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Evaluation of the Implementation of the University of California Tobacco-free Policy

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# Evaluation of the Implementation of the University of California Tobacco-free Policy

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## EXECUTIVE SUMMARY

- College tobacco-free policies (policies which prohibit any tobacco use on the entire campus grounds including all outdoor areas) are a rapidly emerging trend.
- After the 2011 UC Occupational Wellness Forum, a smoking policy subcommittee was formed and tasked to develop a white paper proposal for UC to go tobacco-free. The white paper was entitled, “Smoke-free Policy Proposal.”
- In January 2012, in response to this document, President Mark Yudof wrote a letter to the UC Chancellors mandating that by January 2014 they adopt a smoke-free policy that: (1) defined smoke-free as the smoking, the use of smokeless tobacco products and unregulated nicotine devices in all indoor and outdoor spaces; (2) applied to all UC property; (3) prohibited advertising and sales of tobacco products; (4) relied on education for the first year with an emphasis on smoking cessation as the enforcement strategy
- This evaluation of the UC tobacco-free policy implementation used a mixed methods approach, including: (1) written policy analysis (evaluating adherence to Yudof’s mandate and the American College Health Association guidelines for a tobacco-free policy); (2) qualitative interviews ( $N=29$ ); (3) surveys of students ( $N=218$ ); (4) pre and post observations of cigarette butts, individuals smoking, and tobacco-free signage.
- In accordance with President Yudof’s mandate, each campus formed a subcommittee to implement the tobacco-free policy.
- Along with these specific campus meetings, systemwide task force meetings began in October 2012 and were attended by 1-2 members from each campus task force.
- Overall, campuses created policies with a high degree of compliance to President Yudof’s specific mandates.
- Seven of the ten campuses, however, had minor deviations from the mandate.
- The most highly publicized deviation from the mandate came from UC Irvine’s task force, which originally decided to prohibit just smoking and continue to allow smokeless tobacco and electronic cigarettes on campus.
- This decision to go against the President Yudof’s mandate resulted in media attention
- In response, newly appointed President Janet Napolitano sent a letter to the Chancellors, Medical Center Executive Officers, and Vice President of Agriculture and Natural Resources, reiterating that all units had to implement the policy, and included minimum guidelines for what had to be included in their policies.
- Within two weeks, UC Irvine changed its policy to include all tobacco products.
- The campuses also had a high degree of compliance with the American College Health Association’s guidelines for tobacco-free campuses.
- The majority of campuses with deficiencies with respect to the ACHA guidelines were in the areas of campus relationships to tobacco companies. None of the campuses specifically prohibited tobacco industry sponsorship of campus activities or tobacco industry recruitment on campus.
- Our survey of students conducted in April 2014, four months after the new policies took effect, indicated that 76.6% of students reported seeing a sign promoting the policy, yet only 20% of these students accurately identified their campus as a tobacco-free campus.

- Signage observations indicated that some campuses had left up old signs, such as those that read, “No smoking within 25 feet of the building.” Inconsistent signage may lead to confusion about the policy.
- Across all the campuses, there was a 65% decrease in cigarette butt litter. In six of the seven schools, there was a decrease in cigarette butt litter after the policy went into effect.
- Key informants from each campus reported that policy compliance was a major issue on their campus.
- UC has not accepted any new research grants from the tobacco industry since the Board of Regents passed RE-89 in September 2007 and only one tobacco industry grant (at UCI, which was accepted before RE-89 and is running on a no-cost extension) remains in the UC system.
- Moving forward, the UC systemwide tobacco-free task force should:
  - Continue to conduct systemwide task force meetings, as suggested by the American College Health Association, to continue monitoring policy implementation
  - Regularly educate members of the campus task forces regarding the importance of smoke and tobacco free policies and reaffirm the goals of these policies
- The campus tobacco-free task forces should:
  - Continue to work on an enforcement plan for each campus that combines education and active enforcement through existing personnel procedures.
  - Maintain adequate and appropriate signage and refresh this signage at regular intervals
  - Continue to promote the policy as well as cessation aids, and refresh these promotional materials at regular intervals
  - Evaluate policy outcomes at six month intervals using tools such as measuring cigarette litter on the ground, assessing signage, assessing campus smoking and tobacco use prevalence rates and rates of use of cessation services.
- Continue implementing the reporting and review requirements of RE-89, including posting reports on the UCOP website, and consider bring UC into compliance with the ACHA guideline by adopting a policy of not accepting tobacco industry money for research.

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This report is available in UC eScholarship at [www.escholarship.org/uc/item/0fq9664r](http://www.escholarship.org/uc/item/0fq9664r).

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## INTRODUCTION

Tobacco use is the leading cause of preventable death and disease worldwide. Exposure to tobacco smoke causes lung cancer, and cardiovascular, respiratory, and perinatal disease and death.<sup>1</sup> Young adulthood is a critical time to prevent smoking initiation and encourage cessation because young adults smoke at rates higher than other age groups.<sup>2</sup> Young adulthood also represents the youngest age group that the tobacco industry can legally target.<sup>3</sup> Most important, young adulthood is a life transitional period,<sup>4</sup> something that the tobacco companies take advantage of to convert adolescent experimenters into long-term nicotine addicts.<sup>3,4</sup> At the same time, it provides an opportunity to transition from experimentation with tobacco products to a tobacco-free life.

College tobacco-free policies are a rapidly emerging trend. As of April, 2015, 925 colleges and universities had comprehensive tobacco-free policies (defined as policies which prohibit all forms of tobacco use on the entire campus grounds).<sup>5</sup> A large body of evidence has demonstrated that smoke-free policies reduce heart attacks,<sup>6</sup> asthma<sup>7</sup> and emphysema exacerbations,<sup>8</sup> and smoking rates.<sup>9</sup> College tobacco-free policies lead to lower smoking rates and change social norms surrounding tobacco use.<sup>10</sup>

### University of California Tobacco-Free Policy

The decision for the UC system to go tobacco free began with a systemwide occupational wellness forum in August 2011. The forum brought together Occupational Health, Recreation, Sports, Risk Services, and Faculty/Staff Wellness Coordinators in an effort to create an overarching Occupational Wellness Program. A key result from this meeting was a recommendation that UC become tobacco-free to achieve these larger wellness goals. This recommendation resulted in the creation of the “Smoke-free Policy Proposal” document in October 2011 (Appendix A) which was presented to President Yudof.

A key informant described the factors influencing the decision to go tobacco free as a process: “A number of us...meet every year at the Risk Summit (a yearly conference coordinated by UCOP for the UC system that has the goals of bringing together UC professionals to share best practices and mitigate workplace risk), and we were looking for ways to move the whole population of UCLA employees forward in terms of population health through all kinds of endeavors, wellness broadly...smoking turned out to be one of those policy areas that was easier to tackle as a specific policy item...since there were about a thousand universities already that had smoke-free campuses...Karen Calfas (vice-chancellor for wellness at UC San Diego) was part of a group that formed to look at putting together a white paper proposing a system-wide smoke-free policy. We just started working on it, and in a matter of about a month, put the paper together. And then we sent it to Jack Stobo (Senior Vice President of Health Sciences and Services at UCOP) who sent it to [UC President] Mark Yudof, who said, ‘This is great. Let’s do it. It’s a no-brainer. So, ‘it’s about time’ is sort of the reaction we get from most people.”

Yudof wrote a letter to the chancellors of the UC campuses in January 2012 mandating that all of UC campuses and other facilities go tobacco free within 24 months, i.e., by January 2014 (Appendix B; Figure 1).

President Yudof's letter stated, "As a national leader in healthcare and environmental practices, the University of California is ready to demonstrate leadership in reducing tobacco use and exposure to secondhand smoke by creating a smoke-free environment on all of our campuses." Individual campuses and other UC facilities could design their policies but Yudof's letter specified the policies should contain: (1) be smoke-free (defined as no smoking, no use of smokeless tobacco products, and no use of unregulated nicotine devices) in all indoor and outdoor spaces; (2) apply to all UC property; (3) prohibit advertising and sales of tobacco products; (4) should be enforced primarily through education, emphasizing smoking cessation.

Representatives from the individual campus tobacco task forces met in October of 2012, and then began monthly systemwide meetings starting February of 2013, to discuss progress and challenges the campuses and other facilities (such as the Lawrence Berkeley National Laboratory) were facing. These meetings were chaired by Julie Chobdee (the Wellness Program Coordinator at UC Riverside and Center of Excellence for Wellness and Health Promotion, a UCOP Systemwide resource created to provide leadership to promote a healthier workplace through wellness-focused initiatives such as the Smoke/Tobacco Free Policy and other wellness initiatives. As part of the implementation strategy the authors of this report were asked by the UC Tobacco Related Disease-Prevention Research Program (which is housed at the UCOP) and Julie Chobdee to conduct an evaluation of the UC's effort to become a tobacco-free system.

## **METHODS**

Our evaluation included key informant interviews with members of campus tobacco-free task forces to understand facilitators and barriers of policy adoption, implementation, and compliance as well as pre-implementation and post-implementation counts of cigarette butt litter on the ground, individuals observed smoking, and signs regarding the policy (Figure 2). Our analysis was limited to the 10 UC campuses, which included both the academic and medical campuses.

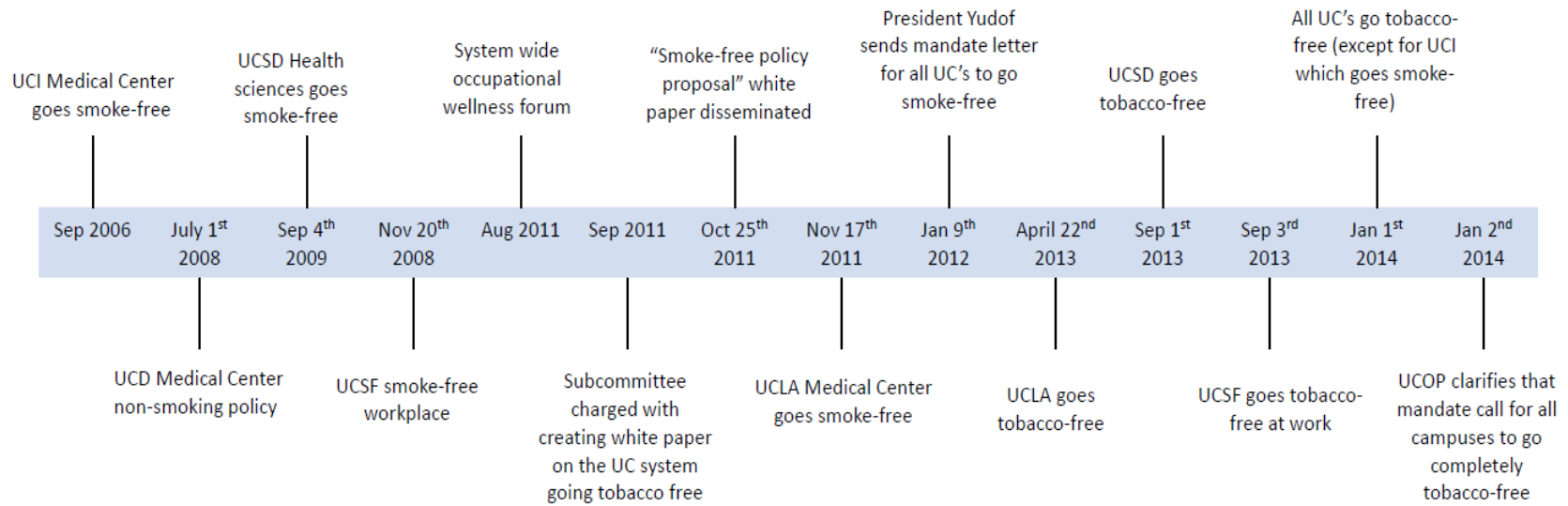
### **Policy analysis**

The campuses' new written policies (Appendix C) as well as information gathered from task force members on changes to these written policies for all the UC campuses were analyzed to determine the extent to which they followed the guidelines of the Yudof mandate letter and the American College Health Association (ACHA) guidelines (Appendix D) for tobacco-free policies

### ***Yudof Mandate***

We developed a coding form based on the guideline of the Yudof mandate letter so that each school's written policy could be assessed to determine whether they: 1) defined smoke-free in accordance to the mandate; 2) defined tobacco products in accordance to the mandate; 3) ensured policy applied to all UC owned and leased property; 4) prohibited sales and advertising of tobacco products; 5) promoted educational enforcement and cessation; 6) implemented the policy as of January 1, 2014.





**Figure 1. UC Tobacco-free timeline.**

Program: UC-wide Tobacco Free Policy Implementation Logic Model

Situation:

Inputs	Outputs		Outcomes -- Impact		
	Activities	Participation	Short	Assessment Strategy	Medium/long term (we will not be testing these)
Presidential Mandate to go Tobacco Free  Time  Funding  Partners: <ul style="list-style-type: none"> <li>• UC Wide taskforce</li> <li>• UC specific taskforce</li> <li>• W/in campus organizations: student organizations, schools of public health, health centers</li> <li>• Outside organizations: CYAN, Public health dept</li> </ul> Existing resources: <ul style="list-style-type: none"> <li>• Cessation services</li> <li>• Promotion of current smoke free policies</li> </ul> ACHA Guidelines	Creation of campus specific policy  Implementation of policy <ul style="list-style-type: none"> <li>• roll out</li> <li>• signage</li> <li>• enforcement</li> </ul> Complying with new policy (not using tobacco products on campus)	Taskforce members  Taskforce members  Faculty Student Staff Campus visitors	Policy created that addresses Yudoff's mandate and the ACHA guidelines for a comprehensive policy  Clear plan for implementation of policy <ul style="list-style-type: none"> <li>• appropriate timeline for roll out</li> <li>• adequate signage and promotion of new policy</li> <li>• considerations made for how to enforce</li> </ul> People will be aware of the new policy  Reduction in smoking rates on campus  Reduction in butt litter on campus	Assess written policy using ACHA guideline, Yudoff's mandate  Assess written policy, campus environment, and use interviews with taskforce members, per/post observational data of signage  Interviews  Pre/post observational data  Pre/post evaluation of butt litter on the ground	Reduction in smoking/tobacco use rates on campus  Increased rates of smoking/tobacco cessation in the campus community  Increased perception of acceptability of tobacco free policies

**Figure 2. Logic Model**

***ACHA Position Statement on Tobacco on College and University Campuses***

We assessed how well each campus adhered to recommendations of the ACHA using a 20-item scale (Appendix D). This scale covers 6 categories: (1) prohibition of cigarette/tobacco use (i.e., smoking is prohibited 20 feet away from entrances), (2) barring sales of tobacco/relationships with companies (e.g., the tobacco industry may not sponsor campus activities), (3) promotion of the policy, (4) programs and services available, (5) plans for implementing the policy, and (6) whether the campus has a tobacco task force. A total ACHA score was then calculated by dividing the number of ACHA guidelines a school implemented by 20, the number of guidelines.

**Interviews**

A total of 29 interviews were conducted with task force members from the UC by one or both of the evaluators (AF and MR). Interview duration was 30 to 60 min and included topics related to the role the key informant played in the task force, how task force decisions were made, how implementation of the policy was conducted, what aspects of policy creation implementation and/or maintenance went particularly well and what aspects were particularly challenging. Interviews were transcribed using a professional transcription service.

A codebook of themes was created by two of the evaluators (AF and MR) using a general inductive approach that was structured around the overarching evaluative question of how these policies were created implemented and maintained but also allowed for codes to emerge from the text. A subset of 5 transcripts were read and coded using this initial code book by both AF and MR, then codes were added, changed, or combined as themes emerged from the data. Once the final codebook was created, AF and MR analyzed a subset of 5 additional interviews separately to assess intercoder reliability, which was assessed using percent agreement between coders and found to be 0.8.

### Pre and post litter, use, and signage observations

The seven campuses that had not implemented their policy before October 2013 (UCB, UCD, UCI, UCM, UCR, UCSB, UCSC) when this evaluation began were included in a pre- and post-implementation assessment of cigarette litter on the ground, observations of individuals smoking or using tobacco, and observed signage regarding the policy. These observations took three days to complete. On the first day, cigarette litter on the ground was assessed by first selecting five known hot spots where individuals tended to congregate. Hot spots were chosen based on the recommendations of students, task force members, and other key informants familiar with the campus. Once these hot spots were chosen, a 100 foot radius around the spot was measured all cigarette litter found in this areas was collected. Data collectors then came back to these sites two days after and collected the litter that had accumulated during that time. Additionally observations of individuals smoking or using tobacco were also collected, and data collectors also took note of the number of signs in each hot spot as well as whether or not signs correctly described the policy.

Pre-implementation assessments took place between October and December 2013 and post-implementation assessments took place between January and June 2014. When possible, AF and MR went to the campuses to conduct the assessments themselves. When this was not feasible, a group of student volunteers was recruited and trained by either AF or MR on how to conduct these assessments (Appendix E).

### Surveys

As part of a larger TRDRP funded project to assess campus tobacco policy adoption and implementation, students from Berkeley and Merced participated in a survey to assess tobacco use, secondhand smoke exposure, and tobacco related attitudes and social norms (Table 1). UC Berkeley is one of the flagship campuses in the UC system while UC Merced is the newest campus in the UC system; these campuses represent a diversity of students and geographic areas. Each campus was visited at least once by researchers AF and MR. AF and MR along with student volunteers recruited students from high traffic areas to take the survey using the intercept

TABLE 1: SURVEY DEMOGRAPHIC CHARACTERISTICS, n (%)

Campus	Berkeley	95 (43.6)
	Merced	123 (56.4)
Gender	Male	76 (34.9)
	Female	141 (64.7)
	Transgender	1 (0.5)
Race	White/Non-Hispanic	51 (23.7)
	Black	11(5.1)
	Asian	68 (31.6)
	Hispanic	70 (32.6)
	Other	15 (7.0)
Year in school	Freshman	46 (21.1)
	Sophomore	39 (17.9)
	Junior	60 (27.5)
	Senior	64 (29.4)
	Grad student	8(3.7)
	Other	1 (0.5)

method. Students who agreed to participate filled out the 50 question survey which covered topics related to use of tobacco products, exposure to other people's tobacco use, knowledge regarding their campus's policy and perceptions of social acceptability of tobacco use. Students who agreed to take the survey were given the option of signing up to win a \$100 Amazon gift card in a raffle as an incentive. In total, 218 students from the two campuses participated in this survey (Appendix F).

## **FINDINGS**

### **Creation of Policy**

In accordance with President Yudof's mandate, each campus formed a committee to implement a smoke-free policy (which in the mandate was defined as including all tobacco products) including the creation of a campus-specific written policy. These committees then formed subcommittees to address specific aspects of the policy such as cessation, education, and enforcement. Along with these campus specific meetings, the system wide task force met for the first time in October of 2012. The meetings were led by Julie Chobdee, of UCR and were attended by 1 to 2 members of each campus' task force.

Because each campus was charged to write their own policy, we assessed how well these policies complied with Yudof's mandate. Overall the campus policies had high compliance with Yudof's specifications (Table 2). Initially, four of the campuses did not fully comply:

- UCI initially implemented a smoke-free policy, which did not include other tobacco products
- UCR had a written policy that complied, but during implementation the campus created a designated area for international students to smoke as they struggled with enforcing the tobacco use ban among these students. This was requested by the campus administration due to safety concerns.
- UCSC exempted employee owned housing located on campus from the campus's tobacco-free policy.
- UCSF's written policy, which was adopted after Yudof sent his letter to the campus chancellors, does not explicitly mention providing education, although in practice, UCSF has had a number of educational and promotional events for its tobacco-free policy. However, UCSF initially adopted a smoke-free campus policy in November of 2009, so this policy took a stronger stance.

### **UC Irvine's Incomplete Implementation of the Systemwide Policy**

While UC Irvine's current policy now reflects Yudof's tobacco-free mandate, the policy as originally issued did not: UC Irvine originally only implemented a policy that applied to conventional cigarette smoking, leaving use of e-cigarettes and smokeless tobacco unrestricted. Three factors may have contributed to this decision: (1) members of the task force believed that it would improve health to continue to allow use of e-cigarettes and smokeless tobacco on campus on the assumption that they were less dangerous than smoking (the harm reduction approach); (2) the task force felt they had the autonomy to tailor the recommended policy; (3) the chancellor was reported to support the use of electronic cigarettes.

<b>Specification</b>	<b>B</b>	<b>D</b>	<b>I</b>	<b>M</b>	<b>R</b>	<b>SB</b>	<b>SD</b>	<b>SC</b>	<b>LA</b>	<b>SF</b>
Smoke-free is defined as prohibiting smoking, smokeless tobacco products and unregulated nicotine delivery devices (e.g., e-cigarettes)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tobacco products are prohibited in all indoor and outdoor locations, including parking lots, private residential space, and the Medical Center campuses	Y	Y	Y	Y	N <sup>a</sup>	Y	Y	Y	Y	Y
The policy will apply to all UC property, whether leased or owned	Y	Y	Y	Y	Y	Y	Y	N <sup>b</sup>	Y	Y
Sale and advertising of tobacco products must be prohibited	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Enforcement should be primarily educational, with an emphasis on smoking cessation	Y	Y	Y	Y	Y	Y	Y	Y	Y	N <sup>c</sup>
Implement within 24 months of the mandate (January 2014)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<sup>a</sup> Policy states tobacco use prohibited in all areas, but there is a newly created designated area for international students <sup>b</sup> Employee owned housing not covered. <sup>c</sup> Enforcement is mainly discussed as the responsibility of supervisors										

The task force debated the health benefits surrounding including e-cigarettes and smokeless tobacco products in the policy. For example, one respondent described the work of a researcher at UC Irvine and his opposition to including all tobacco products, explaining “he’s been a tobacco, a funded tobacco researcher for many, many years. And he took a very reasoned position that it should be smoke-free [only apply to conventional cigarettes], not tobacco-free, that nicotine has many benefits, has medical benefits in certain conditions, and, that complete withdrawal can lead to anxiety, et cetera, which is not good for students.”

David Timberlake, an UC Irvine Assistant Professor of Public Health and Epidemiology and member of the UCI Task Force, explained in *UCI News*, “If you’re writing a policy with the goal of protecting bystanders from secondhand smoke, it’s tough to justify regulating some of these alternative tobacco products...the health impacts to users of so-called ‘harm reduction products’ such as snuff, snus and electronic cigarettes are not well understood.”<sup>11</sup> Another task force member explained, “There was a lot of discussion about e-cigarettes and how they are actually used to deter smoking, and the back and forth about whether or not they’re FDA regulated.” Another task force member told us, “Smoking can kill, but stopping smoking can also kill” and relayed a story regarding an individual who “stopped smoking and within two weeks committed suicide.” It is possible that the harm reduction orientation of this task force influenced the task forces decision to create a smoke-free policy.

In addition to the harm reduction orientation, the UC Irvine task force felt they had the autonomy to decide to exclude other tobacco products. For example; one member explained, “we got the letter from President Yudof -- the same letter that was sent to all the campuses -- and unfortunately when he sent that letter out, it was a little different than the way most, policies are enacted across the campuses. . . . Usually, if the president has something they want enforced

across all the campuses, they tell you what it is and expect you to, implement it. The letter that came out was not worded that way. The letter that came out was a guideline and a suggestion, 'This is what we'd like to have happen. You all figure out what your policies are and how you're going to implement them.' It was different than what you normally see. And on our campus the focus was on the health of the individual and bringing us in line with what the medical centers have already had in place for several years. And in that aspect, we chose to focus on smoke-free rather than tobacco-free as a whole."

