

**WESTERN WASHINGTON UNIVERSITY  
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

**TO:** Members of the Board of Trustees

**FROM:** President Sabah Randhawa on behalf of:  
Joyce Lopes, Vice President for Business and Financial Affairs

**DATE:** June 9, 2023

**SUBJECT:** **Approval to Amend WAC 516-52-001, Smoking on Campus**

**PURPOSE:** Action Item

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**Purpose of Submittal:**

In the Winter of 2019, a university-wide survey was conducted to determine the preferred smoking policy direction of the Western community. Survey results showed that over 75% of those sampled were not satisfied with the current policy and prefer a more restrictive approach to smoking and vaping on campus. At the May 25, 2023 President's Cabinet meeting, a decision was made to move forward with a policy change to become a smoke-free campus.

The development of the proposed permanent rule was guided by Bruce Boyer, Interim Director of Environmental Health & Safety and included representatives from Counseling, Health & Wellness; Human Resources; University Police; Student Health Center; Human Health and Development; Facilities Development and Operations; University Communications and Marketing; University Residences; Community Relations; Residence Hall Association; Faculty representatives; Washington Federation of State Employees (WFSE) Classified representative; Public School Employees (PSE) Classified Staff representative; and, a Professional Staff Organization representative. The proposed rule was reviewed by the Assistant Attorney General's Office, the Technical Review Committee, and the University Policy and Rules Review Group. A public hearing was held to solicit community and university feedback.

Proposed changes include:

- Prohibit smoking on university property.
- Definitions that define smoke or smoking and university property.
- Exceptions to allow smoking for approved events.
- Enforcement of rule.

This recommendation is based on compelling scientific research and evidence on the human effects of smoking and second-hand smoke. Taking this action will support two objectives in Western's Strategic Plan to 1) support student, staff, and faculty wellbeing, including physical health and wellness, mental health and disability resources based on universal design, and 2) improve the climate and work conditions for student employees, staff, and faculty at all university locations.

**Proposed Motion:**

MOVED, that the Board of Trustees of Western Washington University, upon recommendation of the President, approve the permanent rule change to WAC 516-52-001, Smoking on Campus as submitted.

**Supporting Information:**

Attachment 1 - WAC 516-52-001 – Proposed New Rule  
Attachment 2 - Hearing Officer's Report

AMENDATORY SECTION (Amending WSR 95-01-006, filed 12/8/94, effective 1/8/95)

**WAC 516-52-001 Smoking on campus.** (1) Purpose. Western

Washington University is dedicated to providing a healthful (~~and productive work~~) environment for all employees, students, and the public (~~visiting or conducting activities in university facilities.~~ This policy is intended to provide a smoke-free environment for employees, students, and the public who do not wish to be affected by those who smoke.

~~(2) Policy. Smoking shall not be permitted inside any Western Washington University administrative or academic buildings and in identified external areas that may affect those people inside the administrative and academic buildings. Smoking will be allowed in identified outdoor smoking areas on campus.)~~ on campus. The university is committed to providing a smoke-free environment for anyone who does not wish to be affected by second-hand smoke.

(2) Smoke or smoking means the carrying, burning, or smoking of any lighted pipe, cigar, cigarette, electronic cigarette, vaporizing device, or any other lighted smoking equipment.

(3) Except as provided herein, smoking of all kinds is prohibited on university property. University property is all buildings, grounds, or assets owned or controlled by the university and the streets, sidewalks, plazas, parking lots to include all vehicles therein, and roadways within the boundaries of properties owned or controlled by the university. Smoking may be permitted for university-approved events such as cultural or religious uses, academic research, or theatrical productions. Advance vice president approval is required for event exemption.

(4) Any person violating this section may be subject to enforcement by the university police department. In addition, any employee, volunteer, or student who violates this section may be subject to disciplinary action.

[Statutory Authority: RCW 28B.35.120(12). WSR 95-01-006, § 516-52-001, filed 12/8/94, effective 1/8/95; WSR 93-01-080, § 516-52-001, filed 12/14/92, effective 1/14/93. Statutory Authority: RCW 28B.35.120(11). WSR 86-03-020 (Order 12-5-85), § 516-52-001, filed 1/8/86; Order 72-10, § 516-52-001, filed 11/17/72.]

**WWU RULE-MAKING REVIEW**  
**Hearing Officer's Report**  
**WAC 516-52-001, Smoking on Campus**

On May 9, 2023, at 1:01 pm, a public hearing was held via Zoom to receive comment on a proposal to amend WAC 516-52-011, Smoking on Campus. The hearing was conducted by Jennifer Sloan, Rules Coordinator, and the hearing was held pursuant to the authority provided in the Revised Code of Washington Open Public Meetings Act and Administrative Procedures Act.

