

Non 10+1

## ADMINISTRATIVE PROCEDURE

3530

COLLEGE OF THE SEQUOIAS CCD

General Institution

### WEAPONS ON ANY CAMPUS, CENTER OR FACILITY OF THE DISTRICT:

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District. **The prohibition of firearms on any District campus, District center, or in any District facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm (CCW).**

#### Exceptions to this policy include:

- **a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2,**
- **a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California,**
- **any person summoned by any of these officers to assist in making arrests or preserving the peace while they are actually engaged in assisting the officer,**
- **a member of the military forces of this state or of the United States who is engaged in the performance of their duties,**
- **an armored vehicle guard, engaged in the performance of their duties, as defined in subdivision (d) of Section 7582.1 of the Business and Professions Code,**
- **a security guard authorized to carry a loaded firearm while performing services for the District,**
- **or an honorably retired peace officer authorized to carry a concealed weapon.**

**Other than the allowable exceptions,** Any person who believes that he/she **they** may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Chief, **Campus District** Police, or designee, **and obtain written permission from the Chief, District Police, or designee, to possess a firearm or other weapon on campus.**

Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Chief, **Campus District** Police, or designee, **before taking place.**

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2-1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her **their** employment, has been authorized by a District employee to

have the knife, or is a duly appointed peace officer, who is engaged in the performance of his/her **their** duties-, **is prohibited on any District campus or at any District Center, or in any facility of the District. Any student or employee who the Chief, District Police has authorized to have a knife, including kitchen knives, must exercise caution in using and storing the knife.**

Reference: Penal Code Section ~~626.7~~ **626.9, 626.10**

May 12, 2009

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; n/a	Board; n/a

Non 10+1

**BOARD POLICY**

**3530**

COLLEGE OF THE SEQUOIAS CCD

General Institution

**WEAPONS ON ANY CAMPUS OR FACILITY OF THE DISTRICT**

Firearms or other weapons shall be prohibited on any ~~college or district center or~~ **campus of the District** or in any facility of the District except for activities conducted under the direction of district officials or as authorized by the ~~College of the Sequoias Campus~~ **District** Police or any other official law enforcement agency.

Ref.: Penal Code Section 626.7  
Adopted: April 9, 2007

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; 5/11/21	Board; 6/7/21 7/12/21

**SEXUAL ASSAULTS ON CAMPUS:**

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

A. Definition: Any sexual assault or physical abuse, including, but not limited to, rape, **domestic violence, sexual assault, or stalking**, as defined by California law, whether committed by an employee, student, or member of the public occurring on district property, **in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the district's facilities or at another location**, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500, Standards of Student Conduct.)

“Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

**“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.**

**“Domestic violence” includes felony or misdemeanor crimes of violence committed by:**

- **a current or former spouse of the victim;**
- **a person with whom the victim shares a child in common;**
- **a person who is cohabitating with or has cohabitated with the victim as a spouse;**
- **a person similarly situated to a spouse of the victim under California law; or**
- **any other person against an adult or youth victim who is protected from that person's acts under California law.**

**“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.**

**It is the responsibility of each person involved in sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can**

**be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.**

**“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.**

**These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515).**

**All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District Police and the Title IX Officer, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Chief, District Police or the Title IX Officer is authorized to release such information.**

B. Information to be Made Available to Alleged Victims: All students, faculty members, or staff members who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Chief, Campus Police, or designee, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Chief, ~~Campus~~ **District** Police, or designee, is authorized to release such information.

