



University Senate TRANSMITTAL FORM

Senate Document #:	08-09-15
PCC ID #:	N/A
Title:	Proposal for a Tobacco-Free Campus
Presenter:	Edward Walters, Chair of the Campus Affairs Committee
Date of SEC Review:	April 6, 2010
Date of Senate Review:	April 22, 2010
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The Proposal for a Tobacco-Free Campus states that a smoke-free campus would create a cleaner, safer, and healthier environment at the University of Maryland, College Park. The proposal asserts that a smoke-free campus would reduce the health hazards of second-hand smoke and the institutional costs of maintenance resulting from cigarette litter, as well as encourage current smokers on campus to quit.
Relevant Policy # & URL:	X-5.00(A) UNIVERSITY OF MARYLAND SMOKING POLICY AND GUIDELINE as established in the consolidated USMH & UMCP Policies and Procedures Manual http://president.umd.edu/policies/x500a.html
Recommendation:	The Campus Affairs Committee recommends that the University not implement a tobacco-free campus policy. Additionally, the Campus Affairs Committee notes that increased anti-smoking education and stricter enforcement of the current UMCP smoking policy would be beneficial.
Committee Work:	In December 2008 Undergraduate Student Tracy Leyba submitted a proposal for a Tobacco-Free Campus to the University Senate. The Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) in January 2009 to review and respond to the proposal. The CAC discussed the proposal in its February 2009 meeting and immediately reported back to the SEC, acknowledging the concerns raised by the proposal's author, but concluding that the potential benefits of a 100% tobacco-free campus were likely overshadowed by the legal and civil liberty issues of implementing such a policy.

	<p>The SEC responded to the CAC report with a request that the CAC research the issue further, and more thoroughly address the points raised in the author’s proposal. The CAC continued discussing the proposal through the spring semester of 2009, attempting unsuccessfully to meet with the proposal author in May 2009.</p> <p>In December 2009 the CAC met with Terry Roach, Chief legal Officer for the University, to obtain a legal perspective on implementing a campus-wide smoking ban. Additionally, the CAC more widely surveyed the experiences of other institutions with smoking and tobacco bans at their December 2009 and February 2010 meetings. In March 2009 the CAC researched and discussed the effectiveness of the current UMCP smoking policy in addressing the proposal author’s concerns. The CAC finished formulating its final report in the spring semester of 2010.</p>
Alternatives:	An in-depth review of the current UMCP Smoking Policy could be initiated.
Risks:	There are no associated risks.
Financial Implications:	There are no financial implications.
Further Approvals Required: <i>(*Important for PCC items)</i>	Senate Approval, Presidential Approval

CONSIDERATION OF A PROPOSAL FOR A TOBACCO-FREE CAMPUS
Senate Document Number 08-09-15
Senate Campus Affairs Committee

I. Overview

In December 2008 the University Senate received a proposal, written by undergraduate student Tracy Leyba, calling for a change in the University's smoking and tobacco policy to prohibit the use of tobacco on all University of Maryland, College Park (UMCP) property. This change would represent an expansion of the University's current policy, which prohibits smoking indoors but allows smoking outdoors provided it is more than 15 feet away from any building entrance, air intake duct, or window. (See Appendix 1 of this document for current UMCP policy on smoking.)

In January 2009 the Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) to review the proposal, analyze its merits, consider the potential impacts of its implementation, and make recommendations for addressing the author's concerns. The CAC discussed the proposal at its February 2009 meeting (as well as in email exchanges before and after that meeting), researched smoking bans at other universities, and informally sampled the opinions of some of the campus community. The CAC acknowledged the health risks of smoking and the problem of cigarette litter, but felt that the current University policy limited the scope of the problem. Overall, the CAC felt that the likely incremental benefits of a 100% tobacco-free campus were probably overshadowed by the legal and other issues of implementing such a policy. The CAC reported these findings to the SEC in February 2009; the original charge and initial CAC report may be found in Appendices 2 and 3 of this document.

The SEC reviewed the CAC report and asked the CAC to return to the proposal and study it further, including meeting with the author, discussing the issue with the University's Legal Office, and learning more about the experience of other institutions with similar bans; this second SEC charge can be found in Appendix 4. The CAC resumed discussion and research but was not ready to submit a final report by the end of the 2008-9 academic year. Reconstituted for 2009-10, the CAC picked up the charge once more. Committee members met with Terry Roach, chief legal officer for the University; surveyed the experiences of other institutions in more depth; and refined views on other issues. The Committee compiled their findings and formulated a series of recommendations.

The original proposal submitted to the University Senate is briefly summarized in section II of this report, followed by discussions of health risks, litter, campus culture and community relations, legal and enforcement issues, tobacco bans at other institutions, and campus community opinions. The report concludes with section IX, in which the CAC does not recommend that the University change its current smoking policy, but does recommend that the University increase education efforts and pursue stricter enforcement of current policies.

