

### 1.0 PURPOSE

- 1.1 The Nova Scotia Community College (“NSCC”) Mission is based on core values including promoting student and employee success, ensuring safety, and acting accountably and with integrity. These values and NSCC’s achievement of its mission may be undermined by the impairment of members of the NSCC community, resulting from the use of Alcohol or Drugs.
- 1.2 The purpose of NSCC’s Alcohol & Drug Policy (the “Policy”) is to promote a safe and healthy workplace and learning environment by reducing the risks associated with the use of Alcohol and Drugs and by striving to eliminate the effects of Drug or Alcohol Abuse on the College and the members of the NSCC community.

### 2.0 SCOPE

- 2.1 **Section 4** of this Policy applies to all employees, regardless of status.
- 2.2 **Section 5** of this Policy applies to students (full-time, part-time, online and apprenticeship, and any NSCC employee, while engaged as a learner in College sponsored learning programs (i.e. CCEDP, external conferences etc.) and events (i.e. community, industry).
- 2.3 **Section 6** of this Policy, General Provisions, applies to all members of the NSCC community:
  - All employees
  - Students
- 2.4 The Policy applies to conduct connected to or capable of impacting the work, learning, services and reputation of NSCC including conduct in any physical or electronic sites where NSCC conducts business or learning including off-College work sites.

### 3.0 DEFINITIONS

- 3.1 **Alcohol** means the intoxicating agent in beverage alcohol such as ethyl alcohol or other low molecular weight alcohols and agents like methyl (antifreeze) and isopropyl (rubbing alcohol).
- 3.2 **Approved College Function** is a function which is solely or jointly sponsored or promoted by the College for purposes related to College business.
- 3.3 **Drug** means any substance, including illicit drugs or medications, the use of which has the potential to change or adversely affect the way a person thinks, feels or acts. For the purposes of this Policy, drugs of concern are those that inhibit an employee’s ability to perform his or her job safely and productively. Specifically, the following definitions apply:

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- 3.4 **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.
- 3.5 **Medication** means a drug obtained legally, either over-the-counter or through a doctor's prescription.
- 3.6 **Drug or Alcohol Abuse** is the use of a potentially impairing substance to the point that it adversely affects performance or safety at work, either directly through intoxication or hangover, or indirectly through social or health problems.
- 3.7 **Fit for Duty** in the context of this Policy, means being able to safely perform assigned duties and responsibilities without any impairment due to the influence, or after-effects, of any Drug, including any Illicit Drug, Alcohol or Medication, that may hinder performance or compromise the safety of the employee, learners or others within the context of job duties or participation in NSCC sponsored learning programs or events.
- 3.8 **Fit for Learning** in the context of this Policy, means being able to meaningfully and safely participate in scheduled educational activities, without any impairment due to the influence, or after-effects, of any Drug, including any Illicit Drug, Alcohol or Medication that may hinder or compromise the safety or educational experience of the Student or others.
- 3.9 **Safety-Sensitive Roles or Activities** are those roles or activities which require the employee or student to be alert, to be physically coordinated, and to exercise good judgment, and where impairment by way of ingesting alcohol or drugs could adversely affect job performance, the activity, the health, safety or security of the employee, other persons, property or the environment. Any employee who directly supervises a student or another employee in a safety sensitive position will also be considered to work in a safety sensitive position.

### 4.0 POLICY

#### 4.1 Employee Provisions

- 4.2 The provisions of this Part apply to NSCC employees.
- 4.3 Section 13 (1) of the Nova Scotia *Occupational Health and Safety Act*. 1996, c.7, s.1. States "every employer shall take every precaution that is reasonable in the circumstances to (a) ensure the health and safety of persons at or near the workplace".
- 4.4 Section 17(1) of the Nova Scotia *Occupational Health and Safety Act* states "every employee, while at work, shall (a) take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace."
- 4.5 Aligned to the requirements of the Nova Scotia *Occupational Health and Safety Act* and the Regulations under the *Act*, NSCC maintains policies and expectations to ensure