The Chief, ~~Campus~~ **District** Police, **the Title IX Officer**, or designee, shall provide all alleged victims of sexual assault, **domestic violence, dating violence, or stalking** with the following, ~~upon request~~:

1. A copy of the District’s policy and procedure regarding sexual assault, **domestic violence, dating violence, or stalking**;
2. A list of personnel on campus who should be notified ~~of the assault~~, and procedures for such notification, if the alleged victim consents.
3. **Information about the importance of preserving evidence and the identification and location of witnesses.**
4. A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them may include: Health Center, Human Resources, and ~~Campus~~ **District** Police.
5. Transportation to a hospital, if necessary;
6. Counseling by a Health Services provider in the Health Center or referral to a counseling center;
7. Notice to the police, if desired;
8. **Assistance in notifying police, if desired**;
9. A list of other available campus resources or appropriate off-campus resources;
10. **Information about the participation of victim advocates and other supporting people**;
11. **The rights of victims and the institution’s responsibilities regarding orders of**

**protection, no contact orders, or similar lawful orders issued by a court;**

12. A description of each of the following procedures:

- a. Criminal prosecution;
- b. Civil prosecution (i.e., lawsuit);
- c. District disciplinary procedures, both student and employee;
- d. Modification of class schedules;
- e. Tutoring, if necessary.

C. Confidentiality: All alleged victims of sexual assault, **domestic violence, dating violence, or stalking** on District property shall be kept informed, through the Chief, ~~Campus~~ **District** Police, **the Title IX Officer**, or designee, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault, **domestic violence, dating violence or stalking** are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of sexual assault on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the ~~District's Public Information Office~~ **Superintendent/President, or designee**, which shall work with the Chief, ~~Campus~~ **District** Police, **the Title IX Officer**, or designee, to assure that all confidentiality rights are maintained.

**The Chief, District Police should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.**

**The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.**

**A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.**

**In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:**

- **The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.**
- **The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.**

**In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:**

- **The complainant was asleep or unconscious.**
- **The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.**
- **The complainant was unable to communicate due to a mental or physical condition.**

**The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the Superintendent/President, which shall work with the District Police to assure that all confidentiality rights are maintained.**

D. Annual Security Report: The Annual Security Report will include a statement regarding the District's programs to prevent sex-offenses **sexual assault, domestic violence, dating violence and stalking** and procedures that should be followed after a sex-offense **an incident of sexual assault, domestic violence, dating violence or stalking occurs** **has been reported, including a statement of the standard of evidence that will be used during any district proceeding arising from such a report.** The statement must include the following:

1. A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, **domestic violence, dating violence or stalking**;
2. Procedures to follow if a sex-offense **domestic violence, dating violence, sex offense or** stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
3. Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, **and the right to decline to notify these authorities**;
4. **Information about how the District will protect the confidentiality of victims**;
5. Information for students about existing on- and off-campus counseling, mental health, **victim advocacy, legal assistance**, or other student services for victims of sex-offenses;
6. ~~Written Notice to students that the campus will change a victim's academic situation after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonable available~~ **victims about**

**options for, and available assistance in, changing academic or working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to District Police or local law enforcement;**

7. Procedures for campus disciplinary action in cases of an alleged ~~sex~~ **domestic violence, dating violence, sexual assault or, stalking** offense, including a clear statement that:
  - a. **Such proceedings shall provide a prompt, fair, and impartial resolution;**
  - b. **Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and a hearing process that protects the safety of victims and promotes accountability.**
  - c. The accuser and the accused are entitled to the same opportunities to have other present during a disciplinary proceeding; and
  - d. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged ~~sex offense~~ **an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results become final.** Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged ~~sex offense~~ **domestic violence, dating violence, sex offense, or** stalking and any sanction that is imposed against the accused.
8. A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, **domestic violence, dating violence, or stalking.**

E. Education and Prevention Information: The Chief, ~~Campus~~ **District** Police, or designee, shall:

1. Provide, as part of the District's established on-campus orientation program, education and prevention information about ~~sexual assault~~ **domestic violence, dating violence, sexual assault, or stalking.** The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations **and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.**
2. Post sexual violence prevention and education information on the District's internet website **regarding domestic violence, dating violence, sexual assault and stalking.**

Reference: Education Code Section 67385; 20 U.S.C. Section 1092(f); 34 C.F.R. Section 668.46(b)(11)

May 12, 2009

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; n/a	Board; n/a

**SEXUAL AND OTHER ASSAULTS**

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on eDistrict property, is a violation of eDistrict policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in EC 67385, 67385.7, 67386 and 34 C.F.R. § 668.46.