In contrast to UC Irvine, representatives from other campuses' task forces read the mandate as clearly stating that campuses should go tobacco-free. According to one non-UC Irvine campus task force member, "It was very clear that the policy was a smoke/tobacco-free policy." They explained that the flexibility was "not anything related to what is prohibited" but rather "how they communicate the policy and what cessation services are offered."

Ultimately, the final decision to move forward with a policy limited to conventional cigarettes was made by UC Irvine chancellor Michael Drake. According to one task force member, "That's how we approached our task force, is we were making recommendations [to the chancellor], but ultimately the decision would probably -- would be coming from the chancellor. And while most. . . While it was most likely that he was going to enforce whatever we suggested, he would have the ability to, you know, veto or change what he needed to change."

Task force members felt that the chancellor was influenced by the support for the idea (not yet demonstrated scientifically) that electronic cigarettes were an effective as a cigarette cessation device as well as opposition from international students and members of the faculty. According to one UC Irvine task force member, "as I heard the Chancellor tell it fairly recently, one reason that we were smoke-free and not tobacco-free was so that if people chose to use e-cigarettes, they could. . . But I understand that the President [Napolitano] has just changed the policy so that everyone has to be tobacco-free. So that means that [e-cigarettes won't be an option for our students, faculty and staff, from now on." Another task force member explained UCI limited its policy to conventional cigarettes because, "We had several town halls as well and some faculty gave very reasoned arguments as to why it should not be tobacco-free. And so I assume the chancellor -- it's my understanding from his chief of staff that he made the decision from a public health standpoint." Another task force member supported the view that the chancellor's opinions were an important reason for limiting the policy: "it's coming from our chancellor's office, from local international student populations and from the objections that we got from some of the professors."

### ***Opposition to UCI's Policy from Beyond UCI***

UC Irvine's decision to move forward with a policy limited to conventional cigarettes was opposed by members of the UC systemwide task force and the statewide Tobacco Education and Research Oversight Committee (TEROC), which is legislatively charged with overseeing California's tobacco control activities. In October, 2013, two months before the policy implementation date, TEROC Chair (and UCLA Associate Professor of Medicine) Dr. Michael Ong wrote UC Irvine Chancellor Dr. Michael Drake opposing UCI's plan to exempt smokeless tobacco and e-cigarettes from the campus policy (Appendix G). The letter stated, "At the October 1, 2013 TEROC meeting, the Committee became aware that UC Irvine had proposed a

policy banning smoking of tobacco at UC Irvine locations, but permitted the use of smokeless tobacco products and unregulated nicotine products, including e-cigarettes. The proposal to allow the use of smokeless tobacco products and unregulated nicotine products directly contradicts the key elements specific by Mr. Yudof required to preserve a tobacco-free environment within the UC system...In order to establish an effective tobacco-free environment, TEROC urges UC Irvine to continue its leadership in healthcare by reconsidering the campus' policy as proposed, and include in its policy language additional prohibitions on the use of smokeless tobacco products and unregulated nicotine products."

On November 15 2013, Chancellor Drake replied to Dr. Ong (Appendix H), copying President Janet Napolitano (who had replaced Yudof on September 30, 2013) stating, "Thank you for sharing your views on the importance of tobacco education and the implementation of a tobacco-free environment. As an individual and as a physician, I support the principle of a tobacco-free environment. As I am sure you understand, implementing a campus-wide policy is a complex endeavor that requires the support and cooperation of all members of our community-students, faculty and staff. I will gladly add your comments and recommendations regarding smokeless tobacco and unregulated nicotine products to those from our campus colleagues as we move forward with the implementation of this new policy." Despite this response, UC Irvine continued to pursue a policy limited to conventional cigarettes, and on January 1, 2014, the limited policy was implemented across the UCI campus.

This decision to limit the policy to conventional cigarettes attracted immediate media attention. (Appendix I reproduces all the news coverage.) For example Los Angeles CBS news ran a story the same day that the policy officially started, January 1, 2014, about the decision reporting that, "UC Irvine's decision to allow electronic cigarettes and chewing tobacco sets it apart from the other eight campuses."

### ***President Napolitano Responds***

In response to this media attention about UCI's decision, on January 9, 2014 President Napolitano sent a clarifying letter (Appendix J) to chancellors, medical center chief executive officers, vice presidents and agriculture and natural resources in which she enclosed the University Smoke and Tobacco Free Environment Policy. This systemwide policy established minimum requirements and practices for all campuses, including the fact that "smoke-free" must include all tobacco products including e-cigarettes and each campus had to implement a policy that reflected this fact.

The following week UC Irvine changed their policy to align with that of the rest of the UC campuses, with their official policy website stating that the policy was retroactively effective as of January 2. A task force member described, "So, of course in December, when we all left, [for vacation] we had one policy in place, and we came back and this week [in January 2014] I understand that we are now going tobacco-free to be in line with all the other campuses."

### **UCR's Creation of a Smoking Area**

The decision to create a smoking area was made at the request of Dean Sharon Duffy, University Extension, to cover an area frequented by international students. The Executive Vice

Chancellor and Provost Dallas Rabenstein allowed for the exemption stating that it fell under the educational section to the UCR tobacco free policy. In a memo dated February 6, 2014, he addressed this request, stating, “Your request necessitated careful consideration because it reflects an underlying tradeoff between two health and safety concerns at the University: 1) the health concerns supporting UCR’s tobacco-free policy, including reducing exposure to second-hand smoke; and 2) the very real concerns about the safety of international students...who can become vulnerable as victims of assaults and robberies in a location known to be less safe than the interior of the main campus...I approve your request in light of the greater risk of crime.”

### **UCSF’s policy statement on tobacco sale and enforcement**

UCSF’s tobacco free work place policy went into effect Sept 3<sup>rd</sup> 2013, before the January 2014 date mandated by Yudof but after he sent his letter to the campus chancellors. This policy does not explicitly prohibit sales and advertising of tobacco products, though in practice tobacco products are not sold or advertises on campus premises. Additionally, this policy does not explicitly mention providing education, although in practice, UCSF has had a number of educational and promotional events for its tobacco-free policy. However, UCSF initially adopted a smoke-free campus policy in November of 2009. This second policy iteration took a stronger stance on enforcement.

### **UCSC’s policy statement on property owned by faculty members located on UC owned land**

According to the UCSC policy, “This [policy] applies to all housing and residential facilities including Provost/College houses with the exception of employee owned housing.” Since 1985 UCSC has had a program in which faculty can purchase homes on university property. The taskforce made this exemption after it was decided that it would be inappropriate to include residences that were owned by individuals even if these residences were technically located on university property.

### **Assessment of UC Campus policies using American College Health Association guideline on tobacco use on college and university campuses**

The campus policies were also assessed to see how well they met the ACHA Guidelines, “Position Statement on Tobacco on College and University Campuses”,<sup>12</sup> The UCs all fully addressed the topics of tobacco use, promotion of policy, cessation services, implementation, and creation of a task force (Table 3). The campuses did not, however, fully address topics related to campus relationships with tobacco companies. None of the campuses, specifically banned sponsorship of athletic events, recruitment of students by tobacco companies, or direct or indirect funding from tobacco companies.

The UC Board of Regents Resolution RE-89 prohibits individual campuses from enacting policies to decline tobacco company funding. (More information on RE-89 is available below in the section: Tobacco Money to Support Research.)



<b>Table 3: Policy Adherence to ACHA Guidelines</b>										
	<b>B</b>	<b>D</b>	<b>I</b>	<b>M</b>	<b>R</b>	<b>SB</b>	<b>SD</b>	<b>SC</b>	<b>LA</b>	<b>SF</b>
Scoring related to campus relationship with tobacco companies (Part 1 of the ACHA guideline):										
1.9 Banned sponsorship of campus activities by tobacco or tobacco-promoting companies	N	N	N	N	N	N	N	N	N	N
1.10 Banned sales of tobacco products on campus	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
1.11 Banned advertising, promotions, and/or marketing on campus property	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
1.12 Banned distribution or sampling of tobacco and associated products on all university owned or leased property and at university sponsored events, regardless of venue.	N	Y	N	N	N	Y	N	Y	N	N
1.13 Banned tobacco industry sponsorship of athletic events and athletes	N	N	N	N	N	N	N	N	N	N
1.14 Banned recruitment by tobacco companies on campus for employment purposes.	N	N	N	N	N	N	N	N	N	N
1.15 Banned direct or indirect funding from tobacco companies	N	N	N	N	N	N	N	N	N	N
(20-x)=ACHA score	-5	-4	-5	-5	-5	-4	-5	-4	-5	-7
<b>ACHA SCORE</b>	<b>15</b>	<b>16</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>16</b>	<b>15</b>	<b>16</b>	<b>15</b>	<b>13</b>

## **Policy Implementation**

Campuses had a 24 month window to set up their task forces, decide on the language for their policy, and prepare for roll out of their policies. The interviews revealed three important considerations regarding this roll out: appropriate education and communication regarding the policy, appropriate signage regarding the policy, and appropriate enforcement strategies regarding the policy.

### ***Communication and Education***

The majority of campuses communicated the policies in multiple ways, including media articles, town hall forums, and emails to the campus community. According to one Systemwide task force member, “We worked closely with the UCLA media from the beginning, and they helped craft stories that went in to the [student newspaper] *Daily Bruin*...about the policy, the rationale for the policy...so our first little bump in the road was the Daily Bruin editorial team taking a negative stance about the policy. It’s sort of a basic Libertarian, anti-state kind of commentary...so then, we...worked with him, and developed a response, and we published a response to that.” In addition, campuses worked with state and national media. According to one UCLA campus task force key informant, “We sent out a press release [that described UCLA’s tobacco-free policy] and I got many, many calls. I was on television, I was on NPR radio, I had many interviews about the excitement that this was going to happen.” In addition, each campus created a web page that included information about the policy, the policy itself, and links to where one could get cessation services.

## *Signage*

### *Signage assessment*

The researchers conducted surveys at two campuses that included questions about whether or not students had seen a sign promoting the policy. 76.6% of students reported seeing a sign promoting the policy (Table 4). There is concern however, because only 20% of students polled accurately identified their campuses policy as being 100% *tobacco* free: 41.7% thought the policy was 100% smoke free and 25% selected that they either did not know or selected more than one response (Table 4).

### *Task force consideration of signage*

Task force members described deliberating over what types of signs to create to promote and describe the policy. One respondent described the process, explaining, “We spent a lot of time thinking about, how can we do it in sort of a, you know, whatever -- campus environment sort of friendly way, where you're not sort of being bombarded by messages all the time? ... I think that's gone a long way to making it still a welcoming and friendly environment for everybody, regardless of what they're doing, because of the signs.”

### *Relationship with Campus Architects*

A number of factors are contributing to campus’ difficulties in installing appropriate and permanent signage. The process at UCLA highlights the level of collaboration with others inside and outside the UC system that is required to create adequate signage. Task force members had to consult with and get approval from campus architects for signage, a fact that many task force members did not know before the process of creating and implementing their policies started. At UCLA task force members consulted extensively not only with the UCLA architect, but with college campus architects throughout the United States. This discussion between task members and architects ended with UCLA’s “tobacco free” and “breathe well” signs (Figure 3). This is an example of a positive relationship between task force members and campus architects. However, other campuses have less positive relationships with their campus architects. UCB, for example, noted that “the Campus Architect nixed our plans for having lots of permanent signs saying that they like to control the signage and they limited us to half a dozen or fewer permanent signs.” Beyond these few permanent signs, the rest are temporary, “big banners on



**Figure 3. UCLA’s new “Tobacco Free” signs developed to support the UC systemwide tobacco free policy.**

these sign posts that surround the campus, but whenever there's like a football game or a different event they have to be taken down and put back up and it's just expensive.”

### *Creative Signage*

Some campuses have been experimenting with assessing new locations where students are smoking, and, as one task force member told us, “in most cases if we know that somebody's been smoking at a certain location, we put up a new sign out there. And that-that has been really effective because it makes people aware that we're aware.” This quick, real-time reaction to emergent smoking locales is one of the few benefits of having light, temporary signs.

### *Keeping up old signs*

Task force members noted problems with removing old signs. “All these inconsistent messaging things. Probably nobody pays any attention to except people like me, goes around from building to building sort of marking how many inconsistent decals and signs there are. Everybody else, they're just kind of invisible because they've been there so long.”

Following policy implementation, of the seven campuses that were visited for assessment, three still had signs up that did not reflect the full scope of the new policy. Example wording from these signs include “no smoking within 20 feet of main entrances, exits and operable windows.” These signs were often placards affixed to exterior walls or stickers on doors (Figure 4). While it is understandable that these types of signs would be difficult to remove, the presence of contradictory information about current tobacco policies may lessen the impact and efficacy of these policies.

### **Enforcement**

Key informants described two approaches to enforcement: (1) a social norms approach (e.g., changing the social norms around smoking on campus through education); (2) punitive consequences (e.g., citations). Yudof's mandate specified that campuses primarily focus on education and then move on to more formal forms of enforcement if deemed necessary by the specific campuses. Members of the systemwide task force questioned when and how they could start implementing AB795 (a 2011 state law stating requiring that the public two and four year colleges in California have the authority to set enforcement standards on their local tobacco policies including imposing a fine of up to \$100 for individuals who go against the policy. A clarifying memo from the UC Office of General Counsel provided to the Systemwide task force on November 18, 2013, explained that “This means that the campuses cannot begin issuing citations and imposing fines without first designing and implementing an educational enforcement program that emphasizes cessation resources.”

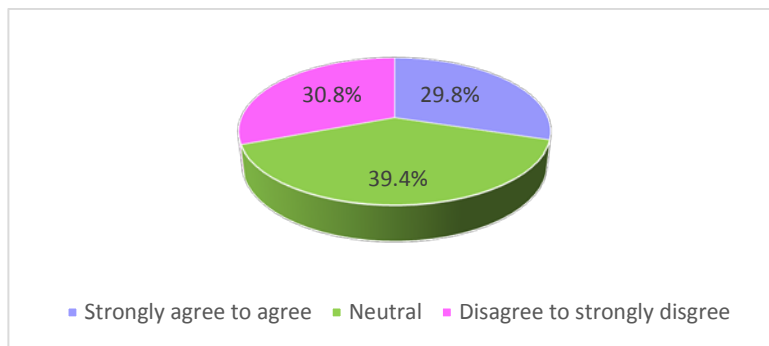


**Figure 4. Many campuses still have signs posted describing old policies that only cover cigarettes.**

As specified by Yudoff’s mandate, all the UC campuses initially implemented a social norms approach. Campuses using this approach typically encourage members of the campus community to approach individuals smoking and inform them of the tobacco-free policy. The language in the UC Riverside written policy was typical: “Members of the campus community are encouraged to respectfully inform others about the [tobacco-free] policy.” To facilitate this type of enforcement, the UCOP disseminated videos illustrating how to talk to a smoker. The social norms approach was described by one key informant as, “It’s just kind of a community value. The longer the policy is in effect and the more people begin to realize that it’s just like, you can’t go into a bar and smoke or a restaurant and smoke, you can’t come onto the campus and smoke.”

Campuses using the social norms approach have run into issues with policy compliance. Key informants described enforcement and compliance as major issues with policy implementation. According to one key informant, “To be honest there’s very poor enforcement.” Another key informant echoed this sentiment, “We do know that there’s still pockets where smoking is still continuing.” In addition, some campus community members report feeling uncomfortable approaching an individual smoking on campus. For example, one key informant explained, “I’m trying to [begin approaching individuals smoking on campus]--Most of the time I do wimp out.” Another task force member stated that they had a “hard time approaching somebody about smoking because I’m not in their shoes. They may be going through something terrible across the street from the hospital, and I don’t want to be the one that triggers it, you know, by telling them not to smoke.

Data collected as part of this evaluation shows that 29.8% of students strongly agree or agree with the statement that they would feel comfortable encouraging someone to not smoke on campus, 39.4% were neutral, and 30.4% disagreed or strongly disagreed with this statement (Figure 5). 10.6% of students said that they had already encouraged someone to put out their cigarette.



**Figure 5: Response to prompt "I would feel comfortable persuading a person to not smoke on campus."**

To improve confidence and skill in approaching an individual smoking on campus, UCR developed and disseminated “AIR” (Approach, Inform, and Refer) to campus community members, a training which included tips for talking with on campus smokers and tobacco users. The training included scripts and videos demonstrating various scenarios, including a student employee or faculty member talking to another campus community member who is smoking on campus, a student employee or faculty member explaining the policy to vendors coming to campus, and a supervisor explaining the policy to an employee. A key informant described the AIR approach, “So you approach someone if you feel comfortable, if you feel safe, and then you inform them of-of the school's policy, and then you refer them to resources, for cessation

resources or even information about the policy that they can -- they can follow up with, and again, it's obviously on a volunteer kind of basis or but, if you wanted to-to speak to someone about smoking on campus you could use -- that's kind of the approach that they're advocating.”

Campus task forces also considered creative strategies to raise awareness about the policy. For example, at UCSF, visitors who park in the campus parking garages find a notice on the back of the parking stamp that reads: UCSF is a smoke-free campus (Figure 6). Other campuses promoted the policy by developing cards that included information on the policy as well as smoking cessation resources. A key informant from UCSC described this as, “just like a business card basically... hey, our campus is smoke-free as of September 1<sup>st</sup>. Here are cessation resources on campus and in the community’.” These are examples of low cost, creative methods to promote the policy.

UCLA actively monitored where people were smoking and focused enforcement and signage at these locations. According to a task force member, “We've tracked this with little sort of hotspot maps all over campus, and we meet regularly. Some of the student volunteers have gone around and documented where the butts were appearing and where clusters of people are smoking still, in spite of a new policy. And so, over time, we'll have security or various people rove around to sort of shine the light on the smokers, put up signs there, clean up their butts, um, and, you know, eventually that group either stops or moves somewhere else.”



**Figure 6. The back of parking receipt at UCSF is used to inform visitors of the UCSF tobacco free policy.**

Several campuses also moved forward with exploring more direct enforcement. After a period than emphasized education, UC San Francisco adopted their Tobacco-free At Work policy, enforcement became the responsibility of individual supervisors, who addressed smoking issues through the standard administrative structure for handling policy violations. In addition, for the first 12 weeks a security officer was assigned to issue verbal warnings for individuals that violated the policy. Incoming students and patients were also informed of the policy through existing orientation materials. At the time of data collection for this evaluation in 2014, UC Davis Medical Center enforces the policy among employees with letters of warning. UC Santa Cruz had authority to issue fines for violating the tobacco-free policy. According to a member of the UC Santa Cruz task force, “I think our hardest or most difficult decision to make was deciding on whether we were going to make it an actual fine to be -- if a police officer found you smoking, would they issue a fine for the smoking? We wanted the policy to have some more teeth to it so people didn't think we were just saying it to say it. So that was something we really pushed forward. It just took a lot of leg work to get that going. It took almost a full year to be -- to get that approved, and to go through all the paperwork. So it is, indeed, an actual university fine.”

Long established best practices for implementing workplace and public place smokefree policies treats education and active enforcement as complementary strategies.<sup>13</sup> Because many violations when new policies are put in place are due to lack of awareness of the policies, purely

educational approaches are widely used during a phase-in period, typically 3 to 6 months. After that, it is important that, after appropriate warnings, there be active enforcement. Enforcement is best done through routine personnel actions, not the police. Typically it only takes a few serious enforcement actions, which are generally resolved without completing a formal process when violators start obeying the policy. These actions are important, however, to make it clear that the institution is serious about enforcing the policy.

Participants in this study viewed them as alternative, mutually exclusive routes for college tobacco policies. Participants described frustration with enforcement due to perceived weaknesses of the approach they selected. Campuses that were using an educational-only approach predominately asked campus community members to approach individuals smoking on campus and remind them about the policy and available cessation smokers. Key informants on campuses using an educational approach alone reported a reluctance of campus community members to approach individuals smoking. Individuals who were engaged in approaching smokers expressed feelings of frustration due to lack of community buy-in with the approach. Ultimately, key informants felt the education only approach lacked efficacy. Alternatively, some campuses used active enforcement, though predominately they reported the use of campus police issuing citations. Key informants reported that drawbacks included concerns about excessive punishment and lack of support from police. As noted above, best practices use the personnel system and standard sanctions for violating other (University) policies for enforcement, not the police.

Instead of viewing education and active enforcement as separate strategies, campuses should use both education and active enforcement, using the same channels of enforcement as other campus policies. This would bring campus tobacco-free policy implementation in line with best practices for implementing smoke-free workplace policies.

### **Tobacco Money to Support Research (RE-89)**

In September 2007, after a lengthy debate that involved the faculty, administration, and Regents, the Board of Regents passed Regental Resolution 89 (RE-89) that required the adoption of “special review, approval, and reporting procedures for proposals to obtain research funding through the tobacco industry.” (Appendix K) That required the chancellors’ personal approval to submit research grants to the tobacco industry. RE-89 also required annual reports to the Regents on the tobacco industry funded research on all the campuses. As part of this resolution, there was also a specification that “after 5 years [i.e., in 2012], the President will consult with The Regents to evaluate whether the reporting requirements should be continued.”

Between 2007 and 2012 only two campuses within the UC system had funding from a tobacco company; UCLA and UCI having funding from Phillip Morris. UCLA’s project began in 2006 and did not require special review because the grant was awarded before RE-89, though in 2010 the researchers requested an extension for the project and it went under special review during that time. The UCLA project ended in December 2013. UCIs tobacco funded research project also began for the resolution, in 2005, and was continuing as of 2014 under a no cost extension. Thus for the first 5 years of RE-89 there were no new tobacco industry-funded research projects on any UC campus and, as of the writing of this report only one remains.

As of July 2014, the Regents and the President revisited the policy and decided to end the requirement of the annual report to the Regents. However, the remainder of the policy is still in effect, which requires the Chancellors from each institution to conduct a special review for tobacco funded research.

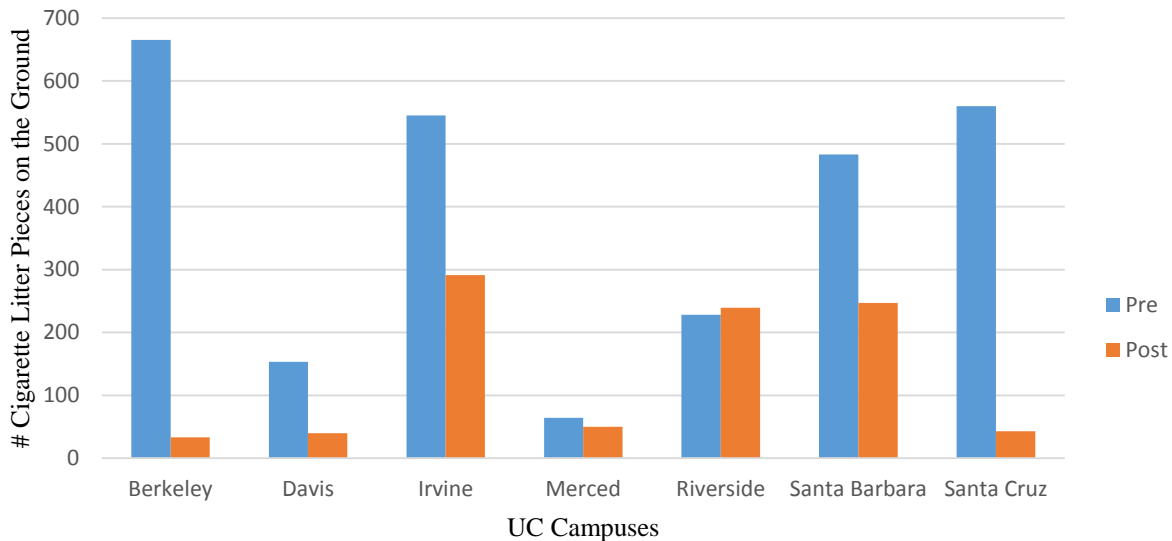
According to the American College Health Guidelines, a comprehensive tobacco control policy would prohibit research funding by tobacco companies. At a minimum UCOP should continue implementing RE-89’s reporting requirements (and post the reports on the UCOP website as well as filing them with the Regents) and maintain the extra review processes for tobacco industry grants.

