**UAA Policy Implementation and Enforcement Committee Recommendations**

Chair: Gabriel Garcia (Department of Health Sciences)

Members: Doug Markussen (Environmental Health & Safety), Ryan Bucholdt (Facilities), Ryan Henne (Residence Life), Stephanie Bauer (Philosophy), Yesenia Camarena (Student), Alice Cho (USUAA Senator), Karen Lee (Human Resources), Michael Votava (Stuent Conduct & Ethical Development), Kim Griffis (Eagle River Campus), and Dana Sample (Student Union)

**Policy Boundaries**

The UA BOR smoke/tobacco-free policy states *“smoking and the use of all tobacco and tobacco-related products are prohibited within all university real property, buildings and vehicles”* (Section A). Thus, the committee **recommends** that the smoke/tobacco-free policy cover the following UAA boundaries: UAA *Anchorage* campus, University Lake buildings, Aviation Technology, 1901 Bragaw Office Building, UAA portion of the University Center, the Alaska Airlines Center, and all UAA extended sites subject to lease agreements.

It is anticipated that tobacco users will inquire about where they can smoke or use tobacco. The committee **recommends** that university employees or students who are asked that question should let the tobacco user know that *“tobacco may only be used in “personally owned vehicles parked or being driven on the campus, provided that the vehicles are not within a university parking garage” and “public sidewalks or public rights-of-way that border a campus”* (Section D, 1 and 2). The committee also **recommends** not widely advertising or promoting where tobacco users can smoke because it defeats the purpose of helping tobacco users quit. Instead, tobacco cessation resources should be widely promoted on campus.

The tobacco-free policy also states that *“littering an area with, or with the remains of, tobacco-related or smoking-related products is… prohibited”* (Section A). Currently, there is an existing university policy on littering. Anyone caught littering on campus carries a $50 fine. Therefore, the committee **recommends** that the littering fine should be promoted with the tobacco-free policy. This should help discourage tobacco users from littering their cigarette butts and other tobacco-related products on campus, which in turn can help keep the campus clean and reduce the burden from UAA maintenance staff who usually ends up cleaning tobacco litter on campus.

**Cigarette Receptacles**

Currently, we do not have an idea of how many cigarette receptacles UAA has, what type, and where they are located. This July 2015, staff of the UAA Smoke/Tobacco-Free Implementation Team is taking an inventory of all the cigarette receptacles at UAA. To allow time for smokers on campus to adapt to the new smoke/tobacco-free policy and to discourage them to litter their cigarette butts on campus, the committee **recommends** not removing the cigarette receptacles until the end of Spring Semester 2016. All cigarette receptacles at UAA should be taken out by the beginning of Fall Semester 2016.

It is worth noting as well that Dr. Herminia Din, Art Professor, is planning on working with her students to repurpose the cigarette receptacles into useable art. Her plan is to begin repurposing some of the receptacles beginning in Fall Semester 2015 and be ready for installation of a few of those during policy implementation on November 19. We anticipate that her project will be complete by early Spring Semester 2016.

**Contracts**

The UA BOR tobacco-free policy states that *“provisions regarding the tobacco-free requirements are to be included in all contracts and agreements with vendors, contractors, and any other entity doing business, holding events or performing volunteer work on university-controlled property”* (Section C, 5). The committee recognizes that all existing UAA contracts already have a clause that contractors, employees, students, guests, and vendors must abide by the Board of Regents policy. The committee also recognizes that UAA has several different types of contracts—i.e., contracts to use UAA facilities, contracts to hold events, employee contracts, residence halls contracts etc… Unfortunately, the committee has no knowledge of the exact number and type of contracts that UAA carries. Therefore, the committee **recommends** the following regarding the process for incorporating the tobacco-free policy language on UAA contracts:

* Since the implementation of the tobacco-free policy is already happening this Fall Semester 2015, the committee recognizes that there may not be sufficient time to revise all existing UAA contracts. So, the committee believes that UAA need not incorporate the tobacco-free policy language on the different contracts it carries for the first year of policy implementation. All UAA contracts already have a clause that the contractor must abide by the UA BOR policy. The committee **recommends** that for the first year of implementation, all UAA entities (departments, units, etc…) that carries a contract should inform their potential contractors about the new tobacco-free policy in one or more of the following ways: (1) Website; (2) Email communication; and (3) During the contractor meeting and/or contract signing.
* During the first year of implementation, the committee also **recommends** identifying the number and type of contracts UAA carries. Then, by the end of Summer Semester 2016, UAA contracts should be revised to include the new tobacco-free policy notification. The committee recognizes that not all contracts are easily changeable due to the different levels of review and approval. So, there is a possibility that there would be a few contracts that may not be changed by the recommended due date.