II. Summary of Proposal

A Tobacco-Free Campus proposal was submitted to the University Senate by Tracy Leyba, a former undergraduate student, in December 2009; this proposal can be found in Appendix 5 of this document. Leyba's Proposal requests that UMCP prohibit smoking on all University property, both indoors and outdoors. Leyba argues that a smoke-free campus would create a cleaner, safer, and healthier environment at UMCP. She states that a smoke-free campus would eliminate the health hazards of second-hand smoke, and would reduce the institutional costs of cleaning and maintenance resulting from cigarette litter. Furthermore, Leyba argues that a smoke-free campus would reduce peer pressure for non-smokers, and would encourage current smokers to reconsider their habit.

Leyba's proposal discusses a "tobacco-free campus" but focuses only on smoking, using "tobacco" and "smoking" interchangeably. There is no mention of chewing tobacco or other smokeless tobacco products, so it is unclear whether the author intended the ban to apply to smokeless tobacco products. (The current University policy only regulates smoking.) The Campus Affairs Committee has assumed that the author intended "tobacco" to refer solely to smoke producing tobacco products, and not smokeless tobacco products (an email message sent to Leyba in late March asking for clarification on this point was not returned).

Ms. Leyba was invited to attend the May 2009 CAC meeting but replied that she was unable to attend and could not suggest anyone to represent her for the smoking ban discussion. A second attempt to contact Leyba in March 2010 was unsuccessful.

III. Health Risks

It has been medically proven that smoking is a health risk. Studies have shown that all the major organs of the body are negatively affected by smoking. Similar health risks result from inhalation of second-hand smoke. In recent years governments have been putting laws into place banning smoking in public areas to limit health risks of second-hand smoke. A central concern noted in Leyba's proposal is the health risks of second-hand smoke on the UMCP campus. Acknowledgement of these dangers is reflected in UMCP's ban on smoking in all indoor spaces as well as outside of buildings within 15 feet of any entrance, air intake duct, or window. Thus, UMCP's current policy significantly reduces an individual's potential exposure to second-hand smoke on the UMCP campus.

A 2007 study from Stanford University noted that, while the danger of second-hand smoke is still present in outdoor areas, the health risks of second-hand smoke are drastically reduced with increased distance from a smoker. The study cited that high levels of pollutants do occur near active smokers, yet virtually normal levels occur beyond about six feet from the smoke.¹ In outdoor areas therefore, maintaining a distance of six feet or more from an active smoker is enough to significantly reduce any dangers of second-hand smoke.

¹ Neil Klepeis et al., "Real-Time Measurement of Outdoor Tobacco Smoke Particles," *Journal of the Air and Waste Management Association* 57 (May 2007): 14.

IV. Litter

The College Park campus takes great pride in its appearance for the students, faculty, staff and visitors that spend time on campus. An important visual element that impacts the appearance of the campus is litter. The cigarette butts that accumulate on sidewalks and steps, around outdoor ashtrays, and near building entrances on the campus have a negative impact on the visual appearance of campus. Furthermore, a lack of regard for the proper disposal of smoking materials adds to the clean up effort and cost in keeping up the general appearance of the campus, especially around building entrances. Leyba cited the elimination of cigarette litter as important incentive for implementing a campus-wide smoking ban. While the CAC acknowledged the nuisance of cigarette litter and the added maintenance costs of such litter, the CAC believes that the financial and personnel resources that would be required to institute and maintain a smoke-free campus would exceed the present costs of such maintenance. Furthermore, the CAC believes that cigarette litter could be greatly reduced through an increased number of cigarette receptacles on campus grounds, more consistent maintenance of these receptacles (frequent emptying), and stricter enforcement of littering fines.

V. Campus Culture and Community Relations

CAC members discussed the possible impact of a complete smoking ban on particular segments of the campus community and on visitors. Even if the health dangers of smoking are widely known, it is permitted under the law and many who smoke do so as a matter of personal choice. Smoking is common among some groups of international students represented on our diverse campus, for whom smoking is more of a cultural norm; these students may have difficulty adjusting to a highly restrictive environment. Furthermore, if a smoking ban were in place on campus, more thought would have to be given to developing counseling programs to guide and encourage smokers to seek the necessary help to quit. Making smokers unwelcome on campus could also limit the number of highly qualified candidates who respond to faculty searches and student recruitment.

A total ban on smoking would also affect visitors and alumni who come to the campus for athletic events, musical performances, etc. Some CAC members were concerned that intolerance of smoking on campus could reduce support for the University from members of the outside community, including current and potential future donors.

VI. Legal and Enforcement Issues

Jack T. "Terry" Roach, executive assistant to the president for legal affairs and chief counsel, met with the CAC on December 8, 2009 to discuss the legal implications of a campus-wide smoking ban. Mr. Roach cautioned against a ban absent quantitative or qualitative evidence that current policy does not protect individuals from outdoor second-hand smoke on the College Park campus, and that outdoor second-hand smoke is harmful to the health and safety of students and employees. Without such compelling justification, a ban would likely not withstand a legal challenge.

