which Smoking is prohibited.

6.3 **“Occupancy Agreement”** means an agreement (including, for example, a lease, licence, and space use agreement) under which UBC grants one or more third parties permission to use and occupy land, a building, or a part of a building other than Residential Premises at the UBC Okanagan campus, UBC Vancouver campus, or any other UBC sites. The term Occupancy Agreement includes subordinate rights to use and occupy, such as subleases and sublicences granted by a UBC tenant to a subtenant.

6.4 **“Residential Premises”** means any premises that UBC makes available by pre-paid ground lease, monthly or annual lease, license, resident contract, or other form of agreement to a third party for residential accommodation.

6.5 **“Responsible Executive”** means the individual(s) designated in the Procedures.

6.6 **“Smoking”** means using a Vaporizer or having in one’s possession lighted tobacco, cannabis, or other plant products, or blends commonly used, intended, or designed for smoking.

6.7 **“Tobacco-Related Products”** means:

6.7.1 tobacco products of any kind, including tobacco blends, extracts, and so called “smokeless tobacco”;

- 6.7.2 tools and accessories, including Vaporizers, pipes, and rolling papers, generally used by smokers;
- 6.7.3 lighters bearing no effective child safety or accidental lighting safety feature;
- 6.7.4 goods or wares used to advertise or promote the use of any of the above including those bearing brands, logos, or imagery evoking a promotional association, of a tobacco company (e.g. trinkets with cigarette brand logos) excluding those:
 - a) incidental to but found in publications as permitted by law (e.g. advertisements in magazines); or
 - b) that promote prevention or cessation of use of Tobacco-Related Products; and
- 6.7.5 such other goods and wares as may be designated in the Procedures.
- 6.8 **“UBC”** means The University of British Columbia.
- 6.9 **“UBC Enclosed Premises”** means any UBC Premises that are fully or substantially enclosed, any UBC Premises that are used as a materials storage location, and any bus shelters located on UBC Premises.
- 6.10 **“UBC Premises”** means the UBC Okanagan and UBC Vancouver campuses, all UBC sites, and all structures owned or operated by UBC, excluding any premises that are the subject of an Occupancy Agreement and also excluding any Residential Premises.
- 6.11 **“UBC Vehicle”** means a vehicle that is owned, leased or rented by UBC.
- 6.12 **“Vaporizer”** means any device used to vaporize ingredients for the purpose of inhalation.

PROCEDURES

Approved: July 1991

Revised: [proposed January, 2019]

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. Administration

- 1.1 The Vice-President, Finance and Operations is designated as the Responsible Executive having responsibility for the administration of this Policy and these Procedures.
- 1.2 The Responsible Executive may sub-delegate duties hereunder but remains responsible for oversight and answerable to the President with respect to such duties.

2. Permits for Exceptions

- 2.1 **Issuance**: Only the Director of the UBC Ceremonies and Events Office, or delegate, or such other person as may be designated by the Responsible Executive, has the authority to issue permits to a person or organization seeking to engage in Smoking pursuant to section 3.2 of this Policy in connection with a culturally significant activity. Such permit may set out the terms and conditions on which the permit is granted, including, but not limited to publishing notices and requiring posting of signage warning of Smoking.
- 2.2 **Suspension or Revocation**: A permit may be:
 - 2.2.1 altered, suspended or revoked by the issuer or the Responsible Executive at any time; or
 - 2.2.2 suspended by Campus Security at UBC Okanagan or UBC Vancouver, as applicable, on a good faith determination:
 - a) that the permit terms and conditions have been substantially breached; or
 - b) that there is a safety, security, or health concern, and neither the issuer nor the Responsible Executive are available to act.

3. Designation of Smoking Areas

- 3.1 Designated Smoking Areas that do not involve construction of a shelter may only be created:
 - 3.1.1 in respect of UBC Okanagan, by Campus Planning and Development after:
 - a) consultation with Campus Operations and Risk Management; and
 - b) posting notices in the proposed Designated Smoking Area, inviting community input; and
 - 3.1.2 in respect of UBC Vancouver, by Campus and Community Planning after:

