



ACADEMIC COUNCIL REPORT

SESSION:

Public
Non-Public

ACTION REQUESTED:

Decision
Consultation
Information

TO: Academic Council

DATE: October 23, 2018

PREPARED BY: Heather Leckey, Acting Manager, Student Accessibility,
Student Life

SUBJECT: PROCEDURE FOR ON-CAMPUS MEDICAL CANNABIS USE BY
STUDENTS - face to face consultation

ACADEMIC COUNCIL MANDATE:

- Under the Policy Framework, Policy Owners must consult with Academic Council before presenting draft policy instruments/amendments to the approval authority for approval.
- We are seeking Academic Council's feedback on the draft document before it is presented to the Board's Audit and Finance Committee for approval.

PURPOSE OF POLICY INSTRUMENT:

- The purpose of these Procedures is to balance the need to accommodate the medical needs of students with the potential impact on the health and safety of the surrounding campus community and meet any legal obligations that may exist in a manner consistent with the UOIT Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

SUMMARY/RATIONALE OF KEY AMENDMENTS (if applicable):

- No amendments because this is a new procedure document.

CONSULTATION:

- Cannabis Working Group

List of Consultation Dates:

- Policy Advisory Committee (*Policy Assessment- August 22, 2018*)
- Senior Leadership Team (*Information and Consultation- weekly*)
- University Administrative Council (*Information and Consultation- September 26 and October 9*)
- Online Consultation (written consultation- October 15-26)
- Academic Council (in-person consultation- October 23 2018)

COMPLIANCE WITH POLICY/LEGISLATION:

- Legislation:
 - Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
 - Ontario Human Rights Commission Policy on Guidelines on accessible education (2004)
 - Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter F.31
 - Access to Cannabis for Medical Purposes Regulations (SOR/2016-230)
 - Ontario Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1.
 - Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005
- Internal Policy Documents:
 - UOIT Accessibility Policy
 - Academic Regulations, Undergraduate Academic Calendar
 - Smoke Free Campus Policy
 - Procedures for Academic Accommodation for Students with Disabilities (LCG 1103.01)

NEXT STEPS:

- Academic Council members can provide comments through face-to-face discussion; written by email; or policy website form
- Future consultation/deliberation dates:
 - University Administrative Council (*Deliberation- November 13, 2018*)
 - Audit and Finance Committee (*Approval- November 19, 2018*)

SUPPORTING REFERENCE MATERIALS:

- draft Procedure For On-Campus Medical Cannabis Use By Students

Classification	LCG 1103.03
Parent Policy	UOIT Accessibility Policy
Framework Category	Legal, Compliance and Governance
Approving Authority	Audit and Finance Committee
Policy Owner	Provost
Approval Date	DRAFT FOR REVIEW
Review Date	
Supersedes	

PROCEDURE FOR ON-CAMPUS MEDICAL CANNABIS USE BY STUDENTS

PURPOSE

1. The purpose of these Procedures is to balance the need to accommodate the medical needs of students with the potential impact on the health and safety of the surrounding campus community and meet any legal obligations that may exist in a manner consistent with the UOIT Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

“Space” means any location owned, leased, rented or otherwise used by the University.

“Student” means an individual who is currently registered in any course or program of study at UOIT.

“University Member” means any individual who is:

 - Employed by the University;
 - Registered as a student, in accordance with the academic regulations of the University;
 - Holding an appointment with the University, including paid, unpaid and/or honorific appointments; and/or
 - Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

SCOPE AND AUTHORITY

3. These Procedures apply to Students who require the use of cannabis for medical purposes in University Space.
4. The University considers all University Space to be a workplace. The use of cannabis in a workplace is only permitted if there is a medical need, documented in compliance with the Access to Cannabis for Medical Purposes Regulation.
5. The Provost and Vice-President Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

6. Process for Medical Cannabis Approval

- 6.1. Students requiring the use of cannabis for medical purposes may request to be considered for academic accommodation in accordance with the Ontario Human Rights Code as set out in UOIT's Procedures for Academic Accommodation for Students with Disabilities (LCG 1103.01).
- 6.2. Students will, in a timely way, provide the appropriate medical and/or psychological documentation from a registered health professional that verifies the need for the accommodation to the UOIT Student Accessibility Services in accordance with UOIT's Procedures for Academic Accommodation for Students with Disabilities (LCG 1103.01).
- 6.3. Student Accessibility Services will validate the submitted documentation and prepare a notice of accommodation for the student that verifies that the student is registered with Student Accessibility Services and is entitled to accommodation, and outline the proposed accommodation plan for cannabis use on campus.
- 6.4. Accommodations may include arrangements with Student Accessibility Services for use of the medication at a designated time and place, contemplating alternate forms, and other accommodations as appropriate.
- 6.5. Approved individuals are expected to adhere to any applicable medical cannabis requirements by law.

7. Environmental sensitivity and other concerns

- 7.1. The University understands that the presence of cannabis smoke in University Space may affect other University Members due to environmental sensitivities or allergies. Concerns about the effect of cannabis smoke on a University Member must be addressed to Student Accessibility Services for resolution, not the Student who requires the use of medical cannabis directly.
- 7.2. If a University Member raises concerns about the effect of cannabis smoke, the University Member will provide supporting documentation to Student Accessibility Services, who will consider the duty to accommodate under the Human Rights Code as applied to all parties when balancing the conflicting interests. The means for resolving concerns may include creating distance between the Student requiring the use of medical cannabis and the individual with a concern, changes in scheduling, or other such accommodations appropriate to the circumstances.

8. Protection of Privacy

- 8.1. The University is committed to protecting the privacy of all University Members, including Students with disabilities. At the same time, the University needs sufficient information to reasonably evaluate and respond to a student's request for accommodation. For this reason, students are required to provide to Student Accessibility Services information concerning the nature of their disability-related needs.

- 8.2.** At times the accommodation process may require that a Student disclose such information to staff and faculty outside of Student Accessibility Services on the basis that they “need-to-know” this information to perform their duties under the policies and procedures at the University. All personal information disclosed to such staff or faculty will be governed by the University’s Access to Information and Protection of Privacy Policy.

MONITORING AND REVIEW

- 9.** These Procedures will be reviewed as necessary and at least every three years. The Provost and Vice-President Academic, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

- 10.** Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
Ontario Human Rights Commission Policy on Guidelines on accessible education (2004)
Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter F.31
Access to Cannabis for Medical Purposes Regulations (SOR/2016-230)
Ontario Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1.
Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 11.** UOIT Accessibility Policy
Procedures for Academic Accommodation for Students with Disabilities (LCG 1103.01)
Academic Regulations, Undergraduate Academic Calendar