See Administrative Procedures 3540.

Ref.: Adopted:

Educ. Code Sections 67382, 67385, 67386; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11)

April 9, 2007 (References updated May, 2018)

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; 5/11/21	Board; 6/7/21 7/12/21

Non 10+1

**ADMINISTRATIVE PROCEDURE**

**3550**

SEQUOIAS CCD

General Institution

**DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM**

The Superintendent/President, or designee, has the authority and responsibility for implementing this procedure.

The District is committed to providing its employees and students with a drug free workplace and campus environment. It emphasizes prevention and intervention through education.

**Prohibition of Drugs:** The unlawful manufacture, distribution, dispensing, possession or use of alcohol (refer to BP/AP 3560 - Alcohol on Campus for Fund-Raising Events) or any controlled substance is prohibited on District property, during District- sponsored field trips, activities or workshops, and in any facility or vehicle operated by the District.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

References: Drug Free Schools and Communities Act Amendment, 1989 20 U.S. Code Section 1145g and 34 C.F.R. 86.1 et seq.; Federal Drug-Free Workplace Act, 1988, 41 U.S. Code Section 702; Part 40 and 382 of Code of Federal Regulation

Board Approved: March 12, 2012

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; n/a	Board; n/a

Non 10+1

## BOARD POLICY

~~COLLEGE OF THE SEQUOIAS CCD~~

3550

General Institution

### DRUG FREE ENVIRONMENT

The District shall be free from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District. This policy prohibits possession or sale of drug paraphernalia (such as roach clips, bongs, water pipes, cocaine spoons); the non-prescribed use of anabolic steroids and human growth hormones; and the distribution or delivery of an imitation ("look alike") noncontrolled substance represented as a controlled substance.

The college District must maintain its primary function as a center of learning. As the same time, it must be clear that local, state, and federal laws apply equally off-campus as well as on-campus. Any student or employee who violates this policy will be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

As part of this Policy, the District will establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. To accomplish this goal and in compliance with 49 CFR (Code of Federal Regulations) Part 382, ~~College of the Sequoias Community College~~ District shall implement the requirements outlined in Part 382 by requiring the alcohol and/or controlled substance testing as outlined in Administrative Procedure 3550.

The Superintendent/President shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

*For policy regarding tobacco use, please see Board Policy Number 3570.*

See Administrative Procedure 3550

Ref.: Drug Free Schools and Communities Act, 20 U.S.C. Section 1145g and 34 C.F.R. Section 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S.C. Section 702  
Originally adopted as Board Policies 4046, 4200, and 7121 on February 24, 1992

Adopted: April 9, 2007

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; 5/11/21	Board; 6/7/21 7/12/21

**ALCOHOL ON CAMPUS FOR PURPOSES OF FUNDRAISING EVENTS**

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the District Police or approved security. The campus has been designated “drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the District Police or approved security. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

1. The alcoholic beverage is for use during a non-college **district** event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
2. The alcoholic beverage is for use during a fundraiser held to benefit a COS-affiliated Foundation which is recognized by the Board of Trustees and that has obtained a license under the Business and Professions Code to do so, provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.
3. All alcoholic beverages will be served in accordance with Federal law.
4. The approval for such a function will be pre-approved through the process outlined on the Foundation’s form entitled Foundation Request for an ABC License.

References: Business and Professions Code Sections 24045.4, 24045.6, and 25608.  
34 Code of Federal Regulations Section 668.46(b).