- a) Consultation with Building Operations; and
 - b) posting notices in the proposed Designated Smoking Area, inviting community input.
- 3.2 Designated Smoking Areas involving construction of a shelter may only be created:
 - 3.2.1 in respect of UBC Okanagan, by Campus Planning and Development after:
 - a) consultation with Campus Operations and Risk Management; and
 - b) posting notices in the proposed Designated Smoking Area, inviting community input; and
 - 3.2.2 in respect of UBC Vancouver, by Campus and Community Planning after:
 - a) consultation with Building Operations;
 - b) consultation with Occupational & Research Health and Safety; and
 - c) posting notices in the proposed Designated Smoking Area, inviting community input.
- 3.3 Where feasible, Designated Smoking Areas should be indicated by posted signage or markings that aid identification of the boundaries of Designated Smoking Areas for information and enforcement purposes. Smoking of certain types of products and not others may be permitted within Designated Smoking Areas and the posted signage or markings should indicate whether there are any restrictions on the types of products that may be used for Smoking in the Designated Smoking Area.
- 3.4 Designated Smoking Areas will be located or constructed to reduce the fire hazard to surrounding areas and, where feasible, will be located or constructed so as to provide shelter from the elements.
- 3.5 Designated Smoking Areas may not be fully or substantially enclosed, unless appropriate air handling systems are utilized.
- 3.6 The designation of an area as a Designated Smoking Area may be suspended by Campus Security at UBC Okanagan or UBC Vancouver, as applicable, on a good faith determination that there is a safety, security, or health concern, and the Responsible Executive is not available to act.

4. No Smoking Areas - Smoke-Free Distances and Areas

- 4.1 On the UBC Okanagan campus, Smoking is permitted within Designated Smoking Areas but is otherwise prohibited out-of-doors.
- 4.2 On all UBC Premises other than the UBC Okanagan campus, Smoking is prohibited within:
 - 4.2.1 8 metres from any bus shelter located on UBC Premises;
 - 4.2.2 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any doorway (including loading bay doors) for any UBC Enclosed Premises;
 - 4.2.3 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any window of any UBC Enclosed Premises, unless the window is clearly neither designed for nor capable of use for ventilation;


- 4.2.4 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any air intake for any UBC Enclosed Premises; and
- 4.2.5 the posted limit; but if unposted, then 8 metres in any direction, from any place that a reasonable person would believe contains hazardous materials or poses an explosive flammability risk.
- 4.3 Except as contemplated by sections 4.1 and 4.2 of these Procedures no signage or marking is required to provide notice of a prohibition of Smoking and the prescribed smoke free status or distances applicable to any area.
- 4.4 In addition, No Smoking Areas may be designated:
 - 4.4.1 In respect of UBC Okanagan, by Campus Planning and Development; and
 - 4.4.2 In respect of UBC Vancouver, by Campus and Community Planning,and identified by published notice, signage, or markings deemed by Campus Planning and Development or Campus and Community Planning, as applicable, as reasonably necessary to identify the area as one in which Smoking is prohibited.
- 4.5 No Smoking Areas shall remain enforceable notwithstanding vandalism or an irregularity in designation, signage or markings.

5. Compliance and Enforcement

- 5.1 In respect of violations regarding sale or promotion of tobacco or Smoking Products, the matter should be immediately reported to Campus Security at UBC Okanagan or UBC Vancouver, as applicable.
- 5.2 In respect of Smoking:
 - 5.2.1 The day to day implementation and enforcement of this Policy is the responsibility of:
 - a) the supervisor or individual directly in charge of a given area or activity within an area; and
 - b) Campus Security at UBC Okanagan or UBC Vancouver, as applicable.
 - 5.2.2 Every effort is to be taken by all students, faculty and staff to ensure compliance with this Policy and the Procedures, and to resolve any problems created by non-compliance by:
 - a) encouraging smokers to move to areas where Smoking is permitted and, if in the vicinity, to use a Designated Smoking Area; and
 - b) recognizing and respecting that prescribed areas where Smoking is not permitted may fully extend between buildings and, accordingly, walkways in those places unless included as or within a Designated Smoking Area are areas where Smoking is not permitted.
 - 5.2.3 Violations regarding Smoking shall be shall be treated proportionately to health and safety risks or harms as well as the nuisance associated with the violations. Repeated or continued violation of this Policy shall be treated as willful contempt or insubordination.

5.2.4 The following protocol is to be followed if non-compliance issues cannot be resolved using the approach set out in section 5.2.2:

- a) Students: Formal complaints may be lodged by any party responsible for day to day implementation and enforcement.
- b) Faculty and Staff: Non-compliance concerns should be lodged with either the individual's immediate supervisor or Campus Security at UBC Okanagan or UBC Vancouver, as applicable.