In addition, Mr. Roach voiced concern that enforcement of a ban would be problematic. He said penalties resulting in suspensions or terminations for students and faculty might trigger lengthy appeals and grievance proceedings. That would not be the case if penalties were limited to fines, similar to those for traffic infractions, or if the ban did not carry any penalties for violations. He did not think that current Maryland law gives the University authority to levy fines except for specific things like parking violations.

There is also the question of who would be responsible for enforcing the new policy. Resident assistants (RAs) are already burdened with enforcing many rules in and around the dorms. University Police spokesman Paul Dillon has remarked that the police have much more important things to do than enforcing smoking restrictions.

As an example of a successful legal challenge to a smoking ban, in May 2009, the Chronicle of Higher Education reported that Pennsylvania's Labor Relations Board overturned a new policy that had banned smoking on 14 state university campuses, ruling that the university system administration had no authority to prohibit smoking without negotiating an agreement with their unions.

Two other Maryland higher education institutions recently instituted bans – Montgomery College and Towson University. Their policies are new and have not been tested legally yet.

VII. Tobacco Bans at Other Institutions

The Committee surveyed a variety of educational institutions with smoking bans currently in place or actively being pursued. As a starting point, the “Americans for Nonsmokers' Rights” web site has a list of smoke-free universities and colleges.² The October 6, 2009 version of the list reported that there are at least 365 campuses which are 100% smoke-free (indoors and outdoors) and another 76 campuses that are smoke-free except for “minor exemptions for remote outdoor areas”. While a large number, most of those are small colleges, outlying campuses of state universities, or medical schools. Very few have an academic, residential and physical environment comparable to UMCP. Additional information about several institutions with similarities to UMCP was obtained from various news articles and personal contacts; findings are given below.

University of Michigan:

Michigan is the only one of the University of Maryland's designated peer institutions on the no-smoke.org “100% smoke-free” list. A smoke-free campus policy was announced in April 2009 and is set to go into effect in July 2011. Information about the policy and the steps toward implementation can be found on the University of Michigan website.³ A November 16 news story reported on an informational meeting that was held on campus, saying that “Campus officials do not plan to take a punitive approach to enforcing the ban.... Instead, the university will offer outreach and support to those who are observed smoking on campus grounds.”

² <http://www.no-smoke.org/pdf/smokefreecollegesuniversities.pdf>

³ <http://www.hr.umich.edu/smokefree/>

Towson University:

Towson University currently prohibits smoking a certain distance from campus buildings, but plans to implement a campus-wide smoking ban (on all University owned property) in August 2010. Thus, it is the only four-year institution in Maryland currently planning to become 100% smoke-free. The policy is described on Towson University's website.⁴ The ban was proposed by Towson president Bob Caret and has not been endorsed by students. Regarding enforcement, the official policy states that "Faculty, staff and students who violate this policy are subject to University disciplinary action, including fines and sanctions. Visitors who violate this policy may be denied access to the University campuses and may ultimately be subject to arrest for criminal trespass." Indications are that contractors hired for that purpose would enforce the ban and that violations of the smoking ban would result in \$75 citations. The enforcement strategy has not been finalized or vetted by Towson's legal office.

Indiana University:

The flagship (residential) campus of Indiana University, in Bloomington, went 100% smoke-free in 2008. Daniel Rives, Associate Vice President for Human Resource Services and the chairman of the committee that established the policy⁵, was reached on the phone and offered some insights into the context for the policy and their experience with it. He said that the transition to 100% smoke-free was initiated by a directive from the University's board of trustees, with the details worked out by a faculty committee. In the two years since the policy went into effect, they have focused on education and communication to change behavior, rather than on enforcement. For instance, the policy includes the following: "Enforcement of this policy will depend on the cooperation of all faculty, staff, and students not only to comply with the policy, but also to encourage others to comply, in order to promote a healthy environment in which to work, study, and live." Smoking is still permitted in a few transitional areas around residences, but that will soon be phased out. Smoking is permitted inside private autos, even when parked in university garages, but that has caused problems with litter and concerns about fire hazards. Smoking cessation assistance has been offered, but there have been very few takers. At this point, Dr. Rives felt that most students, faculty and staff are happy with the policy, while a minority are not, including some groups of international students who tend to ignore it. An ad-hoc committee is now considering how to begin imposing sanctions for violations of the policy.

Purdue University:

The current smoking policy⁶ allows smoking outdoors if it is at least 30 feet from buildings. Enforcement "is the responsibility of all deans, directors, chairs, and department heads. Existing disciplinary policies may be used as appropriate." A "Non-Smoking Policy Campus Concern Form" is available to give people a way to report policy violations anonymously if they wish. Purdue was included in the no-smoke.org "100% smoke-free" list because they were considering a total ban that would go into effect in 2010. However, the main web page for the proposed new policy⁷ indicates that the draft policy update was revised extensively, including the addition of a provision for designated smoking areas on campus. Also, smoking will be permitted inside privately owned vehicles.

