

 <p><b>The University of British Columbia Board of Governors</b></p>	<p><b>Policy No.:</b> <b>SC2</b></p>
<p><b>Long Title:</b> Smoking, Vaping, and Sale of Tobacco-Related Products on Campus</p>	
<p><b>Short Title:</b> <b>Smoking/Vaping Policy</b></p>	

**Background & Purposes:**

UBC promotes a healthy and safe university environment. Contrary to this principle, smoking causes harm to the user and poses danger and a discomfort to others. UBC will control tobacco, cannabis, and smoking product promotion, sale and use while allowing for exercise of personal choice subject to the primacy of protection of others from harm or nuisance.

This policy is intended to diminish the exposure to smoke and promote health and safety by: reducing or eliminating sale and promotion of Tobacco-Related Products on campus, including prohibiting promotion and commercial dealings with Tobacco-Related Products; and reducing exposure of others to second hand and side stream smoke by designating permitted Smoking areas and establishing No Smoking Areas in other places where second-hand and side-stream smoke is unavoidable or impractical to avoid without creating a harm or nuisance for others.

**1. Standards**

Where this Policy and applicable legislation differ, the more stringent of the two shall apply.

**2. No Promotion or Sale of Tobacco-Related Products**

2.1 No person may:

2.1.1 advertise or promote for commercial purposes the use of Tobacco-Related Products; or

2.1.2 deal in, sell, offer for sale, or distribute Tobacco-Related Products;

in any UBC Premises or UBC Vehicles.

2.2 All Occupancy Agreements entered into after February 12, 2019 must contain language prohibiting the advertisement and promotion of the use of Tobacco-Related Products for commercial purposes and also prohibiting the dealing in, selling, offering for sale, or distribution of Tobacco-Related Products.

### 3. Smoke-Free Areas

- 3.1 Smoking is prohibited:
  - 3.1.1 in any UBC Enclosed Premises and within such distance from any UBC Enclosed Premises as may be prescribed in the Procedures;
  - 3.1.2 in any UBC Vehicle; and
  - 3.1.3 in any designated No Smoking Area.
- 3.2 Notwithstanding section 3.1, a person or organization may apply for a permit in the manner set out in the Procedures for an exception that would allow Smoking in an area where it would otherwise be prohibited by this Policy, as long as the Smoking is permitted by law. Such permit may include terms and conditions, the breach of which shall void the permit.
- 3.3 All Occupancy Agreements entered into after February 12, 2019 must contain language prohibiting Smoking.

### 4. Designated Smoking Areas

- 4.1 Designated Smoking Areas may be designated and identified by notice in the manner set out in the Procedures.
- 4.2 Designated Smoking Areas must be located so as to reduce the exposure to passersby and must not be located within any no-smoking buffer zones established under this Policy or any applicable legislation.

### 5. Compliance

- 5.1 The Responsible Executive shall specify the unit or units responsible for the day-to-day implementation and ensuring compliance to this Policy.

### 6. Definitions

- 6.1 **“Designated Smoking Areas”** means the areas designated under this Policy (including any Procedures) as an area within which Smoking is permitted.
- 6.2 **“No Smoking Area”** means any area designated under this Policy (including any Procedures) as an area in which Smoking is prohibited.
- 6.3 **“Occupancy Agreement”** means an agreement (including, for example, a lease, licence, and space use agreement) under which UBC grants one or more third parties permission to use and occupy land, a building, or a part of a building other than Residential Premises at the UBC Okanagan campus, UBC Vancouver campus, or any other UBC sites. The term Occupancy Agreement includes subordinate rights to use and occupy, such as subleases and sublicences granted by a UBC tenant to a subtenant.

- 6.4 **“Residential Premises”** means any premises that UBC makes available by pre-paid ground lease, monthly or annual lease, license, resident contract, or other form of agreement to a third party for residential accommodation.
- 6.5 **“Responsible Executive”** means the individual(s) designated in the Procedures.
- 6.6 **“Smoking”** means using a Vapourizer or having in one’s possession lighted tobacco, cannabis, or other plant products, or blends commonly used, intended, or designed for smoking.
- 6.7 **“Tobacco-Related Products”** means:
- 6.7.1 tobacco products of any kind, including tobacco blends, extracts, and so called “smokeless tobacco”;
  - 6.7.2 tools and accessories, including Vapourizers, pipes, and rolling papers, generally used by smokers;
  - 6.7.3 lighters bearing no effective child safety or accidental lighting safety feature;
  - 6.7.4 goods or wares used to advertise or promote the use of any of the above including those bearing brands, logos, or imagery evoking a promotional association, of a tobacco company (e.g. trinkets with cigarette brand logos) excluding those:
    - (a) incidental to but found in publications as permitted by law (e.g. advertisements in magazines); or
    - (b) that promote prevention or cessation of use of Tobacco-Related Products; and
  - 6.7.5 such other goods and wares as may be designated in the Procedures.
- 6.8 **“UBC”** means The University of British Columbia.
- 6.9 **“UBC Enclosed Premises”** means any UBC Premises that are fully or substantially enclosed, any UBC Premises that are used as a materials storage location, and any bus shelters located on UBC Premises.
- 6.10 **“UBC Premises”** means the UBC Okanagan and UBC Vancouver campuses, all UBC sites, and all structures owned or operated by UBC, excluding any premises that are the subject of an Occupancy Agreement and also excluding any Residential Premises.
- 6.11 **“UBC Vehicle”** means a vehicle that is owned, leased or rented by UBC.
- 6.12 **“Vapourizer”** means any device used to vapourize ingredients for the purpose of inhalation.