 The University of British Columbia Board of Governors	Policy No.: 15	Approval Date: July 1991 Last Revision: November 2007 <u>[January 2019]</u>
	Responsible Executive: Vice-President, Administration and Finance <u>and Operations</u>	
Title: Smoking and Smoking Product Promotion on Campus		
Background & Purposes: <p>UBC promotes a healthy and safe university environment. Contrary to this principle tobacco use and, smoking causes harm to the user and poses danger and a discomfort to others. UBC will control tobacco, <u>cannabis</u>, and smoking product promotion, sale and use while allowing for exercise of personal choice subject to the primacy of protection of others from risk of harm or discomfort<u>nuisance</u>.</p> <p>This policy is intended to diminish the exposure to smoke and promote health and safety by: reducing or eliminating on campus sale and promotion of tobacco and Smoking<u>Tobacco-Related</u> Products <u>on campus, including prohibiting promotion and commercial dealings with Tobacco-Related Products</u>; and reducing exposure of others to second hand and side stream smoke <u>by designating permitted Smoking areas and establishing No Smoking Areas in other places where second-hand and side-stream smoke is unavoidable or impractical to avoid without creating a harm or nuisance for others.</u></p>		

1. General

~~1.1 UBC promotes a healthy and safe university environment.~~

~~1.2 This policy is intended to diminish the exposure to smoke and promote health and safety.~~

~~1.3 To succeed in its goals, UBC will:~~

~~1.3.1 prohibit promotion and commercial dealings with tobacco and Smoking Products;~~

~~1.3.2 prohibit Smoking (which includes holding a lighted Smoking Product) in enclosed UBC spaces, including UBC Vehicles;~~

~~1.3.3 designate permitted Smoking areas to encourage people who smoke to do so in locations that reduce the exposure to passers-by; and~~

~~1.3.4 establish non-smoking areas in other places where second hand and side stream smoke is unavoidable or difficult to avoid without imposition upon non-smokers.~~

2.1. Standards Scope

~~2.1 This policy applies to UBC and everyone in any UBC Vehicle, or in any place controlled and occupied by UBC. It is intended to clarify, support, and not limit legislation. Where this pPolicy and applicable legislation differ, the more stringent standards of the two shall apply.~~

~~2.2 This policy does not apply to any place for which UBC is the landlord unless included by the terms of the lease or specified in the procedures.~~

~~A person or organization may apply for an authorization to use Smoking Products, where permitted by law, in connection with culturally significant activities. Such authorization may set out any terms and conditions, breach of which shall void the authorization.~~

3.2. No Promotion or Sale of Tobacco-Related or Smoking Products

3.12.1 No person may:

3.1.12.1.1 advertise or promote for commercial purposes the use of ~~tobacco or Smoking Tobacco-Related~~ Products; or

3.1.22.1.2 deal in, sell, offer for sale, or distribute ~~tobacco or Smoking Tobacco-Related~~ Products; in any ~~place within the scope and to which this policy applies~~ UBC Premises or UBC Vehicles.

3.22.2 All Occupancy Agreements entered into after February 12, 2019 must contain language prohibiting the advertisement and promotion of the use of Tobacco-Related Products for commercial purposes and also prohibiting the dealing in, selling, offering for sale, or distribution of Tobacco-Related Products.

4.3. Smoke-Free and Smoking Areas

4.13.1 ~~The majority of people places at UBC must be smoke free. Smoking (which includes holding a lighted Smoking Product) is prohibited:~~

4.1.13.1.1 in any UBC ~~controlled Enclosed Premises and occupied building, structure, hazardous materials storage location, or other UBC controlled and occupied place that is fully or substantially enclosed, or within such a distance from any UBC Enclosed Premises as may be prescribed in the Pprocedures from any prescribed place;~~

4.1.2 ~~in any bus shelter located on lands controlled and occupied by UBC or within a distance prescribed in the procedures from such a bus shelter;~~

4.1.33.1.2 in any UBC Vehicle; and

3.1.3 in any designated No Smoking Area.

3.2 Notwithstanding section 3.1, ~~A~~ a person or organization may apply for an permit in the manner set out in the Procedures for an exception that would allow ~~authorization to use Smoking Products in an area where it would otherwise be prohibited by this Policy, as long as the Smoking is where permitted by law, in connection with culturally significant activities. Such authorization permit may set out any include terms and conditions, the breach of which shall void the authorization permit.~~

4.23.3 All Occupancy Agreements entered into after February 12, 2019 must contain language prohibiting Smoking.

5.4. Designated Smoking Areas

~~5.14.1~~ Designated Smoking Areas may be designated and identified by notice ~~under in~~ the manner set out in the P~~Procedures to this policy.~~

~~5.24.2~~ Designated Smoking Areas must be located so as to reduce the exposure to passers-by and ~~that meet or exceed~~must not be located within any no-smoking buffer zones established ~~by under this Policy or any~~ applicable legislation.

