

Rock Valley College

Smoking Compliance Procedure

RVC Administrative Procedure (2:10.090)

Background

The Smoke Free Illinois Act (410 ILCS 82) establishes specific requirements for compliance in creating smoke free areas through proper signage and enforcement. It also establishes fine structures for smoking violators and organizations which fail to enforce the statute.

The Smoke-Free Campus Act (110 ILCS 64) establishes that smoking, including the use of e- cigarette, vaping, and other devices, is not permitted anywhere on campus with the exception that persons may smoke while inside their personal vehicles.

Compliance

As of January 1, 2008, the Smoke Free Illinois Act (Act) requires that each public entity prohibit smoking within any public place or within a minimum of 15 feet of an entrance, exit, window that opens, or ventilation intake of any public place, place of employment or within any governmental vehicle. The Act also requires that the health department and active enforcement of its provisions. Rock Valley College (RVC) will comply with these requirements and actively enforce the provisions of this procedure with the intention of gaining willing compliance.

Effective July 1, 2015 the Smoke-Free Campus Act requires that smoking is prohibited on any State-supported institution of higher education, that institutions must communicate this prohibition to employees and students on or before May 1, 2015, and that each State-supported institution of higher education post on its website a smoke-free campus map indicating locations where smoking is prohibited. This act also requires a “public education and notice program” regarding the Act.

In addition, Rock Valley College prohibits the use of tobacco products, such as chewing tobacco, anywhere on its properties with the exception that persons may use Tobacco products while inside their personal vehicles.

Smoke-Free Defined

Smoking is not allowed on campus property which includes buildings, grounds, parking lots, and vehicles that are owned or operated by a state-supported institution of higher education.

“Smoke” or “smoking” means the carrying, smoking, burning, inhaling, or exhaling of any lighted pipe, cigar, cigarette, e-cigarette or other similar vaping device, hookah, weed, herbs, or other lighted smoking equipment. This also includes lighting or

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burning of non-tobacco plants such as marijuana. “Smoke” or “smoking” also includes products containing or delivering nicotine intended or expected for human consumption, or any part of such a product, that is not a tobacco product as defined by Section 321(rr) of Title 21 of the United States Code. Exceptions to this are:

- Approved Food and Drug Administration smoking cessation products
- “Smoke” or smoking” that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the American Indians Religious Freedom Act.

“Tobacco Product” means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

“Vaping” also includes the use of an electronic smoking device such as an electronic cigarette (e-cig, or e-cigarette), personal vaporizer or electronic nicotine delivery system (ENDS) which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device that delivers “e-liquids” or other potentially harmful chemicals.

Employees

Employees who smoke are not entitled to additional work break periods. Breaks are scheduled at the discretion of the employee’s supervisor when the work load permits. The maximum time allowed for a work break for all full-time employees during a given workday is 15 minutes in the morning and 15 minutes in the afternoon. Employee breaks may not be used to extend a lunch period or shorten a work day. (See Employee handbook-Official Working Hours for additional information).

Support Services

While RVC is not requiring any student or employee to discontinue the use of smoking materials, RVC is required by law to comply with these statutes. For anyone who would like information and tips for curbing the urge to smoke, dealing with cravings, and topics such as this, RVC will provide information on where to find helpful resources.

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Designated Smoking Areas – Removal

Due to the prohibitions established in the Smoke-Free Campus Act, all previously established designated smoking areas, including signage and smoking refuse receptacles will be removed before July 1, 2015.

Enforcement

Rock Valley College Police Department (RVCPD) officers will be the primary enforcers of this procedure and statute. Officers will first attempt to gain compliance from violators by advising the violator of this procedure and requesting compliance. Violators who refuse to comply with the procedure after having been notified may be referred to the Dean of Students for disciplinary actions, and or issued an RVC citation or state citation at the officer's discretion.

Fines

Violators of the Smoke-Free Campus Act (110 ILCS 64) or this Administrative Procedure may be fined as follows:

- 1st Offense: Warning
- 2nd Offense: \$50
- 3rd and Subsequent Offense: \$100

Violators of the Smoke-Free Illinois Act (410 ILCS 82), which includes smoking within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve an enclosed area may be fined as follows:

- 1st Offense: \$100
- Subsequent Offenses: \$250

RVC Citation and Appeals Process

This appeal process is applicable to both employees and students and will be handled in the same manner for fines issued by the RVCPD.

The RVC citation and appeals process of violations of this procedure are established as follows:

1. Officer issues violator an RVC citation
2. Violator is sent a letter from Rock Valley College Police Department (RVCPD) informing the violator their record will be placed on hold by RVCPD, until the fine is paid.
3. Violator pays the fine – hold, is lifted by RVCPD

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4. Violator may choose to appeal the citation by completing an Appeal Form at the RVCPD
5. RVCPD personnel will contact Dean of Student Office personnel of any appeals monthly
6. Appeals Process: All appeals must be submitted in writing. Individuals will be allowed to appear in person if they chose but will be limited to 10 minutes to present their case and any evidence. Violators will be notified about this option on the Appeals Form
 - a. Appeals Hearing Panel membership will consist of:
 - i. Dean of Students or Designee – acts as facilitator and non-voting member.
 - ii. One RVCPD Chief, Sergeant, or Officer – acts as non-voting member, presents the appeal, and answers any questions of the panel members
 - iii. One to two students – act as voting members
 - iv. One to two faculty members - act as voting members
 - v. One to administrators – act as voting members
 - b. A total of three to six voting members shall be present at each appeal hearing.
 - c. Appeals will be heard monthly unless no appeals have been filed and RVCPD will notify the Dean of Students Office
 - d. Appeals will be read aloud without revealing the name of the violator by the RVCPD representative, who will answer any pertinent questions related with the procedure or case facts and evidence.
 - e. The hearing panel will discuss and vote to approve or deny the appeal.
 - f. Panel decisions are final
 - g. Dean of Students Office personnel will send a letter to the violator advising them of the decision of the hearing panel within two weeks of the hearing.
 - h. A copy of the letter and all original documentation will be sent to the RVCPD to process appeals in Datatel and/or collect fines.

Reference: Board Report #6485 and #6942

Implemented: June 2015