⁴ <http://www.towson.edu/adminfinance/facilities/ehs/smokefree/>

⁵ <http://www.indiana.edu/~uhrs/smoke-free/BL-policy.html>

⁶ http://www.purdue.edu/policies/pages/facilities_lands/i_4_2.html

⁷ http://www.purdue.edu/policies/pages/about_policies/proposed_i_4_2.shtml

University of Iowa:

All educational facilities in Iowa became fully smoke-free with the passage of the state Smokefree Air Act in 2008, although the University web site⁸ notes that the University of Iowa had been planning to go smoke-free in 2009 anyway. The policy prohibits smoking anywhere on University property, including in a parked private vehicle. The policy aims for voluntary compliance and supervisor intervention first, followed by disciplinary procedures if needed. The state law provides for a \$50 fine. Time Magazine reported that about 25 citations had been issued as of December 2009.

University of Kentucky:

The University of Kentucky went tobacco-free in 2009. The policy⁹ states that “Violation of this regulation may result in corrective action under the Student Code of Conduct, Human Resources Policies and Procedures, or other applicable University Regulations or Policies. Visitors refusing to comply may be asked to leave campus.”

Washington University in St. Louis:

Washington University decided in April 2009 to become fully smoke-free in 2010.¹⁰ It seems that the implementation of the policy is still being worked out. A blog written by a student government member¹¹ reports on a September 2009 meeting with an administrator and says: “As of now, the community will enforce the policy. This means that, as of now, there aren’t plans to have WUPD Officers patrolling around looking for smokers.”

National Institutes of Health:

The NIH policy¹² states that the use of any tobacco products (cigarettes, cigars, pipes, smokeless tobacco, etc.) is prohibited on the Bethesda campus, including tobacco use in private vehicles on campus since 1 October, 2008, but there are a few exceptions. Their tobacco-free policy was first initiated in 2004, but because of a number of obstacles, was not implemented until 2008. One of the obstacles was enforcement. NIH decided that enforcement of the new policy would be administrative, not judicial. Managers and supervisors are responsible for guaranteeing that all employees follow the policy. Employees who do not comply could be subject to administrative action. To help convey the message of no smoking, no ashtrays, butt cans or smoking shelters are provided on the NIH campus grounds. Tobacco use is still permitted on campus for well defined exceptions. Two examples include any patient who has their physician’s permission to smoke (only in designated areas outside the hospital) and residents of on-campus homes—one assumes that residents can only smoke within their homes or property, but nowhere is it stated as such. NIH employees who smoke and want to quit are offered free smoking-cessation programs.

⁸ <http://www.uiowa.edu/homepage/smoking/>

⁹ <http://www.uky.edu/TobaccoFree/>

¹⁰ <http://news-info.wustl.edu/news/page/normal/13938.html>

¹¹ <http://msa.su.wustl.edu/blog/tobacco-clusters-an-update>

¹² <http://tobaccofree.nih.gov/tfpolicy.htm>

VIII. Campus Community Opinions

While no formal survey has been conducted to gather UMCP community input on the prospect of a smoking ban, both student representative bodies, the SGA and GSG, have voiced their opposition to a ban.

In 2009, *A Resolution Regarding a Tobacco Free Campus* failed in the SGA legislature with a vote of 5 to 14. A new legislature considered *A Resolution to Expand and Enforce the Non-Smoking Radius Policy* in 2010. This bill also failed by a vote of 11 to 15. In both cases, questions on the ability to enforce a stronger smoking policy were the chief arguments against the bills. *A Resolution Supporting the Smoking Cessation Program* will be voted on in April 2010.

After the proposed smoking ban was presented to the University Senate Office, the GSG passed a resolution on March 6, 2009 (GSGA28-R15) opposing the ban with arguments that current smoking policy on campus already met high clean air standards, and that smoking is a legal activity and personal choice. With the exception of one abstention, the resolution passed unanimously.

IX. Summary and Recommendations

The Campus Affairs Committee appreciates the concern of Ms. Leyba and others for the health and well-being of the campus community. Smoking is, in fact, hazardous to smokers and to others who have substantial exposure to second-hand smoke. Also, litter from careless smokers is a problem, at some level, on the UMCP campus. However, the CAC feels that the current University smoking policy is generally successful in significantly reducing smoking on campus and limiting the amount of exposure to second-hand smoke. For non-smokers, occasionally encountering the odor of smoke outdoors may be unpleasant, but probably does not constitute a significant health risk. For smokers, the health effects can be serious but, if acknowledged, are one of several areas of personal choice for healthy vs. un-healthy living. All should be encouraged to choose the healthy options, but there are significant difficulties in enforcing restrictions that extend beyond state laws. Votes by the student governments on resolutions regarding smoking restrictions suggest that there is not a strong desire among the campus community to strengthen restrictions on smoking. **Weighing all of these considerations, the Campus Affairs Committee does not recommend adoption of the proposal for a tobacco-free campus.**

There are, however, some areas of concern where we have specific recommendations:

Increased education about the dangers of smoking should help reduce the incidence of smoking on campus and thus improve overall campus health. This should include information about the nuisance and possible hazard to others as well as the danger to the smoker himself/herself. Smoking cessation assistance programs should continue to be supported.

