

Smoking Policy Implementation Review Team
February 27, 2013, 12:15pm-1:15pm, Gray Room, Templeton

Present at meeting:

Sam Alexander, ASLC Senator, CAS; Kurt Amrstrong, Law Facilities Manager; Larry Atchison, Facilities Manager; Tyler Church, ASLC Senator, CAS; Michael Ford, Associate Vice President for Campus Life, chair; Tim O'Dwyer, Director of Campus Safety

Guest: Jeff Feld Gore, Associate Dean of Students

1. Welcome and distribution of packets of information.
2. Michael Ford again called attention to the updated web site with minutes and other materials from 2011-12 and encouraged all Team members to review it. Site location at Provost page: https://www.lclark.edu/about/leadership/provost/smoking_policy_implementation_review_team.php
3. Larry Atchison presented an inventory of the status of DSAs around campus (posted on web site) noting that we will need to replace several umbrellas and noting that several DSAs trash cans have been moved or disappeared. He will follow-up as appropriate in locating stored umbrellas and getting them into place.

Michael Ford also called attention to the graffiti on both the benches and the panels of the DSA near Tamarack/COOP. It will be documented by the Campus Safety office.

4. Michael Ford noted, that per a conversation with Janet Bixby, Associate Dean, GSEC, the Corbett House DSA is no longer in use because of smoke drifting toward Rogers Hall. GSEC now has one DSA in parking lot (one table with one green umbrella). Michael will advise Denise King, Facility Services, to update the DSA sign map for use institution-wide.
5. Michael Ford noted that smoking signs continue to be stolen. However, he will continue to have them made and placed in designated locations to assist the general public in knowing where smoking is permitted on campus. Smoking signs at the Law School have remained in place.
6. Ongoing problems with Platt DSA were again discussed, as was the recent ASLC survey conducted by Team member Tyler Church, ASLC senator (his survey was distributed and is appended to these minutes.) Related to the Platt DSA, it is noted that 47% of the senators polled support removal of the DSA.

In the past, and continuing, these problems include the following: extensive graffiti, chairs placed on top of the roof, burning of trash in trash can and burning of other unauthorized fliers that have been affixed to the DSA, late night congregation of smokers with attendant noise and concerns about second hand smoke. Campus Safety officers have been asked by Area Directors to make more frequent stops by the DSA in the late evenings and have done so. The problem has not subsided, and in fact, may be getting worse. A copy of the February 15 Log editorial on the Platt DSA was distributed.

A number of suggestions have been made in previous meetings to resolve these issues, and in our discussion today, it was agreed that, absent any other reasonable alternatives, it is the intention of the Smoking Policy Implementation Review Team to eclipse use of the Platt DSA, as it has not proven to work in this particular location.

Action Item Agreed relative to Platt DSA

Given all these unresolved issues, the Team agrees to consult with ASLC--since ASLC was involved in the original discussion of the Smoking Policy and construction of DSAs. Students Tyler Church and Sam Alexander agreed to draft a survey to targeted stakeholders (residents of Platt, Howard, Copeland), as well as staff members (both professional and RAs) as well as ASLC Senate and Campus Life staff, Campus Safety officers, and Smoking Policy Implementation Review Team. They agreed to consult with Michael Ford on their draft survey before sending it out, as it will need to be carefully worded to gather information in a non-biased manner and will require coordination with Campus Living and other staff members in its distribution.

While there was agreement to survey stakeholders as noted above, there was also agreement that, absent some kind of workable solution not yet investigated and proven workable by the Team over the past two years, it is the intent of the Smoking Policy Implementation Review Team to close the Platt DSA at the end of the Spring semester, with Facility Services deconstruction of the Platt DSA then to be scheduled to occur during the summer months.

Action Item Agreed regarding broadening of Smoking Policy definition of smoking and discretionary fining by Campus Safety officers in residential buildings for smoking of illegal drugs

7. A motion related to smoking of any substance in residence halls to change certain provisions in the Smoking Policy and its implementation was discussed before the meeting with Michael Ford, Jeff Feld-Gore, and Tim O'Dwyer and proposed as noted below.

Background

A concern was raised at the November 30, 2012 meeting of the Smoking Policy Implementation Review Team that our current Smoking Policy and our Alcohol and Drug Policy may be sending a mixed signal with respect to smoking in residence halls.

Current Policies

At present, the **Smoking Policy** does not directly reference smoking of marijuana in its definition of "smoking":

1. "Smoking includes the inhaling, exhaling, and burning of any product, including, but not limited to, tobacco cigarettes, clove cigarettes, herbal cigarettes, cigars, pipe tobacco, and hookah shisha. Smoking of illegal drugs is governed by the Drugs policy.

With respect to enforcement via fines, the Lewis & Clark smoking policy states:

“4. If a violation of these rules is committed by a Lewis & Clark student or employee, a citation may be issued. Citations will be associated with a \$25 fine. Fines will be posted to the offender’s student or employee account in Student and Departmental Account Services. A fine which is dismissed through the appeals process will be reversed from the individual’s account.”

The current policies associated with residence hall contracts are found in *Settling In*:

“Smoking is not allowed in residence halls or other campus buildings. Smoking on campus is limited to specific Designated Smoking Areas (DSAs).”

