

Minnesota State University, Mankato

University Policy

Policy Name: Tobacco and Smoke-Free Campus	Effective Date of Policy August 1, 2020
Custodian of Policy: Vice President for Finance and Administration	Last Review September 2019
Date of Adoption July 1, 2011	Next Review September 2026

Policy

Smoking and the use, sale, or distribution of all tobacco products is prohibited at all times on all university property. This policy applies to all students, employees, visitors, or any person on all University property.

Procedures

Definitions

A. "Electronic smoking device" means any product containing or delivering nicotine or any other substance intended for human consumption that 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.

B. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which 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 in this Article.

C. "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 plant matter.

D. "University property" means all land and improvements owned, occupied, and/or controlled by the university; which includes, but is not limited all buildings, offices, meeting rooms, residence halls (including private rooms), sidewalks, walk-ways, parking lots, roads, open spaces, athletic fields, all stadium seating areas and in university owned vehicles and motorized equipment.

E. "Visitors" is any person attending any event on campus grounds, or any position contracted for or otherwise employed, or any person working on a volunteer basis. The term includes, but is not limited to, elected and appointed officials, personnel, contractors, consultants, and vendors.

F. Tobacco product means:

- 1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other

means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

- 2) any electronic smoking device as defined in this policy and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
- 3) any component, part, or accessory of 1) or 2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

“Tobacco product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Policy Exceptions

This policy does not apply to tobacco products used in connection with the practice of cultural activities by American Indians that are in accordance with the American Indian Religious Freedom Act, 42 U.S.C. sections 1996 and 1996a or other ceremonial use. The use of tobacco products for these cultural activities must be approved in advance by the President of the University or his/her designee. Such use must be preceded by reasonable advance notice to the public.

Cessation Programs and Services

University Human Resources and Student Health Services staff with consultation with external public health experts will identify and/or offer cessation programs and services to those ready to quit both before, during and after this updated policy is implemented. These resources will be updated as new resources become available.

Applicability of the Policy

This policy applies to all employees, students, faculty, vendors, contractors, visitors, and guests on all property including, but not limited to, parking lots, paths, fields, sports/recreational areas, and stadiums, as well as in all personal vehicles while on campus.

Organizers and attendees at public or private events on campus property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

When events are conducted off campus property, staff will work with the owner to encourage the prohibition the use of tobacco and electronic delivery devices throughout the property.

No tobacco products, shall be sold or distributed as samples on university grounds, the student union, or any area on campus.

Compliance

It is the shared responsibility of all university students, employees and visitors not only to comply with this policy, but also to encourage others to comply with the policy in order to promote a safe, clean and healthy environment. Civility and respect are expected by all members of the university community in regard to this policy.

Human Resources staff and all supervisors are responsible for communicating the policy to new and current employees and those they supervise.

Employees

Employees who violate the Minnesota State Mankato Tobacco and Smoke-Free Campus policy are subject to disciplinary action, up to and including termination of employment. Disciplinary action for violations of the Alcohol and Other Drugs policy will be managed by the Office of Human Resources and must be consistent with the employee's respective bargaining contract.

Individual Students

Alleged violations of the Minnesota State Mankato Tobacco and Smoke-Free Campus policy will be managed and sanctions will be determined through the Office of the Vice-President for Student Affairs and Enrollment Management, Residential Life, or identified designees.

Visitors to campus will be informed of the tobacco-free policy and asked to comply.

Rationale

Minnesota State Mankato is committed to providing a clean, safe, and inclusive environment along with the use of data to inform decisions. Tobacco use is a major cause of preventable disease and death, as well as strongly associated with lower academic achievement. The United States Surgeon General has stated there is no risk-free level of secondhand smoke exposure. Secondhand smoke is the third leading cause of preventable death in this country, killing 53,000 nonsmokers in the U.S. each year.

Electronic smoking devices, commonly referred to as e-cigarettes, are prohibited by state law for use indoors and closely resemble and purposefully mimic the act of smoking. The Minnesota Clean Indoor Air Act which prohibits smoking tobacco indoors was amended effective August 1, 2019 to further protect the public and expanded the definition of smoking to include vaping. Besides nicotine, electronic smoking devices can contain harmful ingredients, including ultrafine particles that are inhaled deep into the lungs, aldehydes, flavorings such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds and heavy metals, such as nickel, tin, and lead.

Accordingly, Minnesota State Mankato finds that the purposes of this policy are to break barriers for achievement and create solutions (1) to protect the public health and welfare by prohibiting smoking and the use of tobacco products on campus; (2) to guarantee the right of nonsmokers to breathe smoke-free air, while recognizing that the need to breathe smoke-free air (both second-hand and third-hand smoke) shall have priority over the desire to smoke; and (3) to eliminate the annual cost of tobacco waste clean-up, fires and damage to landscaping on our campus; and (4) to encourage a healthier, more productive living/learning environment for all members of our campus community. A 100% tobacco-free campus policy will advance equity and provide an inclusive environment for all.

In addition, the Minnesota State Colleges and Universities (MnSCU) Board of Trustees passed a resolution, dated March 16, 2010, stating:

The Minnesota State Colleges and Universities Board of Trustees encourages each college and university to consult with its employees and students about additional steps the institution should take to:

1. Educate employees and students about the danger of tobacco use to themselves and others;
2. Provide information to employees and students about smoking cessation resources available;
and
3. Further restrict tobacco use.

Policy: Tobacco and Smoke-Free Campus		
Formal Review Process	Date Submitted	Date Reviewed
Classified Meet and Confer	March 2, 2020	May 7, 2020
Faculty Association Meet and Confer	March 2, 2020	May 7, 2020
MSUAASF Meet and Confer	March 2, 2020	May 7, 2020
Student Government Meet and Confer	March 2, 2020	May 7, 2020
✓ Vice President's Recommendation		Date
<i>Ryca</i>		May 15, 2020
✓ President's Approval		Date
<i>Richard Davenport / SLS</i> <small>Richard Davenport / SLS (May 18, 2020)</small>		May 18, 2020









Tobacco and Smoke-Free Campus Final Draft

Final Audit Report

2020-05-18

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