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reasonable standards for the protection of the health and safety of employees and other members of the NSCC community. In particular, employees must:

- a. Report Fit for Duty for scheduled and unscheduled work, and remain Fit for Duty during their entire work hours;
- b. Advise their manager about the use of any Drugs, including Alcohol, Illicit Drugs or Medications that may impair their performance or compromise their health and safety and/or the safety of others;
- c. Not use, possess, distribute, offer for sale or sell Drugs and/or Drug paraphernalia during work, on NSCC premises or in any vehicles owned or leased by NSCC (the use of prescription medication as prescribed does not fall within the meaning of this subsection);
- d. Not report for any work or other activity connected to the work, learning or services of NSCC, and involving Safety-Sensitive Roles or Activities, while under the influence of any Drugs or Alcohol.

**4.6** An employee who fails to fulfill the requirements of **s.4.5** has violated this policy. Violations may be investigated and pursued under any other relevant NSCC policy, contract or Collective Agreement.

- a. Where there are reasonable grounds to believe that an employee is in violation of **s.4.5a.**, that employee shall be immediately escorted by their manager or another person in a supervisory capacity to a safe place where they will be given an opportunity to explain why they appear to be not fit for duty. An employee working in a Safety-Sensitive Role, performing a Safety-Sensitive Activity, or supervising someone performing a Safety-Sensitive Activity is subject to a higher level of scrutiny and may be removed from the working environment immediately.
- b. If the employee's manager or supervisor, having heard any explanation offered by the employee, continues to have concerns about their fitness for duty, the employee may be removed from the workplace.
- c. If an employee is removed from their workplace under subsections (b) or (c), NSCC will make all reasonable efforts to provide the employee with safe transportation to their home from work. Should the employee refuse any offer of safe transportation made by NSCC, and should there be concerns that the employee is intending to operate a motor vehicle, NSCC may proceed to contact the local police.

**4.7** Any action taken under **s.4.6** must be reported immediately to Human Resources and the appropriate next level of management for review, consideration and to determine appropriate actions. In the event that there are continuing concerns regarding safety, the Manager of Occupational Health and Safety shall also be notified.

**4.8** Employees who fail to adhere to this Policy, and who continue to present not Fit for Duty, or fail to remain Fit for Duty present a safety risk to themselves and others. This constitutes a violation of the Policy and may be subject to progressive discipline up to and including termination of employment.

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- 4.9** Where an employee reports their use of prescription medication under **s. 4.5 b.**, which may impair their job performance or compromise safety, the College and the employee will work together to determine what accommodation can be made to permit the employee’s continuing work without compromising safety.
- 4.10** NSCC understands that a Drug dependency can constitute a condition that is recognized as a disability under the Nova Scotia *Human Rights Act* RSNS 1989, c 214. Employees with a medically supported disability of this kind will be accommodated under the Nova Scotia *Human Rights Act* to the point of undue hardship. Employees have a responsibility to identify and seek accommodation and/or treatment. NSCC offers additional support through the Employee & Family Assistance Program and/or Early Intervention Program (NSTU).
- 4.11** Employees who have
- a. Violated this policy and/or
  - b. Disclosed a dependency under **s. 4.10**, and
  - c. are returning to Safety-Sensitive Roles or Activities in the workplace may be required to participate in a monitoring program as part of a program of rehabilitation and/or reintroduction to the workplace.
- 4.12** Any employee who witnesses or has concerns about whether another employee is Fit for Duty must immediately advise:
- a. Their manager;
  - b. Any member of NSCC Senior Leadership, including Vice Presidents, Deans, Principals or Directors; or
  - c. Human Resources
- 4.13** Any leader who receives information regarding an alleged breach of this Policy by an employee will refer the matter to the Director of Human Resources who will coordinate the NSCC’s response to the alleged breach.

