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# Faculty Senate Resolution 14-01

Louisiana State University and Agricultural & Mechanical College

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# LSU Faculty Senate Resolution 14–01: Correcting and Replacing the “Smoke Free Campus” Committee

*Sponsored by Charles Delzell*

A. *Whereas* in 2013 the Louisiana Legislature added a new, seventh section (known as Act 211) to the 2006 Louisiana Smokefree Air Act, declaring (in principal part):

Public post secondary education institutions shall develop smoke-free policies for its [sic] campuses..., and

B. *Whereas* on September 25, 2013, Executive Vice Chancellor and Provost Stuart Bell wrote to the 16 people he was thereby appointing to what he dubbed the “Smoke Free Campus Committee”:

Our legal advisors indicate that the law stops short of mandating that the campus become smoke-free ..., and

C. *Whereas* the committee has been saying the opposite,\* and

D. *Whereas* LSU *Reveille* staff writers Jacqueline Masse, Jazmine Foxworth, and James Richards and Jacquelyn Masse have also been saying the opposite in their articles of January 14, 18, and 22, and

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\* For example:

1. On January 8, 2014, Vice Chancellor of Student Life Kurt Keppler (chair of the committee) told Senator Delzell that Act 211 required LSU to become smoke-free (i.e., banning even outdoor smoking), and he knew this because he had heard it from Associate Vice Chancellor for HRM A.G. Monaco and LSU attorneys, but on January 9 VC Monaco wrote:

I think there is a misunderstanding regarding my opinion. I actually concur with what you say. That is, the law requires we have a policy; it does not say we have to go smoke-free. I had lawyers review it and they agreed with my interpretation....

2. The faculty survey that Professor Judith Sylvester (committee co-chair) sent out in November asked: What should LSU’s campus policy be in order to meet the mandate in Act 211 (a smoke-free or tobacco-free campus) ...?

3. When asked whether Act 211 really mandates a ban on outdoor smoking at LSU, Professor Sylvester wrote (on November 21):

Yes, Act 211 mandates that all public campuses in Louisiana must have an outdoor smoke-free or tobacco-free policy in place by Aug. 1, 2014.

4. On January 14, the *Reveille* quoted Student Senate Speaker Pro Tempore Trey Schwartzenburg (also on the committee) saying:

I want students to be aware that this new rule [banning outdoor smoking] is a state mandated law, and

5. On Jan. 15, VC Keppler (also Prof. Sylvester) told the Student Senate:

... New laws state that the university must be smoke free.... The plan is to have a strict policy.... There is no other option and the campus must be smoke free.... [A ban] is now a state law....

They made similar statements to the Faculty Senate on Jan. 22.

E. Whereas the “Smoke-Free Campus” Committee has suppressed dissent on its apparent agenda of banning outdoor smoking on campus, by claiming that such a ban is required by Act 211, and by diverting the campus’s attention from that agenda to secondary questions such as whether to ban e-cigarettes or chewing tobacco,

*Therefore be it resolved* that the Faculty Senate recommends that Provost Bell broadcast the following points to the LSU community:

- a. Act 211 does not mandate that the campus become smoke-free (i.e., that it ban outdoor smoking).
- b. In enacting Act 211, the Legislature voted to delete, from the original version of Act 211, the provision:

no person shall smoke on the grounds of ... [LSU] ...,

and to replace it with the mandate that each public campus develop an undefined “smoke-free policy.”

- c. The phrase “smoke-free campus” does not occur in Act 211; nor does the word “outdoor.”

- d. The Louisiana Smokefree Air Act (R.S. 40:1300.252, R.S. 40:1300.256(B)) declares:

... [I]t is in the best interest of the people of this state to protect *nonsmokers* [emphasis added] from involuntary exposure to secondhand smoke in most *indoor* [emphasis added] areas open to the public, public meetings, restaurants, and places of employment... [A] balance should be struck between health concerns ... and the need to minimize unwarranted governmental intrusion ....

