Administrative Procedure

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Subject: UNIVERSITY SMOKE AND TOBACCO-FREE ENVIRONMENT POLICY

1.0. PURPOSE:

To establish a smoke and tobacco-free policy and procedure to promote a healthy educational and work environment for all members of the Cal State LA community. In order to support individuals who currently use tobacco and seek to quit, this policy will create a supportive environment through a combination of education, outreach and smoking cessation programs. In creating a smoke/tobacco-free environment on campus, Cal State LA intends to encourage the following:

- Prevent the usage of tobacco products on campus;
- Prevent the usage of marijuana products on campus;
- Support current users to quit or decrease use;
- Prevent second hand smoke exposure on campus; and
- Prepare students to enter smoke/tobacco-free work environments.

2.0. ORGANIZATIONS AFFECTED:

2.1. All faculty and staff employees of the University, including employees of the University-Student Union, University Auxiliary Services, Inc., University Student Housing and Residence Life, Associated Students, Inc., specially funded projects, and tenants/licensees of the University.

2.2. All students, visitors, and general public to the University.

2.3. Nothing in this procedure shall extend the existing grounds for employee discipline and, to the extent that any of these provisions are in conflict with a Collective Bargaining Agreement, the terms of the Collective Bargaining Agreement shall be controlling.

3.0. REFERENCES:

3.1. Government Code, Section 19994.30-35.

3.2. Office of the Chancellor memorandum, HR 2002-26.

3.3. Office of the Chancellor memorandum, HR 2003-19 (AB 846).

3.4. Office of the Chancellor memorandum of 7/21/87 to Presidents.

3.5. Academic Senate Policy, Approved by President 12/13/93.

Approved: _____ **Date:** _____

3.6. California State University (CSU) Executive Order No. 1108, Policy on Systemwide Smoke and Tobacco Free Environment.

3.7. California State Labor Code Section 6404.5, Smoking in Places of Employment Prohibited.

3.8. California Code of Regulations, Title 5, Section 42356.

3.9. Department of General Services, State Administrative Manual, Management Memo 04-07.

3.10. Government Code, Section 7597.1.

4.0. POLICY:

4.1. In order to provide Cal State LA's faculty, staff, students, guests and the public a campus that supports the principle of one's individual freedom to learn, teach, work, think and take part in their intellectual endeavors in a fulfilling, rewarding, safe and healthy environment, the University has adopted the CSU systemwide smoke and tobacco free policy. This shall also include a prohibition on the use of marijuana products on campus.

4.2. The use or sale of tobacco products is prohibited on all CSU properties.

4.3. Any sponsorship, and/or advertising, with respect to any University activity or event by a tobacco product manufacturer is prohibited unless explicitly authorized by the President.

4.3.1. Exceptions:

(i) Smoking in University-sponsored theatre and dance productions, student-authored or sponsored scenes, showcases or workshops produced as part of the department of theater as well as ceremonial campus events may be authorized by the President only when listed as a required part of a performance.

(ii) The use of nicotine products regulated by the U.S. Food and Drug Administration for treating nicotine or tobacco dependencies permitted under the terms of this procedure and the CSU Executive Order 1108, Policy on Systemwide Smoke and Tobacco Free Environment.

(iii) Institutional Review board approved research on tobacco-related products is not covered by this procedure.

4.4. The University shall implement, support and promote comprehensive educational and cessation programs that promote the well-being of students, staff and faculty. This policy shall be incorporated into all new employee, visitor, parent and student orientations.

4.5. Members of the CSU community are individually responsible to comply with the creation of a systemwide smoke and tobacco free environment. The success of this policy depends on the thoughtfulness, civility and cooperation of all members of the campus community, including visitors.

4.6. Hostile and/or violent interpersonal conduct directed against members of the CSU community requesting that an individual(s) comply with the terms of the policy will not be tolerated, and will be enforced under systemwide or campus policies, including but not limited to workplace violence policies.

4.7. Individual agreements that prohibit smoking and proscribe penalties for breaches shall not be impacted by this policy, e.g., Housing and Residence Life Licensing Agreements, other residential licenses, or existing leases.

5.0. DEFINITIONS:

5.1. Members of the Cal State LA Community - This includes all students, faculty, staff, alumni, university volunteers, contractors or vendors and visitors to any CSU campus or properties.

5.2. Non-University Vehicle - Any privately owned vehicle.

5.3. Smoke-Free - Means the use of cigarettes, pipes, cigars, and other “smoke” emanating products including e-cigarettes, vapor devices and other like products are prohibited on all University campus and property grounds. .

5.4. Smoke or Smoking - Means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, cigarillo, pipe, hookah, or any other lighted or heated tobacco or plant product intended for human inhalation, whether natural or synthetic, in any manner or in any form. “Smoke” or “Smoking” also includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

5.5. Tobacco Product

5.5.1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff.