The testimony and Hearing Officer's Report is provided to President Sabah Randhawa for consideration of the permanent rule change. Upon approval, the proposed code is presented to the Board of Trustees for adoption and will be effective 31 days after filing with the Code Reviser's Office.

**Notice of Hearing**

Notice of public hearing was posted on the Rules Coordinator's [website](#), was published in the April 19, 2023, issue of the *Washington State Register* (23-08-072), and was posted in the university online newspaper, *The Front*, and the university online newsletter, *Western Today*, on April 27, 2023 and April 21, 2023 respectively.

**Hearing Attendance**

The hearing was attended by: Kerena Higgins, Senior Counsel; Darin Rasmussen, Assistant Vice President of Risk, Ethics, Safety & Resilience; Bruce Boyer, Interim Director of Environmental Health & Safety; and three public participants.

**Background and Overview**

Bruce Boyer provided information on the history and current activity of transitioning to a smoke free campus. A link was shared during the hearing directing participants to the [Smoke-Free Campus page](#) of the Environmental Health & Safety website.

Mr. Boyer explained that the conversation regarding the impact of smoking on campus has been going on prior to 2003, beginning with a state law prohibiting smoking in buildings and within 25 feet of buildings. In 2009, the Central Health and Safety Committee began looking at this as a campus community health concern. The topic was considered in various ways until 2018 when the committee made a recommendation to the previous Vice President of Business and Financial Affairs, Rich Van Den Hul, for a smoke free campus. The response at that time was to request a survey of campus. That survey indicated that people wanted a more restrictive smoking policy.



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The President's Cabinet at that time recommended moving forward with a smoke free campus with designated smoking areas. The Smoke Free Campus Committee was formed and began working to make this happen.

In spring of 2020 activity was suspended due to a focus on the pandemic response. In spring of 2022, the group was renamed to the Smoke Free Campus Task Force and was re-convened.

Members representing campus are:

- Director of Environmental Health and Safety or Designee, Chair
- Director of Prevention and Wellness or Designee, Vice Chair
- Human Resources Department Representative
- Chief of Police
- Student Health Center Representative
- FDO- Facilities Development and Capital Budget Representative
- FDO- Facilities Management Representative
- University Communications and Marketing Representative
- University Residences Representative
- Community Relations Representative
- 1 Student appointed by the Associated Students
- 1 Student appointed by the Residence Hall Association
- 2 Persons to represent Classified Staff
- 2 Persons to represent Faculty
- 1 Person to represent Professional Staff

Given the increased number of universities going fully smoke free and the increased awareness of respiratory health brought on by the pandemic, the Task Force requested further clarification and direction from President's Cabinet. The result was to move to a fully smoke free campus without designated smoking areas. This decision was shared with faculty, staff, and students by Joyce Lopes, Vice President of Business and Financial Affairs, via VPBFA email on December 6, 2022. The Task Force then moved to re-write WAC 516-52-001 which is the subject of today's hearing.

The amended WAC was also reviewed by the Technical Review Committee and the University Policy and Rules Review Group as part of the rulemaking process.

### Testimony

The Rules Coordinator reported on written testimony received and read the comments into the record.

Noah Gray received 4/30/23.

The proposed amendment to section 516-52-001, Smoking on Campus, banning smoking of all kinds on all university property, is unnecessary and harmful. As a student who does not smoke, I have never been negatively affected by smoking on campus, as it takes place in designated smoking areas, away from walking paths and buildings. Since smoking cigarettes is an



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addiction, all students, faculty, and other workers who are required to be on campus, sometimes all day, need and deserve spaces to smoke. Campus is quite large, so going off campus is not usually an option, between classes or during breaks at work. As well, this would hurt students who live on campus, if they are not allowed to smoke anywhere near where they live. Please do not pass this amendment, and continue to allow people to smoke in designated smoking areas.

Ryan Cullup received 5/8/23.

My comments on the Smoking on Campus Issue:

As a former smoker, I have experience in being a smoker and non-smoker on campus. The move to a non-smoking campus is tone-deaf and irrespective of the majority of our wishes as a campus. I refer you to the published survey on the WWU Smoke-Free-Campus website for review on our wishes as a campus. Furthermore, policing the campus community on this new policy will be extremely problematic in terms of UPD time and our stated values as a campus. We want a safe campus but do not want to abrogate someone's needs as an addict. To do so is to ignore our responsibility as a campus to help our community members. Our values as a University community are more closely aligned with investing in our smoking community by providing more opportunities for smoking cessation classes and other resources such as designated smoking areas away from health conscious community members. Our mission should ultimately be a smoke free campus. How we get there will matter to our communities.