The Regents should consider aligning the UC campus wide policies with the ACHA Guidelines and implement a policy to decline funding from tobacco companies. Currently there is only one campus in the UC system with any funding from the tobacco company. As the UCOP has made a commitment to a tobacco-free UC, now would be the ideal time to enact this policy.

**Outcomes**

*Cigarette butt litter on campus*

While the full effect of this policy cannot yet be ascertained, early pre and post-litter data collection results are promising. There was a substantial decrease in litter on the ground in the majority of campuses that translates into close to a 3 fold reduction of cigarette butt litter on the ground (Figure 6).



\*UCLA UCSF and UCSD excluded because they as went tobacco-free before this evaluation began

**Figure 6. Pre- and Post-Policy cigarette butt litter assessment for each UC campus.**



The only campus that saw a slight increase in butt litter was UCR. The UCR cigarette butt collection was part of a larger cigarette butt cleanup ran by the Office of Sustainability at UC Riverside conducted in Spring 2013. Overall, UCR saw a reduction of 60% between the pre implementation and post implementation butt pick up events<sup>14</sup> but the hot spot areas we selected for our evaluation protocol showed a small increase.

One limitation to this assessment method is the potential for the hot spots to shift. The hot spots selected were meant to include areas with high traffic. It is possible that after the policy, individuals began smoking in more hidden locations. Qualitative interviews suggest that at least a few individuals have moved from these visible spots to smoking in secret. A key informant stated, “I’ve spotted the same groups of students like either under the bridges along the creek or behind buildings.” The results from this litter analysis show that overall there was a decrease in litter produced in the hot spots we selected. These hot spots tended to be visible spaces where people used tobacco pre-implementation as they were selected by campus community members as being known areas where people smoked.

### ***Exposure to secondhand smoke and smokers and intentions to smoke on campus***

Even with the policy in effect, 55% of students surveyed had seen a person smoking on campus in the past 7 days (collected four months after the policy went effect). Additionally, 38% reported being exposed to secondhand smoke on campus in the past 7 days (Table 5).

This level of exposure is less than what studies report for campuses that do not have tobacco-free policies (where rates of past 7 day reported exposure to secondhand smoke on campuses in California, collected between September 2013 and April 2014 ranged from 51% to 81%).<sup>15</sup> Thus, while UC’s tobacco-free policies have been effective in reducing exposure to secondhand smoke, more work is needed to further improve compliance and better protect students, faculty, staff, and visitors from exposure to secondhand smoke.

To assess intention to comply with the policy, students were asked if they intended to smoke a cigarette, even a puff, on campus in the next 6 months. While 10% reported they had smoked in the last 30 days, only 3% reported that they intended to smoke on campus (Table 5), suggesting that intentions to comply with the tobacco-free policy were high among smokers.

### **Strengths of current policy**

UC campuses benefited from having an adequate lead time to create and implement this policy. The creation of systemwide and campus-specific task forces allowed for adequate infrastructure to handle the various components of creating implementing and maintaining a policy such as creation of written policy, decisions regarding signage and promotion, education and cessation, and enforcement. One important aspect of this UC systemwide policy is that it began as a top down mandate coming from the President. It is doubtful that all of the campuses would have gone tobacco-free in the near future without this mandate. Based on cigarette butt litter counts, it is promising that smoking has been reduced on campus. Additionally, the campuses benefited from strong leadership of Julie Chobdee who chaired the systemwide task force.



<b>Table 5. Exposure to smokers and 2<sup>nd</sup> hand smoke and intentions to smoke</b>	
<b>Demographic Variables</b>	N (%)
Ethnicity	
White	24% (51)
Black	5% (11)
Asian	32% (68)
Hispanic	33% (70)
Other	7% (15)
Female Gender	65% (141)
<b>Tobacco use</b>	
Past 30 day smoking	10% (21) CI [5.7, 14.3]
<b>Exposure to secondhand smoke and smokers</b>	
I have seen someone smoking on campus <sup>1</sup>	55% (119) CI [47.9, 61.7]
Exposed to Second Hand Smoke <sup>2</sup>	38% (83) CI [31.5, 44.9]
<b>Intentions to smoke</b>	
Intend to smoke a cigarette (even a puff) in the next 6 months on campus <sup>3</sup>	
Very/somewhat likely	3% (6) CI [0.4, 5.2]
Very/somewhat unlikely	97% (212) CI [94.8, 99.6]
<b>Perceptions of tobacco policies</b>	
Regulation of smoking on outdoor places is a good thing <sup>4</sup>	
Strongly/agree	77% (167) CI [71.5, 83.1]
Neutral/disagree/strongly disagree	23% (49) CI [16.9, 28.5]
<sup>1</sup> <i>Exposure to secondhand smoke.</i> Student secondhand smoke exposure was assessed with the question, “In the past 7 days, I have been exposed to <u>other people’s</u> tobacco smoke on campus. (yes/no)” <sup>2</sup> <i>Exposure to individuals smoking.</i> Student exposure to individuals smoking on campus was assessed with the question, “In the past 7 days, I have seen someone smoking on campus. (yes/no)” <sup>3</sup> <i>Intention to smoke on campus.</i> Students’ intention to smoke on campus was assessed with the statement, “I intend to smoke a cigarette (even a puff) in the next 6 months <u>on campus.</u> (very likely, somewhat likely, somewhat unlikely, very unlikely).” Students responding “very likely” or “somewhat likely” were classified as intending to smoke on campus. <sup>4</sup> <i>Support for outdoor smoking restrictions.</i> Student support was assessed using the question, “Regulation of smoking in outdoor places is a good thing. (strongly agree, agree, neutral, disagree, strongly disagree)” Responses of “strongly agree” or “agree” were combined to indicate support of policy. 95% Confidence Interval (CI) calculated for percentages using the formula: $p \pm Z_{.95} \sqrt{P(1 - P)/N} \pm .5/N$	

## **SUGGESTED STRATEGIES FOR MOVING FORWARD**

As of January 2014 the UC system became tobacco-free. In order to maintain this policy we suggest:

- Moving forward, the UC systemwide tobacco-free task force should:
  - Continue to conduct systemwide task force meetings, as suggested by the American College Health Association, to continue monitoring policy implementation
  - Regularly educate members of the campus task forces regarding the importance of smoke and tobacco free policies and reaffirm the goals of these policies
- The campus tobacco-free task forces should:
  - Continue to work on an enforcement plan for each campus, with a goal of putting an enforcement plan in place within five years
  - Maintain adequate and appropriate signage and refresh this signage at regular intervals
  - Continue to promote the policy as well as cessation aids, and refresh these promotional materials at regular intervals
  - Evaluate policy outcomes at six month intervals using tools such as measuring cigarette litter on the ground, assessing signage, assessing campus smoking and tobacco use prevalence rates and rates of use of cessation services.
- Continue implementing the reporting and review requirements of RE-89, including posting reports on the UCOP website, and consider bring UC into compliance with the ACHA guideline by adopting a policy of not accepting tobacco industry money for research.

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## **APPENDICES**

Appendix A: Smoke-free Policy Proposal (“the white paper”)

Appendix B: President Yudof’s Letter

Appendix C: Campus Policies

Appendix D: Coding Guidelines: ACHA guidelines and Yudof Mandate

Appendix E: Observational Assessment Tools

Appendix F: Survey Instrument

Appendix G: Dr. Michael Ong, Chair of Tobacco Education and Research Oversight

Committee, letter to the UC Irvine Chancellor Michael Drake

Appendix H: UC Irvine Chancellor Michael Drake’s letter in response to Dr. Michael Ong,

Chair of Tobacco Education and Research Oversight Committee

Appendix I: News Coverage

Appendix J: President Janet Napolitano’s letter

## **Appendix A: Smoke-free Policy Proposal (“the white paper”)**

# Smoke-free Policy Proposal

Submitted by

**The Smoking Policy Subcommittee  
of the Occupational Wellness Forum**

10/25/11

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*"A smoke-free policy would mean no more cigarette butts on the floor, and no more people smoking in walkways. It's an environment where we can all breathe easier--literally. And it would feel good just knowing that everyone is making an effort to have a healthy campus."*

*--UC Student*

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This paper summarizes the rationale for considering a change to a smoke-free policy for all UC locations, a proposed timeline, implementation plan and proposed policy language.

### **Why should the UC consider changing to a smoke-free policy?**

- Illnesses related to tobacco use are the leading cause of preventable mortality in the US and exposure to secondhand smoke contributes to preventable mortality.
- There is no safe level of smoking.
- Smoke and cigarette butts have a negative impact on the environment.
- The University of CA is a national leader in healthcare and environmental practices. We have an opportunity to show that leadership in this area.
- A smaller proportion of UC students and Californians, in general, smoke compared to the national average and there is a national trend for smokers to smoke fewer cigarettes per day making this an easier time to implement this policy.
- As of 11/11 all the UC Medical Centers will be smoke-free. All of the undergraduate campuses have a 20-25 foot policy.
- 63% of CA public colleges and universities have smoking policies significantly stronger than that required by CA law. Nationally, 586 campuses are smoke-free.
- Research shows that smoke-free policies reduce second hand smoke, the prevalence of smoking and heart disease morbidity. Smoke-free policy implementation does not decrease business activity in the restaurant industry, so we might expect a similar result.
- The economic burden of cigarette use is \$193 billion annually in health care costs and lost productivity. This has large implications for costs and productivity at the UC.
- On average, smokers miss almost twice as many work days/year compared to non-smokers and businesses pay an average of \$2,189 in workers' compensation costs for smokers compared to \$176 for non-smokers.

### **What is the proposed timeline and implementation plan?**

- Proposed timeline is 18-24 months from the time of notification to the campuses
- Propose a broad and diverse committee at each UC location with the chair of each location committee to form a systemwide task force to share resources and experience. We recognize that each location will have some unique needs but there will be a lot in common.
- Enforcement will be primarily educational with an emphasis on cessation resources. AB795 was just passed giving the UC the option of issuing citations to violators of the smoking policy. While that might be useful, we still recommend an educational approach.
- There will be some new costs in temporary staffing, signage, removal of ashtrays, educational campaigns, PR, cessation assistance and enforcement.

### **What is the essence of the proposed policy language?**

- Smoke-free means: Smoking, use of smokeless tobacco products and the use of unregulated nicotine products are strictly prohibited in indoor and outdoor spaces, including parking lots, private residential space and the Medical Center campuses.
- Applies to all UC facilities owned or leased.
- Sale and advertising of tobacco products are prohibited in University owned and occupied buildings



## SECTION 1: Rationale for Considering a Change to the Smoking Policy

### A. Introduction

This committee was formed at the request of Dr. John Stobo and Grace Crickette following discussion at the August 2011 system-wide occupational wellness forum. The forum's goal was to gather together Occupational health, Recreation Sports, and Faculty/Staff Wellness Coordinators to develop a system wide Occupational Wellness Program to reduce work-related injuries and costs. We suggested that the new occupational wellness program include a smoking cessation component. That led to a discussion about smoking policies within the UC. Currently, the five UC Medical Centers have recently implemented smoke-free policies and the remaining UC locations all have smoking policies that prohibit smoking inside buildings and within 20-25 feet of buildings. Dr. Stobo joined a subsequent call of the occupational wellness committee on September 16 and he and Grace Crickette charged a subcommittee of the group to develop a White Paper to include:

1. Rationale for changing to a smoke-free policy system wide
2. Proposed timeline and implementation plan
3. Proposed language for a new smoking policy

### B. Background and scientific rationale for change

#### Smoking and exposure to secondhand smoke are harmful

- 443,000 people die from tobacco-related illnesses every year, making it the leading cause of preventable mortality in the United States (CDC, 2008)
- Scientific studies have concluded that cigarette smoking can cause chronic lung disease, coronary heart disease and stroke, in addition to cancer of the lungs, larynx, esophagus, mouth, and bladder. Smokeless tobacco products and cigars are known to cause lung, larynx, esophageal, and oral cancer (CDC 2010)
- Exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 50,000 non-smokers each year (Glantz & Parmley, 1991)
- The Surgeon General of the United States has concluded that there is no risk-free level of exposure to secondhand tobacco smoke, ventilation cannot eliminate exposure of nonsmokers to secondhand smoke, and establishing smoke-free environments is the only proven way to prevent exposure. (USDHHS, 2006)
- Any exposure to tobacco smoke – even an occasional cigarette or exposure to secondhand smoke – is harmful (USDHHS, 2010)
- The United States Environmental Protection Agency (EPA) has found secondhand tobacco smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen (USEPA, 1992)
- The California Air Resources Board has categorized secondhand smoke as a toxic air contaminant, the same category as diesel exhaust (CEPA, 2006)

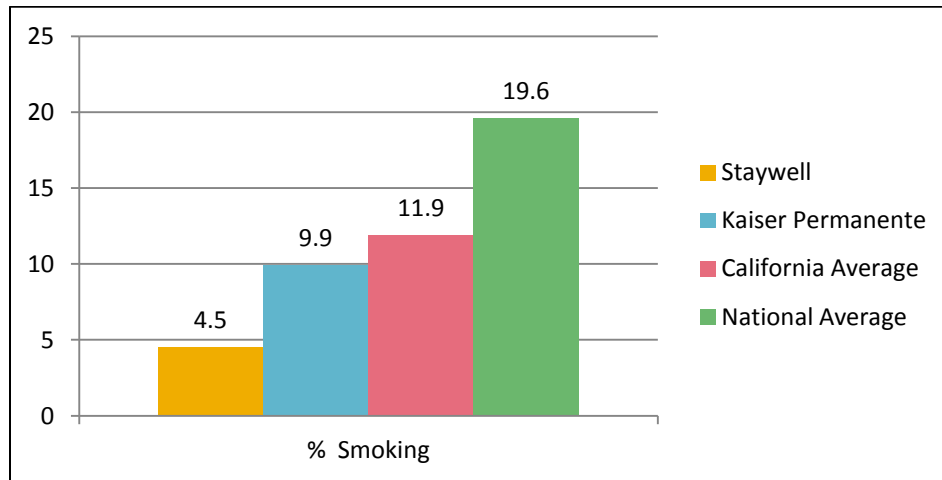
- Smoking on campuses not only affects the individual's health but also exposes others to secondhand smoke. Exposure to secondhand smoke causes lung cancer, heart disease, and respiratory illnesses. (*MMWR, 2011*). Approximately 3,000 lung cancer deaths occur each year among adult nonsmokers in the United States as a result of exposure to secondhand smoke.
- The Society of Actuaries calculates that secondhand smoke costs the U.S. economy about \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost wages. This estimate does not include youth exposure to secondhand smoke.

### Smoke-free policies change behavior

- Comprehensive tobacco use policies (e.g., 100% smoke-free) have been found to change tobacco use behavior in workplaces. A study published in the *British Medical Journal* concluded that tobacco users who worked in a completely smoke-free environment were more likely to quit than their counterparts working in areas where smoking was permitted. (Fichtenberg & Glantz, 2002)
- Smoke-free campus policies are proven to decrease current smoking prevalence in students, decrease the amount of cigarettes used by those who continue to smoke, positively influence students' perceptions of peer smoking, change social norms around tobacco use, and increase favorable attitudes towards regulation of tobacco. These findings are consistent with a study that found that college students who lived in smoke-free residences were more likely to be nonsmokers. (Seo, Macy et al., 2011)
- Individuals working in smoke-free environments are more likely to decrease the number of cigarettes they smoked throughout the day. (Fichtenberg & Glantz, 2002)
- Young adults are at risk for becoming established smokers (at least 20 cigarettes in the last 30 days). Recent data suggest that regular or daily smoking may develop between ages 20 and 21 even if an individual first tries smoking before the age of 18 (Green et al., 2007).
- The college years have been identified as a time of increased risk for smoking initiation and transition to regular tobacco use. The time between first initiation and the age of 25 is viewed by the tobacco industry as an important transitional period when young adults experiment with tobacco and evolve into a daily smoker (Ling & Glantz, 2002).
- Strong tobacco use policies promote student success.
- As students graduate, they are transitioning into tobacco-free work environments. In California, the majority of hospital and K-12 campuses are 100% smoke-free or tobacco-free. Nationally, worksites, college campuses, health care centers, and outdoor recreational facilities are adopting comprehensive tobacco use policies.

### **C. Prevalence of smoking nationally and among UC employees and students: What we know**

- The National Health Interview Survey (NHIS) for 2004--2010 which describes current cigarette smoking prevalence among currently working U.S. adults by industry and occupation. That analysis found that overall, age-adjusted cigarette smoking prevalence among working adults was 19.6% and was highest among those with less than a high school education (28.4%), those with no health insurance (28.6%), those living below the federal poverty level (27.7%), and those aged 18--24 years (23.8%) (MMWR, 2011).
- The prevalence of smoking (especially “high intensity smoking” >20 cigarettes per day) has decreased nationally, especially in California. In 1965 23.2% of Californians smoked more than 20 cigarettes a day compared to 22.9% among the rest of the country. By 2007 that number decreased to 2.6% of Californians compared to 7.2% in the rest of the country (Pierce et al., 2011).
- California’s adult smoking rate continues to decline. In 2010, 11.9% of adults reported smoking, down from 13.1% in 2009 (CDPH, 2011).
- On average, smokers are smoking fewer cigarettes per day, but tobacco interventionists call for us to work toward 0 cigarettes per day (Tong, Ong et al, 2006) because there is no safe level of smoking.
- Figure 1 shows the prevalence of smoking among UC employees (9.9%) (Data from Staywell and Kaiser Permanente, personal correspondence with first author) compared to state (11.9%) and national (19.6%) averages. This demonstrates that UC employees smoke, on average, less than the rest of the state and far less than the national average so moving to a smoke-free policy will require change from a smaller proportion of employees.
- Figure 2 shows the prevalence of smoking in the last 30 days among college students at UC (7.9%) and nationally (16%). Among the smoking students, other data indicate that they are likely to smoke a low number of cigarettes per day. At UC San Diego, 0% smoked more than 10 cigarettes per day and there is a national trend for smokers to reduce the number of cigarettes per day (Pierce et al., 2011).



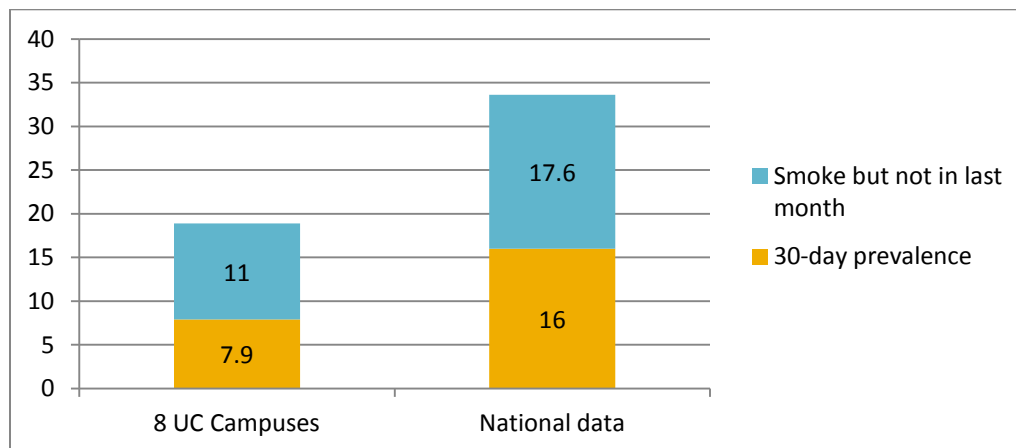
**Figure 1: Employee smoking prevalence compared to State and National Average**

Staywell data provided by Deloitte, 2010 data of system-wide HRA participants, N=49,103 (personal communication to Dr. Calfas)

KP data provided by Deloitte, 2010 4<sup>th</sup> quarter UC wide data from 90% of adult member medical record data (employee + covered adult family members) with result for smoking status (personal communication to Dr. Calfas)

In 2010 the prevalence of adult smoking in California was 11.9% according to the California Department of Public Health (2011)

National average data from MMWR, 9/30/11.



**Figure 2 Smoking prevalence among UC students compared to National Average**

Data from the 2010 California SAFER Schools study by Prevention Research Center of a random sample of 8 UC campuses (UCB, UCD, UCI, UCLA, UCR, UCSB, UCSC, UCSD) % smoking in last 30 days and last 1-12 months, N=2,449.

National administration of the NCHA (National College Health Assessment) to N=95,712 undergraduate and graduate students at 139 institutions of higher education nationwide.

**D. Table1: Current smoking policies by UC campus and Medical Center**

	100% smoke- free	20-25 feet from buildings	Responsible Department
<b>Campuses</b>			
<b>UC Berkeley:</b> <i>Smoking and Advertising Tobacco Policy</i> <a href="http://campuspol.chance.berkeley.edu/policies/ucbsmokefreepolicy.pdf">http://campuspol.chance.berkeley.edu/policies/ucbsmokefreepolicy.pdf</a>		✓	University Health Services
<b>UC Davis:</b> <i>No Smoking Policy</i> <a href="http://manuals.ucdavis.edu/PPM/290/290-10.pdf">http://manuals.ucdavis.edu/PPM/290/290-10.pdf</a>		✓	EH&S
<b>UC Irvine:</b> <i>Smoking Policy</i> <a href="http://www.policies.uci.edu/adm/pols/903-14.html">http://www.policies.uci.edu/adm/pols/903-14.html</a>		✓	EH&S
<b>UCLA:</b> <i>Smoke-free Environment</i> <a href="http://www.adminpolicies.ucla.edu/app/Default.aspx?&amp;id=810">http://www.adminpolicies.ucla.edu/app/Default.aspx?&amp;id=810</a>		✓	EH&S
<b>UC Merced</b> No policy in place; campus post signs no smoking within 20 feet of building			
<b>UC Office of the President:</b> No policy <a href="http://www.ucop.edu/ucophome/coordrev/policy/12-03-03.html">http://www.ucop.edu/ucophome/coordrev/policy/12-03-03.html</a>			Risk Management
<b>UC Riverside</b> <i>Smoking/Tobacco Use and Sale on Campus</i> <a href="http://fboapps.ucr.edu/policies/index.php?path=printPolicies.php&amp;policy=850-65">http://fboapps.ucr.edu/policies/index.php?path=printPolicies.php&amp;policy=850-65</a>		✓	AVC – Physical Plant, Transportation, and EH&S
<b>UC San Diego:</b> <i>Smoke-free Policy</i> <a href="http://adminrecords.ucsd.edu/PPM/docs/270-7.pdf">http://adminrecords.ucsd.edu/PPM/docs/270-7.pdf</a>		✓	Chancellor
<b>UC San Francisco :</b> <i>Smoke-free Workplace</i> <a href="http://policies.ucsf.edu/550/55010.htm">http://policies.ucsf.edu/550/55010.htm</a>	✓		UCSF Committee
<b>UC Santa Barbara:</b> <i>Smoking</i> <a href="http://www.policy.ucsb.edu/policies/policy-docs/smoking.pdf">http://www.policy.ucsb.edu/policies/policy-docs/smoking.pdf</a>		✓ 20 ft.	EH&S or Student Health Services
<b>UC Santa Cruz:</b> <i>Smoking on Campus</i> <a href="http://policy.ucsc.edu/pdf/ehs0001.pdf">http://policy.ucsc.edu/pdf/ehs0001.pdf</a>		✓	ADA Compliance Officer
<b>Medical Centers</b>			
<b>UC Davis Medical Center:</b> <i>No Smoking Policy</i> <a href="http://www.ucdmc.ucdavis.edu/medicalcenter/new_pages/smoke_free_01012008.html">http://www.ucdmc.ucdavis.edu/medicalcenter/new_pages/smoke_free_01012008.html</a>	✓		UC Davis Health System Policies & Procedures
<b>UC Irvine Medical Center:</b> <i>Smoke-free Environment</i> <a href="http://www.healthcare.uci.edu/careers/policies.asp">http://www.healthcare.uci.edu/careers/policies.asp</a>	✓		Human Resources
<b>UCLA Medical Center:</b> <i>Smoke-free Environment (effective 11/17/11)</i> <a href="http://www.mednet.ucla.edu/Policies/pdf/enterprise/HS8002.pdf">http://www.mednet.ucla.edu/Policies/pdf/enterprise/HS8002.pdf</a> (this is changing soon with new policy)	✓		MS Safety
<b>UC San Francisco Medical Center:</b> <i>Smoke-free Workplace</i> <a href="http://policies.ucsf.edu/550/55010.htm">http://policies.ucsf.edu/550/55010.htm</a>	✓		UCSF Committee
<b>UC San Diego Health System:</b> <i>Smoke-free Pilot Policy</i> <a href="http://blink.ucsd.edu/HR/policies/conduct/smoke/health-sciences.html">http://blink.ucsd.edu/HR/policies/conduct/smoke/health-sciences.html</a>	✓		VC Health Sciences

## **E. UC Medical Centers are Smoke-free**

As of November 2011, all of the UC Medical Centers will be smoke-free. As a leading university system, the UC Medical Centers are dedicated to the promotion of health worldwide. Each of the Medical Centers has an obligation to encourage healthy habits for the benefit of all members of their communities. These smoke-free policies emphasize the importance of breathing smoke-free air not only for patients, but for all faculty, staff, students and visitors. This example is something that should be emulated by the entire UC system because we are known for being forward thinking, innovative and for making substantial contributions to health and environmental sciences.