Some of the current problems related to smoking on campus arise from failure to obey the current policy: smoking just outside building entrances and littering with cigarette butts. We

recommend that the current policy be advertised more clearly (to the current campus community and to incoming students, faculty and staff) and enforced more consistently. To help encourage compliance, the University should provide cigarette receptacles outdoors in areas where smoking is permitted, and not close to buildings where it is prohibited. These receptacles should be maintained and emptied on a regular basis.

At certain locations on campus—such as outside residence halls, McKeldin Mall, and near the Stamp Student Union—cigarette litter and disregard of the smoking ban has been noted as a particular problem. We recommend that these areas be targeted for litter fines and additional cigarette receptacles be made available and consistently maintained in these areas.

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Appendix One – Current University Policy



Consolidated USMH and UM Policies and Procedures Manual

X-5.00(A) UNIVERSITY OF MARYLAND SMOKING POLICY AND GUIDELINE

APPROVED BY THE PRESIDENT MARCH 6, 1993;
Amended November 23, 2000; September 24, 2001

A. Policy

UMCP has found that a significant percentage of faculty, staff and students do not smoke, smoke is offensive to many non-smokers, it is harmful and even debilitating to some individuals due to their physical condition, and there is evidence suggesting that passive smoke inhalation is harmful to non-smokers. In response to the above considerations, it is hereby established as the policy of UMCP to achieve a public facility environment as close to smoke-free as practicably possible. Obtaining and maintaining this result will require the willingness, understanding, and patience of all members of the Campus community.

It is the policy of UMCP to follow all federal, state, or local laws regarding smoking. This Smoking Policy is in addition to any such policies which may be in effect.

B. Guideline

1. Smoking is prohibited in indoor locations.
2. Smoking is prohibited outside of buildings within 15 feet of any building entrance, air intake duct, or window.

C. Implementation

Unit heads or their designees are responsible for:

1. Assuring that this policy is communicated to everyone within their jurisdiction and to all new members of the Campus community.
2. Implementing the policy and guideline and assuring that appropriate notice is provided.
3. Developing guidelines to embrace all special circumstances in the campus is impossible. If unit heads find circumstances in their areas that they believe warrant exception from particular provisions in this Smoking Policy and Guidelines, they may address requests for specific local exceptions to the President or his or her designee.

D. Compliance

This policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. It is the responsibility of all members of the Campus community to observe this Smoking Policy and Guideline.

Complaints or concerns regarding this policy or disputes regarding its implementation should be referred to the immediate supervisor for resolution. If a resolution cannot be reached, the matter will be referred by the supervisor to the appropriate department head or vice president for mediation.

E. Review

The provisions and guidelines attaching to this Smoking Policy shall be subject to future review and revision to ensure that the objective is obtained. Especial attention shall be given to determining if voluntary compliance without disciplinary sanctions has proven satisfactory.

Appendix Two – SEC Charge to Campus Affairs Committee



UNIVERSITY OF
MARYLAND
UNIVERSITY SENATE

1100 Marie Mount Hall
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Tel: (301) 405-5805 Fax: (301) 405-5749
<http://www.senate.umd.edu>

January 23, 2008

TO: William Fennie
Chair, Campus Affairs Committee

FROM: Kenneth G. Holum 
Chair, University Senate

SUBJECT: Proposal for a Tobacco-Free Campus (Senate Document Number 08-09-15)

The Senate Executive Committee (SEC) requests that the Campus Affairs Committee review the attached proposal entitled “A Tobacco-Free Campus”. This proposal was submitted by an interested student member of the University. After reviewing the document, the SEC decided that this issue falls within the purview of the Campus Affairs Committee.

The SEC trusts that the Campus Affairs Committee will closely analyze the merits of such a policy here on our campus and will take into account all those within the University community who would be affected.

Please find attached a copy of the proposal. We ask that you submit your report and recommendations to the Senate Office no later than April 6, 2009. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Attachment

KGH/rm

Appendix Three – Campus Affairs Committee Charge Response

16 February 2009

TO : Kenneth G. Holum, Chair
University Senate

FROM : William Fennie, Chair
Campus Affairs Committee

SUBJ : Proposal for a Tobacco-Free Campus (Senate Document Number 08-09-15)

The Campus Affairs Committee (CAC) has considered the Tobacco-Free Campus proposal that was forwarded by the Senate Executive Committee in January. CAC members read the proposal, did some independent research, and discussed the issues surrounding it via email messages and at the CAC meeting of 12 February 2009.

CAC members agreed that smoking has been found to cause health problems and can be unpleasant. It was noted that the current University of Maryland policy prohibiting smoking in all University buildings, as well as outdoors within 15 feet of entrances, windows and air ducts, has been effective in greatly reducing the incidence of smoking on campus (relative to years past) and in minimizing the exposure of non-smokers to secondhand smoke and its concomitant health consequences, although failure to follow the 15-foot rule sometimes causes smoke to linger in partly-enclosed outdoor areas. Also, litter (cigarette butts, ashes) left on the ground in outdoor smoking areas generates several complaints each year. As a matter of unwritten policy, tobacco products have not been sold on campus for the past 15-20 years.