6.5. Compliance and Enforcement

~~6.1 Reasonable care and diligence shall be exercised to prevent contravention of the laws of British Columbia and Canada related to this policy, as well as this policy itself.~~

~~6.2~~ The Responsible Executive shall specify the ~~party unit or parties units~~ responsible for the day-to-day implementation and enforcement of this P~~policy, in respect of:~~

~~6.3 sale or promotion of tobacco or Smoking Products; and~~

~~6.45.1 Smoking.~~

7.6. Definitions

~~7.16.1~~ **“Designated Smoking Areas”** means the areas designated under this P~~P~~olicy (including any P~~P~~rocedures) ~~and as an area~~ within which Smoking is permitted.

~~6.2~~ **“No Smoking Area”** means any area designated under this P~~P~~olicy (including any P~~P~~rocedures) as an area in which Smoking is prohibited.

~~6.3~~ **“Occupancy Agreement”** means an agreement (including, for example, a lease, licence, and space use agreement) under which UBC grants one or more third parties permission to use and occupy land, a building, or a part of a building other than Residential Premises at the UBC Okanagan campus, UBC Vancouver campus, or any other UBC sites. The term Occupancy Agreement includes subordinate rights to use and occupy, such as subleases and sublicences granted by a UBC tenant to a subtenant.

~~6.4~~ **“Residential Premises”** means any premises that UBC makes available by pre-paid ground lease, monthly or annual lease, license, resident contract, or other form of agreement to a third party for residential accommodation.

~~7.2~~

~~7.3~~ **“Responsible Executive”** means:

~~7.4~~ the individual(s) designated in the Procedures, specified by the President, from time to time, to be responsible for this policy; and

~~7.56.5~~ any person delegated by the person in 7.3.1 above to fulfill his/her role except to the extent that the power to delegate is specifically excluded in this policy or in the appointment by the President.

~~7.61.1~~ **“Smoking Products”** means:

~~7.6.11.1.1~~ tobacco of any kind, including so called “smokeless tobacco”;

~~7.6.21.1.1 tobacco and other plant products, or blends commonly used, intended, or designed for smoking;~~

~~7.6.31.1.1 consumer goods designed primarily for use by smokers;~~

~~7.6.41.1.1 goods or wares used primarily to advertise or promote the use of any of the above (e.g. trinkets with cigarette brand logos); and~~

~~7.6.51.1.1 such other goods and wares as may be designated in the procedures.~~

6.6 “Smoking” means using a Vaporizer or ~~includes~~ having in one’s possession lighted tobacco, cannabis, or other plant products, or blends commonly used, intended, or designed for smoking.

6.7 “Smoking Tobacco-Related Products” means:

6.7.1 tobacco products of any kind, including tobacco blends, extracts, and so called “smokeless tobacco”;

~~===== tobacco and other plant products, or blends commonly used, intended, or designed for smoking;~~

6.7.2 tools and accessories, including Vaporizers, pipes, and rolling papers, generally consumer goods designed primarily for used by smokers;

6.7.3 lighters bearing no effective child safety or accidental lighting safety feature;

6.7.4 goods or wares used to advertise or promote the use of any of the above including those bearing brands, logos, or imagery evoking a promotional association, of a tobacco company (e.g. trinkets with cigarette brand logos) excluding those:

a) incidental to but found in publications as permitted by law (e.g. advertisements in magazines); or

b) that promote prevention or cessation of use of Tobacco-Related Products; and

~~=====~~

~~===== goods or wares used primarily to advertise or promote the use of any of the above (e.g. trinkets with cigarette brand logos); and~~

6.7.5 such other goods and wares as may be designated in the Pprocedures.

6.8 “UBC” means The University of British Columbia.

6.9 “UBC Enclosed Premises” means any UBC Premises that are fully or substantially enclosed, any UBC Premises that are used as a materials storage location, and any bus shelters located on UBC Premises.

6.10 “UBC Premises” means the UBC Okanagan and UBC Vancouver campuses, all UBC sites, and all structures owned or operated by UBC, excluding any premises that are the subject of an Occupancy Agreement and also excluding any Residential Premises.

~~=====~~

~~7.7~~

~~7.86.11~~ “**UBC Vehicle**” means a vehicle that is owned, leased or rented by UBC.

~~6.12 “**Vaporizer**” means any device used to vaporize ingredients for the purpose of inhalation.~~

~~“**UBC**” means The University of British Columbia.~~

~~“**UBC Security Service**” means the applicable administrative unit providing security or security oversight on a campus, or for UBC building, lands or areas.~~

PROCEDURES

Approved: July 1991

Revised: ~~July 3, 2012~~ January, 2019

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. Inclusion of Leases for which UBC is Landlord Administration

- 1.1 The Vice-President, Finance and Operations is designated as the Responsible Executive having responsibility for the administration of this Policy and these Procedures. This policy applies to residential units for which UBC, as landlord, has prohibited Smoking under the terms of the lease.
- 1.2 The Responsible Executive may sub-delegate duties hereunder but remains responsible for oversight and answerable to the President with respect to such duties.
- ~~1.2 This policy applies to leases for which UBC is landlord of commercial premises entered into after December 1, 2007 unless approved by the Responsible Executive or the Board of Governors.~~