5.5.2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

5.5.3. Any component, part, accessory of a tobacco product, whether or not sold separately.

5.5.4. “Tobacco product” does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

5.6. Tobacco-Free - Means the use of cigarettes, pipes, cigars, smokeless tobacco, snuffs, and other tobacco products are prohibited on University properties.

5.7. University Properties - Include the interior and exterior campus areas of any CSU campus. This definition includes buildings (including residence halls), structures

(including parking structures), parking lots, and outdoor areas owned, leased or rented by the University or one of its auxiliaries. Also included are vehicles owned, leased or rented by the University or one of its auxiliaries. Private vehicles on University-owned, leased, or rented land or in University-owned, leased or rented parking structures also will be subject to compliance with this procedure.

6.0. RESPONSIBILITIES:

6.1. The campus Smoke and Tobacco-Free Policy Task Force (Task Force), created by the President, will:

6.1.1. Lead the implementation of this policy.

6.1.2. Be responsible for developing the implementation plan, ensuring all activities associate with the plan are carried out, and sustaining the plan once implemented.

6.1.3. Be comprised of the following members:

1. Associate Vice President, Human Resources Management (Chair).
2. Director, Risk Management and Environmental Health and Safety (RM/EHS).
3. Chief of Police or designee.
4. Associate Vice President for Faculty Affairs.
5. Dean of Students.
6. University Events Manager.
7. Deputy Director of Communications.
8. Executive Director, University Auxiliary Services, Inc. (UAS) or designee.
9. Executive Director, University-Student Union (USU) or designee.
10. Associated Students Inc. (ASI) student representative.

A member of the Task Force will serve on the systemwide Smoke and Tobacco-Free Policy Task Force.

6.2. The RM/EHS Director will review and assess the implementation of this policy to ensure conformance with the intent of established guidelines.

6.3. Department Chairs, Deans, Administrators, Building Administrators, and Managers/Directors will:

6.3.1. Periodically review and assess the implementation of this policy in their respective areas to ensure conformance with established guidelines.

6.3.2. Communicate to the RM/EHS Director when conflicts arise in the implementation of this policy.

6.3.3. Enforce the smoke/tobacco-free policies of the University and report such violations when excessive, violent or abusive.

6.4. Facilities Services will:

6.4.1. Remove all labels and signs that communicate the previous twenty-five (25) feet smoke-free zone established by prior policy.

6.4.2. Monitor the University grounds to ensure that all smoke/tobacco product cans/receptacles are removed.

6.4.3. Post at locations, pre-determined through consultation with Public Safety and RM/EHS, signage and a consistent statement of the University policy regarding smoking prohibition on campus. The language for this statement shall be agreed upon between Communications and Public Affairs, Human Resources Management (HRM), and the RM/EHS Office prior to placement.

6.5. Members of the Cal State LA Community will:

6.5.1. Adhere to the policy of the University, and for its success, shall support the self-enforcement of the tobacco and smoke-free environment in a courteous, respectful and cooperative manner.

6.5.2. Report abusive behavior from persons not respectful of these University standards to the University Public Safety Dispatch at extension 3-3700.

6.5.3. Not engage in confrontational behavior or actions, which may escalate a given situation or circumstance through adherence to these policies. Such action should be reported immediately to University Police at extension 3-3700.

6.6. The Student Health Center (SHC) will:

6.6.1. Offer cessation programs to students interested in quitting smoking or the use of smokeless tobacco products.

6.6.2. Provide support to RM/EHS in promotional awareness of the attributes, benefits and life-style changes that a smoke/tobacco-free environment represents.

6.7. Human Resources Management (HRM) will:

6.7.1. Offer cessation programs and support forums to employees that require assistance with the smoke/tobacco-free environment.

6.7.2. Engage the Employee Assistance Program (EAP) provider in assisting the employee population with cessation efforts.

6.7.3. Actively engage employee groups in dialogue and discussion on improving this policy campus-wide.

6.7.4. Communicate feedback and constructive criticism to the Director, RM/EHS, in effecting a positive approach to implementation of this campus-wide policy.

7.0. PROCEDURES:

7.1. The RM/EHS Director, and/or his/her designee, will survey and consult with the University community to determine if problems exist in the awareness, implementation, and conformance to this policy.

7.2. Departmental Chairs, Administrators, Building Administrators, and Directors/Managers will:

7.2.1. Review the implementation of this policy for conformance to established guidelines in their respective areas.

7.2.2. Determine the course of action to be taken when conflict occurs in the implementation of this policy. This may include consultation with the unit manager or supervisor, RM/EHS Director and/or the Division Vice President.

7.2.3. Discuss the smoking/tobacco-free policy with new employees to afford them the same understanding provided current employees.

7.3. Reporting of employee-related excessive violations should be made to HRM at (323) 343-3694, whereas those involving students should be reported to the Dean of Students at (323) 343-3103. For incidents involving physical or abusive confrontations, immediate reporting to University Police Dispatch at (323) 343-3700 should occur.

7.4. The University shall offer services to employees and students in assisting with cessation programs in support of the smoke/tobacco-free environment.

8.0. APPENDICES:

None.