Following up on a reference in the proposal, the list of colleges and universities which have adopted 100% smoke-free policies, maintained on the Americans for Nonsmokers' Rights website, was examined. The great majority of these were found to be community colleges, small colleges, medical schools, and outlying campuses of state universities. Very few are major universities that might serve as a close model for the University of Maryland. CAC members expressed serious concerns about the legal and procedural difficulties of enforcing a complete ban on tobacco use that goes beyond Maryland clean-air laws. It was agreed that even before the Senate or CAC examined this issue in detail, it would be imperative to get legal opinions about the implications of such a ban and its enforcement. One major issue is that this may also be recognized to be a question of civil liberties; one CAC member conducted an informal survey of several graduate students, most of them nonsmokers, and reported that none of them was in favor of a total ban on tobacco use, very much because of the civil liberties issue. Overall, the CAC felt that despite the health hazards of tobacco, the likely incremental benefits of a 100% tobacco-free campus are probably overshadowed by the legal and other issues attending the implementation of such a policy.

Appendix Four – SEC Second Charge to Campus Affairs Committee



UNIVERSITY OF
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<http://www.senate.umd.edu>

February 24, 2009

To: William Fennie, Chair, Campus Affairs Committee

From: Kenneth G. Holum, Chair, University Senate 

Subject: SEC Response Regarding Tobacco-Free Campus Report (Senate Document#: 08-09-15)

The Senate Executive Committee (SEC) reviewed the Campus Affairs Committee's (CAC) report regarding the Tobacco-Free Campus Proposal. The SEC would like to thank the CAC for their review of the proposal. However, we would like the committee to look into the issue further. We believe that it may be useful for the committee to meet with the author of the proposal to get more background information, a rationale, and possibly more data. We would also like the CAC to discuss the issue with the University's Legal Office to ascertain whether a policy such as this would be illegal and would indeed be a violation of civil liberties. Finally, we would like the CAC to learn more about how smoke-free policies are enforced at other Universities similar to our own or other local institutions such as NIH.

The SEC believes that this proposal was well thought out in its preparation. However, we do feel that a lot can be gained from further communication between the CAC and the author. We feel that it is important to give this proposal thorough consideration. The SEC requests that the CAC take further action as outlined above and report back by the end of the year.

If you have any questions, please do not hesitate to contact Reka Montfort (reka@umd.edu).

KGH/rm

Proposal:

A Tobacco-
Free
Campus

The University of Maryland should enact a stricter policy that promotes a tobacco-free environment for its students, faculty, staff and visitors. Tobacco use should be prohibited on all university property, including inside buildings, facilities, university vehicles and shuttles and everywhere on campus outside.

**December 4
2008**

By:
Tracy Leyba

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1.

1. Proposal: A Tobacco-Free Campus

I propose that the University of Maryland change its policy on smoking to ban tobacco use everywhere on campus. The university should enact a stricter policy that promotes a tobacco-free environment for its students, faculty, staff and visitors. Tobacco use should be prohibited on all university property, including inside buildings, facilities, university vehicles and shuttles and everywhere on campus outside.

A tobacco-free policy will eliminate the health hazards from secondhand smoke and reduce institutional costs that smoking contributes to, such as cleaning and maintenance costs from the litter of cigarette butts. A tobacco-free policy reduces the peer pressure for nonsmokers and can discourage smokers from continuing their habit. The University of Maryland's tobacco-free policy, if implemented, will reflect a cleaner, healthier and safer environment on campus.

2. The Unavoidable Truth about Tobacco

Tobacco is the most avoidable cause of death in our society. 30% of all cancer deaths are caused by tobacco use. Regulations, advertising and educational efforts are employed to emphasize the dangers associated with smoking. Despite these efforts, the American Lung Association reported that in 2008, 19.2% of U.S. college students habitually smoke. The American Cancer Society reported that nearly one in ten college students in America will die prematurely from tobacco use.

While it has long been known that smoking can kill the smoker, it has recently been concluded that the smoke is lethal to bystanders. According to the American Cancer Society, an estimated 52,000 Americans die each year from secondhand smoke. Secondhand smoke is a Class-A carcinogen that contains over 50 compounds known to cause cancer. Extended research indicates that secondhand smoke causes other health problems such as



emphysema, heart attacks, and stroke in adult nonsmokers. Secondhand smoke further triggers asthma attacks, lung cancer, pneumonia and ear infections among children.

3. Past Efforts to Ban Tobacco

In 1964, the U.S. Surgeon General reported that smoking cigarettes causes lung cancer. In 1988, the U.S. Surgeon General reported that nicotine is an addictive drug. Consequently, the United States government forced tobacco companies to print health warning labels on every cigarette pack. Extensive educational measures have been taken by the government and health conscious activists to ensure that the public is aware that smoking is “bad for you.”

Federal and state legislative bodies have enacted laws restricting tobacco use despite cigarette manufacturers’ lobbying efforts. In 1977, the American Cancer Society’s Great American Smokeout became a nationwide advocacy group that was one of many catalysts jumpstarting tobacco regulations in public establishments. By 1983, several California counties passed laws prohibiting smoking in restaurants and in workplaces. In 1990, a federal smoking ban prohibited smoking on airplane flights.