### 5.1 Student Provisions

**5.2** The provisions of this Part apply to Students.

**5.3** NSCC Students must:

- a. Be Fit for Learning when attending classes or other program-related activities,
- b. Not report for any learning or work-term activities associated with their program at NSCC which involve Safety-Sensitive Roles or Activities, while under the influence of Drugs or Alcohol,

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- c. If their learning activities involve any safety-sensitive elements, advise their instructor or another person in a supervisory capacity, the Academic Chair or the Manager of Student Services about the use of any Alcohol or Drugs, including Illicit Drugs or Medications that may impair their performance or compromise their health and safety and/or the safety of others,
- d. Not use, possess, distribute, offer for sale or sell Drugs and/or Drug paraphernalia during work or learning activities, on NSCC premises, or in any vehicles owned or leased by NSCC,
- e. Only use and possess prescription medication as prescribed and not distribute, offer for sale, or sell prescription medication during work, on work premises or in any vehicles owned or leased by NSCC,
- f. NSCC recognizes that students may have a health condition or illness that may require medication which may require unique arrangements to use on campus or sites where NSCC conducts business or learning including off-College work sites. Students using such medication have a responsibility to identify and seek accommodations through the Academic Accommodations Policy,
- g. NSCC understands that a Drug dependency can constitute a condition that is recognized as a disability under the Nova Scotia *Human Rights Act* RSNS 1989, c 214. Students with a medically supported disability of this kind will be accommodated under the Nova Scotia *Human Rights Act* to the point of undue hardship. Students using such medication have a responsibility to identify and seek accommodations through the Academic Accommodations Policy and Procedures,
- h. A faculty member, or any other employee, who suspects that a student is inebriated or otherwise is in violation of this Policy must report the matter to the Academic Chair or the Manager of Student Services, who may then take such steps as they consider necessary under the Student Code of Conduct, the Academic Accommodations Policy or any other applicable NSCC Policy,
- i. Where there are reasonable grounds to believe that a student who is participating in a safety-sensitive activity is under the influence of Drugs or Alcohol, the student shall be immediately removed from the environment and their participation in such activities shall be temporarily suspended. The matter must be reported to the Academic Chair or the Manager of Student Services, who may then take such steps as they consider necessary under the Student Code of Conduct, the Academic Accommodations Policy or any other applicable NSCC Policy,
- j. If the student's instructor, having heard any explanation offered by the student, continues to have concerns about their fitness for learning, the student may be removed from the environment,
- k. If a student is removed from the learning environment, NSCC will make all reasonable efforts to provide the student with safe transportation to their home. Should the student refuse any offer of safe transportation made by NSCC, and should there be concerns that

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the student is intending to operate a motor vehicle, NSCC may proceed to contact the local police.

### 6.0 General Provisions

- 6.1** The provisions of this part apply to all members of the NSCC community. The consumption of alcohol on NSCC premises or in NSCC vehicles is prohibited, subject to the exceptions set out below:
- a.** A member of the NSCC community, who resides in an NSCC residence and who has attained the age of majority, may consume alcoholic beverages in their room at residence. They may likewise serve alcoholic beverages to guests in their room, so long as those guests have also attained the age of majority,
  - b.** A member of the NSCC community, who has attained the age of majority, may consume alcohol served on campus as part of an Approved College Function, at licensed facilities on campus, or, if invited to do so, in another community member's residence room.
- 6.2** Notwithstanding the exceptions set out in **s. 6.1a.** no member of the NSCC community is permitted to be on campus showing signs of having consumed alcohol.
- 6.3** Any member of the NSCC community involved in hosting a College Approved Event at which Alcohol is served is required to act responsibly including, if appropriate, hiring trained servers and implementing systems whereby precautions are taken to ensure responsible consumption of Alcohol. A member serving Alcohol in their room is also expected to take steps to ensure responsible consumption of Alcohol.
- 6.4** Contravention of any provincial or federal laws regarding Drugs or Alcohol or any other policies of the College governing the possession, distribution, and/or consumption of alcoholic beverages is also a violation of this Policy.
- 6.5** Breaches of this Policy by students will be addressed under the **Student Code of Conduct** Policy and Procedures. Breaches of this Policy by Employees will be subject to disciplinary action up to and including termination.
- 6.6** The NSCC will maintain confidentiality, to the greatest extent possible, in the reporting and investigation of alleged breaches of this Policy. All employee records are to be kept confidential and securely filed within Human Resources. All student records are to be kept confidential and securely filed within Student Services. The NSCC will take every reasonable precaution to protect the concerns and identities of those involved to the greatest extent possible. All parties will be required to maintain confidentiality to ensure the integrity of this process.
- 6.7** Any member of the NSCC community who raises concerns regarding an alleged breach of this Policy must do so in good faith based on an honest belief a violation has occurred.