2. Permits for Exceptions

- 2.1 Issuance: Only the Director ~~of the UBC~~; Ceremonies and Events Office, or delegate, or such other person as may be designated by the Responsible Executive, has the authority to issue permits to a person or organization seeking to ~~use engage in~~ Smoking ~~Products, where permitted by law, pursuant to section 3.2 of this Policy~~ in connection with a culturally significant activity. Such ~~authorization permit~~ may set out the terms and conditions on which the ~~authorization permit~~ is granted, including, but not limited to publishing notices and requiring posting of signage warning of Smoking ~~or the use of Smoking Products~~.
- 2.2 Suspension or Revocation: A permit may be:
 - 2.2.1 altered, suspended or revoked by the issuer or the Responsible Executive at any time; or
 - 2.2.2 suspended by ~~UBC Campus Security~~ at UBC Okanagan or UBC Vancouver, as applicable, Service on a good faith determination:
 - a) that the permit terms and conditions have been substantially breached; or
 - ~~b) that there is a safety, security, or health concern, and both neither the issuer and nor the Responsible Executive is are unavailable to act; or~~
 - ~~c) invoking the UBC Security Service protection and service mandate if the safety, security, or health situation is urgent.~~

3. Designation of Smoking Areas

- 3.1 Designated Smoking Areas that do not involve construction of a shelter may only be created ~~by Campus and Community Planning after consultation with the following as indicated:~~
- 3.1.1 ~~In~~ in respect of UBC Okanagan, by Campus Planning and Development after:
- a) ~~Associate Vice President, Operations~~ consultation with Campus Operations and Risk Management; and
 - b) posting notices in the proposed Designated Smoking Area, inviting community input ~~Local Safety Committees~~; and
- 3.1.2 ~~In~~ in respect of UBC Vancouver, by Campus and Community Planning after:
- a) ~~Local Safety Committees~~ Consultation with Building Operations; and
 - b) posting notices in the proposed Designated Smoking Area, inviting community input ~~Plant Operations~~.
- 3.2 Designated Smoking Areas involving construction of a shelter may only be created ~~by Campus and Community Planning after consultation with the following as indicated:~~
- 3.2.1 ~~i~~ n respect of UBC Okanagan, by Campus Planning and Development after:
- a) consultation with Campus Operations and Risk Management ~~Associate Vice President, Operations~~; and
 - ~~b) Health Safety and Environment~~; and
 - ~~e)~~ b) posting notices in the proposed Designated Smoking Area, inviting community input ~~Local Safety Committees~~; and
- 3.2.2 ~~i~~ n respect of UBC Vancouver, by Campus and Community Planning after:
- a) ~~Health Safety and Environment~~ consultation with Building Operations;
 - b) ~~Local Safety Committees~~ consultation with Occupational & Research Health and Safety; and
 - c) posting notices in the proposed Designated Smoking Area, inviting community input ~~Plant Operations~~.
- 3.3 Where feasible, Designated Smoking Areas ~~shall~~ should be indicated by posted signage or markings that ~~, where feasible or necessary, aid identification or enforcement of the boundaries or limits of~~ Designated Smoking Areas for information and enforcement purposes. Smoking of certain types of products and not others may be permitted within Designated Smoking Areas and the posted signage or markings should indicate whether there are any restrictions on the types of products that may be used for Smoking in the Designated Smoking Area.
- 3.4 ~~Where feasible~~ Designated Smoking Areas will be provide shelter from the elements and located or constructed to reduce the fire hazard to surrounding areas and, where feasible, will be located or constructed so as to provide shelter from the elements.

- 3.5 Designated Smoking Areas may not be fully or substantially enclosed, unless appropriate air handling systems are utilized.
- 3.6 ~~UBC Security Service may temporarily revoke a~~ The designation of an area as a Designated Smoking Area may be suspended by Campus Security at UBC Okanagan or UBC Vancouver, as applicable, on a good faith determination that there is a safety, security, or health concern, and the Responsible Executive is not available to act.

