



Policy Name:	Mercy University Smoke Free Campus Policy		
Associated Form(s):	N/A	Policy Number:	2024-22
Reviewed:	Non-Academic Policy Committee	Approved:	August 29, 2024
Approval Authority:	President <i>Susan UParish</i>	Adopted:	September 4, 2024
Responsible Executive(s):	Vice President for Operations and Facilities	Revised:	N/A
Responsible Office(s):	<ol style="list-style-type: none"> 1. Facilities 2. Campus Safety 	Contact(s):	<ol style="list-style-type: none"> 1. Director of Facilities 2. Executive Director of Campus Safety

I. Purpose of the Policy

As a leader in the health sciences, Mercy University understands that health is as important as education. Mercy is dedicated to providing a safe, healthy, comfortable and productive living and learning environment for the entire campus community. Mercy also recognizes the overwhelming scientific evidence assembled by the U.S. Surgeon General, Centers for Disease Control, Environmental Protection Agency, and World Health Organization, which demonstrates that tobacco is a profound agent of deadly diseases, responsible for millions of deaths worldwide each year, both to tobacco users and non-users. The Mercy tobacco, nicotine, marijuana, and electronic cigarette/electronic aerosol delivery device free environment supports good health for the entire campus community. Additional benefits include campus sustainability and beauty.

II. Definitions

- **Smoking** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, cigarillo, pipe, hookah, or any other lighted or heated tobacco, plant or chemical product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoke” or “Smoking” also includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
- **Electronic Smoking Device** means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, dab rig or vape pen, or under any other product name or descriptor.
- **Tobacco Product** means a product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff.
- **Cannabis/marijuana** (and hashish, hash oil, honey oil, wax...) is an illegal substance per the federal Controlled Substances Act. Based on federal laws, Mercy prohibits the unlawful possession, manufacture, cultivation, distribution, use, and sale of cannabis/marijuana and other illegal substances on campus or on property owned and controlled by the University. New York State law legalizing marijuana, including medicinal marijuana, does not override federal laws nor Mercy University policies.

III. Applicability –Smoking Prohibited

In light of the above findings, Mercy University shall be entirely smokefree effective January 1, 2025. This Policy applies to all students, faculty, staff, contractors, vendors and visitors who enter any property owned or controlled by the University (“University Community Members”). This Policy applies at all University facilities, property, and vehicles, owned or leased, regardless of location. Smoking shall not be permitted in any enclosed place, including, but not limited to, all offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues and private residential space within University housing. Smoking shall also be prohibited outdoors on all University campus property, including, but not limited to, parking lots, paths, fields, sports/recreational areas, and stadiums, as well as in all personal and University vehicles while on campus.

IV. Promotion and Sale of Tobacco Products Prohibited on University Property

In further recognition of the incompatibility of Mercy’s educational mission and the promotion of tobacco products, no tobacco-related advertising or sponsorship shall be permitted on University property, at University-sponsored events, or in publications produced by the University, with the exception of advertising in a newspaper or magazine that is not produced by the University and which is lawfully sold, bought, or distributed on University property. For the purposes of this Policy, "tobacco related" applies to the use of a tobacco brand or corporate name, trademark, logo, symbol, or motto, selling message, recognizable pattern or colors, or any other indicia of product identical to or similar to, or identifiable with, those used for any brand of tobacco products or company which manufactures tobacco products, or smoking products. Smoking products shall not be sold or distributed as samples on university grounds, either in vending machines, the student union, or any area on campus.

V. Dissemination of Policy; Signage

Copies of this Policy shall be distributed to all faculty and staff and shall be included with information given to all admitted students. Information about the Policy and how to comply with it shall also be posted on the University website. Announcements concerning the Policy and any changes to it shall be printed in campus newspapers and posted on the University website to ensure that everyone fully understands the policy. No Smoking signs shall be posted at all points of entry to the University campus and at all University building entrances. No ashtrays shall be provided at any location on campus.

VI. Transition Period

This Policy is being announced four (4) months prior to its implementation in order to give smokers time to adapt to its restrictions and to facilitate a smooth transition to a smokefree environment.

On-site smoking cessation programs shall be made available to assist and encourage individuals who wish to quit smoking. Questions and problems regarding this Policy should be directed to the Office of Human Resources.

VII. Enforcement of Policy and Penalties

This Policy shall be enforced by the Office of Campus Safety. Reports of violations can be made to Campus Safety, who in turn will work with the appropriate department depending on whether the violator is a student, faculty or staff member, or contractor, vendor or visitor. Each violation of this Policy is punishable by an administrative citation not exceeding fifty dollars (\$50) and/or appropriate campus disciplinary procedures. However, no person shall be liable under this section unless said person shall have been previously given a warning by a person authorized to enforce this Policy or who exercises legal or actual control over the premises where smoking is prohibited.

This Policy shall be effective on January 1, 2025.