Form: Foundation Request for an ABC License (see Foundation)

Adopted: May 12, 2009

Revised: April 8, 2013

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; n/a	Board; n/a

Non 10+1

**BOARD POLICY**

SEQUOIAS CCD

**3560**

General Institution

**ALCOHOL ON CAMPUS FOR PURPOSES OF FUNDRAISING EVENTS**

The Superintendent is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events sponsored or co- sponsored by a COS-affiliated Foundation and which is recognized by College of the Sequoias Board of Trustees. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

Ref: Business and Professions Code Section 25608

Adopted: November 20, 2006

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; 5/11/21	Board; 6/7/21 7/12/21

**SMOKING AND USE OF TOBACCO PRODUCTS**

**Background:**

The Surgeon General of the United States has concluded that there is no “risk-free” level of exposure to secondhand tobacco smoke. The United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health and has classified secondhand smoke as a group “A” carcinogen, the most dangerous class of carcinogen.

The District is committed to providing a healthy, comfortable and productive work and learning environment for students and employees and has determined that students, employees, visitors, and the general public attending any campus event have a right to be protected from exposure to smoke-contaminated air, nicotine products and smoking devices or equipment, to include vapor devices or the inhalation of psychoactive substances.

The District will, whenever possible, provide information and access to programs that reduce tobacco product use, initiation, reduce consumption, and/or support cessation efforts.

**Definition:**

For the purposes of this procedure, the following definition applies:

“Tobacco product” means any product containing tobacco, the prepared leaves of the nicotiana family, including but not limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco.

“Smoking” means the carrying or holding of lighted cigarettes, cigars, cloves, bidis, pipes, hookah, marijuana and electronic cigarettes, or other smoking devices or equipment, or emitting or exhaling the smoke of lighted cigarettes, cigars, cloves, bidis, pipes, hookah, marijuana and electronic cigarettes, or other smoking devices or equipment or any instrument that allows the inhalation of psychoactive substances.

**Smoking, the Use of Tobacco Products, or the Use of Any Instrument that Allows the Inhalation of Psychoactive Substances is Prohibited on District Property Except in Designated Areas in Parking Lots:**

Smoking, the use of tobacco products, or the use of any instrument that allows the inhalation of psychoactive substances is prohibited on District property with the exception of designated parking lots. Smoking, the use of tobacco products, or the use

of any instrument that allows the inhalation of psychoactive substances shall not be permitted in any classroom, other enclosed facility, or in any outdoor area ~~on campus~~ **at the District**.

Smoking, the use of Tobacco Products, or the use of any instrument that allows the inhalation of psychoactive substances will not be permitted in any vehicle owned, operated, leased, or chartered by the District.

Smoking /Tobacco areas shall be designated parking lots of each campus **at the District**. Areas shall be designated by signage stating "Smoking/Tobacco Area." Areas shall have appropriate safe receptacles for the disposal of smoking/tobacco products. Areas will not be within 20 feet of any main entrance to the campus.

### **Enforcement:**

Violation of this procedure, AP 3570, shall be enforced by the District Police Department. A citation may be issued to each violator indicating the persons identifying information, date and time of violation, the location of the offense and the legal statutes authorizing the issuance of the citation.

The fine for violations of AP 3570 shall be as follows:

1. First Offense: \$35.00
2. Second Offense:\$70.00
3. Third and Subsequent Offenses: \$100.00

The District Police will maintain a database of citations issued to assist in determining the correct fine amount. First time offenders may be issued a written warning in lieu of a citation.

Citations will not be issued for smoking inside of personally owned vehicles located in District parking lots.

### **Appeals:**

The following appeals process is created to ensure the due process of any person cited in accordance with District Policy.

A. 1<sup>st</sup> Level Appeal – Written Appeal/In person:

1. Persons wishing to appeal a citation shall submit a letter of appeal to the **District** Chief of Police. The letter shall advise whether the person wishes to appear in person or appeal by the letter only. Coordination of an in-person appeal will be through the office of the Chief of Police.
2. The appeals request letter and a copy of the citation shall be forwarded to the **District** Chief of Police or designee for review.
3. The results of the appeal shall be documented in a written letter and mailed to

the requesting party. A copy of the appeal results letter shall be filed in the appropriate Smoking Appeals file at the District Police Headquarters.

