

**Faculty Senate Recommendations, April 11, 2013**  
**Proposed HOP Policy: 9.36 Tobacco Free and Smoke Free Campus Policy**

**The UTSA Faculty Senate recommends that the proposed policy 9.36 be accepted with strong suggestion that the policy author (Human Resources) seriously consider the points listed in this report.**

**1. Section IX.D. Violations of policy.**

The Senate suggests that second sentence of this section creates an overly punitive tone. In addition, the second sentence was found to be vague and to contribute little in the way of clarification. **The Senate recommends that the second sentence of this section be deleted and the heading of this section be revised accordingly.** Please reference the UT Austin Tobacco Free policy for a similar example.

Section IX.D currently reads:

**Violations of Policy**

It is the shared responsibility of all members of the campus community to respect and abide by this policy. Violations will be dealt with on a case-by-case basis in accordance with UTSA's established disciplinary policies.

Suggested changes:

**Violations of Policy Shared Responsibility**

It is the shared responsibility of all members of the campus community to respect and abide by this policy. ~~Violations will be dealt with on a case-by-case basis in accordance with UTSA's established disciplinary policies.~~

**2. Section V. RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS**

The policy lists the Texas Penal Code Chapter 48.01 – Smoking Tobacco under section V. However, the Texas Penal code does not list universities as protected or enforceable non-smoking sites. **The Faculty Senate HOP Committee recommends that the policy author (Human Resources) delete the reference to the Texas Penal Code Chapter 48.01.**

**3. Section IX.E.1**

As written, the policy allows exemptions for “approved sponsored research.” However, most competitive grant proposals will require preliminary data that must be collected before the grant can be submitted and therefore before the research can be sponsored. The senate recommends that the word “sponsored” be deleted.

Section IX.E.1 currently reads:

“Approved sponsored research involving tobacco or tobacco products.”

Suggested changes:

“Approved ~~sponsored~~ research involving tobacco or tobacco products.”

**4. General recommendation.**

Other HOP policies may need revision following full implementation of this policy. For instance HOP 3.03 mentions designated smoking areas.