



Administrative Procedures Memorandum

#: APS 028

Smoke Free Environment

DATE OF ISSUE: July 27, 1999
Revised: August 2002; July 2006; August 2008, November, 2014

MEMO TO: All Staff, Students and Visitors

FROM: Director of Education

PURPOSE

The Waterloo Catholic District School Board supports a comprehensive school-based approach to health promotion and the prevention of tobacco use. In order to provide a more healthy, comfortable and productive work environment for employees and students, all schools, work places, property, and vehicles shall be smoke-free.

REFERENCES

Smoke Free Ontario Act
Education Act
Bylaw 96-055 – Regional Municipality of Waterloo

FORMS

- Form APS028-01 Student Smoking Violation Record

APPENDICES

- Appendix A Regional Municipality of Waterloo / Waterloo Catholic District School Board Recommended Enforcement Protocol -- Smoking on School Property
- Appendix B Sample Recommended School Smoking Policy

COMMENTS AND GUIDELINES

The *Smoke-Free Ontario Act* makes it illegal to use, sell or supply tobacco to another person while on school property. The provisions of the *Smoke-Free Ontario Act* apply anywhere on school property and are in effect at all times – 24 hrs. per day, seven days per week.

3 (1) No person sell or supply tobacco to a person who is less than 19 years old.

9 (1) No person shall smoke tobacco or hold lighted tobacco in any enclosed public place or enclosed workplace.

9 (2) (1) No person shall smoke or hold lighted tobacco in the following places or areas: A school as defined in the *Education Act*.

The *Smoke Free Ontario Act* prohibits smoking at all times anywhere on school property, including vehicles parked on school property. This applies to students, staff and visitors, including sporting groups and community groups using school buildings or property outside of school hours.

Smoking **electronic cigarettes** anywhere on Waterloo Catholic District School Board school property has always been **prohibited**. Passage of the *Making Healthier Choices Act* (see Schedule 3 -- *Electronic Cigarettes Act*) in May, 2015 made smoking electronic cigarettes anywhere on WCDSB school property **illegal**.

To view the *Making Healthier Choices Act (Electronic Cigarettes Act)* please visit:
www.ontla.on.ca/web/bills/bills_detail.do?BillID=3080

Further information about electronic cigarettes is available from Region of Waterloo Public Health via:
http://chd.region.waterloo.on.ca/en/healthyLivingHealthProtection/resources/E_Cigarettes.pdf

Regional Municipality of Waterloo / Waterloo Catholic District School Board Recommended Enforcement Protocol -- Smoking on School Property

Role of the School

Setting up a School Procedure

The Tobacco Control Act, RSO 1994, has been amended, strengthened and renamed *The Smoke Free Ontario Act*, SO 1994. On May 31, 2006, *The Smoke Free Ontario Act* (SFOA) was enacted. This *Act* prohibits or restricts smoking in all public places and workplaces in Ontario, including schools. Specifically, this law **prohibits**:

(2) No person shall smoke or hold lighted tobacco in the following places or areas:

- 1. A school as defined in the Education Act.**
- 2. A building or the grounds surrounding the building of a private school, where the private school is the only occupant of the premises, or the grounds annexed to a private school, where the private school is not the only occupant of the premises.**

The Education Act, RSO 1990, Chapter E.2, defines a “school” as:

“school” means,

- (a) the body of elementary school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or**
- (b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario, and includes the teachers and other staff members associated with the unit or institution and the lands and premises used in connection with the unit or institution; (“école”)**

It is recommended that a procedure and protocol for dealing with students and staff found smoking on school property be established in every school. The following process is currently being successfully used in most of the schools in our Region:

Develop a “Student Smoking Violation Record” (see Form APS028-01)

- Step 1:** Students are informed of school policy and of the *Smoke Free Ontario Act* (SFOA), **by the school**.
- Step 2:** Strike 1: First smoking violation results in a suspension or detention and the parent / guardian is informed **by the school**.
- Step 3:** Strike 2: Second smoking violation results in a possible longer suspension, the parents are notified in writing **by the school** that the next infraction will result in a charge being laid by The Regional Municipality of Waterloo.
- Step 4:** Strike 3: Third infraction results in a longer suspension. Copy of Student Smoking Violation Record is immediately sent by fax to The Region of Waterloo

Licensing and Regulatory Services, **519-575-4042**.