4. 1<sup>st</sup> level appeals must be filed within 21 days of the citation and shall suspend any payment until the appeal is completed.

B. 2<sup>nd</sup> Level Appeal – Administrative Hearing:

1. An administrative hearing request letter and a copy of the citation shall be forwarded to the Vice President of Student Services, or designee, for review. All appropriate paperwork from the 1<sup>st</sup> level appeal shall be attached to the new request letter.
2. The Vice President of Student Services, or designee, will coordinate the administrative hearing with appropriate District staff.
3. After completion of the administrative hearing, the results of the hearing shall be documented in a written letter and mailed to the requesting party. A copy of the administrative hearing results letter shall be filed in the appropriate Smoking Appeals file at District Police Headquarters.

- C. The decision from the 2<sup>nd</sup> Level Appeal is final. Once the appeals or hearing process is complete, if the person was found to be in violation of the smoking policy, they shall have thirty (30) days from the date of the notification letter to complete payment of the citation.

**Non-payment and Penalties:**

1. The District Police Department ~~Senior Secretary~~ **Administrative Assistant, or designed** shall conduct a search of the Smoking Citation Database on a weekly basis to locate citations with overdue payment.
2. 31 days after a citation penalty was due, the ~~Records Specialist~~ **District Police Department Administrative Assistant** or designee will generate a letter to the delinquent person advising them they have 30 days from the date of the letter to complete payment.
3. 31 days after the issuance of the delinquent letter the account will be referred to collections. A late fee of \$25.00 dollars will be added to each delinquent account referred to collections.

**Fines:**

Fines will be collected in person or mailed to the **District** Cashier's Office and deposited into a special object code. The monies collected will be divided between **the** District Police Department for enforcement activities and the Health Services **Center** for smoking cessation treatment options/information.

**Sale or Advertising of Tobacco Products:**

Tobacco products will not be sold or distributed in any manner on District property, either in vending machines, bookstore or any other ~~campus~~ **District** areas. This prohibition includes free samples distributed by vendor or event sponsors.

Advertising and sponsorship of District events by tobacco companies will not be permitted.

**Programs that Reduce Tobacco Product Use and/or Support Cessation Efforts:**

Information about free/accessible initiation and cessation programs and treatment will be made available by the COS Health Center, ~~or their designee~~, to students and all District employees.

References: Government Code Sections 7596, 7597, 7597.1, and 7598; Labor Code Section 6404.5; Title 8 Section 5148

Approved: August 9, 2010  
Revised: September 25, 2014

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; n/a	Board; n/a

Non 10+1

**BOARD POLICY**

**3570**

SEQUOIAS CCD

GENERAL INSTITUTION

**SMOKING AND USE OF TOBACCO PRODUCTS**

The District has determined that smoking, the use of tobacco products and vapor devices, or the inhalation of psychoactive substances will be limited to designated areas of parking lots only. The sale and advertising of cigarettes and tobacco products on the District Property is prohibited.

Any person who violates this policy will be subject to a fine. The fine shall be equal to the average fine levied for parking violations.

In an effort to provide a healthy, productive work and learning environment, the Superintendent/ President will assure that students and employees alike have access to information regarding programs that reduce tobacco product use and/or support cessation efforts.

*See Administrative Procedure 3570*

Reference: Government Code 7596-7598; 19994.30-19994.33, Education Code 76030-76037

Adopted: March 12, 2007

Revised: August 9, 2010

Revised: November 3, 2014

<b>BP/AP APPROVAL PROCESS</b>					
<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
Bratsch; General Institution	SM; 4/8/21	30 Day; 4/9/21	SM; 5/6/21	DGS; 5/11/21	Board; 6/7/21 7/12/21