Over the years, more research has been developed to study the effects of smoking. As the dangers of tobacco were unveiled, including the dangers of

secondhand smoke, greater limitations on smoking in public were set forth. Smoking tobacco is harmful to its users and adversely affects bystanders from secondhand smoke. Public and private institutions are setting greater restrictions for tobacco users to encourage healthy habits and eliminate secondhand smoke for surrounding persons.

College and university campuses have acknowledged the dangers students, faculty, staff and visitors face daily from smokers' habits. U.S. colleges and universities are increasingly pursuing this issue with fervor and stricter policies. As of October 2, 2008, the American Nonsmokers' Rights Foundation reported that at least 160 college and university campuses are 100% tobacco free.

4. The University of Maryland's Smoking Policy

The University of Maryland Smoking Policy is consistent with state laws and regulations. It conforms to Maryland's Clean Indoor Air Act of 2007, which prohibits smoking indoors. Smoking tobacco products is prohibited in University of Maryland buildings, facilities, vehicles and shuttle buses. However, smoking is

only prohibited within 15 feet outside of buildings. The university's policy applies to all students, faculty, staff and visitors.

The university acknowledges the dangers of secondhand smoke and articulated their policy to establish a smoke-free environment as much as "practically possible." A student or employee that fails to accommodate to the policy will be reprimanded and further violations will lead to administrative and/or disciplinary action.

5. How the Smoking Policy can be Improved

The University of Maryland Smoking Policy does not adequately address the dangers of secondhand smoke by allowing smokers to smoke outdoors. Smoke travels easily through open doors, doorframes, and heating vents. According to the American Society of Heating, Refrigeration and Air Conditioning Engineers, no ventilation system can remove all of the harmful contaminants in secondhand smoke from the air. Secondhand smoke can still affect people in close proximity to smokers and from lingering smoke. In its attempt to prevent the adverse effects of smoking, the university's policy ignores the hundreds of square feet outside where secondhand smoke lingers from

smokers. The most effective method of eliminating the harmful effects of secondhand smoke on college and university campuses is to create a 100% tobacco-free environment. A stricter policy eliminating all tobacco use on campus is necessary to completely protect university students.

The University of Maryland policy on smoking also does not adequately discourage nonsmokers from starting to smoke. Peer pressure still exists because people see smokers on campus. A tobacco-free environment would eliminate nonsmokers' constant exposure to smokers on campus. Without a policy or school support behind them, most students also don't have the confidence to stand up for themselves and ask smokers to not smoke near them. Students irritated from secondhand smoke may not feel empowered to speak out for their interests. The policy also does not encourage smokers to quit because it is still convenient enough to go outside to satisfy their habit. A tobacco-free campus may cause smokers to reconsider their bad habit if forced to travel off campus to smoke.

Colleges and universities are increasingly adopting tobacco-free campuses to effectively address the pressing health issues from tobacco smoke. The nationwide trend of tobacco-free campuses reached Maryland on August

1st, 2008. Montgomery Community College became the first Maryland college to enact a 100% tobacco-free policy.

6. A Tobacco-Free Environment does more than Save Lives

A tobacco-free policy at the University of Maryland would have many other benefits besides saving lives. A tobacco-free campus would eliminate the litter from cigarette butts and other debris. The absence of cigarette butts would eliminate the risk of fires caused by cigarette smoking. The campus would promote a cleaner environment by reducing the amount of physical trash and air pollution from smoke.

A tobacco-free University of Maryland campus would also reflect a positive health image. The policy would promote a health conscious and environmentally friendly atmosphere. The policy would have a strong moral component in protecting the health of the university's student body. The University of Maryland would be setting a positive example for high school students and younger children. The educational factor of the new policy is important for preventing future generations from starting to smoke and allowing the university's students to flourish in a tobacco-free environment.

The elimination of tobacco on campus would not take away an individual's right to smoke, but would eliminate a smoker's affect of harming others. The health concerns of nonsmokers should outweigh the inconvenience of smokers walking off campus to satisfy an addiction. Because of the Smoking Policy, nonsmokers at the University of Maryland continue to deal with secondhand smoke on campus. Nonsmokers face the health risks of secondhand smoke and must cope with the smell of smoke. Nonsmokers are forced to deviate from their course or hold their breath to avoid these adverse affects from cigarette smoke. A tobacco-free policy at the University of Maryland would eliminate these problems by creating a clean, safe and healthy environment.

7. Implementation of the Tobacco-Free Policy



College and university campuses nationwide have used intensive education campaigns to swiftly implement their tobacco-free policies. For example, two months before Montgomery College's new policy on smoking, the school used several communication mediums to educate the community of the coming change on

campus. Post cards and emails were sent to student and faculty homes. Flyers and banners were posted in the surrounding area to inform future visitors and campus frequenters. New student, faculty and staff orientations were also used to educate people of the new policy toward smoking. Student and local newspapers published articles to communicate that a change was going to be implemented. Signs were situated around campus to remind smokers that tobacco use is prohibited outside. Students, faculty and staff pay attention and positively respond to informative articles and postings through these communication mediums. All of these steps should be employed by the University of Maryland.

