

# OAKLAND UNIVERSITY

## ADMINISTRATIVE POLICIES AND PROCEDURES

### 475 SMOKE FREE CAMPUS POLICY

**SUBJECT:** SMOKE FREE CAMPUS POLICY

**NUMBER:** 475

**AUTHORIZING BODY:** VICE PRESIDENT FOR FINANCE & ADMINISTRATION

**RESPONSIBLE OFFICE:** ENVIRONMENTAL HEALTH & SAFETY

**DATE ISSUED:** FEBRUARY 1990

**LAST UPDATE:** MARCH 2020

**RATIONALE:** Oakland University (University) is dedicated to providing a healthy, comfortable and productive environment for students, employees and guests.

The health hazards related to smoking and exposure to secondhand smoke are well documented. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. Tobacco use and exposure to secondhand smoke is a significant health hazard. Tobacco smoke has been identified as a Group A carcinogen (cancer-causing agent) and studies have shown that there is no safe level of exposure to Tobacco smoke.

Electronic smoking devices (ESD), commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid that typically contains nicotine, heated through an ignition system or manually. ESD emissions are made up of a high concentration of ultrafine particles, pose health risks and contain detectable levels of carcinogens and toxic chemicals. These chemicals are also present in secondhand emissions and impact air quality. The smoking of tobacco, hookahs, or marijuana and the use of ESD’s are forms of air pollution and constitute both a danger to health and a material public nuisance.

Accordingly, the University finds and declares that the purposes of this policy are (1) to protect the public health and welfare by prohibiting smoking, including the use of

ESDs, on or in University owned or operated Campuses, Grounds, and Vehicles; (2) to guarantee the right of nonsmokers to breathe smoke and vapor-free air, while recognizing that the need to breathe smoke and vapor-free air shall have priority over the desire to smoke or “vape” through the use of ESD’s; and (3) to encourage a healthier, more productive living/learning/working environment for all members of the University. Additionally, this policy provides for Oakland University’s compliance with the Michigan Indoor Clean Air Act (P.A. 1986, No. 84, MCLA 333.12616 et.seq.); P.A. 368 of 1978 as amended, MCLA 333.12905, concerning eating establishments; Sec. 20 of P.A. 227 of 1967, MCLA 408.820, concerning elevators; and Michigan’s Dr. Ron Davis Law, MCLA 333.12603 et seq.

**POLICY:** Smoking, including the use of electronic smoking devices (vaping), hookahs, and marijuana, is prohibited on or in all University owned or operated Campuses and Grounds, and in all University owned or operated Buildings and Vehicles.

All Oakland University campuses and grounds shall be entirely smokefree effective September 3, 2013.

**SCOPE AND APPLICABILITY:** The smoke and vapor-free policy applies to all University owned or operated property, facilities, and Vehicles, owned or leased, regardless of location, except for the private residences in the Meadow Brook Subdivision. Smoking and vaping shall not be permitted in any enclosed place, including, but not limited to, all offices, work areas, classrooms, laboratories, hallways, elevators, stairwells, waiting rooms, restrooms, break rooms, conference and meeting rooms, community areas, performance venues and private residential space within University housing. Smoking and vaping shall also be prohibited outdoors on all University campus property, including, but not limited to, parking lots, paths, fields, sports/recreational areas, stadiums, construction sites, and outdoor seating areas, as well as in all personal Vehicles while on campus. This policy applies to all University students, faculty, staff, contractors, vendors and other persons on campus, regardless of the purpose for their visit.

#### **DEFINITIONS:**

- **Building** means all enclosed, indoor areas owned, leased or operated by Oakland University.
- **Campuses** means any physical site owned or operated by Oakland University.
- **Electronic Smoking Device (ESD)** means any product containing or delivering nicotine or any other substance can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-

cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

- **Grounds** means property owned or leased by Oakland University.
- **Hookah** means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other matter whether natural or synthetic
- **Smoking** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated Tobacco Product or similar product whether natural or synthetic intended for inhalation, including marijuana in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor ("vaping"), in any manner or in any form, or the use of any oral smoking or vaping device for the purpose of circumventing the prohibition of Smoking in this Policy.
- **Tobacco Product** means a product that contains Tobacco and is intended for human consumption, including, but not limited to, cigarettes cigars, pipes, and any other non-cigarette Smoking Tobacco Product. Tobacco Product also includes marijuana related products and derivatives, ESD and vaping products, materials used in Hookah's and similar products.
- **Tobacco related** means the use of a Tobacco Product brand or corporate name, trademark, logo, symbol, or motto, selling message, recognizable pattern or colors, or any other indicia of product identical to or similar to, or identifiable with, those used for any brand of Tobacco Product or company which manufactures Tobacco Products.
- **Vehicles** mean any University owned or leased automobiles, buses, service vehicles, golf carts, and maintenance equipment.

## **PROCEDURES:**

In further recognition of the incompatibility of Oakland University's educational mission and the promotion of Tobacco Products: No Tobacco Product-related advertising or sponsorship shall be permitted on University Grounds, at University-sponsored events, or in publications produced by the University, with the exception of advertising in a newspaper or magazine or other media that is not produced by the University and which is lawfully sold, bought, or distributed on University Grounds.

Cigarettes, including ESDs, cigars, and pipes, hookah pipes or other products used solely for Tobacco Products shall not be sold or distributed as samples on University Grounds, either in vending machines, the Oakland Center, or any area on campus.

The entire University community shares in the responsibility for adhering to this policy and encouraging others to do so. “No Smoking” signs or the international “No Smoking” symbol shall be clearly and conspicuously posted according to law and following the guidelines of the Michigan Department of Public Health. Enforcement of this Policy is the responsibility of all. Existing disciplinary policies may be used as appropriate.

- Complaints of a Policy violation involving a student may be made to the supervisor of the area or activity in which the alleged violation occurred or to the Dean of Students Office, 150 Oakland Center, (248) 370-3352.
- Complaints of a Policy violation involving smoking by housing students and/or their guests may be made to the assistant directors or director in the Department of University Housing, 448 Hamlin, (248) 370-3570; the residence director, 4000 Ann V. Nicholson Apts., (248) 370-2581.
- Complaints of a Policy violation involving staff should be made to the staff member's supervisor.
- Complaints of a Policy violation involving faculty should be made to the faculty member's dean or department chair.
- The Dean of Students, supervisor, dean or department chair will investigate and take any needed action to resolve the issue.

Persons violating this Policy will be subject to discipline as with other violations of University policies, regulations, and rules. State law also provides for a civil fine of not more than \$100 for a first violation and a fine of no more than \$500 for a second or subsequent violation of the Michigan Indoor Clean Air Act (MCLA 333.12611 et. seq.)

In accordance with Policy 402, the President or his/her designee, or the appropriate Vice President for the AP&P's Responsible Office may approve exceptions to AP&P's.

For assistance in interpreting this Policy, please contact the Office of Environmental Health and Safety at (248) 370-4196.

#### **RELATED POLICIES AND FORMS:**

- Policy 640 - Oakland University Ordinances

- 4.22 Smoking. No person shall smoke in an area where it is prohibited by signs posted in accordance with university policy and state law or in areas where it would be hazardous to smoke.
- Oakland University Student Housing Handbook/Policies/Smoking

**APPENDIX:**

Oakland University Smoke Free Resources