## **F. Description of smoking policy changes at other colleges/universities nationally**

The California Youth Advocacy Network (CYAN) is a statewide group funded through the California Department of Public Health Tobacco Control Program to support colleges and universities with the adoption and implementation of tobacco-free policies. CYAN has been consulting with various campuses throughout California on tobacco-related initiatives. They report the following:

- 91 of 145 (63%) of California public colleges and Universities have smoking policies significantly stronger than that required by CA law
- 11 California community colleges have 100% tobacco-free policies (no use of tobacco including smokeless tobacco products)
- 7 California public colleges have 100% smoke-free (no smoking)
  - 6 community colleges and UC San Francisco
- 26 public colleges limit smoking to parking lots only
- 47 public colleges allow smoking in designated areas only
  - 8 CSU campuses
  - 39 community colleges

Nationally, CYAN reports that 257 campuses are completely tobacco-free and 586 campuses are smoke-free. There is a national trend for colleges and universities to adopt tobacco-free policies. [www.cyanonline.org/college/policies/](http://www.cyanonline.org/college/policies/)

## **G. Lessons learned from other universities making this transition**

The California Youth Advocacy Network group has been collecting the implementation experiences of California colleges and universities making smoking policy changes. Here are some of their conclusions about the experience of other institutions:

- Universities going to designated smoking areas often choose too many areas and it seems like “smoking is allowed everywhere”.
- Many colleges and universities that adopted designated smoking areas policies have revised their policies to 100% smoke-free due to challenges with designated areas including increased exposure to secondhand smoke, litter, cost of implementing policy, and the appearance of more smoking on campus which affects the social norm around tobacco use.

- Facilities management staff and management prefer moving to a total ban on smoking because it reduces litter and their workload.
- San Francisco State University moved from 9 designated smoking areas to 3. They report compliance is very good.
- Plan adequate time to transition into a new policy so everyone is informed and ready. A 6-month implementation plan was judged to be too short.
- Most use an educational approach to enforcement.
- Grossmont Community College in San Diego reported no problem with compliance of a 100% smoke-free policy after a few years when students were admitted under the new policy.
- Emphasize the importance of providing opportunities to quit smoking.
- BACCHUS Network did a study in Spring 2009 of 31 schools with a recent transition to 100% tobacco free campus
  - 67% reported no problems with compliance and enforcement
  - 33% reported only minor enforcement issues
  - <1% reported significant issues
  - No schools reported a decrease in enrollment as a result of the new policy
  - 16% reported an increase in enrollment, stating that “the news of a tobacco-free campus is received positively much more frequently than it is received negatively.”

## H. Support for change at the campuses

There are individuals and groups from almost every UC location trying to advocate for a stronger smoke-free policy. Most of the UC campuses have been discussing this issue for many years. In 2008 and again in 2010, all the Directors of the UC Student Health Services signed a letter of support for a UC-wide mandate for smoke-free campus environments to protect and promote the health of the 220,000 students system-wide. Four of the Medical Centers have made successful transitions to a smoke-free policy and the UCLA Medical Center is about to become smoke-free. A recent study of college student reactions to smoking bans indicated that college students largely support smoke-free policies in public, on campus and in private spaces. The study also showed that university students were consistently more receptive to smoke-free policies compared to 2 year college students (Berg et al., 2011). Recent data from UC Davis demonstrates that over 80% of undergraduates support the idea of a tobacco-free policy on the main campus. Data from UC San Diego shows 91% of students are either neutral or favor a more restrictive smoking policy.

The Office of the President and the Board of Regents now have an opportunity to adopt a policy that will positively impact the health and well-being all UC students, faculty, staff and visitors.

*"Going smoke-free continues the UC's reputation for innovation and positive impact. I think our efforts will set the example for other institutions to do the same."*

*--UC Student*



## I. Why should the UC system become smoke-free?

### Smoke-free policies are effective

In 2008, an international group of 17 renowned scientists met at the International Agency for Research on Cancer in Lyon, France to assess the evidence on the effectiveness of smoke-free policies. The chair of that committee was a UC faculty member from the San Diego Campus, Dr. John Pierce. This group made these relevant conclusions: (IARC, 2009; Pierce et al, 2008)

- There is sufficient [judged to be causal] evidence that implementation of smoke-free policies substantially decrease secondhand smoke exposure
- There is sufficient evidence that smoke-free workplaces decrease cigarette consumption in continuing smokers
- There is strong [judged to be a consistent association] evidence that smoke-free workplaces decrease the prevalence of adult smoking
- There is strong evidence suggesting that smoke-free policies decrease tobacco use in youth
- There is sufficient evidence that smoke-free policies do not decrease the business activity of the restaurant and bar industry
- There is sufficient evidence that the introduction of smoke-free policies decreases respiratory symptoms in workers
- There is strong evidence suggesting that the introduction of smoke-free legislation decreases heart disease morbidity

From these compelling conclusions, we foresee both short and long-term benefits from moving to a smoke-free policy. In addition to causing direct health hazards, smoking and smokeless tobacco use contribute to institutional costs in other ways, including fire damage, cleaning and maintenance costs and costs associated with employee and student absenteeism, health care, and medical insurance.

There is also a rationale for the policy to eliminate smokeless forms of tobacco (e.g., chew, e-cigarettes etc.). Research indicates that the initiation of smoking is complete by age 25 (Pierce et al, JAMA 2011). This includes a large proportion of students at the University of California. The IARC group also concluded there is strong evidence that smoke-free policies in the home decrease smoking in youth. Presumably that is related to both access as well as the social role model of being a non smoker. Many of our students are at a vulnerable age for the initiation of smoking and seeing others use (even smokeless) tobacco products makes it more likely that they will initiate smoking and it makes it more difficult for those wishing to quit. The American College Health Association (ACHA) has adopted a no tobacco use policy and encourages colleges and universities to be diligent in their efforts to achieve a 100% indoor and outdoor campus-wide tobacco-free environment. (*ACHA Guidelines, 2009*). Further, The American Lung Association recommends that all colleges and universities completely prohibit tobacco use, specifically outdoors to reduce the social acceptability of tobacco use and encourage quitting.

California is a pioneer of the smoke-free movement, establishing the first statewide smoke-free workplace law in 1988. Since then, communities that surround our Universities are further becoming smoke-free. From Solana Beach being the first city in mainland United States to adopt a smoke-free parks and beaches policy in 2004, to 85 communities passing policies that restrict smoking in outdoor dining areas (The Center for Tobacco Policy and Organizing, 2011). The UC system is a large part of our communities. Creating a 100% smoke-free policy will bring



cohesiveness to several communities with already exciting strong policies and leadership to others to follow suit.

### Smoke-free policies save money

- In the United States, the direct medical costs associated with smoking totaled approximately \$75.5 billion (average 1997-2001), according to the Centers for Disease Control and Prevention (CDC, MMWR 2005). The economic burden of cigarette use includes \$193 billion annually in health care costs and lost productivity (2010 Surgeon General Report How Tobacco Smoke Causes Disease).
- For each employee who successfully quits tobacco, an employer can expect to see an annual savings of nearly \$3,400 (CDC, MMWR, 2002).
- Businesses pay an average of \$2,189 in workers' compensation costs for smokers compared to \$176 for nonsmokers (Musich et al, 2001).
- On average, smokers miss 6.16 days of work per year due to sickness (including smoking related acute and chronic conditions), compared to nonsmokers, who miss 3.86 days of work per year (Halpern et al, 2001).
- Each employee or dependent who quits smoking reduces annual medical and life insurance costs by at least \$210 almost immediately (Fitch et al. 2007).
- Integrating comprehensive and effective smoking cessation programs and smoke-free policies with other worksite programs such as health promotion/wellness programs is key to facilitating and supporting successful behavior change and maximizing the health of the entire campus community and saving costs.

## **J. Our Recommendation for the University of CA to become smoke-free**

The University of California is committed to providing a healthy, productive, and safe environment for students, staff, faculty, guests and visitors. The health hazards related to smoking and exposure to secondhand smoke are well-documented. These health hazards impact both the smoker and the non-smoker who is exposed to secondhand smoke and an environment that promotes the use of tobacco by example.

The University of California has the potential to be a leader in implementing a system-wide smoke-free policy. We respectfully recommend the University of California become a smoke-free university system. We further recommend this policy eliminate smoking of tobacco products and unregulated nicotine devices (e-cigarettes); use of smokeless tobacco products; and prohibit the advertising and sale of tobacco products on any UC property.

(Please note that the use of medical marijuana is prohibited by all campuses with Drug-Free Schools Act funds and we would need to explore how each UC location would like to manage this issue.)

## SECTION 2: Special Considerations and Proposed Implementation Plan and Timeline

### A. What about Enforcement?

Most universities use an educational enforcement approach and report that it works well. Good will and respect for the rights of others are the keynotes of the successful implementation of any smoking-related policy. Members of the community are educated and supervisors are trained on how to respectfully remind violators about the smoke-free policy. UC's current smoking policies rely primarily on an educational enforcement approach.

Some campuses have business cards to hand out explaining the policy. Many universities report that most violators of the new policy are visitors and are simply unaware of the policy and readily comply. Of course there will always be a small number of people who will not comply. Even if they never comply, the overall impact of the policy change will be substantial and positive.

Very recently AB795 was approved. This bill allows the UC the option of citing and charging a fee for violations of the smoking policy (whatever that policy may be). The funds collected from this citation may go toward enforcement, policy promotion and education, and cessation on campus. This is a new option for enforcement. The bill allows the UC the option of using this approach but does not mandate it. (Please see the American Lung Association statement on AB795 in the appendix.)

#### Smoking cessation options

An important component of enforcement is the availability of evidence-based smoking cessation interventions, including the California Smokers Helpline 1-800-NO-BUTTS, a free telephone-based quit smoking program and model quitline that has been replicated across the country and is led by UC faculty, Dr. Shu hong Zhu from the San Diego campus.

Smoking cessation education and support can significantly improve compliance and the UC is committed to support all students, staff and faculty who wish to stop using tobacco products. The University of California is committed to ensuring that the campus community have on-going access to several types of assistance, including cessation education, referral and resources; over-the-counter and prescription tobacco cessation medications; telephone, individual or group counseling; and on-site individual and group support.

Some level of assistance to students, staff, and faculty to overcome addiction to tobacco products is currently available at each UC location and will need to be enhanced during the initial phase of moving to smoke-free environments. Faculty and Staff cessation benefits are provided by UCOP Human Resources/Benefits through the UC sponsored health plans and StayWell Health Management, as well as cessation programs offered at the locations by the Faculty/Staff Wellness Programs. Tobacco cessation and awareness programs, referrals, and resources for students are available through the Health Education/Health Promotion Units at the Student Health Services facility on each campus.

Each University of California campus will need to offer a variety of cost-effective smoking cessation programs and services based on each campus's needs, available resources, and feasibility. A comprehensive cessation benefit is most successful when designed to:

- Cover the cost of counseling services, including proactive telephone counseling, individual counseling, or on-site classes.
- Offer FDA-approved drug therapies.
- Reduce out-of-pocket expenses for employees who wish to make a quit attempt.

Smoking Cessation Options to be made available for UC faculty, staff and students include:

- Individual cessation counseling
- Group counseling
- Telephone counseling
- Webpage with resources at the UC locations, in the community and on-line programs/ interactive websites; informational and self-help materials and tips,
- Smoking cessation medications, including nicotine replacement therapy (NRT)
- QuitLines
- Referrals to cessation programs and information in the community and online

Providing coverage for tobacco dependence treatment will increase access to services, which will improve the health of faculty, staff and students and result in lower rates of absenteeism and lower utilization of health care resources. A comprehensive and effective smoking cessation program will usually cost less than \$0.50 per member per month (PMPM) (Curry et al., 1998).

The University of California should continue to explore providing tobacco cessation benefits coverage for proven treatment options with no out-of-pocket expense, removing cost barriers by providing full coverage (100 percent) for tobacco cessation medications and counseling to increase utilization and long-term quitting success.

## **B. What about litter?**

The litter from cigarette butts is substantial and has a negative impact on the environment. A study of litter at UC San Diego and San Diego State University revealed that in 80 volunteer hours, 31,410 butts were collected at these institutions (combined). This represented about 380 butts per volunteer per hour (Sawdey, et al, 2011). The amount of litter on college campuses is substantial. Adopting a smoke-free policy would have a major impact on reducing butt litter on campus, saving facilities staff time and costs as well as a related positive impact on the environment. The US Environmental Protection Agency estimates that employers could save \$4-8 billion in building operations and maintenance costs with comprehensive smoke-free policies (National Business Group on Health: Tobacco: the Business of Quitting)

## **C. What about safety?**

Safety is more of an issue for designated smoking area policy consideration because people would presumably be smoking in parking lots and possibly in cars where the smoke is concentrated accelerating the smoker's exposure. It would be important for those areas to be well lit and not isolated. Since we are proposing a smoke-free environment, we do not

anticipate people standing around outside to smoke. This may be an issue around the perimeter of campus and the implementation plan should include recommendations to address this issue.

#### **D. What about campus residents?**

Currently people who live on campus are not permitted to smoke inside their UC residences as required by their housing contract and have to follow the UC policy to step outside 20-25 feet from the building. Residents would have to step off campus property to smoke. We will recommend nicotine replacement and cessation options for those who are interested. All incoming students will be notified of the University's policy at time of application. Special outreach should be provided to prospective students, faculty and staff so that they are aware of our policy before they decide whether to join the university community. The rationale for this policy should be clearly defined so that there are coherent and uniform messages as to why the University is smoke-free. Communications should make it clear that this policy is to prohibit smoking on all university property and is not requiring anyone to quit smoking as a condition of employment or student status. We recommend and would like to provide cessation options and nicotine replacement.

#### **E. Proposed Implementation plan of a System-wide Smoke-Free Policy**

The process of implementing a Smoke-free Policy is complex and involves many steps of action. If the Regents approve and move to a system-wide smoke-free policy, the effective date of the policy should be approximately two years following the issuance of notification to the campus locations. This two year timeline allows the campuses to organize a Steering Committee and subcommittees to address the many components to the implementation plan. We also recommend that the chair of the steering committee in each university location come together to form a system-wide task force. The following table provides an overview of the tasks.

**Table 2. Implementation**

<p>UC Location Steering Committee</p>	<p>The Chancellor for each campus identifies and assigns:</p> <ul style="list-style-type: none"> <li>• Responsibility and authority for coordinating implementation of the UC Smoke-free Environment Policy.</li> <li>• Establish a <b>Smoke-free Environment Policy Campus Steering Committee*</b> charged with oversight of the implementation plan and the subcommittees.</li> <li>• Identify and secure funding, and manage the funding for the implementation plan (communications, signage, staffing, and ongoing costs).</li> </ul>
<p>Subcommittees:</p>	<p>The subcommittees are charged to:</p> <ul style="list-style-type: none"> <li>• Engage the University community in dialogues regarding smoke-free implementation.</li> <li>• Develop the implementation plan on the specific issue tasked to the subcommittee and make recommendations to the Steering Committee.</li> <li>• An effort should be made for members of all subcommittees to include nonsmokers, ex-smokers and smokers.</li> </ul>
<p>Environment</p>	<p>All University of California owned facilities, buildings, grounds, and athletic properties, should be smoke-free.</p> <ul style="list-style-type: none"> <li>• Engage in a dialogue with relevant individuals regarding community well-being and the choices of individuals regarding smoking.</li> <li>• Determine a plan with a budget for temporary and permanent signage.</li> <li>• Determine a plan with a budget trash and cigarette butt removal and management of litter.</li> <li>• Insofar as possible, minimize the impact on merchants, restaurants, hotels, etc., across from and adjacent to campus grounds.</li> </ul>
<p>Enforcement and Conflict Management</p>	<p>The policy enforcement plan should be respectful and educational.</p> <ul style="list-style-type: none"> <li>• Peer support, supervisory oversight and voluntary compliance should be relied upon to lead to behavioral changes over time. Smokers refusing to extinguish the product or repeat offenders of the policy should be addressed through existing disciplinary or other appropriate processes.</li> <li>• The educational method of enforcement may include Q&amp;A sheets, scripts, cards for distribution that include information on the smoke-free policy, scripts for talking to a smoker, online</li> </ul>

	<p>tutorials, modeling videos and support tools.</p> <ul style="list-style-type: none"> <li>• Best practices should be shared systemwide.</li> </ul>
Communications	<p>Communication is critical to the effective transition to a smoke-free campus.</p> <ul style="list-style-type: none"> <li>• A communications plan includes the announcement with a policy effective a minimum of 18 months in the future and plans for extensive communications to occur during the timeframe of the policy announcement and the effective date.</li> <li>• Communications should always be respectful and tied to smoking cessation resources.</li> <li>• Communication plan should also address language to be inserted into all agreements and contracts (e.g. conferences and facility rentals).</li> </ul> <p>Signage should be located on the periphery of campus in areas of major public access point. The signage should communicate that all University facilities, buildings and grounds are smoke-free zones.</p> <ul style="list-style-type: none"> <li>• Communications subcommittee should collaborate with the Environment subcommittee on the Smoke-free Signage plan and budget.</li> <li>• Maps should be developed outlining the boundaries of campus properties including more detailed maps for selective locations that delineate where smoking is not permitted, as needed.</li> </ul>
Cessation Support Services	<p>The University should support students, faculty, staff and their families with smoking cessation programs and resources.</p> <ul style="list-style-type: none"> <li>• Continue to provide smoking cessation programs with free or greatly discounted medications and on-going, long-term support groups throughout the policy implementation period and well beyond the effective date.</li> <li>• Evaluation of these programs should occur periodically.</li> </ul>
Policy Management, Assessment and Evaluation	<p>A Department or committee should be identified as the responsible office for the Smoke-free Environment Policy to be responsible for managing ongoing operations, periodic evaluation, response to issues raised by members of the campus community, education and training, expert consultation to the University, and collaboration with relevant parties.</p> <ul style="list-style-type: none"> <li>• Formal and planned efforts at assessment of the impact of the policy and its implementation should be assigned. A number of issues should be documented including: policy compliance; smoking debris; attitude shifts; implementation problems; geographic challenges, costs of implementation, efficacy of conflict resolution.</li> </ul>

\*Members of the Steering Committee should include:

Campus Police, Campus Planning/ Capital Projects, Campus Communications, Environment, Health & Safety, Facilities & Operations, Faculty Welfare Committee, Faculty/ Staff Wellness Program, General Counsel, Government/ Community Relations, Human Resources/ Employee Relations, Occupational Health, Policy, Risk Management, Student Health Services, Student Wellness Program, Student Affairs, representatives from student leadership, staff organization leadership, Labor Union leadership and smokers, Tobacco Cessation Educator.

#### Guiding Principles of Successful Smoke-free Workplace Implementation

- Focus on smoking, not the smoker.
- Focus on health and safety regarding secondhand smoke, not individual rights.
- Obtain campus leadership commitment and support and make this support visible to all members of the campus community.
- Allow 18-24 months from the time of the announcement of the new policy to the effective date for a thorough and supportive implementation plan.
- Provide real and visible opportunities for employee participation in policy planning and implementation.
- Educate the campus community about the hazards of combining secondhand smoke and materials used in the work and research processes.
- Provide training for middle managers and supervisors on policy communication and enforcement (through education).
- Ensure that restrictions and enforcement are equitable across job categories.
- Offer smoking cessation resources to all students, faculty and staff and their families before and after the policy change.
- Enforce the smoke-free policy just as the previous no smoking policy with enforcement through education.
- Provide continuous smoking cessation educational opportunities and resources after the policy has been implemented to support employees in their attempts to quit smoking and to prevent relapse.
- It is not recommended to install designated smoking shelters.

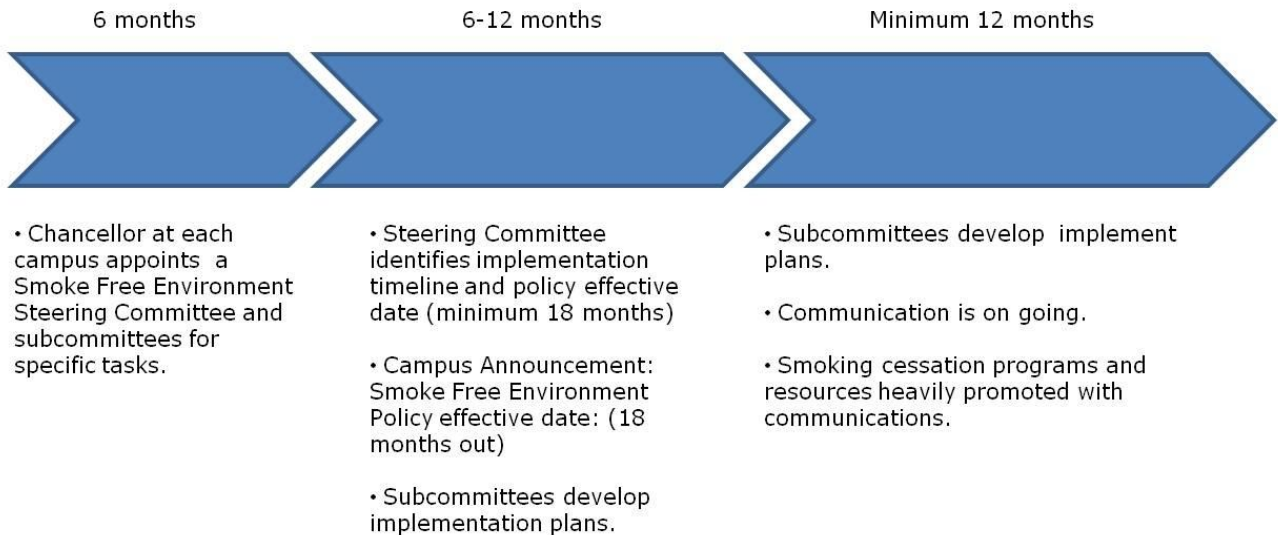
University audience groups to be engaged in the process of developing the implementation plans:

- Students
- International Students
- Faculty and Staff
- Labor Unions
- Contractors working on campus properties
- Guest Events and Conferences
- Athletic Venues
- Medical Marijuana Users
- Neighbors



## F. Proposed Timeline

### Timeframe to Implement Smoke Free Environment Policy at all UC Campuses (estimated from date of issuance of a UCOP Policy to the Campuses)



## G. Costs

There will be costs associated with the implementation of a system-wide smoke-free policy. At the system level there will be several meetings (in person or electronically) to coordinate direction, share information and resources. We propose an in-person kick off meeting at OP with subsequent meetings by phone or web. The primary cost categories at each location will be related to: lead staffing role for implementation at the locations, permanent signage, removal of ashtrays, educational campaign to announce the beginning of the policy, PR plan, ongoing education to students/faculty/staff/visitors, smoking cessation assistance, and enforcement costs either educational or citation related through AB795.