## PROCEDURES ASSOCIATED WITH THE SMOKING/VAPING POLICY

*Pursuant to the Regulatory Framework Policy, the President may approve Procedures or the amendment or repeal of Procedures. Such approvals must be reported at the next meeting of the UBC Board of Governors or as soon thereafter as practicable.*

*Capitalized terms used in these Procedures that are not otherwise defined herein shall have the meanings given to such terms in the accompanying Policy, being the Smoking/Vaping Policy.*

### 1. Administration

- 1.1 The Vice-President, Finance and Operations is designated as the Responsible Executive having responsibility for the administration of this Policy and these Procedures.
- 1.2 The Responsible Executive may sub-delegate duties hereunder but remains responsible for oversight and answerable to the President with respect to such duties.

### 2. Permits for Exceptions

- 2.1 **Issuance:** Only the Director of the UBC Ceremonies and Events Office, or delegate, or such other person as may be designated by the Responsible Executive, has the authority to issue permits to a person or organization seeking to engage in Smoking pursuant to section 3.2 of this Policy in connection with a culturally significant activity. Such permit may set out the terms and conditions on which the permit is granted, including, but not limited to publishing notices and requiring posting of signage warning of Smoking.
- 2.2 **Suspension or Revocation:** A permit may be:
  - 2.2.1 altered, suspended or revoked by the issuer or the Responsible Executive at any time; or
  - 2.2.2 suspended by Campus Security at UBC Okanagan or UBC Vancouver, as applicable, on a good faith determination:
    - (a) that the permit terms and conditions have been substantially breached; or
    - (b) that there is a safety, security, or health concern, and neither the issuer nor the Responsible Executive are available to act.

### 3. Designation of Smoking Areas

- 3.1 Designated Smoking Areas that do not involve construction of a shelter may only be created:
  - 3.1.1 in respect of UBC Okanagan, by Campus Planning and Development after:
    - (a) consultation with Campus Operations and Risk Management; and
    - (b) posting notices in the proposed Designated Smoking Area, inviting community input; and
  - 3.1.2 in respect of UBC Vancouver, by Campus and Community Planning after:
    - (a) Consultation with Building Operations; and
    - (b) posting notices in the proposed Designated Smoking Area, inviting community input.
- 3.2 Designated Smoking Areas involving construction of a shelter may only be created:
  - 3.2.1 in respect of UBC Okanagan, by Campus Planning and Development after:
    - (a) consultation with Campus Operations and Risk Management; and
    - (b) posting notices in the proposed Designated Smoking Area, inviting community input; and
  - 3.2.2 in respect of UBC Vancouver, by Campus and Community Planning after:
    - (a) consultation with Building Operations;
    - (b) consultation with Occupational & Research Health and Safety; and
    - (c) posting notices in the proposed Designated Smoking Area, inviting community input.
- 3.3 Where feasible, Designated Smoking Areas should be indicated by posted signage or markings that aid identification of the boundaries of Designated Smoking Areas for information and compliance purposes. Smoking of certain types of products and not others may be permitted within Designated Smoking Areas and the posted signage or markings should indicate whether there are any restrictions on the types of products that may be used for Smoking in the Designated Smoking Area.
- 3.4 Designated Smoking Areas will be located or constructed to reduce the fire hazard to surrounding areas and, where feasible, will be located or constructed so as to provide shelter from the elements.

- 3.5 Designated Smoking Areas may not be fully or substantially enclosed, unless appropriate air handling systems are utilized.
- 3.6 The designation of an area as a Designated Smoking Area may be suspended by Campus Security at UBC Okanagan or UBC Vancouver, as applicable, on a good faith determination that there is a safety, security, or health concern, and the Responsible Executive is not available to act.

