

University Rule 3-300A: Tobacco Free Campus

I. PURPOSE AND SCOPE:

- A. **PURPOSE:** The Tobacco Free Campus Rule is part of the University of Utah's commitment to creating a healthy campus for all members of our campus community, and is designed to be positive and supportive of overall health and well-being.
- B. **SCOPE:** The scope of this Rule applies to the premises and vehicles of the University of Utah, owned, leased or controlled. The sanctions and/or discipline described in this Rule apply to University of Utah employees, students, contractors and contractor employees. The Rule is applicable twenty-four (24) hours a day, seven (7) days a week.

C. EFFECTIVE DATE:

- 1. The provisions of this Rule designating the University of Utah a tobacco free campus are effective July 1, 2017.
- 2. The provisions for enforcement of the Rule (including sanctions and discipline) shall be enforced beginning July 1, 2018.
- 3. A Senate Ad Hoc Committee shall be established, with membership and functions determined by the Senate President (after consultation with the Campus Wellness Officer, Dean of Students, and Chief Human Resources Officer), and approved by the Senate Executive Committee. It should include representatives of the existing Campus Tobacco Policy Review Board. Prior to July 1, 2018, the ad hoc committee shall present to the Senate and Board of Trustees an interim report and a final report and recommendations. Among its functions, it shall: consider whether additional surveys of members of the University community are necessary; gather information regarding tobacco-use regulations at other Utah System of Higher Education institutions; study and make specific recommendations regarding possible designation of tobacco-use tolerance zones at University campus locations convenient for students, employees, and visitors; and propose any amendments to this Rule or related regulations which the Committee determines should be considered prior to the start of enforcement.

II. DEFINITIONS

- A. "Tobacco products" shall mean cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, smokeless tobacco, chewing tobacco, snus, snuff, electronic cigarettes and any other nicotine delivery products other than FDA approved nicotine replacement therapy products.
- B. "Nicotine replacement therapy products" shall mean FDA approved products designed to aid in tobacco cessation including, but not limited to nicotine gum, nicotine inhaler, nicotine lozenges and nicotine patches.

- C. "Chronic or flagrant" shall mean additional intentional violations of this Rule after an initial verbal request and a second written request to comply with the Rule.

III. RULE

- A. The University of Utah ("University") prohibits the use of all forms of tobacco products on University Property as described below. The University prohibits any advertising or sale, or free sampling of tobacco products on University property. Littering the campus with the remains of tobacco products or any other related waste product is prohibited.
1. Use of tobacco products is prohibited in all buildings and vehicles owned or leased by the University, regardless of location. This includes Rice-Eccles Stadium and the University of Utah Hospitals and Clinics.
 2. Use of tobacco products is also prohibited on all University grounds and in any outdoor area controlled by the University. This includes all University parking lots and parking ramps, athletic fields, tennis courts, and recreational areas. Use of tobacco products is prohibited inside any vehicle owned or leased by the University.
 3. The University owns and maintains a limited number of streets within its campus borders. Use of tobacco products is prohibited on such streets and the adjacent sidewalks. See [University of Utah maps](#) outlining the campus grounds where use of tobacco products is prohibited.
 4. When any person enters the grounds of the University, any tobacco products shall be extinguished and disposed of in an appropriate receptacle at the perimeter of the grounds of the University.
 5. This Rule does not apply to buildings and outdoor areas of the University of Utah Research Park that are owned by or leased to private entities, except if those buildings or areas are used for University programs or University employees.
 6. This Rule does not apply to the use of e-cigarettes or other forms of smokeless tobacco by University of Utah Performing Arts organizations in on-stage artistic performances; the use of tobacco products in any form in the conduct of research, or in cultural ceremonies.
 7. Smoking is prohibited in all University of Utah Housing and Residential Education facilities <http://housing.utah.edu/applications/residence-hall-apartment-policies.php#tobacco>. Smoking is also prohibited in University Student Apartments. See: <http://www.apartments.utah.edu/resident-handbook/index.php#smoking>.
 8. Any proposed exceptions to this Rule necessitated by the unusual circumstances of the patient care environment must be approved in writing by the Senior Vice President for Health Sciences.
- B. Tobacco Cessation Assistance. The University is committed to supporting all students and employees who wish to stop using tobacco products and assistance is available. The University of Utah, through its Student Health Services (<http://www.studenthealth.utah.edu/index.html>), Employee Assistance Program (<http://www.hr.utah.edu/ben/staff/>) and Health Science's wellness programs

(<http://healthcare.utah.edu/huntsmancancerinstitute/patient-care/clinics-and-care-teams/wellness-survivorship-center/programs-and-services/smoking-cessation.php>, <https://pulse.utah.edu/site/wellnessnow/Pages/Home.aspx>) has smoking cessation and treatment programs available to students, faculty and staff.

