Waterloo Catholic District School Board



APPENDIX A APS028

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

Information on this form is collected pursuant to the board's responsibilities set out in the Education Act and the Municipal Freedom of Information and Protection of Privacy Act. Information on this form will be used to administer the policy and procedure memorandum. Questions regarding the collection of this information should be directed to: Privacy and Information Management Officer, 519 578-3660 Ext. 2381.