4. No Smoking Areas - Smoke-Free Distances and Areas

~~3.7~~

- 4.1 On the UBC Okanagan campus, Smoking is permitted within Designated Smoking Areas but is otherwise prohibited out-of-doors. ~~within:~~
- 4.2 On all UBC Premises other than the UBC Okanagan campus; ~~and in all other cases,~~ Smoking is prohibited within:
- 4.2.1 ~~the following prescribed distances in respect of any UBC occupied building, structure, or other UBC occupied place that is fully or substantially enclosed~~ 8 metres from any bus shelter located on UBC Premises:
 - 4.2.2 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any doorway (including loading bay doors) for any UBC Enclosed Premises;
 - 4.2.3 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, ~~(notably including vertical) or 2 stories measured vertically, whichever is greater,~~ from any window of any UBC Enclosed Premises, unless the window is clearly ~~being~~ neither designed for nor capable of use for ventilation;
 - 4.2.4 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, ~~(notably including vertical)~~ from any air intake for any UBC Enclosed Premises; and
 - ~~4.2.5~~ the posted limit; but if unposted, then 8 metres in any direction, from any place that a reasonable person would believe contains hazardous materials or poses an explosive flammability risk; ~~and~~
 - ~~4.2.6~~ 4.2.5 8 metres in respect of any bus shelter located on lands controlled and occupied by UBC.
- 4.3 ~~Except as contemplated by sections 4.1 and 4.2 of these Procedures Unless expressly required under section 4.1 above~~ no signage or marking is required to provide notice of a prohibition of Smoking and the prescribed smoke free status or distances applicable to any area ~~or campus under that section.~~

4.4 In addition, No Smoking Areas may be designated:

- 4.4.1 In respect of UBC Okanagan, by Campus Planning and Development; and
- 4.4.2 In respect of UBC Vancouver, by Campus and Community Planning,

~~by the Responsible Executive, or delegate,~~ and identified by published notice, signage, or markings deemed by ~~the Responsible Executive~~ Campus Planning and Development or Campus and Community Planning, as applicable, as reasonably necessary to identify the area as one in which Smoking is prohibited.

4.44.5 ~~The act of creating or designating a~~ No Smoking Areas shall remain enforceable notwithstanding ~~to be an area where Smoking is prohibited is not invalid merely because of~~ vandalism or an irregularity in designation, signage or markings.

5. — Designated Smoking Products

~~The following goods and wares are designated as Smoking Products:~~

~~lighters bearing no effective child safety or accidental lighting safety feature;~~

~~goods or wares used to advertise or promote the use of any Smoking Product including those bearing brands, logos, or imagery evoking a promotional association, of a tobacco company or smokeable product excluding those:~~

~~incidental to but found in publications as permitted by law (e.g. foreign magazines); or~~

~~that promotes prevention or cessation of use of Smoking Products.~~

5. Compliance and Enforcement

5.1 In respect of violations regarding sale or promotion of tobacco or Smoking Products.:

~~Violations regarding sale or promotion of tobacco or Smoking Products~~ the matter should be immediately reported to Campus Security at UBC Okanagan or UBC Vancouver, as applicable.:

~~UBC Security Service; and~~

~~the Office of the University Counsel.~~

5.2 In respect of Smoking:

5.2.1 The day to day implementation and enforcement of this ~~P~~policy is the responsibility of:

- a) the supervisor or individual directly in charge of a given area or activity within an area; and
- b) Campus Security at UBC Okanagan or UBC Vancouver, as applicable.~~UBC Security Service.~~

5.2.2

Every effort is to be taken by all students, faculty and staff to ensure compliance with this Policy and the Procedures, and to resolve any problems created by non-compliance by:

- a) encouraging smokers to move to areas where Smoking is permitted and, if in the vicinity, to use a Designated Smoking Area; and
- b) recognizing and respecting that prescribed areas where Smoking is not permitted may fully extend between buildings and, accordingly, walkways in those places unless included as or within a Designated Smoking Area ~~are areas where Smoking is not permitted.~~

5.2.3 Violations regarding Smoking shall be shall be treated proportionately to health and safety risks or harms as well as the ~~breach of social contract and disruption~~nuisance associated with the violations. Repeated or continued violation of this ~~policy~~Policy shall be treated as willful contempt or insubordination.

5.2.4 The following protocol is to be followed if non-compliance issues cannot be resolved using the approach set out in ~~paragraphs under this~~ section 5.2.42:

- a) Students: Formal complaints may be lodged by any party responsible for day to day implementation and enforcement.
- b) Faculty and Staff: Non-compliance concerns should be lodged with either the individual's immediate supervisor or Campus Security at UBC Okanagan or UBC Vancouver, as applicable ~~UBC Security Service~~.

Information For Supervisors Regarding Substance Use

This information applies to all persons appointed at UBC, including staff, student employees, and faculty members, librarians and program directors. Please note that the following is not an exhaustive statement of UBC's rules and measures related to employee performance and safety.

UBC is committed to fostering a healthy, safe, inclusive, and professional work environment.

UBC employees are expected to refrain from non-therapeutic use of psychoactive substances during or prior to their work hours, unless lawfully authorized or approved by their supervisor.

