

# Washington West Supervisory Union Model Procedure

## Procedure E8-R-P

### E8-R-P: PROCEDURES FOR TOBACCO PROHIBITION

#### Notice Procedures

Building principals will provide notice of this policy as follows.

- a. Students will be informed of this policy at the beginning of each school year by placement of the policy in the Student Handbook and by such other means as the principal of each district school deems necessary and appropriate.
- b. Employees will be informed of this policy through notices posted in school offices and the placement of the policy in the Employee Handbook. Employees will be given a copy of this policy upon request.
- c. The general public will be notified of this policy by posting notices of the policy in the entry ways to school buildings and in hallways outside of the library, gymnasium and auditorium. Notice of this policy will also be placed in bulletins, programs and announcements of school events.

#### Enforcement Procedures

The following actions will be taken to enforce this policy.

- a. Student violations. Students who violate this policy will be disciplined under the school's disciplinary policy and procedures.
  1. Any employee who observes a student in possession of a tobacco product shall confiscate the product and report the violation to the principal within 48 hours.
  2. The principal shall store any confiscated tobacco product in a secure place until it is no longer needed for any disciplinary action or other legal proceeding. Thereafter, the tobacco product shall be destroyed.
  3. The principal shall expeditiously investigate any report of student violations of this policy, shall determine whether the report is supported by the evidence and, if so, whether referral to law enforcement agencies is appropriate.<sup>1</sup>
- b. Employee violations. Employees who violate this policy will be subject to disciplinary action in accord with applicable employee policies, employment contracts and requirements of law.
- c. Violations by Other Individuals. Others who use tobacco on school grounds will be informed of this policy and asked to comply. A person failing to comply will be asked to leave school grounds. A person who refuses to comply or to leave school grounds when requested to do so under this policy may be referred for prosecution as a trespasser.

Legal Reference(s): 16 V.S.A. §140 (Tobacco on school grounds)  
18 V.S.A. §§1422 et seq. (Smoking in the workplace)  
13 V.S.A. §3705 (Unlawful Trespass)  
20 U.S.C. §§6083 et seq. (Goals 2000 Educate America Act, Title X)<sup>2</sup>  
7 V.S.A. 1001 et seq.

Cross Reference: Student Conduct and Discipline (F1)  
Bus Discipline (F2)

<sup>1</sup> 7 V.S.A. 1005 subjects persons under the age of 18 who possess tobacco products or who misrepresent their age in order to obtain tobacco products to civil penalties, confiscation of the products and suspension of drivers' licenses if the civil penalty is not paid.

<sup>2</sup> Prohibits smoking in any facility operated by a federal agency "...directly or by contract to provide...day care or early childhood services to children...routine or regular kindergarten, elementary or secondary education or library services."