

# Roane County Schools

## Bylaws & Policies

### 4215 - USE OF TOBACCO BY SERVICE PERSONNEL

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

"Tobacco product" and "tobacco-derived product" means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco that is intended for human consumption whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed, or ingested by any other means.

A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products and vapor products. "Tobacco product" or "tobacco-derived product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, tobacco substitutes, including a cigar, cigarillos, little cigars, cigarette, pipe, snuff, snus, chewing, or any other matter or substances that contain tobacco and/or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substances.

In order to protect students and staff who choose not to smoke or use tobacco from an environment noxious to them, and because the Board does not condone smoking or the use of tobacco, tobacco-derived products, or tobacco substitute products, the Board prohibits the use and the distribution of tobacco by service personnel employees:

- A. on any property owned, leased or operated by the West Virginia Department of Education, West Virginia State Board of Education, a county board of education or a Regional Education Service Agency (hereinafter RESA);
- B. at any education-sponsored event;
- C. on a school bus or other vehicle used for a school related event or other school/county or RESA function;
- D. at any school-sponsored activity or event, whether the activity or event is held on school grounds, in a building or other property used or operated by a county board of education, RESA or the West Virginia Department of Education, West Virginia State Board of Education.

An exception shall be made by the Superintendent to allow for the possession/use of approved nicotine replacement products for tobacco cessation.

Any individual who knowingly and intentionally sells, gives or furnishes or causes to be sold, given or furnished to any person under the age of eighteen years any cigar, cigarette, snuff, chewing tobacco, tobacco product or tobacco-derived product, in any form, is guilty of a misdemeanor and, upon conviction thereof, for the first offense shall be fined not more than \$100; upon conviction thereof for a second or subsequent offense, is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

If the Board discovers that an employee has sold or furnished tobacco products or tobacco-derived products to minors may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in termination from employment.

Individuals supervising students off school grounds are prohibited from using tobacco products in the presence of students and/or at any time while engaged in activities directly involving students.

Upon request, the County shall make referral to voluntary support programs that address the physical, psychological and social issues for those employees that wish to discontinue the use of tobacco products or have violated this policy.

Enforcement provisions for staff may include, but are not limited to: referral to an Employee Assistance Program, referral for criminal prosecution, conference with supervisor and disciplinary actions up to and including dismissal.

This policy shall be communicated to all school employees through staff development and/or general public notification (e.g., signs, announcements). Additionally, this policy shall be available to the public in written and/or electronic format.

The County shall review this policy pursuant to West Virginia State Board of Education Policy and State law. The administrator holding the position of Director of Student Services shall be responsible for instituting such review and reporting to the Superintendent within five (5) days of instituting such review.

The County will assess the effectiveness of this policy annually. Such review shall occur in the month of August each year. The administrator holding the position of Director of Student Services shall be responsible for instituting such review and reporting to the Superintendent within five (5) days of instituting such review. Data to be considered in the review include:

- A. supervisor conferences;
- B. disciplinary referrals;
- C. disciplinary actions;
- D. referrals to support programs;
- E. referrals for criminal prosecution;

F. criminal convictions.

This policy, along with all other policies that encompass the requirements of West Virginia State Board of Education policy 4373, shall be submitted to the State Superintendent. Any revision must also be submitted to the State Superintendent of Schools.

WV Code 16-9A-2, 16-9A-3, 16-9A-4  
West Virginia State Board of Education policy 4373  
20 U.S.C. 6081 et seq.

Revised 9/16/08  
Revised 3/10/09  
Revised 5/10/12  
Revised 6/28/12  
Revised 10/23/14  
Revised 11/19/15

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