

Office/Contact: Office of Human Resources

Source: SDBOR Policy 4:29; SDCL 34-46

Link: <https://www.sdbor.edu/policy/documents/4-29.pdf>;

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Statute=34-46&Type=Statute

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Smoking and Tobacco Free Campus

NUMBER: 6:6

1. Purpose

This policy and its procedures set forth the University's protocols related to tobacco and smoking on University property in order to provide a safe and healthy learning and working environment for students, faculty, staff, and visitors in conformity with SDCL Ch. 34-46 and other applicable federal and state laws.

2. Definitions

- a. Smoking: inhaling, exhaling, burning, operating, or carrying any lighted or heated Tobacco Product or Vapor Product, as defined herein.
- b. Tobacco Product: any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco. Tobacco Product also includes Vapor Product.
- c. Vapor Product: any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term, Vapor Product, does not include any product approved by the United States Food and Drug Administration for sale as tobacco cessation products and marketed and sold solely for that purpose.
- d. University Property: includes, but is not limited to, parking lots, athletic fields and courts, playgrounds, facilities, vehicles, and any other indoor and outdoor areas under the control of the University, whether owned or leased, including inside any vehicle or private conveyance located on University Property.

3. Policy

- a. University Property is smoking and tobacco free. Smoking and the use of Tobacco Product and Vapor Product, as defined in this policy, are prohibited on University Property.

- b. This policy applies to University students, faculty, staff, visitors and vendors and to all University Property, regardless of location.
- c. Smoking and the use of Tobacco Product and Vapor Product is prohibited in any enclosed place, including but not limited to, all offices, classrooms, hallways, community areas, performance venues, and residential spaces within University housing.
- d. Smoking and the use of Tobacco Product and Vapor Product is prohibited on all University Property, including but not limited to, parking lots, paths, fields, sports/recreational areas, and stadiums.
- e. No advertising or sponsorship related to Smoking, Tobacco Product, or Vapor Product shall be permitted on University property, at University-sponsored events, or in publications produced by the University, with the exception of advertising in a newspaper or magazine that is not produced by the University and which is lawfully sold, bought, or distributed on University Property.
 - i. This section applies to the use of a Tobacco Product or Vapor Product brand or corporate name, trademark, logo, symbol, 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 Products or company which manufactures Tobacco Products.
- f. Exceptions to this policy must be approved by the President's designated University official in advance of use.
 - i. Controlled laboratory research or other mission related controlled activities must be approved in advance by the President's designee. Such use must also be preceded by reasonable advance notice to the public, educational, or research group.
 - ii. Specific activities 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) handled in accordance with University protocols are exempt from this policy.
- g. All students, faculty, and staff share in the responsibility for adhering to and enforcing this policy.
 - i. "Smoking and Tobacco Free Campus" signs shall be posted at all University building entrances and parking lots, and no ashtrays shall be provided at any location on University Property.
 - ii. All staff, faculty, students, visitors, vendors, and other individuals on the University Property who are in violation of the policy shall be reminded of the policy and asked to immediately comply.

iii. Employees and students who refuse to comply with this Policy may be subject to corrective or disciplinary action applicable to their student or employment status. Third parties who refuse to comply with this Policy may be subject to ejection from campus and refused reentry in accordance with University policies.

h. Copies of this policy shall be distributed to all students, faculty, and staff through appropriate electronic or print mediums.

4. Procedures

a. Students who refuse to comply with this policy should be reported to the Dean of Students, or designee, who will follow up with the student regarding the policy and tobacco use cessation support resources available through the campus. Continuing violations will result in appropriate disciplinary action in accordance with the Student Conduct Code.

b. Employees who refuse to comply with this policy should be reported to their immediate supervisor, who will follow up with the employee regarding the policy. Continuing violations will result in appropriate corrective or disciplinary action in accordance with the policy applicable to the employee's status at the University.

c. The University Wellness Center will provide access to counselors specially certified in tobacco cessation and is available to assist students or employees who wish to quit using Tobacco Products or Smoking, if requested.

5. Responsible Administrator

The Vice President for Student Affairs, successor, or designee is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for the approval of this policy.

SOURCE: Approved by President on 12/11/2017, with an effective date of 1/1/2018. Revised; Approved by President on 02/22/2022.