**Policy Enforcement Process and Management**

The UA BOR tobacco-free policy provides guidance on how to enforce the policy. It states that the implementation of this policy will *“rely heavily on the consideration and cooperation of both users and non-users of tobacco, and the willingness of all members of the university community to share the responsibility of adhering to and enforcing the prohibition, and of holding themselves and each other accountable. Whenever possible, concerns about tobacco and related product use should be respectfully addressed at the time such concerns arise, through respectfully informing the individual about the prohibition and encouraging compliance in a courteous and considerate manner”* (Section E, 1). For the first year of policy implementation, the committee **recommends** using this “community” approach in helping enforce the policy. Additionally, the UAA Smoke/Tobacco-Free Implementation Team will have peer educators to educate the UAA community regarding the new policy. If there are concerns regarding the violations of the tobacco-free policy, the committee recommends following the UA BOR tobacco-free policy (Section E, 2):

* *Students will be referred to the appropriate university student affairs representative for educational resources with an emphasis on cessation.*
* *Faculty, staff, and volunteers will be referred to their respective supervisors for appropriate action.*
* *Contractors and vendors will be referred to their respective employers and/or Procurement and Contracting Services for appropriate action.*
* *Visitors and guests may be required to leave the campus if they fail to conform to the tobacco-free policy or regulation.*

Given that the smoke/tobacco-free policy is a new policy and recognizing that many in the UAA community may not know about or is still adjusting to this policy, the committee **recommends** that UAA should focus on educating violators about the policy and providing them information about resources to quit using tobacco as opposed to penalizing them.

The committee recognizes that the effectiveness of the community approach to enforcing the tobacco-free policy is short-lived and unsustainable. Additionally, both anecdotal and empirical evidence show that compliance to smoke or tobacco-free policy in college campuses is low among campuses that have a “soft” community approach. On the other hand, college campuses that have “hard” or strict enforcement (enforcement that involves penalty—i.e., fine and/or disciplinary action) have been shown to be successful in terms of achieving compliance to the policy and in some instances decreasing rates of tobacco use. Therefore, the committee **recommends** that UAA should go beyond the community approach in terms of implementing the tobacco-free policy and having a much harder (stricter) enforcement in the second year of policy implementation.

How a strict enforcement is implemented varies from campus to campus. For many of the smoke/tobacco-free college campuses, “warnings” are usually given to the violators (student, faculty, or staff) for the first offense. For the second offense, some of these smoke/tobacco-free colleges impose a fine (which can range from $50 to $250), while others involve disciplinary action. The penalty for the third offense also varies from campus to campus, while some involve a much higher fine, others involve disciplinary action that could be as severe as judicial issued sanctions or even expulsion. There is currently no best practice identified (or empirical evidence) as to the most effective penalty to improve compliance to the smoke/tobacco-free policy. However, conversations with Dr. Stan Glanz, a tobacco expert from University of California San Francisco tell us that, from his experience, people typically comply with the policy if they know they have the potential to be caught and that there is consequence for violating the policy. He also added that it is not necessary to catch everyone violating the smoke/tobacco-free policy on campus because catching a few violators can send a strong message to the campus community that the university is serious about penalizing those who does not abide to the policy.

Another issue to consider in enforcing the smoke/tobacco-free policy is who should be managing and keeping track of those violating the policy. This varies from campus to campus. At University of Oregon, for example, the university police manage and enforce the university’s tobacco-free policy, while at University of Kentucky, these are done by the Environmental Health and Safety Office. One entity is not necessarily better than the other in terms of enforcement. According to the lessons learned from UAA’s tobacco-free campus neighbors, Providence Alaska Medical Center and Alaska Native Tribal Health Consortium, having some type of office/department or committee to oversee the enforcement of the policy is critical for its successful implementation and sustainability.

Given the above information, what should UAA smoke/tobacco-free policy enforcement look like for its second year of implementation and beyond? The committee ***presents*** two options for the UAA administration to consider in enforcing the smoke/tobacco-free policy *after* its first year of implementation:

Option #1: UAA Parking Services should include smoke/tobacco-free policy enforcement in its list of responsibilities. The advantage of this option is that Parking Services already patrols the campus and provides tickets to parking violators. Thus, process-wise, giving its staff an extra responsibility and authority to ticket those violating the smoke/tobacco-free policy around campus should not be complicated. The problem with this option, however, is that Parking Services has already expressed disinterest in getting involved in smoke/tobacco-free enforcement for several reasons. First, adding an extra set of responsibilities would require more time and resources in its already under-staffed department. Second, the parking enforcers do not have the training and the necessary interpersonal skills to properly approach those violating the smoke/tobacco-free policy. Finally, the parking enforcers have the perception that the UAA community views them negatively; making them enforce tobacco-free policy violations would add to their already negative reputation.

