

STUDENTS

Prohibiting Smoking and Associated Devices

1.0 Introduction

- 1.1 Durham District School Board staff will co-operate with the Durham Region Health Department to enforce the Tobacco/Cannabis legislation (Bill C45 The Cannabis Act and Bill 36 amending the Education Act, *Smoke-Free Ontario Act, 2017 (SFOA)*).
- 1.2 The Durham District School Board has a statutory obligation to enforce the *SFOA, 2017* ensuring that no person shall smoke or hold lighted tobacco, cannabis, or electronic cigarettes/associated devices on school property or within 20 meters of its property boundary regardless of age, status or reason.
- 1.3 The *SFOA, 2017* addresses the use and/or distribution of tobacco, cannabis, or electronic cigarettes/associated devices. It does not cover possession of tobacco.
- 1.4 All students, parents, employees, volunteers, visitors, and others are responsible for complying with the *SFOA, 2017*.
- 1.5 All employees are expected to report any violation to the School Administration.
- 1.6 The Board Policy and Procedure concerning student use, possession and distribution of tobacco, cannabis, or electronic cigarettes/associated devices on school property should be embedded into the School Code of Conduct and communicated annually by the principal/designate in writing, to staff, parents and students. Any breach of the expectations within will be treated as an informed and willful act.
- 1.7 Written summaries of the expectations outlined in the Policy and Procedure may take the form of newsletters, brochures, posters and/or web site posting. The expectations should also be included in the staff handbook. Further communication may occur at meetings and/or assemblies.
- 1.8 These policies and procedures are intended to address medical cannabis use and use of a legal product for those over the age of 19. However, because Cannabis is an intoxicant and can pose a health and safety risk and can result in legal penalties it is also addressed in policy 5149, and the Police/School Board Protocol.

2.0 Student Use or Distribution of Tobacco on School Property

The principal/designate:

- 2.1 shall enact the "*SFOA, 2017 Enforcement Protocol*" (see Appendix A)
 - (a) shall ensure that Board properties, including building interiors and grounds have "No Smoking/Vaping" signs that are posted conspicuously and not obstructed from view. Smoking includes the carrying or holding of lighted cigars, cigarettes, pipes or any other lighted or electronic device. Examples may include but are not limited to E-cigarettes, herbal cigarettes, Chew, snuff, snus;
 - (b) shall advise the student that their use or distribution of tobacco, cannabis, or electronic cigarettes/associated devices is an infraction of Board policy and the *SFOA, 2017*;

- (c) may confiscate any tobacco, cannabis, or electronic cigarettes/associated devices present and dispose of it (disposal may include giving the tobacco, or electronic cigarettes/associated devices, to a parent or a guardian but not cannabis);
- (d) shall apply a consequence based on Bias-Aware Progressive Discipline;
- (e) may contact the parents/guardians and advise them and the student about consequences and available support services if needed.

3.0 Student Possession of Tobacco on School Property

- 3.1 A school shall include rules and consequences for student possession of tobacco, cannabis, or electronic cigarettes/associated devices on school property in their Code of Conduct.
- 3.2 If a student is in possession of tobacco, cannabis, or electronic cigarettes/associated devices contrary to the School Code of Conduct, the principal/designate may:
 - a) advise the student that his/her possession of tobacco, cannabis, or electronic cigarettes/associated devices is an infraction of the School Code of Conduct;
 - b) confiscate any tobacco, cannabis, or electronic cigarettes/associated devices and dispose of it (disposal may include giving the tobacco to a parent/guardian);
 - c) apply a consequence based on Bias-Aware Progressive Discipline;
 - d) contact the parents/guardians and advise them and the student about consequences and available support services if needed.

4.0 Off School Property

- 4.1 School Administration shall cooperate with the Tobacco Enforcement Officers to assist with their determinations of appropriate responses to concerns, such as the distribution of tobacco/cannabis and vape products that occurs off school property.
- 4.2 Administration should assist the Tobacco Enforcement Officer to develop a plan to address off school property problems that may arise as a result of the No Smoking Policy or Vaping.

5.0 Code of Conduct

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School Code of Conduct should include the following expectations:

The Durham District School Board is responsible to work with the Tobacco Enforcement Officers to enforce the *Smoke-Free Ontario Act, 2017 (SFOA)* and promote healthy lifestyle choices.