8. Enforcement of the Tobacco-Free Policy

Each school that has implemented the tobacco-free policy tailors their disciplinary actions accordingly. There are no set guidelines for how a school approaches the process of implementing a change in their policy on smoking. The University of Maryland could follow Montgomery College's enforcement procedures and adapt the process as time goes on and changes become necessary.

To enforce the tobacco-free policy at the University of Maryland, it would be the responsibility of all members of the university community to inform others and comply with the policy. Those who violate the policy would be subject to disciplinary action. Employees of the University of Maryland who violate the new policy would have warnings and suspensions. The employee's supervisor would use their judgment to deem what an appropriate punishment would be given the circumstances. Students could have a three-strike offense disciplinary policy. Montgomery Community College's disciplinary actions for violations of the tobacco-free policy are outlined as "first reported offense- reminder and oral warning; second offense- a written warning, and third offense- formal charges under the Student Code of Conduct." A third offense could result in various sanctions such as community service, fines or suspension.

Most tobacco-free campuses are initially assigned advocates of the new policy on campus to enforce the policy within the first couple months. Montgomery College assigned these advocates as "Healthy Campus Advocates." The advocates would inform and remind students, faculty, staff and visitors of the tobacco-free policy and would report violations when appropriate. These advocates should be assigned at the University of Maryland

to help ensure proper enforcement of the new tobacco-free policy for the first couple months.

9. Anticipating Retaliation and Achieving Success

It can be expected that some students will retaliate, especially the smokers against the tobacco-free policy. It is imperative to communicate continuous updates on the new policy to keep everyone informed. Less people will complain if they are first given an outlet to voice their opinions and offer suggestions. However, colleges and universities have the right to regulate their property as they deem appropriate to protect their students from external health hazards.

Helen Brewer, Interim Associate Dean of Student Development at Montgomery College, was the co-chairman of the tobacco-free task force in implementing the tobacco-free policy at Montgomery College. After reviewing the conflicts and milestones of the implementation of the tobacco-free policy thus far, Helen believes that it has proven to be a success. The board of trustees passed the policy after avid support from the administration. Helen notes that one "can tell it's a tobacco-free environment when you step on campus." There

is a positive change in the environment and climate across campus without clouds of smoke loitering the outskirts of buildings. While no studies have been conducted to measure the success of the new policy, several people have offered anecdotal information about how they have quit smoking since the enactment of the tobacco-free policy at Montgomery College.

10. Conclusion

There are a total of 35,052 full time and part time undergraduate students and graduate level students enrolled at the University of Maryland for 2008. Calculated from the national rate of current smoking among college students (32.9%), approximately 11,533 of the University of Maryland's students are smokers on campus. According to statistics from the American Cancer Society, 33% of smokers will die prematurely from tobacco use. Therefore, 3,806 University of Maryland students from this year will die early from tobacco use and smoke.

A top priority for the University of Maryland should be the welfare of its students. The tobacco-free policy would eliminate secondhand smoke on campus, potentially saving lives. A tobacco-free policy at the University of

Maryland would decrease the 3,806 premature deaths of its students this year.

Reducing that statistic would be a success of the new policy in itself.

A tobacco-free policy on campus will eliminate the adverse effects of smoking. The campus as well as students and future generations will benefit from the new policy. Overtime, it can only be expected that more college and university campuses will adopt this policy on smoking. The University of Maryland should act now to promote a healthier campus for its students.

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April 9, 2010

To: Ann Wylie
Vice President for Administrative Affairs

From: Elise Miller-Hooks 
Chair, University Senate

Subject: Recommendations for Enforcement of Campus Smoking Policies
Proposal for a Tobacco-Free Campus (Senate Document#: 08-09-15)

The Senate Executive Committee (SEC) charged the Campus Affairs Committee with reviewing the proposal entitled, "A Tobacco-Free Campus". The committee was charged with reviewing existing policies, speaking with the legal office about civil liberties and reviewing similar bans instated at other universities.

The Campus Affairs Committee reported back to the SEC at its meeting on April 6, 2010. They have determined that the campus should not implement a tobacco-free policy. However, they did note that increased anti-smoking education and stricter enforcement of the current UMCP smoking policy would be beneficial. Specifically, the committee suggests that the following steps be taken:

- Increase educational programs about the dangers of smoking and smoking cessation assistance.
- Strengthen publicity efforts and enforcement of the current smoking policy.
- Increase cigarette receptacles in areas where smoking is permitted.
- Target areas where violations are high (e.g. outside residence halls, McKeldin Mall, and near the Stamp Student Union) through the use of litter fines and additional cigarette receptacles.
- Increase the number of "No Smoking" signs around buildings.

The SEC would like to request that you consider the Campus Affairs Committee's recommendations. We would appreciate it if you could send us a report describing your actions regarding this request by May 1, 2011. Thank you for your attention to this request.