Nothing in this Part [which includes Act 211] shall prohibit smoking in ... the outdoor area of places of employment....

- e. LSU’s 1994 PS-76 (the policy whose main provision is to ban smoking in, and in “the immediate entrance and exit areas of,” LSU buildings) already complies with Act 211, since all that Act 211 requires of a smoke-free policy is that it be consistent with the other, older provisions of the Louisiana Smokefree Air Act (mainly, those provisions banning smoking inside public buildings).

- f. The “Smoke-Free Campus” Committee is hereby dissolved, and will be replaced with a small committee not dominated by anti-smoking activists, composed of all new representatives recommended by the Student Senate, Faculty Senate, and Staff Senate, charged with reviewing complaints about chronic violations of PS-76 in particular problem areas on campus, and with recommending local solutions to those violations proportionate to the problem (modeled after the successful effort to eliminate smoking in the area outside the entrance to Middleton Library, by posting no-smoking signs and removing the ashtrays there).

## Appendix

**From:** Peggy S Miller

**Sent:** Wednesday, September 25, 2013 9:45 AM

**To:** Blake Hudson; Judith L Sylvester; Julie J Hupperich; Julie R Perkins; Kurt Keppler; Laurie Braden; Liz Johnson; Maylen L Aldana; Michael F Russo; Patrick H Martin; Ramachandran Vaidyanathan; Tammy R Millican; Thomas Rodgers; Torii R Freeman; Trey Schwartzburg

**Cc:** A G Monaco; Pamela I Meaulance; Stuart R Bell

**Subject:** Smoke Free Campus Committee

*Sent on behalf of Stuart Bell, Executive Vice Chancellor and Provost*

I'm writing to you today to ask for your service on the **Smoke Free Campus Committee**, charged with creating policy and future recommendations in response to Act 211, signed into law by Governor Bobby Jindal last June.

The law requires that all public college campuses in Louisiana create a "smoke-free campus" policy by August 1, 2014. Our legal advisors indicate that the law stops short of mandating that the campus become smoke-free on that date, but it does create both an opportunity and an obligation to begin a campus-wide discussion regarding the use of tobacco products and smoking on campus.

Kurt Keppler, Vice Chancellor of Student Life has agreed to chair the committee, with Patrick Martin and Judith Sylvester serving as co-chairs. It's my understanding that you'll be contacted soon; meetings may begin as early as next week.

Your work as a committee is very important in creating a policy that will help the campus create a safe and welcoming environment for all members of our community and the public that depend on us. Thank you for agreeing to participate in this important university endeavor.

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### **Smoke Free Campus Committee:**

|                            |                    |                                      |
|----------------------------|--------------------|--------------------------------------|
| Kurt Keppler, Chair        | Vice Chancellor    | Student Life & Enrollment Management |
| Judith Sylvester, Co-Chair | Professor          | Mass Communication                   |
| Patrick Martin, Co-Chair   | Director           | Finance and Administration           |
| Blake Hudson               | Assoc. Professor   | LSU Law Center                       |
| Julie Hupperich            | Assoc. Director    | Student Health Center                |
| Tony Lombardo              | Executive Director | Facility Services                    |
| Torii Freema               | Director           | LSU Ag Center                        |
| Thomas Rodgers             | Grad Student       | Public Administration                |
| Laurie Braden              | Director           | UREC                                 |
| Maylen Aldena              | Assoc. Director    | Residential Life                     |
| Trey Schwartzburg [sic]    | Undergrad Student  | Biological Sciences                  |
| Liz Johnson                | Manager            | HRM                                  |
| Michael Russo              | Assoc. Librarian   | Library                              |
| Tammy Millican             | Asst. Director     | PDC ( <i>Staff Senate</i> )          |
| Julie Perkins              | Manager            | CHSE ( <i>Staff Senate</i> )         |
| Vaidy Vaidyanathan         | Professor          | EECS ( <i>Faculty Senate</i> )       |