*"If the entire UC system went smoke-free I think it would make a very strong statement about the university's commitment to student health and happiness, especially since we know how harmful smoking is."*

*--UC Student*



## SMOKE-FREE POLICY EXAMPLE

### UC Campus

***(100% Smoke-Free long implementation, no transition from designated smoking areas.)***

#### I. BACKGROUND

As a matter of policy, the University of California endeavors to maintain a safe and healthful environment. The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the nation. Moreover, research indicates that non-smokers who are regularly exposed to passive (secondhand) tobacco smoke are also at increased risk of illness. Passive smoke appears to be especially deleterious to the health of certain populations, including the elderly, children and individuals with allergies, asthma, respiratory disease, or cardiovascular disease. For these reasons, the Surgeon General has urged employers to implement broadly-based health promotion programs with special emphasis on smoking cessation. The response to the Surgeon General's advice and the medical evidence has been an overwhelming trend toward protection of the health and safety of non-smokers.

#### II. REFERENCES

Gardner to Chancellors, et al, 8/1/88, [University Policy on Smoking](#), amended 1/1/1994 and 1/1/2004

Dynes to Chancellors, et al, 12/3/2003, [University Policy on Smoking](#), amended 1/1/1994 and 1/1/2004

California Government Code Sections 7596-7598, [Smoking in State Buildings](#)

#### III. POLICY

As an institution committed to providing a safe and healthful environment and in compliance with California's State law, the University of California prohibits smoking in all facilities. Effective DATE, all UC locations shall be a smoke-free. Smoking, use of smokeless tobacco products and the use of unregulated nicotine products are strictly prohibited. This Smoke-free Policy applies to all UC facilities, owned or leased, regardless of location. No smoking is permitted in any indoor or outdoor area.

The smoke-free policy also covers all University parking lots, private residential space, and the Medical Center campuses.

Sale and advertising of tobacco products are prohibited in University of California-owned and occupied buildings except for advertising in newspapers, magazines or other written materials sold, bought or distributed within the building.

#### **IV. ENFORCEMENT**

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of everyone. All share in the responsibility for adhering to and enforcing this policy. Any problems should be brought to the attention of the appropriate supervisor and/or department head. If a problem cannot be resolved in this manner, recourse may be had by contacting the appropriate Dean, Director, or Human Resources Representative. There shall be no reprisal against anyone seeking assistance in enforcing this policy.

#### **V. RESPONSIBILITIES**

A. All faculty, staff, students, patients and visitors must observe this smoke-free policy. Supervisors are responsible for enforcing this policy in their respective areas, and for addressing problems through the existing administrative structure.

B. "No Smoking" signs will be posted and maintained in public areas by the appropriate authority, with additional signs available for departments and administrative units to post within their areas as needed.

C. CPFM is responsible for ensuring that signs are displayed clearly at all entrances to the campus as well as in other conspicuous locations, to notify the public that smoking is prohibited.

#### **VI. PROCEDURES**

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## SECTION 5: Appendices

1. American Cancer Society. [Strategies for Promoting and Implementing a Smoke-Free Workplace](#). 2007.
2. American Lung Association. [American Lung Association in California Applauds New College Smoking Enforcement Law](#). 2011.
3. California Youth Advocacy Network. [100% Smoke-Free Air Policies](#). 2011.
4. Global Smokefree Partnership. [Smokefree in a box: A Guide for Companies Going Smokefree](#). 2008.

PDF's provided:

5. American Cancer Society: Frequently asked questions about smoke-free campuses
6. California Youth Advocacy Network, 2008. Taking tobacco out of higher education, a tobacco-free policy toolkit.
7. Campuses Organized and United for Good Health (COUGH): Supporting Tobacco Control Policy in California Post-Secondary Institutions. Final Evaluation Report 9/10, prepared by G Robinson and K Homer Vagadori.
8. CYAN list of smoke-free Institutions of Higher Education
9. Letters from Student Health Services Directors requesting a smoke-free policy, 2008 and 2010.
10. USDHHS, CDC Coverage for tobacco use cessation treatments, why, what and how.

## **Appendix B: President Yudof's Letter**



1111 Franklin Street  
Oakland, California 94607-5200  
Phone: (510) 987-9074  
Fax: (510) 987-9086  
<http://www.ucop.edu>

January 9, 2012

## CHANCELLORS

Dear Colleagues:

As a national leader in healthcare and environmental practices, the University of California is ready to demonstrate leadership in reducing tobacco use and exposure to secondhand smoke by creating a smoke-free environment on all of our campuses. Already, the UC Medical Centers are smoke-free and nationally, 586 other university campuses are smoke-free.

I am asking that each Chancellor form a committee that is charged with the task of implementing a smoke-free policy on their campus within the next 24 months. Please include a current representative from the Smoking Policy Subcommittee of the Systemwide Occupational Wellness Group on your committee, as they will be a valuable resource to you. The Smoking Policy Subcommittee members' contact information, along with their policy proposal, FAQs, and research can be found at <http://www.ucop.edu/riskmgmt/partners.html>.

While we understand that you will need to craft your smoke-free policy to fit your campus needs, the following key elements need to be present to maintain a smoke-free environment:

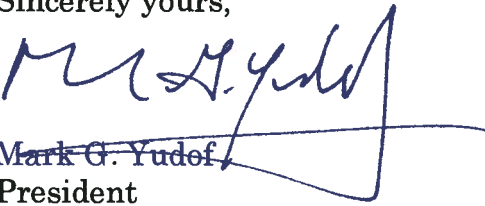
- Smoke-free means that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., "e-cigarettes") will be strictly prohibited in indoor and outdoor spaces, including parking lots, private residential space, and the Medical Center campuses.
- The policy will apply to all UC facilities, whether owned or leased.
- Sale and advertising of tobacco products must be prohibited in University-owned and -occupied buildings.
- Enforcement should be primarily educational, with an emphasis on cessation resources.

Chancellors  
January 9, 2012  
Page 2

Offering a smoke-free environment will contribute positively to the health and well-being of all UC students, faculty, staff, and our patients and visitors. As you move forward, Senior Vice President John Stobo and Chief Risk Officer Grace Crickette stand ready to offer their continued support.

With best wishes, I am,

Sincerely yours,



Mark G. Yudof  
President

cc: Executive Vice President Taylor  
Senior Vice President Stobo  
Chief Risk Officer Crickette  
Members, Smoking Policy Subcommittee  
Executive Vice Chancellor Breslauer  
Interim Executive Vice Chancellor Rabenstein  
Vice Chancellors, Administration



## **Appendix C: Campus Policies**

**University of California, Berkeley**

**Policy Issued:** December 17, 2013

**Effective Date:** January 1, 2014

**Supersedes:** August 2010 Policy on Smoking and Advertising Tobacco

**Next Review Date:** January 1, 2019



## **Tobacco-Free Campus**

Responsible Executive: Vice Chancellor–Administration & Finance

Responsible Offices: Office of Environment, Health & Safety (EH&S)  
University Health Services (UHS)

Contact: EH&S: [ehs@berkeley.edu](mailto:ehs@berkeley.edu): (510) 642-3073  
UHS: (510) 642-7324

### **Policy Statement**

Consistent with its emphasis on health and environmental protection, the University of California, Berkeley is tobacco-free effective January 1, 2014, meaning the use of tobacco\*, smokeless tobacco, or unregulated nicotine products (i.e. “e-cigarettes”) is strictly prohibited in indoor and outdoor spaces owned or leased by UC Berkeley. In addition, the sale and advertising of tobacco products on UC Berkeley-owned or -leased property is not permitted.

\* Although not specifically addressed by this policy, smoking of marijuana, including medical marijuana, is prohibited by the [Federal Controlled Substances Act](#).

### **Scope of Policy**

This policy affects everyone on campus-owned or -leased property.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

## **Why We Have This Policy**

According to the Centers for Disease Control and Prevention, tobacco use is the leading cause of preventable death in the United States, and according to the US Surgeon General, there is no safe level of second-hand smoke. In the United States, tobacco use is responsible for about one in five deaths annually (i.e., about 443,000 deaths per year, with an estimated 49,000 of these smoking-related deaths attributed to secondhand smoke exposure).<sup>1</sup>

In addition to causing direct health hazards, smoking and other tobacco use contribute to University costs associated with absenteeism, health care, medical insurance, fire damage, cleaning, and maintenance costs.

<sup>1</sup> [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/fast\\_facts/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/)

This policy:

- Creates a healthier environment for students, faculty, staff, and visitors;
- Supports tobacco users who are trying to quit; and
- Reduces the number of new tobacco users by promoting the social norm of a tobacco-free environment.

## **Procedures**

### **Summary**

This policy relies on the consideration and cooperation of all individuals on the UC Berkeley campus and on UC Berkeley leased properties. Every member of the campus community has the responsibility to adhere to the tobacco-free policy.

UHS provides smoking cessation services and can also refer interested persons to external resources provided by health plans and/or other service providers.

Vice chancellors, deans, and department heads are responsible for ensuring that students, faculty, staff, and visitors within their area are informed of this policy. Enforcement will be primarily via education and communication. Violators of this policy may be subject to disciplinary action in accordance with appropriate personnel policies or union contracts. Any non-affiliated person who violates this policy may be asked to leave the campus. Additionally, any individual who violates the provisions of this policy may be cited and fined per [California Government Code 7597](#) et. seq.

For property acquired or received by gift or bequest after January 1, 2014, this policy shall apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such pre-existing occupancy agreement.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

The sale and advertising of tobacco products is prohibited on campus-owned or -leased property.

**Noncompliance Protocol**

Repeated violations of this policy by faculty or staff will be handled through regular University disciplinary policies and procedures.

- Violations by faculty and staff should be brought to the attention of the employee's supervisor, who will take appropriate action.
- Violations by students should be brought to the attention of Student Affairs, which will take appropriate educational or disciplinary action (in cases of repeat offenses).
- Violations by visitors should be brought to the attention of the host department, which will take appropriate action.
- Violations by vendors or contractors should be brought to the attention of the department that has hired the vendors or contractors. The department will take appropriate action, which may include educating the vendors or contractors about the campus policy.
- Violation by tenants should be brought to the attention of Property Management, which will take appropriate action.
- Units who contract construction or other work performed on campus grounds should notify and enforce the policy among the contracted workforce (including notice in the contract documents).
- Per [California Government Code 7597](#) et. seq., UCPD may cite and fine public employees or members of the public for using any tobacco product on campus property.

Violations of this policy may also be reported to [tobaccofree@berkeley.edu](mailto:tobaccofree@berkeley.edu). There will be no reprisal against anyone seeking assistance in enforcing this policy.

**Exceptions**

Tobacco use may be permitted under the following circumstances:

- In sponsored research involving tobacco or tobacco products, provided the University employee obtains the prior approval of the Vice Chancellor-Research and the Director of Environment, Health & Safety or their designees. Research funded by a tobacco industry sponsor must be reviewed and approved in accordance with Regental resolution RE-89 and [University of California Regent Policy 2309](#). Tobacco smoke, like any other laboratory air contaminant, must be controlled.
- By artists or actors who participate in University-authorized performances that require smoking as part of the artistic production.
- For University-approved ceremonial purposes in a space designated for the ceremony.
- For educational or clinical purposes with prior approval of either the dean responsible for the facility or the Vice Chancellor-Research.
- For FDA-approved nicotine replacement therapies used by individuals for cessation purposes.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

**Responsibilities**

**Everyone at UC Berkeley:**

- Adhere to this policy and its procedures.
- Treat smokers and non-smokers alike with thoughtfulness, consideration, and cooperation.
- Remind violators of this policy in a respectful manner.

**All Campus Units:**

- Enforce compliance through education and communication, as well as departmental personnel actions or code of conduct actions as appropriate.

**Supervisors and Senior Managers:**

- Communicate this policy to their employees and volunteers
- Event organizers are to communicate this policy to event attendees.

**EH&S:**

- Administer and update this policy as appropriate.
- Coordinate educational enforcement (providing informational material) and marketing/outreach.

**UHS:**

- Provide and promote smoking cessation services to students, faculty, and staff.

**UCPD:**

- Enforce this policy per [California Government Code 7597](#) et. seq. when educational avenues have been exhausted.

**Web Site Address for This Policy**

<http://campuspol.berkeley.edu/policies/tobaccofree.pdf>

**Glossary**

**Campus Community:** Faculty, staff, students, volunteers, contractors, tenants, and visitors on campus-controlled properties.

**Tobacco Product:** All forms of tobacco, including but not limited to cigarettes, cigars, shisha, pipes, herbal cigarettes, water pipes (hookahs), electronic cigarettes (vaporizers), electronic hookahs, and all forms of smokeless tobacco including but not limited to:

- Chew: tobacco placed between the cheek and gum or upper lip teeth.
- Orbs: Nicotine-infused orbs consumed like breath mints.

**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**Policy on a Tobacco-Free Campus**

- Snuff: Fine-ground tobacco inhaled through the nose.
- Snus: Ground tobacco in a tea bag-like sack kept between the cheek and teeth.
- Sticks: Nicotine-infused sticks chewed like a tooth-pick.
- Strips: Nicotine-infused strips that dissolve on the tongue.

**Tobacco-Related:** The use of tobacco brand or corporate name, trademark, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco or other unregulated nicotine products.

**Tobacco Use:** Smoking, chewing, dipping, or any other use of tobacco.

**UC (or Campus) Controlled Properties:** University-owned properties, including those leased to others, and properties leased to the University.

## **Related Documents**

California Government Code 7597 et. seq.:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=07001-08000&file=7596-7598>

President Yudof's Letter of January 9, 2012 to the UC Chancellors:

<http://www.tobaccofree.berkeley.edu/sites/default/files/chancellors-smokefree-policy010912.pdf>

UC Berkeley Tobacco-Free Web Page:

[tobaccofree.berkeley.edu](http://tobaccofree.berkeley.edu)

US Surgeon General's web site on tobacco:

[www.surgeongeneral.gov/tobacco](http://www.surgeongeneral.gov/tobacco)

## UC Davis Policy and Procedure Manual

### Chapter 290, Health and Safety Services

#### Section 10, Smoke and Tobacco Free Campus

Date: 1/2/14

Supersedes: 9/17/08

Responsible Department: Environmental Health and Safety

Source Document: University Policy on Smoking

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#### I. Purpose

This section outlines the policy and responsibilities for the no smoking and tobacco policy at University properties and its owned, leased, or operated buildings.

#### II. Definitions

##### A. University property

1. All University property as part of the UC Davis Campus, including campus buildings, private residential facilities, structures and facilities, parking structures and surface lots, and grounds areas.
2. All off-campus University owned or University leased property or facilities operated by UC Davis staff or faculty in support of UC Davis administrative, teaching, research, medical care or other public service functions or private residential facilities for UC Davis students, faculty, and staff.

##### B. Smoking--inhaling, exhaling, burning, or carrying a lighted or heated product such as tobacco, marijuana, other smokeable substances, or smoking instruments that emit smoke.

##### C. Tobacco use--use of all forms of tobacco, including but not limited to cigarettes, cigars, shisha, pipes, water pipes (hookah), electronic cigarettes, and all forms of smokeless tobacco including but not limited to chew, snus, snuff, sticks, strips, and orbs.

#### III. Policy

##### A. Smoking and tobacco use are prohibited on University owned or leased property and in University vehicles.

##### B. The sale, advertisement, distribution, and sampling of all tobacco products and tobacco-related merchandise are prohibited at University properties and its owned, leased, or operated buildings.

##### C. Institutional Review Board approved research on tobacco or tobacco related products is not covered by this policy.

##### D. Education

1. Educational information and smoking cessation services, programs, and resources held by health care providers, nonprofit organizations, or other groups are available to employees.
2. Educational information and smoking cessation services, programs, and resources are available to students through Student Health and Counseling Services.
3. Information regarding this policy must be included in the new/transfer student and employee orientation programs, and made available to campus visitors.

#### IV. Roles and Responsibilities

##### A. Vice chancellors, deans, and department heads shall:

1. Assure that this policy is communicated to everyone within their areas of responsibility including faculty, staff, students and visitors.
2. Assess the need for and assure that rooms, facilities, or other areas under their jurisdiction are adequately posted as "no smoking" areas as needed.

Note: Appropriate signs will be placed in nonsmoking areas in accordance with this policy. Department heads should contact Facilities Management to have permanent smoke and tobacco free signs posted.

3. Monitor and resolve complaints and problems arising in their areas of jurisdiction.
- B. It is the responsibility of all members of the University community to observe and comply with the policy. In accordance with the University's systemwide Smoke and Tobacco Free Environment directive, compliance with this policy is grounded in informing and educating members of the University community and visitors about this policy and encouraging those who use tobacco products to seek treatment for tobacco dependence. In order to maintain a smoke and tobacco-free environment, notifying others about this policy will be an ongoing effort to enhance awareness of and foster compliance with this policy.
- C. Visitors refusing to comply with this policy may be asked to leave campus.

#### **V. Further Information**

- A. Questions concerning smoking on University property may be directed to EH&S, (530) 752-1493.
- B. Policy regarding private residential space is available from the Student Housing Office, (530) 752-2033.
- C. Additional information on cessation programs and resources for visitors is available at <http://breathefree.ucdavis.edu>.

#### **VI. References**

Office of the President Directive to Establish a Smoke-Free Campus  
(<http://policy.ucop.edu/doc/4000371/SmokingLocal>).



# UC IRVINE ADMINISTRATIVE POLICIES & PROCEDURES

## PHYSICAL ENVIRONMENT AND PROPERTIES

### Environmental Health & Safety

#### Sec. 903-14: Smoke and Tobacco Free Environment Guidelines

**Responsible Administrator:** Director - Environmental Health & Safety

**Revised:** January 2014

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#### References / Resources

California Government Code, [Sec. 7596-7598](#) and [Sec. 19994.30-19994.35](#)

[UC Policy - Smoke and Tobacco Free Environment](#)

[UC Policy on Sustainable Practices](#)

**Contacts:** EH&S at (949) 824-6200  
or [safety@uci.edu](mailto:safety@uci.edu)  
UC Irvine Medical Center at  
(714) 456-6738  
or [shereen@uci.edu](mailto:shereen@uci.edu)

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#### A. Introduction

Effective January 2, 2014, the University of California issued the systemwide [Policy on Smoke and Tobacco Free Environment](#) which requires all UC campuses to implement local policies and procedures. Based on healthcare and environmental considerations, the Policy is intended to provide healthier, safe and productive work and learning environments for the UC community.

UC Irvine is committed to the promotion of health and wellness, which includes prevention as well as treatment of diseases. Smoking-related illness, including those related to tobacco smoke, comprises the largest proportion of preventable diseases. These Guidelines set forth the responsibilities of the members of the UC Irvine community for establishing and maintaining a smoke and tobacco free environment. They apply to all students, staff, faculty, volunteers, and visitors.

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#### B. Guidelines

UC Irvine endeavors to maintain a safe and healthful environment. As a leader in health-related research, teaching, and patient care, UC Irvine has a special institutional obligation to maintain such an environment. Consistent with this obligation and State law:

1. Smoking, the use of smokeless tobacco products, electronic smoking devices (e.g., e-cigarettes, vapor cigarette, personal vaporizer, or PV), and the use of nicotine products not regulated by the U.S. Food and Drug Administration for treating nicotine or tobacco dependence, are prohibited on all UC Irvine controlled properties. This includes all indoor and outdoor spaces, including parking lots, in which the University has a 100% ownership interest or an exclusive lease interest.
2. Smoking is prohibited inside any vehicle owned, leased, or occupied by UC Irvine (regardless of where the vehicle is situated), and inside any vehicle parked at a location where smoking is prohibited.
3. Sale and advertising of tobacco, tobacco-related products, electronic smoking devices, and products related to electronic smoking devices are prohibited on all UC Irvine controlled properties, except for advertising in newspapers, magazines, or other written materials sold, bought, or distributed on UC property.
4. Research involving smoking, tobacco products, or tobacco use for educational or clinical purposes may be permitted as required in connection with research approved by the UC Irvine Institutional Review Board.
5. Smoking and tobacco use may be permitted for the traditional ceremonial activities of recognized cultural or religious groups.

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### **C. Responsibility for Compliance**

Implementation and compliance with the Policy is the responsibility of all academic appointees, staff, students, alumni, vendors, contractors, volunteers and visitors entering University controlled properties. It is the responsibility of Vice Chancellors, Deans, Directors, and department heads to ensure that students and employees under their respective jurisdictions are informed of the Policy. Any conflicts resulting from implementation of the Policy should be brought to the attention of the appropriate supervisory personnel and, if necessary, referred to the appropriate Vice Chancellor, Dean, Director, or department head for a decision.

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### **D. Exceptions**

Any exceptions to the Policy, such as the use of certain products in theatrical productions, require approval by the Director – Environmental Health & Safety.

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### **E. Enforcement**

UC Irvine supports individual efforts to stop smoking and considers education to be an effective method of enforcing the UC Policy. [UC Irvine Health Education Center](#) provides stop-smoking kits, printed resources, and other cessation information

for all students affected by this policy. [UC Irvine Worklife and Wellness Program](#) provides the same resources for all faculty and staff.

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[Alpha Index](#) : [Table of Contents](#) : [Official University Policies & Procedures](#) : [Questions](#) : [UC Irvine](#)

# **UC Merced Smoke and Tobacco Free Policy**

## **Responsible Departments:**

**Human Resources, Student Affairs and Public Safety**

**Effective Date: January 1, 2014**

## **I. Policy**

UC Merced prohibits smoking, the use of tobacco products, and the use of unregulated nicotine products (e.g. e-cigarettes) in all facilities and on all university-owned and leased properties, both indoor and outdoor. This policy applies to all members of the UC Merced community including faculty, staff, students, volunteers, contractors, visitors and anyone on university-controlled properties.

The sale and advertising of tobacco products are also prohibited in University of California-owned and occupied buildings except for advertising in non-university newspapers, magazines or other written materials sold, bought or distributed on campus.

Tobacco use is permitted for the following exceptions:

1. Tobacco use for university-approved ceremonial purposes is allowed in a space designated for the ceremony. Preapproval is required from the Executive Vice Chancellor and Provost.
2. UC Merced Institutional Review Board-approved research, only if tobacco use is integral to the research protocol.

## **II. Background**

The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the nation. Moreover, research indicates that non-smokers who are regularly exposed to passive (secondhand) tobacco smoke are also at increased risk of illness. For these reasons, the Surgeon General has urged employers to implement broad-based health promotion programs with special emphasis on smoking cessation. The response to the Surgeon General's advice and the medical evidence has been an overwhelming trend toward protection of the health and safety of non-smokers.

