

80-5 Smoking, Vaping and Tobacco Use Regulations

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Users of Tobacco Products

1. **Purpose.** The purpose of this policy and procedures is to define smoking, vaping and tobacco use regulations for the Eastern New Mexico University System (the System).
2. **Policy.** The System policy related to smoking, vaping and the use of tobacco products is as follows:
 - A. The System is dedicated to providing a safe, healthy and low risk working, living and learning environment for employees and students.
 - B. The goal of a safe, healthy and low risk environment can in part be achieved through elimination of smoking, vaping and the use of tobacco products on System property. It is unlawful for a person to smoke, vape or use tobacco products in any indoor workplace or indoor public place (NMSA 1978, § 24-16-4, amended 2019). This policy applies to cigarettes, cigars, pipes, smokeless tobacco, all other tobacco products, and other legal smoking preparations, including but not limited to hookahs, electronic cigarettes, clove cigarettes and other legal smoking preparations. Smoking and use of tobacco products is permitted only in a small number of designated outdoor areas on campus.
 - C. Smoking, vaping and tobacco use regulations are promulgated under the Dee Johnson Clean Indoor Air Act, NMSA 1978, §§ 24-16-1 thru 20 (1985 as amended through 2019).

The foregoing purpose and policy is implemented by the following.

Regulations and Procedures

3. **Administration.** This policy, regulations and procedures shall be administered by the campus president and their designated representatives. For residential facilities, this policy, regulations and procedures shall be administered by the campus's director of housing and residential life.
4. **Campus and Residential Facilities.** All System residential and nonresidential indoor and outdoor facilities, including private offices, property owned, leased, operated or under the control of the System, including System-leased or owned vehicles, shall be smoke-free and tobacco-free, and designated as smoking and tobacco prohibited areas. Designated areas on campus are clearly marked for smoking, vaping or use of tobacco products. Individuals choosing to smoke or use tobacco in designated areas are responsible for properly disposing of all smoking and tobacco litter in the receptacles provided.
5. **Enforcement.** Violations of this policy should be reported to the appropriate building supervisor or building safety officer or to an executive administrator of the campus (deans, vice presidents or president) or to the Department of Public Safety or Campus Security. If at the time of the report the violation is still occurring, a building supervisor, an executive administrator or, in classrooms, the assigned instructor, may ask the violator to stop the infraction and leave the building. Such reports shall be investigated and, if necessary, referred to employee supervisors, executive administrators or, in the case of students, to the vice president for Student Affairs. Employee personnel policy or student discipline policy shall be followed if disciplinary action, other than asking the violator to stop, is taken.

6. Penalties. Any person who violates this policy, rules and regulations shall be subject to appropriate disciplinary action and to penalties under New Mexico statutes. Such discipline can vary from a verbal or written warning through probation, suspension and/or dismissal from the System. Statutory penalties include fines set forth in NMSA 1978, § 24-16-18 (2007).

7. Education, Support Groups and Services for Smokers and Users of Tobacco Products

The System will continue to provide information and educational services to faculty, staff and students about the hazards of smoking and tobacco use and assistance in quitting smoking or tobacco use. Students may contact Student Health Services. Faculty and staff may contact Human Resources for referrals.

Approved by Board of Regents, April 25, 2014

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