#### **4. No Smoking Areas - Smoke-Free Distances and Areas**

- 4.1 On the UBC Okanagan campus, Smoking is permitted within Designated Smoking Areas but is otherwise prohibited out-of-doors.
- 4.2 On all UBC Premises other than the UBC Okanagan campus, Smoking is prohibited within:
  - 4.2.1 8 metres from any bus shelter located on UBC Premises:
  - 4.2.2 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any doorway (including loading bay doors) for any UBC Enclosed Premises;
  - 4.2.3 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any window of any UBC Enclosed Premises, unless the window is clearly neither designed for nor capable of use for ventilation;
  - 4.2.4 8 metres horizontally, or the greater of 2 storeys or 8 metres vertically, from any air intake for any UBC Enclosed Premises; and
  - 4.2.5 the posted limit; but if unposted, then 8 metres in any direction, from any place that a reasonable person would believe contains hazardous materials or poses an explosive flammability risk.
- 4.3 Except as contemplated by sections 4.1 and 4.2 of these Procedures no signage or marking is required to provide notice of a prohibition of Smoking and the prescribed smoke free status or distances applicable to any area.
- 4.4 In addition, No Smoking Areas may be designated:
  - 4.4.1 In respect of UBC Okanagan, by Campus Planning and Development; and
  - 4.4.2 In respect of UBC Vancouver, by Campus and Community Planning,and identified by published notice, signage, or markings deemed by Campus Planning and Development or Campus and Community Planning, as applicable, as reasonably necessary to identify the area as one in which Smoking is prohibited.
- 4.5 No Smoking Areas shall remain enforceable notwithstanding vandalism or an irregularity in designation, signage or markings.

## 5. Compliance

- 5.1 In respect of violations regarding sale or promotion of tobacco or Smoking Products, the matter should be immediately reported to Campus Security at UBC Okanagan or UBC Vancouver, as applicable.
- 5.2 In respect of Smoking:
  - 5.2.1 The day-to-day implementation and ensuring compliance to this Policy is the responsibility of:
    - (a) the supervisor or individual directly in charge of a given area or activity within an area; and
    - (b) Campus Security at UBC Okanagan or UBC Vancouver, as applicable.
  - 5.2.2 Every effort is to be taken by all students, faculty and staff to ensure compliance with this Policy and the Procedures, and to resolve any problems created by non-compliance by:
    - (a) encouraging smokers to move to areas where Smoking is permitted and, if in the vicinity, to use a Designated Smoking Area; and
    - (b) recognizing and respecting that prescribed areas where Smoking is not permitted may fully extend between buildings and, accordingly, walkways in those places unless included as or within a Designated Smoking Area are areas where Smoking is not permitted.
  - 5.2.3 Violations regarding Smoking shall be shall be treated proportionately to health and safety risks or harms as well as the nuisance associated with the violations. Repeated or continued violation of this Policy shall be treated as willful contempt or insubordination.
  - 5.2.4 The following protocol is to be followed if non-compliance issues cannot be resolved using the approach set out in section 5.2.2:
    - (a) Students: Formal complaints may be lodged by any party responsible for day-to-day implementation and compliance.
    - (b) Faculty and Staff: Non-compliance concerns should be lodged with either the individual's immediate supervisor or Campus Security at UBC Okanagan or UBC Vancouver, as applicable.



## EXPLANATORY NOTES REGARDING THE SMOKING/VAPING POLICY AND ASSOCIATED PROCEDURES

Issued July 2019 by the Office of the University Counsel

*The OUC has prepared these Explanatory Notes to provide context and background regarding the Smoking/Vaping Policy. These Explanatory Notes do not replace or supersede the content of the Smoking/Vaping Policy and its Procedures.*

<b>Policy Long Title:</b>	Smoking, Vaping, and Sale of Tobacco-Related Products on Campus
<b>Policy Short Title:</b>	Smoking/Vaping Policy
<b>Policy Number:</b>	SC2
<b>Responsible Executive:</b>	Vice-President, Finance and Operations
<b>Responsible Board Committee:</b>	People, Community & International Committee
<b>Related Policies:</b>	GA2 - Regulatory Framework Policy
<b>History:</b>	<ul style="list-style-type: none"><li>• The Smoking/Vaping Policy and Procedures were first approved by the Board of Governors in July 1991;</li><li>• The Smoking/Vaping Policy was revised in November 2011;</li><li>• The Smoking/Vaping Policy and Procedures were revised in February 2019;</li><li>• The Smoking/Vaping Policy was updated in July 2019 to reflect a new policy identification system; it is currently identified as the Smoking/Vaping Policy, its long title is Smoking, Vaping, and Sale of Tobacco-Related Products on Campus, and its number is SC2. The previous identification number for this policy was #15.</li></ul>
<b>Related Legislation:</b>	N/A