In January 2012, UC President Yudof mandated that the UC chancellors create a smoke-free environment on all UC campuses within 24 months. Smoke-free was defined by President Yudof as meaning that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., "e-cigarettes") are strictly prohibited in indoor and outdoor spaces, including parking

lots and private residential space.

#### References:

1. [President's letter to chancellors](#), et al., dated Jan. 9, 2012
2. [Smoking Policy Subcommittee of the Occupational Wellness Forum](#), Oct. 25, 2011, Smoke-free Policy Proposal
3. [California Government Code Sections 7596-7598](#), Smoking in State Buildings

### **III. Compliance and Enforcement**

Compliance is grounded in informing and educating violators about this policy. The first level of enforcement action will be to respectfully inform violators to comply with the policy. Non-compliance and repeated violations of this policy are subject to corrective action under the Student Code of Conduct, Human Resources Policies and Procedures, other applicable University Regulations or Policies and citation and fines per California Government Code section 7597.1. Visitors to campus who do not comply with this policy may be asked to leave.

Non-compliant or repeat offenders will be referred to the appropriate supervisor/organization.

There shall be no reprisal against anyone seeking assistance in enforcing this policy.

### **IV. Cessation Resources**

In addition to providing a healthy learning and work environment, the University is committed to supporting healthy behaviors. Anyone can access cessation support services by calling 1-800-NO-BUTTS.

Additional assistance to UC Merced students who wish to overcome addiction to tobacco products is available through:

Student Health Services  
H. Rajender Reddy Health Center  
[health.ucmerced.edu](http://health.ucmerced.edu)  
[\(209\) 228-2273](tel:(209)228-2273)

Additional assistance to UC Merced faculty and staff who wish to overcome addiction to tobacco products is available through employee health benefit plans.

## UCR Policies and Procedures

## For Final Review &amp; Approval

**Policy Title:** Smoke/Tobacco-Free Environment

**Policy Number:** 850-65

<b>Responsible Officer:</b>	Vice Chancellor-Business and Administrative Services
<b>Responsible Office:</b>	Business and Administrative Services
<b>Superseded Date:</b>	(09/16/2011)
<b>Date of Revision:</b>	(01/02/2014)
<b>Scope:</b>	Smoke/Tobacco-Free University

**I. Policy Summary**

Effective January 2, 2014, University of California, Riverside (UC Riverside) is a smoke/tobacco-free environment. The policy and associated procedures are intended to provide a healthier, safe and productive work and learning environment for the entire campus community. UC Riverside is committed to a healthy campus culture and environment.

**II. Definitions (for purposes of this policy and procedures)**

- A. LEED® (Leadership in Energy and Environmental Design)** is an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC).
- B. Members of the UC Riverside Community** include faculty, staff, students, volunteers, contractors, and visitors to all University Controlled Properties.
- C. Regulated** refers to products that have gone through clinical trials and are recognized as approved cessation products by the U.S. Food and Drug Administration (FDA) to help individuals who use tobacco to quit.
- D. Senior Management** provides leadership requiring the exercise of a high degree of independent judgment in the development of University-wide or campus-wide policy and program direction and accountability for long-term results.
- E. Smoke/Tobacco-Free** means that smoking, the use of smokeless tobacco products, the use of unregulated nicotine products, and the use of e-cigarettes is strictly prohibited on all University Controlled Properties.
- F. Smoking** means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances that are not tobacco, and smoking instruments.
- G. Tobacco Product** means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic cigarettes, and all forms of smokeless tobacco.
- H. Tobacco-Related** means the use of tobacco brand or corporate name, trademark,

logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco.

- I. Tobacco Use** includes inhaling, smoking, chewing, dipping, or any other assimilation of tobacco products.
- J. University Controlled Properties** refers to University owned properties including those leased to others as well as properties leased to the University.

### **III. Policy**

#### **A. Background**

In a letter, dated January 9, 2012, President Yudof announced to all Chancellors that the University of California (University), as a national leader in healthcare and environmental practices, is ready to create a smoke-free environment on all University campuses. To that end, he asked each Chancellor to form a committee charged with the task of crafting and implementing a smoke-free policy on their respective campus within the next 24 months.

#### **B. Overview**

The University of California is concerned about the toll that smoking and tobacco use has on the health and well-being of the University community. As a public institution of higher education with units that research and treat the effects of smoking and tobacco use, the University recognizes its responsibility to exercise leadership in the promotion of a healthy, smoke/tobacco-free environment for all students, employees, and visitors.

#### **C. Scope**

UC Riverside, effective January 2, 2014, prohibits smoking and the use of tobacco products at all University Controlled Properties. Smoking, the use of smokeless tobacco products, e-cigarettes, and unregulated nicotine products are strictly prohibited.

This smoke/tobacco-free policy and associated procedures apply to all University Controlled Properties, regardless of location, including but not limited to all University land, buildings, and parking lots, as well as all private residential space owned or leased as University Controlled Properties. For property acquired or received by gift or bequest after the effective date of this policy, the provisions of this policy will apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such preexisting occupancy agreement. In addition, the sale and advertising of tobacco and tobacco-related products are prohibited at all University Controlled Properties except for advertising in newspapers, magazines, or other written materials sold, bought, or distributed on campus.

This policy applies to all members of the UC Riverside community including faculty, staff, students, alumni, volunteers, contractors, visitors, and anyone entering onto University Controlled Properties. It is applicable twenty-four (24) hours a day, seven (7) days a week. UC Riverside understands that the success of this policy depends on the thoughtfulness, consideration, and cooperation of smokers and non-smokers, alike.

This policy serves the UC Riverside goal of meeting sustainable green building design standards through LEED<sup>®</sup>.

### **IV. Responsibilities**

All faculty, staff, students, and visitors to UC Riverside are expected to adhere to this policy and the applicable procedures. All have a collective responsibility to promote the safety

and health of the campus community. Effective implementation depends on the respect and cooperation of all members of the University community.

In an ongoing effort to enhance awareness and encourage a culture of compliance, members of the campus community are encouraged to respectfully inform others about the policy. It is the responsibility of Senior Management, as well as deans, directors, and department heads to communicate this policy to their employees and volunteers and for event organizers to communicate this it to event attendees. In addition, visitors, guests, volunteers, trainees, vendors, contractors, and supplemental staff employed through contract agencies must be made aware of and are expected to adhere to this smoke/tobacco-free policy.

**V. Procedures**

**A. Summary**

Establishing and maintaining a smoke/tobacco-free campus relies on the consideration and cooperation of the entire UC Riverside campus community.

**B. Noncompliance Protocol**

Through the authority provided in California Government Code 7597.1, the governing bodies of the University of California have the authority, in establishing policy for smoking and tobacco use, to set enforcement standards at local campuses.

*There will be no reprisal against anyone seeking assistance in enforcing this policy.*

Violation of Policy By	Referred To
Faculty Member	Academic Senate
Staff Member	Unit Supervisor
Volunteer	Unit Supervisor
Student	Student Conduct and Academic Integrity Programs/Housing Judicial
Visitor	UCPD
Vendor/Contractor	Purchasing/Architects & Engineers/Physical Plant

**C. Data and Reporting**

UC Riverside will have the tools in place and defined metrics to collect data and feedback for assessing community compliance, response, and environmental impact.

**D. Communications**

The implementation of this policy is augmented by an awareness and education campaign that includes but is not limited to:

- Notification of UC Riverside Smoke/Tobacco-Free policy to current and prospective students and employees through communication available on University websites;
- Notification during the admission and enrollment process for students and during recruitment and new hire orientation for faculty and staff, as applicable;
- Informational meetings, postings, and electronic notifications;
- Tobacco cessation programming for students and employees;
- Notices bearing the message “Smoke/Tobacco-Free Campus” or the international “No Tobacco” symbol or similar signage will be posted at major vehicular crossways, pedestrian crosswalks, and building entrances. However, the Smoke/Tobacco-Free Campus policy applies to all University Controlled Properties whether or not notices are posted unless specified as an approved exception in Section E below.
- Organizers of public events, such as conferences, meetings, public lectures, social events, cultural events, and sporting events using University facilities will responsible for assuring that participants are aware of the requirement to abide by this policy. Organizers of such events are responsible for communicating the policy to attendees.



- Individuals residing in University Controlled Properties and visitors to those properties.
- Communicating with neighbors, local businesses, and others residing, working, or visiting in the surrounding communities.
- Insertion of Smoke/Tobacco-Free Environment Policy language in all leases on University Controlled Property, and in all contracts, purchase orders and invitations to bid which contemplate a presence by a vendor or contractor on any University Controlled Properties.

#### **E. Exceptions**

Tobacco use may be permitted under the following circumstances:

- Research involving tobacco or tobacco products, upon review and written pre-approval by the Office of Research Integrity in consultation with the Executive Vice Chancellor and Provost.
- Educational or clinical purposes, upon review and written pre-approval by the Executive Vice Chancellor and Provost of a submitted written request for exception.
- In traditional ceremonies of recognized cultural and religious groups and theatrical productions that require smoking, upon review and written pre-approval by the Executive Vice Chancellor and Provost of a submitted written request for exception.
- Smoke, like any other air contaminant, must be controlled. It is required that all requests for exceptions be reviewed by the Environmental Health and Safety Director and campus Fire Marshall.

#### **VI. Forms/Instructions**

Currently, there are no forms or instructions to input. At a later date, forms, such as instructional and promotional materials and requests for exceptions, may be made available for downloading.

#### **VII. Contacts**

For comments or questions regarding this draft policy, members of the campus community and the community at large are encouraged to visit the UC Riverside “Clearing the Air” website at [www.tobaccofree.ucr.edu](http://www.tobaccofree.ucr.edu) or send an email to [tobaccofree@ucr.edu](mailto:tobaccofree@ucr.edu).

#### **VIII. Related Information**

- University Smoke-Free Policy Proposal  
([http://www.ucop.edu/risk-services/files/smoke-free\\_policy.pdf](http://www.ucop.edu/risk-services/files/smoke-free_policy.pdf))
- President Yudof Letter of 01/09/12 to the UC Chancellors  
(<http://www.ucop.edu/risk-services/files/chancellors-smokefree-policy010912.pdf>)
- California Government Code 7597.1  
(<http://law.onecle.com/california/government/7597.1.html>)
- LEED Certification  
(<http://www.usgbc.org/leed>)
- USGBC Trademark Policy  
([http://www.usgbc.org/sites/default/files/USGBC\\_Trademark\\_Policy.pdf](http://www.usgbc.org/sites/default/files/USGBC_Trademark_Policy.pdf))
- UC Riverside “Clearing the Air”  
(<http://www.tobaccofree.ucr.edu>)

#### **IX. Frequently Asked Questions**

For a list of frequently asked questions, visit the UC Riverside “Clearing the Air” website at

[www.tobaccofree.ucr.edu](http://www.tobaccofree.ucr.edu). The website provides information on the policy, communication materials, tool and resources, cessation information, and the opportunity to provide feedback and/or questions.

**X. Revision History**

See UC Riverside Policy & Procedures 850-65: *Smoking/Tobacco Use and Sale on Campus*. This policy and associated procedures will be reviewed, at a minimum every two years, by a representative of Business and Administrative Services. The campus administrative policy manager will update this policy and associated procedures to reflect changes to related policies or governing standards, regulations, laws, and other such guidance as often as required.

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## UC SANTA CRUZ Smoke & Tobacco-Free Policy

(Policy EHS0016)

Issuing Officer: Vice Chancellor, Business and Administrative Services

Responsible Department: Environmental, Health & Safety

Effective Date: January 1, 2014

### *References*

1. Yudof to Chancellors, Smoke Free Policy (1/9/12)
2. University of California Smoke & Tobacco Free Policy (draft, 10/1/13)

### **I. PURPOSE OF POLICY**

In a letter, dated January 9th, 2012, President Yudof announced to all Chancellors that the University of California (UC), as a national leader in healthcare and environmental practices, that all UC campuses, buildings, and owned/operated properties will be smoke and tobacco-free environments effective January 2, 2014. Each campus was charged to develop campus specific policies and procedures to implement the smoke and tobacco free directive.

Implementation of the UC Santa Cruz Smoke & Tobacco Free Policy on January 1, 2014 is pursuant to the University of California Presidential directive. The policy meets the minimum standards as introduced in the UC Smoke and Tobacco Free Policy (draft, 10/1/13).

### **II. DEFINITIONS**

For the purposes of this Policy, the following definitions shall apply:

*Members of the University Community* – includes academics, staff, students, volunteers, contractors and visitors.

*Smoke/Tobacco Free* – means that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products and the use of e-cigarettes is strictly prohibited on all University Controlled Properties (including parking spaces) and all vehicles. This also includes all residential space with the exception of employee owned housing.

*Smoking* – means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product as well as smoking substances that are not tobacco, such as marijuana, and the use of smoking instruments.

*Tobacco Product* – means any form of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookahs, bongs), and all forms of smokeless tobacco products including but not limited to chew, snus, snuff, sticks, strips, orbs and unregulated nicotine products (e.g., “e-cigarettes”).

*Tobacco Use* – means the act of using any tobacco product, including but not limited to cigarettes, cigars, pipes, water pipes (hookahs, bongs), and all forms of smokeless tobacco products including but not limited to chew, snus, snuff, sticks, strips, orbs and unregulated nicotine products (e.g., “e-cigarettes”).

Also, including but not limited to smoking, chewing, spitting, inhaling, ingesting, burning, or carrying any

lighted or heated tobacco product.

*UCSC Controlled Property* – means a) all University property operated as part of the UCSC Campus, including campus buildings, residential facilities, structures and facilities, parking structures and surface lots, and grounds, including undeveloped areas; and b) all off-campus University owned or leased property or facilities operated by UCSC staff or academics in support of UCSC administrative, teaching, research or other public service functions. Includes buildings, athletic and entertainment facilities (both indoors and outside), sidewalks, roadways, parking lots, and grounds. This includes University owned, rented or leased vehicles and also applies to personal vehicles while parked on University property. This applies to all housing and residential facilities including Provost/College houses with the exception of employee owned housing. Leased facilities include those properties where the University has a 100% ownership interest or an exclusive lease interest.

### **III. POLICY STATEMENT**

Effective January 1, 2014, smoking and all other tobacco use is not permitted at UC Santa Cruz and on any UCSC controlled property. All smoking, use of smokeless tobacco products and the use of unregulated nicotine products is prohibited. The use of marijuana is prohibited under federal regulations. The sale, advertising, promotion, or distribution of Tobacco Products is also prohibited.

This policy applies to all members of the UC Santa Cruz community including academics, staff, students, student organizations, volunteers, contractors, visitors and anyone on university controlled properties. The smoke & tobacco free policy also covers all University parking lots and residential space with the exception of employee-owned housing. The policy is also applicable to all vehicles when on University property and to University controlled vehicles wherever in use.

### **IV. COMPLIANCE**

Compliance with this Policy is grounded in informing and educating members of the University community and visitors about the Policy and encouraging those who use tobacco products to seek treatment for tobacco dependence. In order to maintain a smoke & tobacco free environment, notifying others about the Policy will be an ongoing effort to enhance awareness of and foster compliance with this Policy.

Noncompliance with the policy is handled in accordance with Staff Human Resources and Academic Personnel Policies and Procedures, Student Code of Conduct and other applicable University regulations or policies, lease agreements and vendor contracts. Through the authority provided in California Government Code 7597.1, the governing bodies of the University of California have the authority, in establishing policy for smoking and tobacco use, to set enforcement standards. Fines will be established for violations of the policy; fines shall not exceed \$100.00 per violation.

The University's expectation is that all academics, staff, students and visitors to campus will adhere to this policy. Academics, staff and students have a collective responsibility to promote the safety and health of the campus community and therefore share in the responsibility of enforcement. Individuals observed using tobacco should be reminded in a respectful manner of the university policy. Department and unit heads are responsible for ensuring that academics, staff, students, and visitors are informed of and comply with this policy. Questions should be directed to the Office of Environmental, Health and Safety.

*There will be no reprisal against anyone seeking assistance in enforcing this policy.*

### **V. APPLICABILITY AND AUTHORITY**

The Smoke & Tobacco Free Policy, applies to all academics, staff, students, volunteers, contractors, and visitors to all UC Santa Cruz controlled properties with the exception of employee-owned housing.

This Policy supersedes any and all previous campus policies, regulations and procedures regarding the use of tobacco, tobacco free products and smoking that may have been previously implemented by campus agencies.

The campus Vice Chancellor for Business and Administrative Services is the campus authority for the Smoke & Tobacco Free Policy. This Policy was reviewed and approved by Campus Provost/Executive Vice Chancellor, Alison Galloway and is effective on January 1, 2014. Next review date is January, 2016.

## **VI. EXCEPTIONS TO POLICY**

Exceptions to the UC Santa Cruz Smoke & Tobacco Free Policy may be granted for the following reasons:

1. Research involving tobacco or tobacco products, or tobacco use for educational or clinical purposes upon review and written pre-approval as specified by the UCSC Office of Research and the Office of Environmental Health and Safety.
2. For traditional ceremonies by recognized cultural and religious groups with prior approval of the sponsoring department, the Office of Environmental Health and Safety, and the Fire Marshal. Ceremonial use is defined as tobacco use for ritual, healing and/or traditional purposes in religious, cultural or ethnic events.
3. For theatrical productions requiring the appearance of smoking, upon request of the sponsoring department and review and approval by the Academic Dean, the Office of Environmental Health and Safety and the Fire Marshal.
4. For property acquired or received by gift or bequest after the effective date of this policy, the provision of this policy shall apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such pre-existing occupancy agreement.

## **VII. RESPONSIBILITIES**

Each member of the UCSC community, including academics, staff, students, student organizations and volunteers, are responsible for observing and adhering to the Smoke & Tobacco Free Environment Policy.

Vice Chancellors, Deans, and Unit/Department Heads have the responsibility to:

Ensure that academics, staff, students, student organizations and visitors within their area are informed of the Policy and that they comply; this includes:

Ensure that the Policy is prominently posted and noted in handbooks, websites, catalogs, and in academics, student and staff recruitment materials within their area of responsibility;  
Promote the Policy and resources to employees and students within their respective areas, including incorporating the Policy in appropriate student or employee recruitment or orientation programs; and ensuring that visitors who may attend programs or events, or are retained to stage events sponsored by the department, are notified of the Policy and UCSC's requirement that all such visitors comply with the Policy. In addition, all volunteers, trainees, vendors, contractors, and supplemental staff employed through contract agencies must be made aware

of and be required to adhere to this Policy.

Enforce the Policy as appropriate or seek assistance with enforcement when needed.

Managers, supervisors and administrative officers are encouraged to answer questions and concerns by their employees and constituents regarding this Policy. Concerns related to application of this Policy should be forwarded to the responsible department head for coordination with the Office of Environmental Health and Safety.

## **VIII. BACKGROUND**

As a leader in higher education, the University of California has a role promoting health-enhancing behaviors. The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the nation. Moreover, research indicates that non-smokers who are regularly exposed to passive (secondhand) tobacco smoke are also at increased risk of illness. Passive smoke appears to be especially deleterious to the health of certain populations, including the elderly, children and individuals with allergies, asthma, respiratory disease, or cardiovascular disease. For these reasons, the Surgeon General has urged employers to implement broad-based health promotion programs with special emphasis on smoking cessation. The response to the Surgeon General's advice and the medical evidence has been an overwhelming trend toward protection of the health and safety of non-smokers.

In January, 2012, UC President Yudof mandated that the UC Chancellors create a smoke free environment on all UC campuses and medical centers within 24 months. Smoke-free was defined by President Yudof as meaning that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., "e-cigarettes") would be strictly prohibited in indoor and outdoor spaces, including parking lots, residential space, and the Medical Center campuses. This policy applies to all UC facilities, whether owned or wholly leased. Sale and advertising of tobacco products are also prohibited in University owned and occupied buildings.

By implementing a Smoke & Tobacco-Free Campus Policy, UC Santa Cruz is seeking to enhance the health of our students, academics, staff and visitors.

## **IX. EDUCATION AND OUTREACH**

Adherence to the Policy is the responsibility of all academics, staff, students and visitors. Violations of the policy will be addressed first through educational methods followed by corrective measures described below. An education and outreach campaign—including resources and referrals for cessation assistance—will be conducted prior to implementation of the Policy on January 1, 2014, and will continue thereafter.

Effective implementation depends on the respect and cooperation of all members of the University community. In an ongoing effort to enhance awareness and encourage a culture of alignment with the Policy, members of the campus community are encouraged to respectfully inform others about the Policy.

## **X. CESSATION RESOURCES**

In addition to providing a healthy learning and work environment, the University is committed to supporting healthy behaviors. Acknowledging that tobacco is highly addictive, the University offers the following resources to assist its community member in ceasing any use of tobacco products:

*Students:* Student Health Center has Cessation Programs for students

*Faculty & Staff:* The various employee health insurance programs provide options for cessation support. Additionally, the UC Living Well Program is a resource for University employees.

<http://uclivingwell.ucop.edu/staywell/welcome.html>

Visitors and Campus Guests: The various help lines and websites are available to students, staff, faculty and the general public.

#### California Smokers' Helpline

1-800-NO-BUTTS

<http://www.californiasmokershelpline.org/>

The California Smokers' Helpline is a telephone program that can help you quit smoking. Helpline services are free, funded by the California Department of Health. The Helpline has been in operation since 1992. Every month, thousands of Californians call and receive help.

#### Santa Cruz County Tobacco Education Coalition

<http://www.santacruzhealth.org/phealth/healthed/3tobacco.htm>

An advocacy group that promotes a tobacco-free lifestyle and environment. The Coalition was formed in 1985 and is currently funded by Proposition 99, the sales tax on cigarettes. The Coalition consists of community organizations as well as concerned grandparents, ex-smokers, and people who have lost a loved one to smoking.

#### Try-To-Stop

<http://makesmokinghistory.org/quitting-smoking/>

An online, interactive quit site developed by the Massachusetts Department of Public Health. The Quit Wizard will help you assess your risk factors, set a quit date and keep you smoke free. Other features include success stories, expert advice and a bulletin board. There are many language options including Spanish, Korean, Chinese, Haitian-Creole, Russian and Portuguese.

#### Web MD

[http://www.webmd.com/404?aspxerrorpath=/condition\\_center/smk](http://www.webmd.com/404?aspxerrorpath=/condition_center/smk)

This site allows you to set goals, design your own personalized quit plan, find out about nicotine replacement therapy and read up on quitting options. There is a smoking cessation support group and articles on the latest news, like facts about nicotine water.

**Questions concerning this Policy should be referred to the Office of Environmental Health and Safety at [tobaccofree@ucsc.edu](mailto:tobaccofree@ucsc.edu)**

**For information specific to the Policy implementation, please visit <http://tobaccofree.ucsc.edu/>**

## UCLA Tobacco Free Policy

- **UCLA Policy 810: Tobacco-Free Environment**  
**Issuing Officer: Administrative Vice Chancellor**  
**Responsible Department: Environment, Health & Safety**  
**Effective Date: April 22, 2013**  
**Supersedes: UCLA Policy 810: Smoke-Free Environment, dated 9/21/2009**

### I. REFERENCES

### II. BACKGROUND AND PURPOSE

### III. DEFINITIONS

### IV. POLICY STATEMENT

### V. RESPONSIBILITIES

### I. REFERENCES

1. President's letter to Chancellors, et al., dated January 9, 2012;
2. California Government Code, Division 7, Chapter 32; and § 7596-7598;
3. University of California Policy on Sustainable Practices, March 22, 2007;
4. UCLA Health Systems Smoke-Free Environment Policy, HS 8002, November 30, 2011.

