

University Standard 07-020

Smoking and Tobacco Use on University Property

1. Policy Statement

- 1.1. Oregon State University (“university”) generally prohibits smoking and tobacco use on all university-owned or -controlled property.

2. Reason for Policy

- 2.1. Oregon State University is committed to maintaining a healthy teaching and learning environment. As a public institution of higher education with units that research the effects of smoking and tobacco use, the university has a responsibility to exercise leadership in the promotion of a healthy, smoke- and tobacco-free environment for all students, academic appointees, staff, and visitors.
- 2.2. Tobacco-free policies demonstrably increase the rates of quitting tobacco use. This smoke- and tobacco-free standard will help reduce exposure to tobacco smoke and tobacco products, reduce tobacco use, and create opportunities to educate students about tobacco and its harms. It will also bring the university in line with recommendations from major public health organizations to fully integrate smokeless tobacco products into all tobacco control policies.

3. Scope & Audience

- 3.1. This university standard applies to all university employees, students, contractors, volunteers and anyone on any university-owned or controlled property.

4. Definitions

- 4.1. **Smoking:** Inhaling or exhaling smoke from, or burning or carrying, any lighted smoking instrument, or using an electronic cigarette or device intended to simulate smoking.

- 4.2. **Inhalant delivery system or instrument:** Cigar, cigarette, pipe, electronic cigarette, vape pen, or other devices intended to simulate smoking and enable the consumption of tobacco products.
- 4.3. **Tobacco Product:** Any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body.
 - 4.3.1. For the purposes of this university standard, a “tobacco product” does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

5. Responsibilities & Procedures

5.1. General

- 5.1.1. Smoking, carrying any lighted inhalant delivery instrument, or using any tobacco product is prohibited:
 - a. Within enclosed university-owned or -controlled facilities, including but not limited to offices, reception areas, laboratories, lavatories, classrooms, stairwells, hallways, lobbies, meeting rooms, gymnasiums, elevators, and storage rooms;
 - b. In any indoor or outdoor spaces, including but not limited to parking lots, grounds, rooftops, athletic facilities, entrances and exit ways, and experiment stations;
 - c. Within all vehicles on university-owned or -controlled property; and,
 - d. Within any university-owned or -controlled vehicle.
- 5.1.2. Persons under 21 years of age are not permitted to possess tobacco products or inhalant delivery systems while present on university-owned or -controlled property, or while attending university-sponsored events.
 - a. This section does not apply to a person for whom a tobacco or nicotine product or a substance to be used with an inhalant delivery system has been lawfully prescribed.

5.2. Sale of Tobacco

- 5.2.1. Tobacco products or paraphernalia sales and sample distribution are prohibited on university grounds, either in vending machines, the student union, or any area owned or controlled by the university.

5.3. Exceptions

- 5.3.1. **Scientific Research Studies.** Tobacco products are permitted for use as part of research studies if the study adheres to applicable university policies, standards, rules, and health and safety guidelines; is approved by the university Institutional Review Board, Institutional Biosafety Committee, or the Institutional Animal Care and Use Committee, as applicable; and accords with federal and state law.
- 5.3.2. **Ceremonial Activities.** The use of tobacco products shall not be restricted when used in university-sponsored activities by cultural or religious groups for ceremonial purposes and done in accordance with state and federal laws, which includes but is not limited to Native American ceremonial use of tobacco. If tobacco is to be burned indoors, advanced notice to the appropriate building authority is required to allow for advanced preparation and accommodations.

5.4. Enforcement

- 5.4.1. Any person who violates this university standard is subject to:
- a. An order to stop engaging in the prohibited behavior or to leave the premises; and/or,
 - b. Disciplinary action, if a student or university employee under the applicable policies, standards, or rules.
- 5.5. **Employee and Student Appeals.** Appeals related to violations by students and university employees must be made through the applicable student and employee disciplinary procedures set forth in other university policies, standards, or rules.
- 5.6. **All Other Appeals.** This section 5.6 establishes the exclusive procedure for an individual (other than a student or employee) charged with a violation of this university standard to appeal an action taken by the university under the authority of this university standard.
- 5.6.1. **Exhaustion of university level appeals.** An allegedly aggrieved individual must timely exhaust all opportunities to appeal an action at the university level under this section 5.6 before seeking judicial review of the university's decision or action.
- 5.6.2. **Permissible reasons for appeal.** An allegedly aggrieved individual may file an appeal only on the basis that the university violated or is violating federal or state law or university standards, policies, or procedures in the process.
- 5.6.3. **Required contents of written appeal.**
- a. An allegedly aggrieved individual's written appeal must fully specify all the reasons and bases for the appeal, including a discussion of all relevant facts and any federal

or state laws or university standards, policies, or procedures at issue; and all ways in which the individual has been aggrieved or adversely affected.

- b. The written appeal must include all evidence that the allegedly aggrieved individual wants the university to consider, including copies of any relevant documents. Failure to include any reason for the appeal or any evidence in support of it will constitute a final, knowing, and voluntary waiver of the right to assert such reason or evidence. Irrelevant and immaterial evidence will not be considered.

5.6.4. **University appeal authority and decision**

- a. The Vice President for Finance and Administration or that person's designee has the authority to decide written appeals brought under this section.
- b. In deciding appeals under this section 5.6, the Vice President for Finance and Administration or designee will consider the contents of the written appeal and the university's records pertinent to the appeal. The Vice President for Finance and Administration or designee, in his or her sole discretion, also may confer with and seek advice from university staff or university legal counsel about any factual, policy, or legal issues raised by the written appeal.
- c. The Vice President for Finance and Administration or designee will issue a final written order on the appeal in a timely manner.
- d. The final written order may affirm, reverse, or modify the university's decision or action at issue in whole or in part.

5.6.5. **Judicial Review.** Judicial review of a university action under this university standard is available pursuant to the pertinent provisions of ORS Chapter 34.

6. **Forms & Tools**

- 6.1. None.

7. **Frequently Asked Questions**

- 7.1. None.

8. **Related Information**

- 8.1. Tobacco-Free OSU: <http://health.oregonstate.edu/tobacco-free>
- 8.2. ORS 339.883: <https://www.oregonlaws.org/ors/339.883>

- 8.3. University Policy 07-045 *University Policies Regarding Cannabis*:
https://policy.oregonstate.edu/UPSM/07-045_university_policy_marijuana

9. History

- 9.1. Adopted by OSU on July 1, 2014 as University Standard 576-040
- 9.2. Amended: September, 2017
- 9.3. Amended: January, 2018
- 9.4. Amended: October 2, 2019
- 9.5. Last review date: October 2, 2019.
- 9.6. Next scheduled review date: October, 2022.

10. Website

- 10.1 University Standard 07-020 *Smoking and Tobacco Use on University Property*:
http://policy.oregonstate.edu/UPSM/07-020_tobacco_use

11. Contacts

Department	Phone Number	Website
Faculty Affairs	(541) 737-0732	https://facultyaffairs.oregonstate.edu/