If the student is 16 years or older, the Tobacco Enforcement Officer will arrange to meet with the student in the Vice Principal's office to issue a Provincial Offence Notice. This offence carries an out-of-court fine of **\$250.00 + \$55.00** victim surcharge for a total of **\$305.00** dollars **OR**, may issue a summons.

If the student is under 16 years of age, the Tobacco Enforcement Officer will discuss with the school principal/vice-principal possible options. Since the student is under age (a minor), he or she would receive a summons rather than an offence notice. This requires a court appearance by both the youth and the witness. Other options may include community service and/or special projects in the school.

It is extremely important that good record keeping is maintained and that all information pertaining to the charge is documented especially: student's birth date, proper address, parent name(s), where the incident took place (where on the property), what time the incident took place and who witnessed the incident. If the case goes to court all of this information must be well documented and will be used by the provincial prosecutor.

Please Note: It is up to the school whether or not they want to provide the student with two warnings. One school in the Region of Waterloo provides students with only one warning. Further, this protocol does not prevent an officer from issuing an offense notice or summons upon a first offense.

Role of the Tobacco Enforcement Officer (Region of Waterloo – Licensing and Regulatory Services)

Responding to the 3rd Violation

Upon receipt of a 3rd violation notice from a school, a Tobacco Enforcement Officer will meet with the student and vice-principal and issue a charge if the student is 16 years of age or older, either a Notice with a set fine or a summons, prosecuted in Provincial Offences Act Court.

If the student is less than 16 years of age, the student would receive a summons rather than a charge as the student is a minor. This requires a court appearance by both the youth and the witness in Family Court, prosecuted by a Provincial Crown Attorney or designate.

Notification to the Ministry of Health

If charges are laid, notification is sent to the Ministry of Health by The Region of Waterloo Public Health.

Tobacco Information Line: (519) 883- 2279

Sample Recommended School Smoking Policy

The *Smoke Free Ontario Act* prohibits smoking at all times anywhere on school property, including vehicles parked on school property. This applies to students, staff and visitors, including sporting groups and community groups using school buildings or property outside of school hours.

The *Act* further prohibits selling or supplying tobacco to persons under the age of 19. This includes “third-party supply” where a person sells or supplies tobacco to someone under the age of 19.

The Waterloo Catholic District School Board has negotiated a protocol with the Regional Municipality of Waterloo for handling student smoking on school property. Under this protocol, students will receive a suspension or detention on the first offence and their parent or guardian will be informed by the school. On the second offence, a longer suspension will result and the student’s parent or guardian will receive a written notification that any subsequent infraction will result in a charge laid by the Regional Municipality of Waterloo. On the third offence, a longer suspension is imposed, a copy of the Student Smoking Violation Record is sent to the Regional Municipality of Waterloo, and a Tobacco Enforcement Officer issues a charge under the *Smoke Free Ontario Act*.

This protocol does not prevent an officer from issuing an offence notice or summons upon a first offence, nor does it prevent schools from providing fewer than two warnings. Tobacco Enforcement Officers inspect school property as part of regular enforcement of the *Smoke Free Ontario Act* and may issue a charge upon witnessing smoking on school property.

STUDENT SMOKING VIOLATION RECORD

School: _____

Student: _____ M _____ F _____

Birth Date: Day _____ Month _____ Year _____

Address: _____ Postal Code _____

Parent/Guardian: _____

Telephone #: Home: _____ Business: _____

Offence Information

1st Offence

Age: _____

Date: _____ Time: _____ am pm

Location: _____

Witness(s): _____

Brand of Cigarette: _____

Student Signature: _____

Parent Informed: _____ **(By School)**

2nd Offence

Age: _____

Date: _____ Time: _____ am pm

Location: _____

Witness(s): _____

Brand of Cigarette: _____

Student Signature: _____

Parent Informed: _____

(By School, further offence(s) will result in charge being laid)

3rd Offence

Age: _____

Date: _____ Time: _____ am pm

Location: _____

Witness(s): _____

Brand of Cigarette: _____

Student Signature: _____

Parent Informed: _____

(By TEO if under 16 years)

FAX TO:

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Docs # 312343