A "psychoactive substance" is a substance that, when used, affects mental processes (e.g. cognitive functions). Psychoactive substances range from over-the-counter and prescription medicines, to alcohol, cannabis and other drugs.

Job Performance & Workplace Safety

In general, employees are expected to meet job performance norms and standards in their work environment. An employee with performance restrictions is expected to inform their supervisor of these restrictions.

Examples: A dental assistant who has severe difficulty lifting and carrying heavy instrument cassettes is expected to inform their supervisor of these restrictions.

A faculty member who routinely handles rare books or delicate artifacts and who has severely diminished hand-grip strength and hand dexterity is expected to inform their department head of these restrictions.

Supervisors should contact [Advisory Services](#) (staff and student appointments) or [Faculty Relations](#) (faculty appointment) for assistance in addressing (including, where appropriate, accommodating) performance restrictions.

Supervisors are responsible for ensuring that employees under their supervision understand and observe basic safety rules set out in British Columbia's *Occupational Health and Safety Regulation* (sections 4.19 and 4.20), including the following:

1. An employee with a functional impairment that may affect their ability to work safely must inform their supervisor of the functional impairment.

Examples: A truck driver with severely impaired vision quality must inform their supervisor of this functional impairment.

A faculty member who routinely handles hazardous materials in a laboratory environment and who has severely diminished hand-grip strength and hand dexterity is expected to inform their department head of these restrictions.

2. An employee must not knowingly do work where their functional impairment may create an undue risk to themselves or others.

Functional impairments may result from various health conditions and environmental and personal factors. For instance, studies have shown that sustained wakefulness (i.e. not sleeping) significantly impairs various functions, such as hand-eye coordination and memory functions. Similarly, acute

intoxication due to psychoactive substance use results in functional impairments (e.g. impaired psychomotor functions).

3. An employee must not attend work while their ability to work is affected by substance use so as to endanger the employee or anyone else.

4. An employee must not remain at work if their behaviour is affected by substance use so as to create an undue risk to other employees.

In addition, pursuant to the *Occupational Health and Safety Regulation*:

1. supervisors must not assign work activities to an employee where the employee's functional impairment(s) may create an undue risk to the employee or anyone else; and

2. supervisors must not knowingly permit an employee to remain at work while the employee's ability to work is affected by substance use so as to endanger the employee or anyone else.

Employee Substance Use: Q & A

Question: What should I do if:

- I suspect that an employee under my supervision is intoxicated due to substance use?
- An employee under my supervision smells of alcohol or another psychoactive substance?
- I observe an employee who appears to be using a psychoactive substance at work?

Answer: Follow the “four As” – Assess, Ask, Act, After.

Assess. If the employee is engaging in “At-Risk Behaviour,” follow the procedures under [UBC Policy #14 \(Response to At-Risk Behaviour\)](#). If the employee is not engaging in “At-Risk Behaviour,” take the following steps.

Make sure to record notes of steps taken, your observations, any communication, and the reasoning behind your actions.

Assess. Make sure the employee is safe and does not require medical aid.

Ask. If the employee smells of alcohol or another psychoactive substance, ask them about the cause of the odour.

Ask. Ask the employee if they have used a psychoactive substance (e.g. alcohol, cannabis) during or prior to their work hours, and, if so, why.

Ask. Ask the employee if they are intoxicated due to substance use, and observe any symptoms of intoxication and/or resulting functional impairments.

Symptoms of intoxication and/or resulting functional impairments may vary, depending on the psychoactive substance used and other factors. Symptoms may include:

- smell of alcohol or other psychoactive substance (e.g. cannabis)
- impaired hand-eye coordination
- difficulties with walking, posture

- difficulties speaking (e.g. loudness; slurred speech; too fast; too slow)
- reduced alertness
- relatively slow or shallow breathing
- sleepiness
- eye redness

Act. Take action that is appropriate under the circumstances:

- Impairment. The employee cannot remain at work.

If you reasonably believe that the employee's ability to work is affected by substance use so as to endanger the employee or someone else, inform the employee that they cannot remain at work, and take reasonable steps to ensure that the employee proceeds home or to the care of a responsible person (e.g. family) safely.

- Authorized use. Under certain circumstances, you may allow the employee to remain at work.

If the employee has engaged in authorized or approved substance use during or prior to their work hours, and you do not believe that the employee's ability to work is affected by substance use, you may allow the employee to return to their regular duties – unless the employee smells of alcohol or another psychoactive substance, and the odour associated with the employee is so strong or objectionable as to be unavoidably disruptive. In this case, you should take reasonable steps to ensure that the employee proceeds home or to the care of a responsible person (e.g. family) safely. If the employee is allowed to remain at work, take reasonable steps to monitor the employee's performance and behaviour for the remainder of their workday.