Option #2: Create a new group—*Seawolf Tobacco-Free Support Team*—who will be specifically responsible for doing the enforcement of the policy. It could follow the “Seawolf Safety Patrol Model.” In this model, student safety patrol officers patrolled the campus to address safety concerns and needs of the campus community. Student safety patrol officers had the ability to provide citations related to violation of campus safety policy, and they were equipped with walkie-talkies directly connected to the university police for major safety and criminal incidences on campus. The Student Safety Patrol Program unfortunately ended two years ago. Following this model, the Seawolf Tobacco-Free Support Team could be the on-the-ground enforcer of the smoke/tobacco-free policy. The Seawolf Tobacco-Free Support Team will be tasked to patrol the UAA campus and to cite anyone who violate the smoke/tobacco-free policy. Additionally, the Team will be responsible for providing information about smoking/tobacco cessation resources to the violators. The Seawolf Tobacco-Free Support Team would be made up of students like the Seawolf Safety Patrol Officers, and they will be provided training on the different tobacco cessation resources available to the campus community, as well as how to properly approach and communicate with violators.

There are several different options of what office/department the Seawolf Tobacco-Free Support Team would be managed. The first option is to have the Office of Environmental Health and Safety and Risk Management Support (EHSRMS) manage the Team because the smoke/tobacco-free policy is related to health and safety. Another option is for the Seawolf Tobacco-Free Support Team to be under the Vice Chancellor of Administration since the policy is also related to campus administration in some ways. Regardless of what entity manages the Seawolf Tobacco-Free Support Team, it would be ideal that the specific entity be advised by the Smoke/Tobacco-Free Committee, which would be made up of faculty, students, and staff, volunteering their service to the university. This committee will be responsible for (but not limited to) helping train the Seawolf Tobacco-Free Support Team, addressing appeals or issues related to the policy or violation of the policy, and providing advice to the managing entity.

Whichever entity ends up managing the Seawolf Tobacco-Free Support Team would need to provide a way for the Team to keep track of violators. There is already an existing database for reporting accidents and unsafe conditions to EHSRMS called, Origami. Origami could potentially be used for reporting smoke/tobacco-free policy violation. It is also possible to create a specific database just for violators of the smoke/tobacco-free policy. One option is not necessarily better than the other. While UAA doesn’t have to create a new database with Origami, creating a new database specific for smoke/tobacco-free violation would make it simpler to keep track of incidences related to the smoke/tobacco-free policy.

While Option #2 may be a much better and feasible option compared to Option #1, it has the similar disadvantage as Option #1 of needing extra resources (both personnel and financial). It will also require either the Vice Chancellor of Administration and/or EHSRMS to agree to this option. In UAA’s current fiscal situation, the committee understands the difficulty of making this decision. However, this decision is necessary for the successful implementation of the smoke/tobacco-free policy.

The current UAA Smoke/Tobacco-Free Team may potentially have grant funding to fund the staff of the Seawolf Tobacco-Free Support Team for the second year of policy implementation. However, UAA will have to fund the Team in subsequent years. As for the members of the Smoke/Tobacco-Free Committee, it is possible to have its first members be the current volunteers of the UAA Smoke/Tobacco-Free Implementation Team.

**Penalties**

UAA student survey conducted in Fall 2014 and faculty and staff survey conducted in Spring 2015 show that more than 40% of students and faculty support giving a ticket and a fine to those violating the smoke-free policy. The committee ***recommends*** giving a ticket and a fine to the violators of the smoke/tobacco-free policy. It is easier to implement and manage, process-wise, as compared to disciplinary action or student conduct issued sanctions. Disciplinary action, whether dealing with students or employees, usually takes several levels of review and time. This can be burdensome to the accused, as well as the review administrators or committees.

With regards to how much penalty will be given to the violators, the committee **recommends** following the penalty system. The *first* time UAA students and employees, guests, and visitors are caught violating the smoke/tobacco-free policy, the committee recommends that they be given a *warning* (which would include information about the policy and the type of penalty they would receive next time they are caught) and a list of resources for tobacco cessation. For the *second offense*, the committee recommends a *$50 fine*, while each succeeding offense would be an *additional $25*. Anyone ticketed for violating the policy have 30 days to pay the penalty or file a dispute to the UAA Smoke/Tobacco-Free Committee. If fees are not paid within 30 days, the penalty fee goes up by 50% each succeeding month. If fees are not paid within a year, students will be subject to holds on their transcript and registration, while employees will be subject to garnishment of a part of their paycheck for the amount they owe. The committee **recommends** that penalties collected from smoke/tobacco-free policy be directed toward the entity managing the Seawolf Tobacco-Free Support Team.

With regards to students, employees, guests, and visitors caught violating the smoke/tobacco-free policy who harass, threaten, intimidate, and/or physically hurt the Seawolf Tobacco-Free Support Team, the committee **recommends** that they be reported to the university police in addition to being given the smoke/tobacco-free policy penalty. In turn, University Police would report incidents involving students, staff, and faculty, to the Dean of Students Office and Human Resources, respectively, for appropriate disciplinary action.