Settling In also quotes the College policy on Drugs and Drug Paraphernalia in its entirety, which includes a prohibition on the possession and use of drugs, except as expressly permitted by law. This includes use of possession and use of marijuana by any delivery system in residence halls.

Current Practice

Campus Safety officers have issued very few smoking citations on campus and only one in residence halls (for smoking of marijuana) since the Smoking Policy went into effect in 2008.

Generally, when students are documented for marijuana consumption by a Campus Safety officer(s) in one of the College’s residence halls, this is considered an alleged violation of the Code of Conduct, but students are not typically cited or fined for smoking indoors (which is prohibited by residence hall contract, *Settling In*, the Code of Conduct, the Smoking Policy, and by Oregon law).

Proposed Changes in Smoking Policy and Implementation

To eliminate this confusion in policy definition while also providing both Campus Safety officers and staff in the conduct system discretionary authority depending upon situation, the Smoking Policy Implementation Review Team proposes the following changes in the Smoking Policy and its implementation:

Policy

That we broaden definitions of smoking in policy to include electronic cigarettes and marijuana and clarify that additional charges related to smoking illegal drugs are governed by the Drugs policy. The suggested policy change is noted below in **BOLD**:

1. “Smoking includes the inhaling, exhaling, and burning of any product, including, but not limited to, tobacco cigarettes, clove cigarettes, herbal cigarettes, **electronic cigarettes, plooming**, cigars, pipe tobacco, and hookah shisha. **Additionally, the smoking of illegal drugs, while considered a violation of the Drugs policy, is also a violation of the smoking policy if it would otherwise meet this policy’s criteria.**

Implementation

That Campus Safety officers exercise their discretion to write \$25 citations for smoking (including smoking of marijuana) both outside and inside campus buildings.

If the citation is to a current student, the violation will be added to a conduct charge. The suggested change to the current Smoking Policy is noted below:

“4. If a violation of these rules is committed by a Lewis & Clark student or employee, a citation may be issued **at the discretion of the Campus Safety officer(s)**. Citations will be associated with a \$25 fine **and will be doubled for any additional violations by the same individual. In the case of current students, this policy violation will be added to a conduct charge.** Fines will be posted to the offender’s student or employee account in Student and Departmental Account Services. A fine which is dismissed through the appeals process will be reversed from the individual’s account.”

This proposal was accepted unanimously by the members of the Team present: Sam Alexander, Larry Atchison, Kurt Armstrong, Tyler Church, and Michael Ford.

8. Given the fact that two of the actions taken at the meeting have broad policy, implementation, and enforcement implications, the chair has determined that these draft minutes will be sent not only to Team members, but also to the following members of the College community for a comment period that will end at the start of CAS spring break, March 23.

- Jane Atkinson, Vice President and Provost
- Anna Gonzalez, Dean of Students
- Jeff Feld-Gore, Associate Dean of Students
- Kelly Hoover, Director, Campus Life
- Xander Blair, ASLC President
- Callie Rice, ASLC Vice President
- Miles Paterson, ASLC Chief Justice
- Jason Feiner, Director, Student Activities (Advisor, ASLC)

All comments should be made directly to Michael Ford, Associate Vice President for Campus Life and Chair, Smoking Policy Implementation Review Team.

Appended: ASLC Senate Survey on Smoking Policy, January 31, 2013

Quick ASLC Smoking Policy Poll Results
Poll taken on January 31, 2013 at ASLC Senate
Tyler Church, ASLC Senator and member
Smoking Policy Implementation Review Team

1. Are you a voting member of ASLC
 - A) **20- 95%** Yes
 - B) **1 -5%** No

2. In your opinion, which policies would be acceptable options for Lewis & Clark's smoking policy?
(mark ALL that apply)
 - A) **13- 62%** Smoking is allowed on entire campus, except for in and around buildings.
 - B) **5- 24%** Smoking is banned on all campus grounds
 - C) **21- 100%** Smoking is only allowed at Designated Smoking Areas (DSAs)
 - D) Other (Please elaborate in comment section)

3. Which of these potential policies is your most preferred smoking policy? (only mark ONE this time)
 - A) **2- 10%** Smoking is allowed on entire campus, except in and around buildings.
 - B) **3 -14%** Smoking is banned on all campus grounds
 - C) **16- 76%** Smoking is only allowed at Designated Smoking Areas (DSAs)
 - D) Other (Please elaborate in comment section)

4. Regardless of your previous responses, how should the college address the issues at the Platt DSA?
 - A) **9- 47%** Remove the DSA
 - B) **6- 31%** Close it during certain hours of the day
 - C) **4 -21%** Nothing
 - D) Other (Please elaborate in comment section)

5. Comments- (most are summarized)
 - "Platt should be resolved separately"
 - "...Platt DSA... Alternatives are worse"
 - Remove but be clear on reason why
 - "DSA should be farther from dorms"
 - "if (platt) is removed need new one"
 - "move (platt)"
 - "move (platt)"
 - "don't ban smoking will alienate students"
 - "keep DSAs open during day and free smoking at night"
 - "feel uncomfortable with Platt DSA"