



Board of Governors Rule

Finance and Administration
Tobacco and Smoke Free Campus
Responsible Unit: Strategic Initiatives
Adopted: February 8, 2019
Effective: August 1, 2019
Revision History: Prior BOG Policy 57
(Originally effective June 4, 2010 and
amended July 7, 2012 with an effective date of
July 1, 2013)
Review Date: April 2024

BOG FINANCE AND ADMINISTRATION RULE 5.6 TOBACCO AND SMOKE FREE CAMPUS

SECTION 1: PURPOSE & SCOPE.

- 1.1 The Board of Governors seeks to outline its commitment to a tobacco free and smokeless environment.
 - 1.2 This Rule applies to West Virginia University, West Virginia University Institute of Technology and Potomac State College of West Virginia University (collectively the “University”) and all University Property.
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SECTION 2: PROHIBITION OF TOBACCO PRODUCTS AND ANY FORM OF SMOKING.

- 2.1 Except as provided in Section 3, the use of Tobacco Products and any form of Smoking, including the use of Electronic Smoking Devices and vapor products, is prohibited on University Property.
 - 2.2 Members of the University Community are required to comply with this prohibition.
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SECTION 3: EXCEPTIONS AND LIMITATIONS.

- 3.1 University Programs that attract a large number of off-campus visitors to University Property may be exempted from the prohibitions set forth in this Rule on a case-by-case basis with the approval of the President, provided that all use of Tobacco Products and Smoking must be restricted to designated outdoor areas.
- 3.2 Use of Tobacco Products and Smoking may be permitted for academic or research purposes, in a controlled setting with prior approval of the President.

SECTION 4: IMPLEMENTATION, COMPLIANCE, AND ENFORCEMENT.

- 41 The University shall develop and maintain a comprehensive communication strategy that, among other things, will provide notice that the University is tobacco and smoke free to vehicles and pedestrians who enter upon University Property; to individuals who seek to apply for employment; to individuals who intend to attend University Programs or other meetings and conferences on University Property; and to those individuals who may apply for enrollment to the University.
- 42 The University shall develop a process for identifying and reporting Rule violations, as well as locations where this Rule is repeatedly violated.
- 43 The University shall, to the extent permitted by law, establish stringent methods of enforcement to ensure Rule compliance. Enforcement of this Rule shall be fair and consistent. Non-compliance shall be addressed in accordance with existing or forthcoming Rules, policies, and procedures.
- 4.3.1 Students are subject to Student Conduct proceedings and sanctions as outlined pursuant to BOG Student Life Rule 6.1.
- 4.3.2 Faculty and staff are subject to appropriate disciplinary proceedings which may have a negative impact on performance evaluations pursuant to WVU BOG Talent and Culture Rule 3.8 and BOG Faculty Rule 4.2.
- 4.3.3 Visitors refusing to comply with the Rule will be asked to leave campus which if ignored may result in additional sanctions.
- 4.3.4 Employees of vendors or contractors will be reported to their employer for appropriate remedial action.
- 44 Members of the University Community are expected to comply with the provisions of the tobacco and smoke free policies of any individual or entity whose property adjoins University Property. Additionally, Members of the University Community are reminded that conduct related to the use of Tobacco Products and Smoking may also be in violation of the law, such as littering, loitering, trespassing, obstructing vehicular and pedestrian traffic.
- 45 The President shall establish a Tobacco and Smoke Free Campus Steering Committee to advise the President and senior leadership regarding the effectiveness of this Rule and to oversee implementation and ongoing evaluations of relevant policies, promote compliance, and assist with related events.

SECTION 5: TOBACCO CESSATION.

- 5.1 The Board is committed to supporting students, faculty, and staff who wish to overcome their dependence on Tobacco Products and Smoking. A comprehensive description of tobacco and smoking cessation options and resources shall be promoted and made available to students and employees and can be found at: <https://tobaccoandsmokefree.wvu.edu/view-cessation-resources>.
- 5.2 Employees are encouraged to utilize any tobacco cessation programs and resources from their respective medical insurance provider.

SECTION 6: DEFINITIONS.

- 61 “Electronic Smoking Device” means any non-combustible product containing or delivering nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape and size, that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. “Electronic Smoking Device” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, and any vapor product or aerosol 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.
- 62 “Members of the University Community,” for purposes of this Rule only, includes its faculty, staff, students, contractors, volunteers, patients, customers, vendors, or any other individual who enters University Property.
- 63 “President” means the President of West Virginia University and his or her designee.
- 64 “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, including a hookah pipe, or any other lighted or heated tobacco or natural plant product, including marijuana, or synthetic product intended for inhalation, in any form. “Smoking” also includes the use of an Electronic Smoking Device.
- 65 “Tobacco Products” means any product containing or deriving from tobacco or nicotine that includes, but is not limited to cigarettes, cigars, pipes, hookahs, smokeless tobacco, chewing tobacco, dip, snuff, vapor products and any other product intended for smoking or the simulation of smoking. “Tobacco Products” do not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.
- 66 “University Program” means any University-sponsored activity or program, including athletic events.

- 67 “University Property” for purposes of this Rule only, means all buildings, facilities, structures, grounds, parking structures and lots, enclosed bridges and walkways, sidewalks, vehicles, and other property controlled by and under the jurisdiction of the Board.

SECTION 7: DELEGATION.

- 7.1. The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

SECTION 8: AUTHORITY.

- 8.1 W. Va. Code §18B-1-6; W. Va. Code §18B-2A-4(a).

SECTION 9: SUPERSEDING PROVISIONS.

- 9.1 This Rule supersedes and replaces former Board of Governors Policy 57 which was adopted on June 4, 2010 and amended July 7, 2012 with an effective date of July 1, 2013. This Rule also repeals and supersedes and replaces any internal University policy or procedure which relates to the subject matter contained within this Rule.