

UNH FACULTY SENATE  
MOTION # VI-M3

1. Faculty Senate committee: Student Affairs Committee
2. Committee chairperson: Jim Farrell
3. Date of Faculty Senate discussion: October 8, 2001.
4. Motion:

The chair of the senate's Student Affairs Committee moved that the Faculty Senate accept the senate committee's recommendations and forward them to the UNH Smoking Policy Task Force. (See attached recommendations.)

Senate action: passed 10/8/01.

Vote: unanimous

Chair's verification: *J. Farrell*

Date: 10/11/01

Forwarded to: President Joan Leitzel

Date: 10/11/01

TO: Faculty Senate  
FROM: Student Affairs Committee (Senators: Black, Conroy, Farrell, Garofalo, Nicovich, Wrighton).  
DATE: October 8, 2001  
SUBJECT: Draft Smoking Policy.

The Student Affairs Committee of the Senate has reviewed the Draft UNH Smoking Policy prepared by the UNH Smoking Policy Task Force, and sent to the Senate by the President.

The Student Affairs Committee recommends that the Senate NOT approve the draft in its current form. Our reasons follow.

- There are inconsistencies in the language of the policy. It is titled a "smoking" policy, but the language of the draft policy expands that purview to include "the non-use of tobacco products." The committee could not determine whether the policy was intended to discourage or expressly prohibit use of smokeless tobacco products.
- The policy, in effect, does what it claims it will not do. While the policy announces that "our goal is a smoke-free community without stigmatizing our faculty, staff, and students who smoke," at the same time it also articulates a presumption in favor of "smoke-free air" even in many outdoor areas of the campus. The prohibition of smoking within 20 feet of a building, and the inclusion of areas such as "bus stops," outdoor "service lines," and "courtyards," in effect so marginalize smokers as to defeat the goal of "not stigmatizing" those who smoke.
- The expansion of "non-smoking" areas seems excessive. Inclusion of "bus stops" for instance, as well as creation of 20-foot non-smoking buffer zones around buildings, seems both exceptionally restrictive, and impossible to enforce. Of particular concern to the committee was the inclusion of "Forest Park" apartments in the "non-smoking" areas. These apartments, which are the private residences for married graduate students, for many international students, and some UNH faculty, ought to be beyond the surveillance of the smoking policy. Moreover, since many international students may have differing views about smoking, the policy seems contrary to our widely professed ideas about tolerance of diversity. In addition, implementation of the policy may violate current lease agreements at Forest Park that permit smoking.
- The proposed policy enlists "All members of the UNH community" in the surveillance and reporting of smoking policy violations. The likely reluctance of many students, faculty members, and staff to act in this regard toward fellow members of the community will make the policy ineffective and essentially unenforceable.
- In particular, the policy assigns to "Deans, Directors, and Department Heads [Department Chairpersons]" the enforcement duty and police function of assuring "that rooms, facilities, or other areas under their jurisdiction are controlled as 'non-smoking' areas as appropriate." We view this as an unnecessary and unwelcome expansion of the surveillance role of administrators and supervisors over the employees and students in their charge.
- In the view of the attorney for the AAUP, "a new smoking policy that is discretionary, rather than a response to legal requirements, is a change in terms and conditions of employment that cannot be unilaterally imposed on tenure-track faculty. To the extent a new policy would apply to our bargaining unit, it's a bargainable issue."
- The policy does not indicate whether the University intends to sell any holdings it may have in tobacco company stock.