### II. BACKGROUND AND PURPOSE

In January, 2012, citing healthcare and environmental considerations, UC President Yudof asked that each UC Chancellor implement a smoke-free policy on his/her campus within 24 months, that is, by January 2014. The President set out the key elements expected to be present in any such campus policy to maintain a smoke-free environment: that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., "e-cigarettes") be strictly prohibited in indoor and outdoor spaces, including parking lots, private residential space, and the Medical Center campuses; that the policy apply to all UC facilities, whether owned or leased; and that the sale or advertising of tobacco products be prohibited in University Owned or occupied buildings.



The Environmental Protection Agency (EPA) classified environmental tobacco smoke as a carcinogen in 1993, and the Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the United States. Numerous studies have found that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.

Since 1994, California law applicable to the University has required that state buildings and state vehicles provide and maintain a smoke-free environment. In 2004, the law was amended to extend the no-smoking zone to 20 feet away from the perimeter of buildings and campus policy was modified accordingly. In 2009, the policy was again modified to increase the no smoking zone to 25 feet from building entrances to achieve LEED Green Building Certification on major construction projects, a requirement of the UC Policy on Sustainable Practices. In November 2011, UCLA Health System and UCLA Health Sciences went smoke-free. The change to a tobacco-free environment for the entire campus is consistent with UCLA's commitment to maintaining a safe and healthy environment for students, staff, faculty, volunteers and visitors. The UCLA's Tobacco Free Steering Committee planned and coordinated the campus effort to formulate and implement the UCLA Tobacco-Free Environment Policy. See the UCLA Tobacco Free Steering Committee website at [www.tobaccofree.ucla.edu](http://www.tobaccofree.ucla.edu) for additional information. This Policy sets forth the responsibilities of the members of the campus community in establishing and maintaining a tobacco-free campus environment.

### III. DEFINITIONS

For the purposes of this Policy, the following definitions shall apply: Tobacco Product means any form of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), smokeless tobacco products and unregulated nicotine products (e.g., "e-cigarettes").

Tobacco Use refers to the act of using any Tobacco Product, including smoking, chewing, spitting, inhaling, ingesting, burning, or carrying any lighted or heated Tobacco Product.

UCLA Owned or Leased Property refers to a) all University property operated as part of the UCLA Campus, including campus buildings, private residential facilities, structures and facilities, parking structures and surface lots, and grounds areas; and b) all other University owned or leased property or facilities located in the greater Los Angeles area and operated by UCLA staff or faculty in support of UCLA administrative, teaching, research, medical care or other public service functions or to provide private residential facilities for UCLA students, faculty and staff.

#### IV. POLICY STATEMENT

Except as provided below, Tobacco Use is not permitted on any University Owned or Leased Property, including any portions of such Property that may have been designated smoking areas. The sale, advertising or promotion of Tobacco Products is also prohibited on all University Owned or Leased Property.

Exceptions to the Tobacco-Free Environment Policy may be granted for the following reasons:

1. Tobacco Use may be permitted as required in connection with research approved by the UCLA Institutional Review Board.
2. Tobacco Use may be permitted for University-sponsored ceremonies to take place on the UCLA campus with prior approval of the sponsoring department, the UCLA Events Office and the Fire Marshal's Office.

#### V. RESPONSIBILITIES

1. Each member of the UCLA community, including, students, faculty, staff, and volunteers, is responsible for observing and adhering to the Tobacco-Free Environment Policy.
2. Vice Chancellors, Deans, and Department Heads have the responsibility to ensure that students, faculty, staff and visitors within their area are informed of the Policy; this includes:
  - a) Ensuring that the Policy is prominently posted and noted in handbooks, websites, catalogs, and in student, staff, and faculty recruitment materials within their area of responsibility;
  - b) Promulgating the Policy to all employees and students within their respective areas, including incorporating the Policy in appropriate student or employee recruitment or orientation programs; and
  - c) Ensuring that visitors who may attend programs or events, or are retained to stage events sponsored by the department, are notified of the Tobacco-Free Environment Policy and UCLA's requirement that all such visitors comply with the Policy.
3. Managers, supervisors and administrative officers are encouraged to answer questions and concerns by their employees and constituents regarding this Policy. Concerns related to application of this Policy should be forwarded to the responsible department head for coordination

with the office of the Administrative Vice Chancellor or Office of Environment, Health and Safety.

4. Compliance with this Policy is grounded in informing and educating members of the University community and visitors about the Policy and encouraging those who use Tobacco Products to seek treatment for tobacco dependence. In order to maintain a tobacco-free environment, notifying others about the Policy will be an ongoing effort to enhance awareness of and foster compliance with this Policy. The Tobacco Free Steering Committee is responsible for providing information and answering questions regarding smoking cessation resources. See the UCLA Tobacco Free Steering Committee web site at [www.tobaccofree.ucla.edu](http://www.tobaccofree.ucla.edu) for more information.

- **Please send any questions about the policy, approval process or support offered to [tobaccofree@ucla.edu](mailto:tobaccofree@ucla.edu).**

# UCLA Goes Tobacco-Free

**On April 22, 2013, UCLA will go completely tobacco-free, and the use of cigarettes and all tobacco products will no longer be permitted on the main campus or other UCLA properties.**

**Why?** UC President Mark Yudof charged all UC campuses to go smoke- and tobacco-free by January 2014 to save lives and improve the health of our community.

As a leader in health and health care, as well as environmental research, policy, practice and education, UCLA has a responsibility to demonstrate leadership in reducing tobacco use and secondhand smoke exposure for our students, faculty, staff and visitors. Going tobacco-free supports the goals of our Healthy Campus Initiative in contributing to the health and wellness of our entire community. This policy is about creating a healthy environment for the thousands who learn, work, live and spend time at UCLA.

Curbing tobacco use and reducing exposure to secondhand smoke are vital to reducing tobacco-related diseases, suffering and death. According to reports by the U.S. Surgeon General and others, there is no safe level of exposure to environmental tobacco smoke, which is capable of causing cancer. Creating a safe environment for our students, faculty and staff is our priority.

The U.S. Department of Health and Human Services recently called for smoke- and tobacco-free policies at all universities across the United States. UCLA will join more than 1,000 other colleges and universities that are smoke- or tobacco-free. See the full list at [www.nosmoke.org/pdf/smokefree\\_collegesuniversities.pdf](http://www.nosmoke.org/pdf/smokefree_collegesuniversities.pdf).

**Who?** This affects everyone on UCLA property, including students, faculty, staff and visitors.

**What?** The policy covers the use of all tobacco products, including cigarettes, cigars and smokeless tobacco, as well as electronic cigarettes.

**Where?** Tobacco use will be prohibited everywhere on campus and at properties owned or leased by UCLA. There will be no designated smoking areas. We ask that tobacco users be respectful of our neighbors and not congregate or litter on their property.

**When?** UCLA goes tobacco-free on April 22, 2013, Earth Day, to underscore the negative effects tobacco has not only on our health but on our environment.

Cigarette butts are responsible for over a third of California's litter.

**How?** Enforcement will initially be educational. All students, faculty, staff and visitors are expected to abide by current policies.

**Will there be support for quit efforts?** All tobacco users who want to quit are encouraged to call the free **California Smokers Helpline at 1-800-NO-BUTTS**.

Tobacco users who wish to quit also can obtain free nicotine-replacement therapy kits (NRTs). Students can receive these at the Ashe Center, where counseling and tobacco-cessation support will also be available. Staff and faculty can obtain these products at the Occupational Health Facility in the Center for Health Sciences. A signature and ID are required to receive NRTs.

**What can I do?** If you see someone using tobacco at UCLA, you can politely let them know that UCLA is a tobacco-free campus and ask them to please refrain. Possible approaches include: "Did you know that UCLA is now tobacco-free? Could you please dispose of that cigarette/tobacco product?" or "UCLA is now a 100 percent tobacco-free campus. Please don't smoke/use tobacco here."



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To view the policy and for more information, please see the UCLA Tobacco-Free website at [www.tobaccofree.ucla.edu](http://www.tobaccofree.ucla.edu). Please send any questions to [tobaccofree@ucla.edu](mailto:tobaccofree@ucla.edu).



# Smoke and Tobacco Free Environment

<b>Responsible Officer:</b>	Chief Risk Officer
<b>Responsible Office:</b>	RK - Risk / EH&S
<b>Issuance Date:</b>	1/9/2014
<b>Effective Date:</b>	1/1/2014
<b>Scope:</b>	UC students, staff, academic appointees, visitors, patients, contractors, and volunteers. This policy does not apply to Lawrence Berkeley National Laboratory or other properties owned by the US Department of Energy.

<b>Contact:</b>	Erike Young
<b>Email:</b>	Erike.young@ucop.edu
<b>Phone #:</b>	(510) 987-0170

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## I. POLICY SUMMARY

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As a public institution of higher education with units that research and treat the effects of smoking and tobacco use, the University of California recognizes its responsibility to exercise leadership in the promotion of a healthy, smoke/tobacco-free environment for all students, academic appointees, staff, and visitors. The systemwide policy and associated procedures are intended to provide a healthier, safe and productive work and learning environment for the entire UC community.

In a letter, dated January 9th, 2012, President Yudof announced to all Chancellors that the University of California (UC), as a national leader in healthcare and environmental practices, that all UC campuses, buildings, and owned/operated properties will be smoke and tobacco-free environments effective January 2, 2014. Each campus was charged to develop campus specific policies and procedures to implement the smoke and tobacco-free directive. In the context of this policy, the authorities and responsibilities delegated to the Chancellors are also delegated to the Executive Vice President of Business Operations – Office of the President and the Vice President—

Agriculture and Natural Resources for locations under their respective jurisdiction.

This policy does not apply to Lawrence Berkeley National Laboratory or other properties owned by the US Department of Energy.

This systemwide policy establishes minimum requirements and practices for all UC campuses. Campuses may establish more stringent requirements.

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## II. DEFINITIONS

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**Members of the UC Community** include academic appointees, staff, students, volunteers, contractors, patients and visitors to all University controlled properties.

**University Controlled Properties** refers to University owned properties including those leased to others as well as properties leased to the University in which the University has a 100% ownership interest or an exclusive lease interest.

**Smoke/Tobacco-Free** means that smoking, the use of smokeless tobacco products, the use of unregulated nicotine products, and the use of electronic smoking devices (which includes e-cigarettes) is strictly prohibited on all University Controlled Properties.

**Smoking** means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances that are not tobacco, and operating electronic smoking devices and other smoking instruments.

**Tobacco Use** includes inhaling, smoking, chewing, dipping, or any other assimilation of tobacco products.

**Tobacco Product** means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic cigarettes, and all forms of smokeless tobacco.

**Tobacco-Related** means the use of tobacco brand or corporate name, trademark, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco.

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## III. POLICY TEXT

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Effective January 2nd, 2014, the University of California prohibits smoking and the use of tobacco products at all University controlled properties. Each campus shall develop campus specific policies and procedures to implement this policy that include all of the following minimum requirements:

**University of California – Policy Smoking Policy  
Smoke and Tobacco Free Environment**

- Smoking, the use of smokeless tobacco products, electronic smoking devices (e.g., e-cigarettes), and the use of nicotine products not regulated by the U.S. Food and Drug Administration for treating nicotine or tobacco dependence are strictly prohibited in indoor and outdoor spaces, including parking lots.
- The policy must apply to all UC facilities, whether owned or leased.
- The sale and advertising of tobacco, tobacco-related products, electronic smoking devices, and products related to electronic smoking devices are prohibited at all UC controlled properties except for advertising in newspapers, magazines, or other written materials sold, bought, or distributed on UC property.
- This policy applies to all members of the UC community including academic appointees, staff, students, alumni, volunteers, contractors, visitors, and anyone entering onto University-controlled properties.
- Enforcement should be primarily educational with an emphasis on cessation resources.

The following exemptions may be included in campus policies and procedures:

- For property acquired or received by gift or bequest after the effective date of this policy, the provision of this policy shall apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such preexisting occupancy agreement.
- Smoking and/or tobacco use may be permitted for traditional ceremonial activities of recognized cultural and/or religious groups.
- Research involving tobacco or tobacco products, or tobacco use for educational or clinical purposes upon review and written pre-approval as specified by local campus procedures.

This policy serves the UC goal of meeting sustainable green building design standards through LEED (Leadership in Energy and Environmental Design) certification.

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#### **IV. COMPLIANCE / RESPONSIBILITIES**

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Noncompliance with the policy is handled in accordance with Personnel Policies for Staff Members (PPSM) policies 62-65 pertaining to disciplinary actions and Academic Personnel Manual (APM) 015-016 pertaining to the Faculty Code of

Conduct and administration of discipline; APM 140 and 150 pertaining to Non-Senate Academic Appointees; and campus specific policies on student conduct.

Through the authority provided in California Government Code 7597.1, the governing bodies of the University of California have the authority, in establishing policy for smoking and tobacco use, to set enforcement standards at local campuses. Each campus has the authority to establish fines for violations of this policy, but such fines shall not exceed \$100.00 per violation.

*There will be no reprisal against anyone seeking assistance in enforcing this policy.*

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## V. PROCEDURES

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Each campus shall develop local procedures to implement this policy. In the context of this policy, locations under the jurisdiction of the Vice President—Agriculture and Natural Resources, the authorities and responsibilities delegated to the Chancellors are also delegated to the Vice President—Agriculture and Natural Resources. As part of the implementation process, campuses should consider the following principles when developing local campus procedures:

- All academic appointees, staff, students, and visitors to university controlled properties are expected to adhere to this policy and the applicable procedures. All have a collective responsibility to promote the safety and health of the campus community. Effective implementation depends on the respect and cooperation of all members of the University community.
- In an ongoing effort to enhance awareness and encourage a culture of compliance, members of the campus community are encouraged to respectfully inform others about the policy. It is the responsibility of Senior Management, as well as deans, directors, and department heads to communicate this policy to their employees and volunteers and for event organizers to communicate this it to event attendees.
- In addition, visitors, guests, volunteers, trainees, vendors, contractors, and supplemental staff employed through contract agencies must be made aware of and are expected to adhere to this smoke/tobacco-free policy.
- A comprehensive education and outreach campaign, including resources and referrals for cessation will be made available.



## **VI. RELATED INFORMATION**

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- University Smoke-Free Policy Proposal  
([http://www.ucop.edu/risk-services/files/smoke-free\\_policy.pdf](http://www.ucop.edu/risk-services/files/smoke-free_policy.pdf))
- President Yudof Letter of 01/09/12 to the UC Chancellors  
(<http://www.ucop.edu/risk-services/files/chancellors-smokefree-policy010912.pdf>)
- California Government Code 7597.1  
(<http://law.onecle.com/california/government/7597.1.html>)
- LEED Certification  
(<http://www.usgbc.org/leed>)

## **VII. FREQUENTLY ASKED QUESTIONS**

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For a list of frequently asked questions, visit the UC Smoke/Tobacco-Free website at [www.UCtobaccofree.com](http://www.UCtobaccofree.com). The website also provides links to related resources, including links to other UC campuses and medical centers, as well as universities and colleges that have successfully implemented a similar policy.

## **VIII. REVISION HISTORY**

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This is the first version of this Policy.

## **UC SANTA BARBARA POLICY AND PROCEDURE**

### **Smoking, Tobacco, and Unregulated Nicotine Products**

Contact: Student Health Services, and Environmental Health and Safety

Effective: January 1, 2014

Supersedes: Smoking Policy, January 2004

Pages: 3

## **SMOKING, TOBACCO, AND UNREGULATED NICOTINE PRODUCTS**

### **I. BACKGROUND**

The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the United States. Research indicates that non-smokers who are regularly exposed to secondhand tobacco smoke are also at increased risk of illness. Moreover, cigarette litter is harmful to our environment and wildlife.\* Therefore, to provide a safe and healthy environment for students, faculty, staff, and visitors, UCSB has adopted the following policy.

### **II. SCOPE**

This policy applies to everyone on or within UCSB managed property.

### **III. POLICY**

To protect the health and safety of students, faculty, staff, and visitors, and the environment:

- A. Smoking and the use of smokeless tobacco or unregulated nicotine products (such as electronic cigarettes) are prohibited on and within UCSB managed property.
- B. The sale or distribution of smoking, tobacco, and unregulated nicotine products on or within UCSB managed property is prohibited.
- C. Advertising smoking, tobacco, and unregulated nicotine products in university publications and within UCSB managed property is prohibited, with the exception that commercial newspapers and magazines that contain these advertisements may be sold in university facilities, where commerce is permitted.

### **IV. RESPONSIBILITIES**

Protecting the UCSB community and the environment from the harmful effects of smoking, secondhand smoke, smokeless tobacco, and unregulated nicotine products requires the consideration and cooperation of everyone, when they are on or within UCSB managed property.

- A. Each individual is responsible for complying with the policy.
- B. Department heads are responsible for ensuring that faculty, staff, students and visitors within their area are informed of the policy, and for resolving any noncompliance issues.

\*For more information on the effects of smoking, exposure to secondhand smoke, use of smokeless tobacco and unregulated nicotine products on people and the environment, see Appendix.

## **UC SANTA BARBARA POLICY AND PROCEDURE**

### **Smoking, Tobacco and Nicotine Products**

January 2014

Page 2 of 3

- C. Student Health Services and Environmental Health and Safety are responsible for providing smoking cessation education and programs.
- D. Campus Design and Construction is responsible for the posting of signs at entrances to the campus to communicate smoking is prohibited on and within UCSB managed property.

#### **V. RELATED POLICIES AND RESOURCES**

- A. California Government Code, Division 5, Chapter 5.6, Sec. 19994.30-19994.35  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml)
- B. California Government Code, Division 7, Chapter 32, Sec. 7596-7598  
[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml)
- C. Presidential letter to Chancellors, January 1, 2012  
<http://policy.ucop.edu/doc/4000371/SmokingLocal>
- D. UCSB Environmental Health and Safety, Policy 5400; June 1, 1989
- E. California Smokers Helpline 1-800-NO-BUTTS, a free telephone-based quit smoking program
- F. Student Health Services – Alcohol, Tobacco, and Drugs Program  
<http://alcohol.sa.ucsb.edu/>
- G. Environmental Health and Safety – Injury and Illness Prevention Program  
<http://www.ehs.ucsb.edu/units/iipp/iipp.html>
- H. Centers for Disease Control and Prevention (CDC)  
<http://www.cdc.gov/tobacco/index.htm>

#### **VI. APPENDIX – Harmful Effects of Smoking and Smokeless Products**

- A. Smoking, exposure to secondhand smoke, and the use of smokeless tobacco or unregulated nicotine products are harmful to people.<sup>1</sup>
  - 1. Tobacco-related illnesses are the leading cause of preventable mortality in the United States, killing 443,000 people each year. (CDC, 2008) Cigarette smoking can cause chronic lung disease, coronary heart disease and stroke, in addition to cancer of the lungs, larynx, esophagus, mouth, and bladder. Cigars and smokeless tobacco products are known to cause lung, larynx, esophageal, and oral cancer. (CDC 2010)
  - 2. Exposure to secondhand smoke is the third leading cause of preventable death in the United States, killing over 50,000 non-smokers each year. (Glantz &

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<sup>1</sup> VI.A.- B.1. "Smoke-free Policy Proposal;" The Smoking Policy Subcommittee of the Occupational Wellness Forum, 10/25/2011.

**UC SANTA BARBARA POLICY AND PROCEDURE**  
**Smoking, Tobacco and Nicotine Products**

January 2014  
Page 3 of 3

Parmley, 1991) Exposure to secondhand smoke causes lung cancer, heart disease, and respiratory illnesses. (MMWR, 2011) The United States Environmental Protection Agency (EPA) has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen (USEPA, 1992) The Surgeon General of the United States has concluded that there is no risk-free level of exposure to secondhand tobacco smoke. Ventilation cannot eliminate exposure of nonsmokers to secondhand smoke; establishing smoke-free environments is the only proven way to prevent exposure. (USDHHS, 2006)

- B. Cigarette butts are harmful to our environment.
1. The California Air Resources Board has categorized secondhand smoke as a toxic air contaminant. (CEPA, 2006)
  2. Discarded cigarette butts are a form of non-biodegradable litter. Carried as runoff from streets to drains, to rivers, and ultimately to the ocean and its beaches, cigarette filters are the single most collected item in international beach cleanups each year.<sup>2</sup>
  3. Cellulose acetate (a form of plastic from which filters are made) is photodegradable but not bio-degradable. Under ideal environmental conditions, ultraviolet rays from the sun will eventually break the filter into smaller pieces. However, the source material never disappears; it essentially becomes diluted in water or soil, leaking the toxic chemicals, the cigarette filter was designed to trap, into ecosystems. Toxic cigarette filters have been found in the stomachs of fish, birds, whales and other marine creatures who mistake them for food.<sup>3</sup>
  4. Even when properly disposed, cigarette butts are hazardous solid waste, increasing landfill demands and adding costs to waste disposal programs.

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<sup>2</sup>VI.B.2-4. Unless otherwise noted, material is derived from "Cigarettes Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste;" Thomas E. Novotny, Kristen Lum, Elizabeth Smith, Vivian Wang, and Richard Barnes, May 20, 2009. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2697937/>

# UCSF CAMPUS AND MEDICAL CENTER POLICY TOBACCO-FREE AT WORK

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## I. Policy Summary

The University of California, San Francisco (UCSF) has adopted a tobacco-free at work policy in order to minimize health risk to patients and employees, improve the quality of air, and enhance the environment on Campus and Medical Center locations as well as the surrounding community.

## II. Definitions

- A. *Employee* is defined as UCSF Campus and Medical Center faculty, staff, and contract employees.
- B. *Student* is defined as those who are pursuing degree programs at UC San Francisco; enrolled in classes and registered full or part-time as approved by the Office of the Registrar.
- C. *Campus* is defined as any or all of the main centers of activity of the University under the jurisdiction of the Chancellor and includes University-owned or leased property, buildings, space, and University-owned passenger vehicles and moving equipment, including light and heavy trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed or enclosable driver/passenger compartment. All UCSF Campus and Medical Center site locations are included.
- D. *Public Building* is defined as a building owned and occupied, or leased and occupied, by the state. The definition of “state” or “state agency” includes each campus of the University of California as defined pursuant to Section 11000, the Legislature, the Supreme Court, and the Courts of Appeal. [Government Code Relating to Tobacco; Chapter 32 “Smoking in Public Buildings” 7596 (2)(b)].
- E. *Tobacco product use* includes but not limited to: inhaling, exhaling, burning, smoking, chewing, or carrying any cigarettes, e-cigarettes, pipes, cigars, smokeless tobacco, chewing tobacco, and marijuana.

## III. Policy

To provide a tobacco-free environment for its faculty, staff, students, patients, and visitors, UCSF shall be a tobacco-free campus. UCSF employees are required to be tobacco-free while at work, during any scheduled work shift (including breaks).

## IV. Responsibilities

- A. All UCSF employees must observe this Tobacco-Free at Work policy. Use of tobacco products is prohibited by employees during any scheduled work shift, including breaks that occur on or outside of UCSF Campus and Medical Center locations. Employees must also adhere to being tobacco-free while attending training classes or work-related functions, which are paid for by UCSF.

Supervisors are responsible for enforcing the policy in their respective areas, and for addressing problems through the existing administrative structure.

