



President's Council Guidelines & Protocols

Protocol/Guideline Title: UVU Compliance to the <i>Utah Indoor Clean Air Act</i>		
Responsible Office: Click here to enter text.		
Date Approved by President's Council: 2/21/2013		
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The following is not official university policy but rather a guideline used to facilitate the internal actions of the University or a particular unit within the University. Guidelines are not binding on the University and may be amended by the University at any time. A guideline, such as the one to follow, does not establish any contractual rights or obligations between the University and any individual



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Executive Summary

Utah Valley University complies with federal and state law (see UVU Policy 101 Policy Governing Policies) and Utah State Board of Regents Policy. As such, this guideline reiterates the University's stance on issues pertaining to smoking and the use of tobacco products on campus.

Related University Policies

UVU Policy 101 *Policy Governing Policies*

Introduction

Recently, questions have arisen regarding the use of e-cigarettes on campus. UVU Policy 158 *Tobacco* states that UVU operates in compliance with the *Utah Indoor Clean Air Act*.

UVU Policy 101 Section 4.1.6, states, "In the event of a conflict between documents at different levels in the hierarchy of authority, the higher-level authority governs and the subordinate, lower-level document shall be read consistently with the higher authority and shall be revised to that effect." In other words, state and federal code prevail over UVU policy.

Utah Clean Air Act

The *Utah Indoor Clean Air Act* prohibits smoking indoors at all publically owned buildings; this includes "all enclosed indoor places of public access." Utah Rule R392-510-10 states clearly that "Smoking is prohibited in facilities used by, vocational schools, colleges, and universities". UVU's Policy 158 prohibits the "use of tobacco." However, in compliance with the *Utah Indoor Clean Air Act*, UVU prohibits "smoking":

- Inside campus buildings;
- Within 25 feet of entrances, windows, and air intake vents;
- Partially enclosed areas (such as covered walkways, walkways between sections of buildings, courtyards, and bus stop shelters) and exterior stairways and landings;
- At UVU-sponsored outdoor events.

The *Utah Indoor Clean Air Act* defines smoking as follows:

"Smoking" means the possession of any lighted or heated tobacco product in any form; inhaling, exhaling, burning, or heating a substance containing tobacco or nicotine intended for inhalation through a cigar, cigarette, pipe, or hookah; . . . using an e-cigarette; or using an oral smoking device intended to circumvent the prohibition of smoking in this chapter.



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The *Utah Indoor Clean Air Act* defines e-cigarettes as follows:

“E-cigarette” means any electronic oral device; that provides a vapor of nicotine or other substance; and which simulates smoking through its use or through inhalation of the device; and includes an oral device that is: composed of a heating element, battery, or electronic circuit; and marketed, manufactured, distributed, or sold as: an e-cigarette; e-cigar; e-pipe; or any other product name or descriptor . . .”

Enforcement

Under state law, any employee of Utah Valley University who observes a person smoking in campus areas where smoking is prohibited may request the person to stop smoking. If the person does not stop smoking, the university employee may ask the person to leave the premises and can report the incident. Under university policy, students in violation will be reported to Campus Police; employees will be reported to their direct supervisor, to their appropriate vice president, to Campus Police, or to Human Resources for investigation of the violation. Judicial Affairs will determine appropriate action for student violations; Human Resources will determine appropriate action for employee violations.

Related Forms

None