

## SOLANO COMMUNITY COLLEGE DISTRICT

### SMOKING ON CAMPUS

4215

#### PROCEDURES:

To enforce smoking and tobacco control regulations and procedures, the Superintendent-President or his/her designee hereby authorizes:

#### Smoking on Campus Procedures Amendment for the implementation year

1. There will be a one-year transition period, ending July 18, 2013, to assist those who smoke to a Smoke-Free Campus.
2. During year one smoking will be allowed at designated areas only. In these areas, urns will be provided as a place to leave cigarettes.

#### Smoking on Campus Policy Application and Procedures

#### Notification and Education

3. Smoking will be prohibited on all District-owned property. Use of prohibited tobacco products and smoking includes smoking of cigarettes, pipes, cigars, other tobacco products of any kind, and all forms of electronic cigarettes or vapor devices.
4. Smoking is prohibited in all District-owned vehicles.
5. No cigarette urns will be placed on District property (except as noted above).
6. Tobacco products will not be sold on District property.
7. Communication of the Smoking on Campus Policy shall be publicized in the following ways:
  - a. Notification of the Tobacco Free environment and that violations of this policy may result in civil penalties to include a monetary fine shall be published on a continual basis in the College Catalog, Class Schedules, College Web site, and communication monitors. When practicable, students will also be notified of this policy and enforcement measures during student orientation.
  - b. "Welcome to Solano Community College: We are a Tobacco Free Campus" signs will be posted at major campus and Center entrances.
  - c. Additional signage shall be added to existing signs to read as follows: "Violations of SCCD Policy No. 4215 May Result in a Fine up to \$100.00".
8. The District Student Health Center will support and assist efforts to stop smoking by providing literature and two cessation programs each semester, including one at each Center. Also, it

will provide referrals to the Solano County's community cessation programs available in Fairfield, Vacaville, Vallejo, and TAFB.

9. The Smoking on Campus Policy is the shared responsibility of every student, faculty member, staff person, administrator, and visitor. SCC will follow discipline procedures and civil fines in accordance to California Government Code Section 7597.1 for those reported to be violators of this policy.

#### Enforcement and Data Entry Procedures

10. The officers of the Law Enforcement Provider for the Solano Community College (SCC) District and SCC Police Aides are hereby authorized to issue civil citations, pursuant to these procedures and as established under Government Code Section 7597.1, for the enforcement of this policy. In order to further promote student awareness of this policy and the enforcement thereof, Officers and Police Aides should issue warning citations during the first thirty (30) days of the first semester of enforcement of this policy, commencing after Board approval.
11. A civil citation for smoking in violation of Board Policy 4215 may be issued to any person who is smoking on SCC District property, including anyone smoking inside a vehicle parked or driven on a SCC District property.
12. Prior to issuing a citation, the issuing officer shall have the SCC Police Department conduct a "Smoking Citation Database" search to determine if the offender previously received a smoking citation. Thereafter, the issuing officer shall check the appropriate offense box (first, second, third, etc.) for the related offense.
13. When a person receiving a citation refuses to sign in the signature box, the officer shall write "Refused" in the box and issue the unsigned citation to the person. A person who has provided their name and identifying information yet refuses to sign or accept the civil citation shall not be arrested for failure to sign or accept the citation. The issuing officer shall mail the violator's copy of the citation, by certified mail, to the person identified. The issuing officer shall also notify, by email, the Dean of Student Counseling when the individual is a student or the Director of Human Resources when the individual is a College employee, of the incident for possible disciplinary action.
14. When a person in violation of Board Policy 4215 refuses to identify him or herself, the issuing officer will inform the individual that they are in violation of Penal Code Section 626.4, when a student or SCC District employee, or Section 626.6, when a non-affiliated person, and will be subject to arrest if they do not leave the campus.
15. A Smoking Citation Database shall be maintained in ARMS by the SCC Police Department.
16. Smoking citations shall normally be entered into the database on a daily basis.

17. When entering the citations, if a student violator is determined to have four or more smoking citations, the data entry person shall bring this to the attention of the Chief of Police who will, thereafter, confer with the Dean of Student Counseling to determine a course of action with respect to progressive discipline up to and including expulsion.
18. When entering the citations, if an employee violator is determined to have four or more smoking citations, the data entry person shall bring this to the attention of the Chief of Police who will, thereafter, confer with the Director of Human Resources to determine a course of action with respect to progressive discipline up to and including termination.
19. Citations entered into the database shall be stored in a secure file in the SCC Police Department subject to being purged three years after issuance.

#### Fines, Cessation Class, or Community Service Hours

20. The first citation issued for violation of this policy shall result in a civil fine of \$25.00. Each subsequent citation received by the same violator, within a three-year-period, shall result in the following graduated fine schedule: First Violation - \$25.00; Second Violation - \$50.00; Third Violation - \$75.00; Fourth and any subsequent violations - \$100.00.
21. In lieu of paying a fine for the first or second citation received in a three-year-period, a person cited for violating this policy may complete an 18 hour smoking cessation class or up to eight (8) hours of voluntary community service work, which shall include collecting and disposing of cigarette butts discarded on college property. Both options shall be overseen by the Campus Police Department to ensure both compliance and safety by and for the person choosing the option.

#### Payment and Appeals

22. Payment and appeals shall be mailed to the address indicated on the rear of the citation. The payments will be received by an assigned employee of Fiscal Services and deposited into a separate account designated as "Smoking Citation Fines." Funds in this account shall be allocated to include, but not limited to, the designated enforcement agency, education and promotion of this policy, and tobacco cessation treatment options.
23. Payment of any and all fines related to this policy enforcement shall not be taken by any member of the SCC Police Department.
24. A person issued a citation for smoking may file an appeal with the Chief of Police or designee by submitting a letter of explanation with a copy of the citation or by scheduling an appointment to meet with the Chief of Police or designee in person; either method of appeal must be filed or contact made with the Chief of Police /designee within 15 days of receiving the citation. Thereafter, within ten days of receiving the appeal, the Chief of Police shall render his or her decision in writing via US certified mail to the person who filed the appeal.

25. The decision, indicated in 21 above, may be appealed to the SCC District Superintendent/President in writing, with attached documents from that decision, or by requesting a hearing, within 15 days of receiving the decision. The Superintendent/President shall render a decision within ten days of receiving the appeal letter or after holding a hearing with the person making the appeal. The decision shall be mailed by certified US mail to the person who filed the appeal. This decision is final and if the person is found to be in violation, he or she will have thirty (30) days from the date of the decision letter to complete payment of the fine for the citation.
26. In the event that a student or faculty/staff member does not pay the citation within 31 days of receiving it, they shall be sent a delinquent notice informing him/her they have 30 days from the date of the letter to complete the payment or be subject to having their student records placed on hold when a student, or be subject to disciplinary action, including suspension, when an employee.

**BPROC 4215**

**REVIEWED:** June 20, 2012; Revised July 16, 2014