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**6.8** An individual acting in good faith will not be disadvantaged or lose their employment status by reporting their concerns, even when concerns cannot be substantiated under this Policy. However, abuse of this Policy may result in disciplinary action up to and including termination of employment for employees. Abuse of this Policy may result in disciplinary action up to and including expulsion for students.

### 7.0 Regular Review

**7.1** This Policy shall be reviewed in accordance with the NSCC Policy Review Schedule.

## 8.0 RESPONSIBILITIES

### 8.0 Safe and Productive Workspace

**8.1** A safe and productive workplace is achieved through cooperation and shared responsibility in relation to Alcohol and Drugs. All parties have an important role to play.

**8.2 Employees** are responsible for:

- a. Understanding and complying with this Policy;
- b. Reporting to work Fit for Duty;
- c. Not performing any Safety-Sensitive Role or activity while impaired by Drugs or Alcohol;
- d. Reporting any prescription medication use which may impair their job performance or compromise safety;
- e. Reporting any Drug dependency requiring accommodation;
- f. Cooperating in any work modifications and/or testing or monitoring programs under **s. 4.9 or 4.11** of this policy; and
- g. Raising any concerns they might have regarding Drug or Alcohol Abuse in the workplace, including advising of any co-workers they see reporting for work who are not Fit for Duty.

**8.3** NSCC will provide its employees with access to assistance programs in a way that protects confidentiality, fairness and respect for individuals. Any employee with a Drug and/or Alcohol dependency is encouraged to access programs and resources and take responsibility to deal with their dependency. All employees are expected to place a priority on workplace safety with respect to this Policy.

**8.4 Students** are responsible for:

- a. Understanding and complying with this Policy;
- b. Report any Drug dependency requiring accommodation
- c. Being Fit for Learning when participating in College learning and work-term activities;
- d. Not performing any Safety-Sensitive activity while impaired by Drugs or Alcohol;

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e. Reporting to a member of faculty, Academic Chair or Manager of Student Services, any Drug or Alcohol use that may impact on their performance of Safety-Sensitive Activities.

**8.5 NSCC** (including the President and Executive, Principals, Deans, Academic Chairs, Directors and Managers) is responsible for fostering a safe and healthy workplace and learning environment by supporting the implementation of this Policy.

**8.6 Human Resources** has responsibility for the oversight and application of this Policy to employees and the coordination of NSCC’s response to any alleged breach of the Policy by an employee. This includes ensuring information is reviewed and investigated as appropriate; making appropriate referrals to the Manager of Occupational Health and Safety; maintaining confidential records of allegations of non-compliance and responses; maintaining official employee files; and developing and implementing communications to ensure employee awareness and understanding of their obligations under the Policy.

**8.7 Student Services**, through the Manager of Student Services and the student’s Academic Chair, is responsible for the oversight and application of this Policy to students and the coordination of NSCC’s response to any alleged breach of the Policy by a student, including referring matters to be handled under the SCOC and making appropriate referrals to the Manager of Occupational Health and Safety.

### 9.0 POLICY SUPPORTS

Faculty Collective Agreement
Operational Support Collective Agreement
Professional Support Collective Agreement
Nova Scotia Human Rights Code
Occupational Health and Safety Act
Employee Code of Conduct
Student Code of Conduct

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