- C. The University of Utah shall annually communicate to the campus community information concerning this Rule, the opportunities for cessation assistance, and the potential consequences for violating this Rule.
- D. The University of Utah encourages the community to support each other in a positive, non-confrontational manner as we transition to a tobacco-free campus.
- E. Verbal and Written Notices. If someone is seen using tobacco on University property, any person may inform the tobacco user of this Rule and respectfully request that he/she comply. If the individual does not comply, details of the violation and of the verbal notice may be referred to the Managing Director for OEHS, for appropriate resolution as described below.
 - 1. Enforcement of the Rule will focus on awareness, education and rehabilitation.
 - a. Rehabilitation is to be preferred to sanctions for violations of this Rule.
 - b. No member of the University community should take adverse action against a person, or treat them disrespectfully, for use of tobacco products at locations away from University Property.
 - 2. Verbal requests to cease the use of tobacco products will be the primary means for communicating the Rule.
 - 3. If a person who has received a documented verbal notice to comply with the Rule violates this Rule a second time, the University may issue the person a written notice of the violation and request for compliance. Further violations after the documented verbal and written notices may result in sanctions or discipline as follows.
- F. Employee and Contractor Sanctions
 - 1. Chronic or flagrant violations of this Rule by employees and University contractors may lead to sanctions.
 - 2. University contractors who fail to monitor and enforce this Rule with their employees while performing work at the University of Utah may risk termination of their contracts with the University.
 - 3. Violation Notices and Fines
 - a. Employees who violate this Rule after receipt of a verbal and written notice may be issued a violation notice by the University ("Violation Notice") which shall subject the individual to a fine.
 - b. Fines for the first offense following a verbal and written notice shall result in a first offense fine of \$25.

- i. In lieu of fines for a first offense, employees may attend a tobacco cessation meeting and provide proof to the University of such meeting.
 - c. Subsequent violations of the Rule may subject the individual to an escalating schedule of fines not to exceed a maximum fine of \$500.
 - d. Employees who fail to pay fines within seven (7) calendar days of the Violation Notice may be subject to additional fees.
 - e. In the event that employees fail to timely pay assessed fines and fees, the University may withhold unpaid amounts from their paychecks.
4. No employee may be terminated for violation of this Rule.

G. Student Discipline

- 1. Students who violate this Rule after receipt of a verbal and written notice shall be referred to the Office of the Dean of Students for progressive discipline under the Student Code.
- 2. Students who violate this Rule shall be required as part of their disciplinary sanction to attend a tobacco cessation program. A student who successfully completes a tobacco cessation program will have all references to the disciplinary matter expunged from his/her student record.
- 3. No student may be dismissed or suspended for violating this Rule.

IV. POLICIES, PROCEDURES, GUIDELINES, FORMS AND OTHER RELATED SOURCES

A. Policies

Policy 3-300, Occupational and Environmental Health and Safety Policy

B. Rules

C. Procedures

D. Guidelines

Tobacco Free Campus Guideline

E. Forms and Other Related Sources

V. REFERENCES

Policy 5-111, Corrective Action and Termination Policy for Staff Employees

Policy 5-205, Code of Conduct for Staff

Policy 6-316, Code of Faculty Rights and Responsibilities

Policy 6-400, Code of Student Rights and Responsibilities

R5-111A, Rule: Staff Corrective and Disciplinary Actions (non-Hospital and Clinics staff)

R5-111B, Rule: Staff Corrective and Disciplinary Actions (Hospital and Clinic staff)

Utah Clean Air Act (UCCA), <http://www.rules.utah.gov/publicat/code/r392/r392-510.htm>

[American Cancer Society](#) - Guides to quitting, research and fact sheets.

[American Heart Association](#) - Guides to quitting, tips for ex-smokers, stress management strategies.

[American Lung Association](#) - Stop smoking guide

[Food and Drug Administration](#) - Current research and input regarding e-cigarettes.

VI. CONTACTS

A. Policy Owner (primary contact person for questions and advice): Managing Director for Occupational and Environmental Health and Safety.

B. Policy Officer: Chief Administrative Officer and CFO

VII. HISTORY

Current version -- University Rule 3-300, Revision 0. Approved by the Academic Senate: May 1, 2017 with the designated effective date of July 1, 2017.