Linda Sterling received 5/1/23.

First I will say that I do not smoke! I have seen an identical policy enacted at another university where I was employed.

I have not seen this kind of policy work, and it created a litter nightmare on campus with butts being thrown everywhere on the grounds, sidewalks, and streets. The policy is extremely hard to enforce, especially in the evenings. Smoking is still a legal activity, so instead of banning it outright for those employees/students who do smoke, in my opinion, it would be better to assign specific areas on campus where the secondhand smoke won't bother others (and aren't near air intakes), and there are appropriate receptacles to collect the waste from smoking. The refuse from smoking, improperly disposed of, creates an environmental, ecosystem, and toxicology problem as well.

Here is a link to a pretty good study posted by NIH/NLM.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5347528/>

Casey Garboden received 5/4/23.

The survey being referenced in 2019 shows that the majority of responding students, staff and faculty would prefer that smoking be limited to certain areas on campus off walkways, not banned entirely. So why has the WAC been proposed as a total ban when it wasn't favored by the Western community?



Tom Yakovonis received 5/8/23.

I am in full support of people's rights and Diversity, equality, and inclusion. The majority of the people in the survey supported designated smoking areas. These are to be located away from the traffic area of pedestrians.

To ban smoking on campus is singling out one group, very prejudice and not standing with what the University represents.

Vale Bates received 4/23/23.

While I myself am a non-smoker, consider myself adamantly opposed to smoking, and am sensitive to the smell of smoke, I would like to clearly express that I oppose the change to the WAC 516-52-0001 to ban on campus smoking. I think this is an unnecessary rule and imparts unnecessary restrictions on our visitors, families and students. There are already WA State laws limiting smoking within public places or within a specific proximity to buildings. I feel that this suggested revision simply imparts a value of WWU upon other visitors and doesn't actually assist or encourage smoking less, it just isolates smokers from public spaces.

Again, for the record, I oppose the revisions to WAC 516-52-0001 Smoking on Campus. As long as folks are smoking away from buildings, (outside) and away from others and properly disposing of cigarette butts, this should be allowed.

Additionally, I spend a great deal of time walking around campus as part of the campus community and do not believe that the current number of smokers smoking on campus represents any level of concern.

Greg Hough received 5/8/23.

I was a member of the Smoke Free Campus committee prior to the pandemic. The recommendations we were following were for limited designated smoking areas away from major walkways. The EHS surveying completed in Winter 2019 showed strong support for this option among students and staff. Also, my sense of Lessons Learned from the pandemic regarding rapid dilution of contaminants in open air show a healthful campus can be provided and still allow exterior designated smoking areas away from major pedestrian routes.

Furthermore, this underscores a core concept of enabling free choice to the extent possible. The members of the Western Community are adults. They are able to make their own choices. I'm particularly concerned about loss of experienced employees who choose to smoke and provide critical services to Western and this will push them find employment elsewhere. Our campus is relatively large and time spent getting to the perimeter to have a smoke break becomes quite unproductive, and potentially frustrating.

### **Audience Comments and Questions**

One of the audience members asked questions related to the rule-making process and who is making the decision about smoking and non-smoking. Mr. Boyer responded that decision was made by the President's Cabinet. The audience member asked additional questions about the



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rule making process and who makes the final decision. Ms. Sloan responded that the final decision is made by the Board of Trustees.

A student reporter from *The Front* asked what the reaction of Ms. Higgins, Mr. Rasmussen, Mr. Boyer, and Ms. Sloan is after hearing the public comment and opposition to the change. Ms. Sloan explained that our role is to gather comments, answer, questions and provide the information to the President Randhawa and the Board of Trustees.

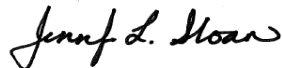
No further testimony was heard. The hearing adjourned at 1:21 p.m.

### Conclusion

Considering the thorough review process by university constituents and because the public hearing allowed for an open forum of the university community, I recommend the following:

- That President Randhawa approves the amendment to WAC 516-52-001, Smoking on Campus, and further, that the proposed rule change be brought before the Board of Trustees for consideration.

Respectfully submitted,



Jennifer Sloan  
Rules Coordinator

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Attachment:

WAC 516-52-001 –Proposed New Rule