- Unauthorized use. The employee cannot remain at work.

There may be instances where the employee has engaged in unauthorized/unapproved substance use during or prior to their work hours, but you do not believe that the employee's ability to work is affected by substance use. In these instances, you should inform the employee that they cannot remain at work, because UBC employees are expected to refrain from non-therapeutic use of psychoactive substances during or prior to their work hours. Take reasonable steps to ensure that the employee proceeds home or to the care of a responsible person (e.g. family) safely.

After. After resolving the immediate situation, contact [Advisory Services](#) (staff and student appointments) or [Faculty Relations](#) (faculty appointment) as soon as possible.

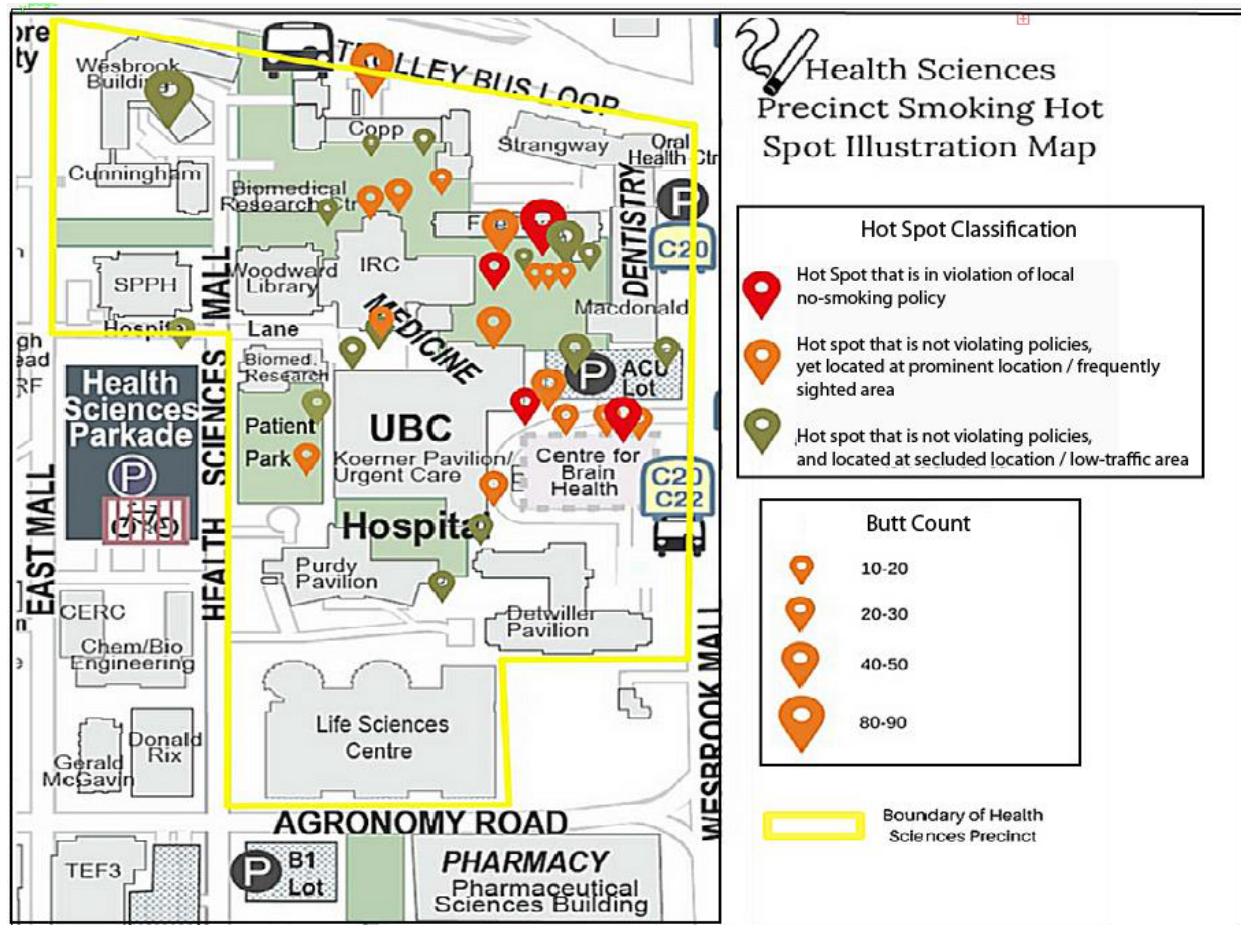


Figure 1 Health Sciences Precinct Smoking Heat Map (Marcus Jung, March 30, 2017 – GEOG 379)