5.1 Expectations:

- Smoking, use of tobacco/cannabis and associated devices, smoking equipment and electronic devices, that may contain tobacco/cannabis products, or may reasonably be perceived as containing tobacco/cannabis products, are not permitted, by any person on school property at any time

- Smoking includes the carrying or holding of lighted cigars, cigarettes, pipes or any other lighted or electronic device. Examples may include but are not limited to E-cigarettes, herbal cigarettes, chew, snuff and snus
- Supplying tobacco/cannabis to someone who is under 19 years of age is prohibited

5.2 Consequences for Breaching Expectations:

- The Administrator will follow Bias-Aware Progressive Discipline to address student behaviour
- The Tobacco Enforcement Officer may be involved and has the authority to issue a summons that may result in fines

6.0 **Arrival of the Tobacco Enforcement Officer**

- 6.1 A Tobacco Enforcement Officer will contact the principal/designate regarding the purpose of her/his visit and provide proper identification.
- 6.2 Upon request, the principal/designate shall provide the Tobacco Enforcement Officer with a student's date of birth, address and phone number. This complies with section 32 (g) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 6.3 The Tobacco Enforcement Officer should request the permission of the principal/designate to interview a student at the school.
- 6.4 If a student is to be interviewed or charged by a Tobacco Enforcement Officer, in accordance with MFIPPA, the student should not be called to the office over the public address system. The principal/designate should go to the classroom to get the student.
- 6.5 A student under twelve years of age will not be interviewed by the Tobacco Enforcement Officer unless the parent specifically requests that the Tobacco Enforcement Officer interview the child and the parent/guardian or principal/designate is present for the interview. The Provincial Offences Act does not permit the laying of a charge to a child younger than twelve years of age.
- 6.6 If a student is twelve, up to and including fifteen years of age, the Tobacco Enforcement Officer shall inform the principal/designate of the need to interview the student and request that the parent/guardian be notified in accordance with the Youth Criminal Justice Act. If the parent/guardian denies consent to the interview, the Tobacco Enforcement Officer will contact the parent/guardian to arrange an interview convenient to the parent/guardian. In the event that the parent/guardian consents to the interview but cannot be present, the investigating Tobacco Enforcement Officer may request that the principal/designate be present during the interview. The investigating Tobacco Enforcement Officer will always ensure that another Tobacco Enforcement Officer is present during the interview.
- 6.7 If a student is sixteen or seventeen years of age, the investigating Tobacco Enforcement Officer will always ensure that another Tobacco Enforcement Officer is present during the interview. The investigating Officer may request that the principal/designate be present during the interview. The parent/guardian will be notified of the interview by the principal/designate unless there are extenuating circumstances, e.g. the student's safety may be at risk.
- 6.8 Students who are eighteen years of age and over are considered to be adults and have the right to confidentiality. The investigating Tobacco Enforcement Officer will ensure that another Tobacco

Enforcement Officer is present during the interview. The parent/guardian may be present during the interview, with the student's consent.

- 6.9 The Tobacco Enforcement Officer upon completion of the investigation will determine whether to proceed with a charge and will notify the school of next steps.

Please Note: Any staff of the school who is witness to the offense shall not be present during an interview.

7.0 Education

The Durham District School Board recognises that the best methods of prevention are well developed, quality lifestyle education programs.

The goals of healthy lifestyle choices are to help students, throughout their formal education, develop the skills that they need to make healthy choices and prevent problems related to the use of tobacco and exposure to second-hand tobacco smoke. Education programs that promote healthy lifestyle choices should include research based prevention and cessation initiatives.

In addition to the promotion of healthy lifestyle choices, education should encompass information on legal obligations and encourage respectful behaviour.

Education resources are available at www.durham.ca or by calling Durham Health Connection Line at 905-666-6241 (1-800-841-2729).

Enforcement resources are available at www.durham.ca or by calling the Environmental Help Line at 905-723-3818, ext. 2188 (1-888-777-9613).

Refer to the Smoke-Free Schools Resource document for additional support.

Appendix:

Appendix A – SFO Act, Schools Enforcement Protocol

Appendix B – Considerations for School Administration

Appendix C – SFO Act, How the Act Affects Schools

Effective Date

2000-01-24

Amended/Reviewed

2010-05-17

2014-06-17

2019-02-19