- B. Students of UCSF are also required to comply with the Tobacco-Free at Work policy. The policy will apply when students are on campus for scheduled class time, clinical rotations, coursework, student research, and includes all breaks taken during the course of a day in which any of the above activities are scheduled.
- C. All contractors and vendors are expected to comply with the Tobacco-Free at Work policy while working at UCSF sites. Contractors will be informed of the UCSF Tobacco-Free at Work policy at the time a contract is agreed upon. Vendors will be reminded of the policy when signing in at shipping and receiving to deliver items. If a contractor or vendor is observed violating this policy, observers may either inform them of UCSF's policy or contact Security.
- D. Volunteers are expected to comply with the Tobacco-Free at Work policy.
- E. Security should be notified immediately if an employee witnesses any individual smoking in an area that poses a potential threat to health or safety, such as smoking near areas in which combustible supplies, flammable liquids, gases or oxygen are used or stored.

#### **V. Related Information:**

- [UC President Letter on Non-Smoking Guidelines](#)
- [UCSF Campus Smoke-Free Workplace Policy 550-10](#)
- UCSF Medical Center Administrative policies:
  - [Employee Dress Standards 4.03.04](#)
  - [Smoke Free Environment 1.01.19](#)
- Smoking Education and Tobacco Cessation Information:
  - <http://TobaccoFree.ucsf.edu>
  - Fontana Tobacco Treatment Center:  
[http://www.ucsfhealth.org/clinics/tobacco\\_treatment\\_center/](http://www.ucsfhealth.org/clinics/tobacco_treatment_center/)

#### **VI. Policy History**

Policy Editor: UCSF Smoke Free Task Force, May 2013

Responsible Officer: David Odato, AVC for Human Resources and the Policy Steering Committee

**Appendix D:**  
**Coding Guidelines: ACHA guidelines and Yudof Mandate**

## Appendix A. ACHA Comprehensive Tobacco-Free Environment Score Sheet

### Tobacco-Free Environment Score

Campus Name:

Count number of Yes's: (a)

Scoring related to tobacco use (Part 1 of the ACHA guideline):

Yes\_\_\_ No\_\_\_ 1.1 Banned cigarette smoking 20 ft from the entrances of any campus building

Yes\_\_\_ No\_\_\_ 1.2 Banned tobacco use 20 ft from the entrance of any campus building

Yes\_\_\_ No\_\_\_ 1.3 Banned cigarette smoking in campus-owned vehicles

Yes\_\_\_ No\_\_\_ 1.4 Banned tobacco use in campus-owned vehicles

Yes\_\_\_ No\_\_\_ 1.5 Smoking allowed only in designated areas, or not at all

Yes\_\_\_ No\_\_\_ 1.6 Tobacco allowed only in designated areas, or not at all

Yes\_\_\_ No\_\_\_ 1.7 Banned cigarette smoking on all campus outdoor grounds

Yes\_\_\_ No\_\_\_ 1.8 Banned tobacco use on all campus outdoor grounds

Scoring related to campus relationship with tobacco companies (Part 1 of the ACHA guideline):

Yes\_\_\_ No\_\_\_ 1.9 Banned sponsorship of campus activities by tobacco or tobacco-promoting companies

Yes\_\_\_ No\_\_\_ 1.10 Banned sales of tobacco products on campus

Yes\_\_\_ No\_\_\_ 1.11 Banned advertising, promotions, and/or marketing on campus property

Yes\_\_\_ No\_\_\_ 1.12 Banned distribution or sampling of tobacco and associated products on all university owned or leased property and at university sponsored events, regardless of venue.

Yes\_\_\_ No\_\_\_ 1.13 Banned tobacco industry sponsorship of athletic events and athletes

Yes\_\_\_ No\_\_\_ 1.14 Banned recruitment by tobacco companies on campus for employment purposes.

Yes\_\_\_ No\_\_\_ 1.15 Banned direct or indirect funding from tobacco companies

Scoring related to promotion of the policy (Part 2 of the ACHA guidelines):

Yes\_\_\_ No\_\_\_ 1.16 The tobacco policy is clearly posted in employee and student handbooks

Scoring related to programs and services (Part 3 and 4 of the ACHA guidelines):

Yes\_\_\_ No\_\_\_ 1.17 The campus provides cessation services or resources for students

Yes\_\_\_ No\_\_\_ 1.18 The campus provides cessation services or resources for faculty and staff

Scoring related to implementation (Part 7 of the ACHA guidelines):

Yes\_\_\_ No\_\_\_ 1.19 There is a plan for enforcement

Scoring related to organization: (Part 9 of the ACHA guidelines)

Yes\_\_\_ No\_\_\_ 1.20 There is a tobacco taskforce

Count number of Yes's: (a) and divide by 20.  $(a)/20 = \text{CAMPUS SCORE}$



<b>Policy adherence to Yudoff's mandate</b>	<b>Adherence (Y/N)</b>
<b>Mandate</b>	
Smoke-free is defined as prohibiting smoking, smokeless tobacco products and unregulated nicotine delivery devices (e.g., e-cigarettes)	
Tobacco products are prohibited in all indoor and outdoor locations, including parking lots, private residential space, and the Medical Center campuses	
The policy will apply to all UC property, whether leased or owned	
Sale and advertising of tobacco products must be prohibited	
Enforcement should be primarily educational, with an emphasis on smoking cessation	
Implement within 24 months of the mandate (January 2014)	

## **Appendix E: Observational Assessment Tools**

## Cigarette Patrol Sheet

### OBSERVATIONS OF INDIVIDUALS SMOKING

**Initials:** \_\_\_\_\_ **Date:** \_\_\_\_\_

	Time	No. of SMOKING		Number of people using other tobacco products (please specify type, chew, e-cig, etc to best of ability)		Notes: Please indicate if people are smoking/tobacco products alone or in a group. Please comment on any other notable aspects of how people are smoking.	Tally the number of people who are using tobacco within 20 ft of a building entrance
		#M	#F	#M (PRODUCT)	#F (PRODUCT)		
Hot Spot #1 (please specify)							
Hot Spot #2 (please specify)							
Hot Spot #3 (please specify)							
Hot Spot #4 (please specify)							
Hot Spot #5 (please specify)							
Hot Spot #6							

**Cigarette Patrol Sheet**  
**OBSERVATIONS OF LITTER FROM CIGARETTES ON THE GROUND**

<b>Initials:</b>		<b>Date:</b>	
	<b>Time</b>	<b>No. of Butts</b>	<b>Notes:</b>
<b>Hot Spot #1</b>			
<b>Hot Spot #2</b>			
<b>Hot Spot #3</b>			
<b>Hot Spot #4</b>			
<b>Hot Spot #5</b>			
<b>Hot Spot #6</b>			

**Cigarette Patrol Sheet**  
**OBSERVATIONS OF SIGNAGE**

<b>Initials:</b>		<b>Date:</b>	
	<b>Time</b>	<b>Number of signs</b>	<b>Wording of the signs (please write down the specific wording of each sign)</b>
<b>Hot Spot #1</b>			
<b>Hot Spot #2</b>			
<b>Hot Spot #3</b>			
<b>Hot Spot #4</b>			
<b>Hot Spot #5</b>			
<b>Hot Spot #6</b>			

## **Appendix F: Survey Instrument**

**Appendix G:**  
**Dr. Michael Ong, Chair of TEROC**  
**letter to the UC Irvine Chancellor Michael Drake**

Please do not put your name on this survey

**The following is a questionnaire to assess the effectiveness of the implementation of the tobacco and smoke free policies in 2 and 4 year colleges throughout California. Please take the next 5-10 minutes to answer the following questions.**

**The following questions are about your University's/College's policy.**

1. My university's/college's **current** policy on smoking is:

- 100% tobacco free
- 100% smoke free
- Smoke free with the exception of approved smoking areas
- Smoking is not allowed inside campus buildings or vehicles or within 20 feet of building entrances
- Don't know

2. I have read my university's/college's **current** policy on the use of tobacco products.  Yes  No

3. I have seen signs on campus about the tobacco policy.  Yes  No

4. My school offers tobacco cessation services for students, faculty and staff.

- Yes  No  I don't know

5. In the past 7 days I have seen someone smoking on campus.  Yes  No

6. In the past 7 days I have seen someone using any other type of tobacco product on campus (eg: smokeless tobacco product, cigarillo, hookah, e-cigarette).  Yes  No

7. In the past 7 days I have been exposed to **other people's** tobacco smoke on campus.

- Yes  No

**The following questions are about tobacco use and promotion on your campus:**

8. I feel comfortable persuading other people to not smoke on campus.

- Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree

9. Have you ever encouraged a person you saw smoking on campus to put out their cigarette?

- Yes  No

10. I am less likely to smoke on campus because of my school's tobacco policy.

- Strongly Agree  Agree  Neutral  Disagree  Strongly Disagree  N/A (do not smoke)





Please do not put your name on this survey

16b. When did you first have a cigar, cigarillo, or little cigar?

- Before I began college
- While attending college
- I have never had a cigar, cigarillo, or little cigar

16c. In the past 30 days have you smoked a cigar, cigarillo, or little cigar on campus?  Yes  No

17a. Have you used chewing tobacco, snuff, or dip in the last 30 days?  Yes  No

17b. When did you first use chewing tobacco, snuff, or dip?

- Before I began college
- While attending college
- I have never used chewing tobacco, snuff, or dip

17c. In the past 30 days have you used chewing tobacco, snuff, or dip on campus?  Yes  No

18a. Have you used an electronic cigarette (e-cigarette) in the last 30 days?  Yes  No

18b. When did you first use an e-cigarette?

- Before I began college
- While attending college
- I have never used an e-cigarette

18c. In the past 30 days have you used an e-cigarette on campus?  Yes  No

19a. Have you used any other type of tobacco product in the last 30 days?  Yes  No

19b. If so what was the name of this product \_\_\_\_\_

19c. When did you first use this product?

- I started using this product before I began college
- I started using this product while attending college
- I have never used any other tobacco product

19d. In the past 30 days have you used this product on campus?  Yes  No

Please do not put your name on this survey

20. Are you thinking of quitting using tobacco products?

- Yes, within the next 30 days       Yes, within the next 6 months  
 No, not thinking of quitting at this time       NA I do not use tobacco products

**The following questions are about what you and your peers feel about tobacco and tobacco policies:**

21. Out of every 100 students on campus, how many of them do you think smoke cigarettes?

- Fewer than 10     10 to 25     26 to 40     41 to 55     56 to 100

22. Out of every 100 students on campus, how many of them do you think use other tobacco products (eg: smokeless tobacco product, cigarillo, hookah, e-cigarette)?

- Fewer than 10     10 to 25     26 to 40     41 to 55     56 to 100

23. How many of your 5 closest friends use tobacco (smoke cigarettes, or use smokeless tobacco products, cigarillos, hookahs, e-cigarettes, chewing tobacco, snuff, etc)?

- 0     1     2     3     4     5

**To what extent do you agree with the following statements?**

24. My closest friends think that I should not smoke cigarettes.

- Strongly Agree     Agree     Neutral     Disagree     Strongly Disagree

25. Regulation of smoking in public places is a good thing.

- Strongly Agree     Agree     Neutral     Disagree     Strongly Disagree

26. Smoking among students is acceptable.

- Strongly Agree     Agree     Neutral     Disagree     Strongly Disagree

27. Most people on this campus believe students should be allowed to smoke.

- Strongly Agree     Agree     Neutral     Disagree     Strongly Disagree

28. Most people on this campus believe students who smoke should quit.

- Strongly Agree     Agree     Neutral     Disagree     Strongly Disagree

29. Regulation of smoking in outdoor places is a good thing.

- Strongly Agree     Agree     Neutral     Disagree     Strongly Disagree

30. I intend to smoke a cigarette (even a puff) in the next 6 months.

- Very Likely     Somewhat Likely     Somewhat Unlikely     Very Unlikely

Please do not put your name on this survey

31. I intend to smoke a cigarette (even a puff) in the next 6 months **on campus**.

Very Likely    Somewhat Likely    Somewhat Unlikely    Very Unlikely

32. I intend to use another tobacco product (eg: smokeless tobacco product, cigarillo, hookah, e-cigarette) in the next 6 months.

Very Likely    Somewhat Likely    Somewhat Unlikely    Very Unlikely

33. I intend to use another tobacco product (eg: smokeless tobacco product, cigarillo, hookah, e-cigarette) in the next 6 months **on campus**.

Very Likely    Somewhat Likely    Somewhat Unlikely    Very Unlikely

**The following questions are about your background:**

34. What is your gender?  Male    Female    Transgender

35. Which of these groups would you say best represents your race?

White    Black or African American    Asian    Pacific Islander

American Indian, Alaskan Native    2 or more races

36. Which of these groups would you say best represents your ethnicity?

Hispanic    Non-Hispanic

37. Please provide the day/month/year you were born?   MONTH:\_\_\_\_ DAY:\_\_\_\_ YEAR:\_\_\_\_

38. What is your sexual orientation?

Heterosexual/straight    Gay    Lesbian    Bi-sexual    Other

39. What is your current status as a campus community member?

Freshman Student    Sophomore Student    Junior Student    Senior Student

Graduate Student    Faculty    Staff

Other (Please Explain): \_\_\_\_\_

**Thank you for your time!**

**STATE OF CALIFORNIA**  
**TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE**

**MEMBERS:**

**MICHAEL ONG, M.D., Ph.D.**  
CHAIRPERSON  
Assistant Professor in Residence  
Division of General Internal Medicine and  
Health Services Research  
Department of Medicine  
University of California, Los Angeles

**DENISE ADAMS-SIMMS, M.P.H.**  
Executive Director  
San Diego Black Health Associates

**LOURDES BAEZCONDE-GARBANATI, Ph.D.,  
M.P.H., M.A.**  
Associate Professor in Preventive Medicine and Sociology  
Institute for Health Promotion and Disease Prevention Research  
Keck School of Medicine  
University of Southern California

**WENDEL BRUNNER, Ph.D., M.D., M.P.H.**  
Director of Public Health  
Contra Costa Health Services

**PATRICIA ETEM, M.P.H.**  
Executive Consultant  
CIVIC Communications

**LAWRENCE W. GREEN, Dr.P.H., ScD. (Hon.)**  
Professor  
Department of Epidemiology and Biostatistics  
School of Medicine and Comprehensive Cancer Center  
University of California San Francisco

**ALAN HENDERSON, Dr.P.H., C.H.E.S.**  
Professor Emeritus  
California State University, Long Beach

**PAMELA LING, M.D., M.P.H.**  
Associate Professor  
Department of Medicine  
University of California, San Francisco

**MYRON DEAN QUON, Esq.**  
Executive Director  
National Asian Pacific American Families  
Against Substance Abuse

**DOROTHY RICE, Sc.D. (Hon.)**  
Professor Emeritus  
Institute for Health and Aging  
School of Nursing  
University of California, San Francisco

**PEGGY M. UYEDA**  
Consultant  
California Department of Education

**SHU-HONG ZHU, PH.D., M.S.**  
Professor  
Department of Family and Preventive Medicine  
University of California, San Diego

October 24, 2013

Michael V. Drake, M.D.  
Office of the Chancellor  
University of California, Irvine  
Irvine, CA 92697

Re: University of California, Irvine (UC Irvine) Smoke-free Policy

Dear Chancellor Drake:

The Tobacco Education and Research Oversight Committee (TEROC) is a legislatively mandated oversight committee (California Health and Safety Code Sections 104365-104370) that monitors the use of Proposition 99 tobacco tax revenues for tobacco control, prevention education, and tobacco-related research in California. TEROC advises the California Department of Public Health, the University of California (UC), and the California Department of Education with respect to policy development, integration, and evaluation of tobacco education programs funded by Proposition 99. TEROC is also responsible for the development of a master plan for the future implementation of tobacco control.

UC is a national leader in healthcare and has set forth to demonstrate this leadership by moving forward with a plan to offer a tobacco-free environment on all UC campuses. On January 9, 2012, Mark G. Yudof, President of the UC at the time, charged each university within the UC system with the task of implementing a comprehensive tobacco-free policy. Mr. Yudof specifically outlined the key elements required to maintain a tobacco-free environment: “smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., electronic cigarettes A.K.A. “e-cigarettes”) will be strictly prohibited in indoor and outdoor spaces, including parking lots, private residential space, and the Medical Center campuses.”

At the October 1, 2013 TEROC meeting, the Committee became aware that UC Irvine had proposed a policy banning the smoking of tobacco at UC Irvine locations, but permitted the use of smokeless tobacco products and unregulated nicotine products, including e-cigarettes. This proposal to allow the use of smokeless tobacco products and unregulated nicotine products directly contradicts the key elements specified by Mr. Yudof required to preserve a tobacco-free environment within the UC system.



Michael V. Drake, M.D.  
Page 2  
October 24, 2013

The beneficial health effects of banning cigarette smoking through reduction in smoking and secondhand smoke are clear. However, banning the use of smokeless tobacco products in your policy will save lives by preventing serious health harms such as mouth, tongue, and throat cancer. TEROC is concerned that allowing use of electronic cigarettes will reduce the effectiveness of your smoking ban which works by promoting nonsmoking social norms, and will additionally distract smokers who might otherwise quit from trying. While electronic cigarettes are under consideration for regulation by the Food and Drug Administration, TEROC is also concerned that allowing the use of electronic cigarettes will foster overall tobacco addiction by encouraging youth to explore this new avenue to nicotine addiction.

In order to establish an effective tobacco-free environment, TEROC urges UC Irvine to continue its leadership in healthcare by reconsidering the campus' policy as proposed, and include in its policy language additional prohibitions on the use of smokeless tobacco products and unregulated nicotine products. Given the imperative nature of this issue, TEROC would appreciate your correspondence updating the Committee on the status of UC Irvine's tobacco-free policy. If you have any questions, you may contact me at (310) 794-0154 or via e-mail at [mong@mednet.ucla.edu](mailto:mong@mednet.ucla.edu).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Ong', is positioned above the typed name.

Michael Ong, M.D., Ph.D.  
Chairperson

Cc: Janet Napolitano, President, University of California  
John D. Stobo, M.D., Senior Vice President, Health Sciences and Services,  
University of California

**Appendix H: UC Irvine Chancellor Michael Drake's letter in  
response to Dr. Michael Ong, Chair of TEROC**

President's Correspondence

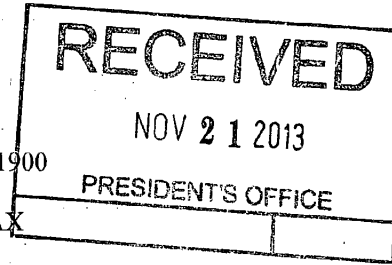
Incoming Letter: Chancellor Michael Drake

Summary: UCI Chancellor copies the President on his letter responding to Dr. Michael Hong, Chairperson of the State of California Tobacco Education and research Oversight Committee, expressing concern regarding a proposal at UCI to ban smoking on the campus, but to permit the use of smokeless tobacco and e-cigarettes.

President Napolitano

	Draft Response for the President	Advise the President	Handle	Information
Barbara Allen-Diaz				
Tom Andriola				
Maria Anguiano				X
Steven Beckwith				
Nathan Brostrom				X
Susan Carlson				
Cecile Cuttitta				X
Daniel M. Dooley				X
Aimée Dorr				
Dwaine B. Duckett				
Gary Falle				X
Diana Gee				
Seth Grossman				X
Steve Juarez				
Marsha Kelman				
Patrick Lenz				
Glenn Mara				
Kevin McCauley				X
Charles Robinson				
Nina Robinson				X
Judy Sakaki				
Mel Stanton				
John Stobo				X
Peter Taylor				X
Sheryl Vacca				





Office of the Chancellor

510 Aldrich Hall  
Irvine, CA 92697-1900  
(949) 824-5111  
(949) 824-2087 FAX

November 15, 2013

Michael Ong, M.D., Ph.D  
Chairperson  
State of California  
Tobacco Education and Research Oversight Committee  
P.O. Box 997377, MS 7206  
Sacramento, California 95899-7377

Dear Dr. Ong:

Thank you for sharing your views on the importance of tobacco education and the implementation of a tobacco-free environment. As an individual and as a physician, I support the principle of a tobacco-free environment.

As I am sure you understand, implementing a campus-wide policy is a complex endeavor that requires the support and cooperation of all members of our community – students, faculty, and staff. I will gladly add your comments and recommendations regarding smokeless tobacco and unregulated nicotine products to those from our campus colleagues as we move forward with the implementation of this new policy.

Sincerely,

Michael V. Drake, M.D.  
Chancellor

cc: President Napolitano  
Senior Vice President John D. Stobo

## **Appendix I: President Janet Napolitano's letter**



1111 Franklin Street  
Oakland, California 94607-5200  
Phone: (510) 987-9074  
Fax: (510) 987-9086  
<http://www.ucop.edu>

January 9, 2014

CHANCELLORS  
MEDICAL CENTER CHIEF EXECUTIVE OFFICERS  
VICE PRESIDENT, AGRICULTURE AND NATURAL RESOURCES

Dear Colleagues:

Enclosed is the University of California Smoke and Tobacco Free Environment Policy issued in accordance with the policy letter disseminated on January 9, 2012, by President Yudof to the Chancellors indicating that all UC locations are to institute a smoke and tobacco free policy by January 1, 2014.

As a public institution of higher education involved in the research and treatment of the effects of smoking and tobacco use, the University of California recognizes its responsibility to provide leadership in the endorsement of a smoke/tobacco-free environment for its stakeholders. This systemwide policy is to assist in the promotion of a healthier work and learning environment for the entire UC community.

The Smoke and Tobacco Free Environment Policy is effective as of January 1, 2014, and will be published online at <http://policy.ucop.edu/>.

Yours very truly,

Janet Napolitano  
President

Enclosure

cc: Lawrence Berkeley National Laboratory Director  
Members, President's Cabinet  
Chief Human Resource Officers  
Universitywide Policy Office



# Smoke and Tobacco Free Environment

<b>Responsible Officer:</b>	Chief Risk Officer
<b>Responsible Office:</b>	RK - Risk / EH&S
<b>Issuance Date:</b>	1/9/2014
<b>Effective Date:</b>	1/1/2014
<b>Scope:</b>	UC students, staff, academic appointees, visitors, patients, contractors, and volunteers. This policy does not apply to Lawrence Berkeley National Laboratory or other properties owned by the US Department of Energy.

<b>Contact:</b>	Erike Young
<b>Email:</b>	Erike.young@ucop.edu
<b>Phone #:</b>	(510) 987-0170

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## I. POLICY SUMMARY

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As a public institution of higher education with units that research and treat the effects of smoking and tobacco use, the University of California recognizes its responsibility to exercise leadership in the promotion of a healthy, smoke/tobacco-free environment for all students, academic appointees, staff, and visitors. The systemwide policy and associated procedures are intended to provide a healthier, safe and productive work and learning environment for the entire UC community.

In a letter, dated January 9th, 2012, President Yudof announced to all Chancellors that the University of California (UC), as a national leader in healthcare and environmental practices, that all UC campuses, buildings, and owned/operated properties will be smoke and tobacco-free environments effective January 2, 2014. Each campus was charged to develop campus specific policies and procedures to implement the smoke and tobacco-free directive. In the context of this policy, the authorities and responsibilities delegated to the Chancellors are also delegated to the Executive Vice President of Business Operations – Office of the President and the Vice President—

Agriculture and Natural Resources for locations under their respective jurisdiction.

This policy does not apply to Lawrence Berkeley National Laboratory or other properties owned by the US Department of Energy.

This systemwide policy establishes minimum requirements and practices for all UC campuses. Campuses may establish more stringent requirements.

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## II. DEFINITIONS

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**Members of the UC Community** include academic appointees, staff, students, volunteers, contractors, patients and visitors to all University controlled properties.

**University Controlled Properties** refers to University owned properties including those leased to others as well as properties leased to the University in which the University has a 100% ownership interest or an exclusive lease interest.

**Smoke/Tobacco-Free** means that smoking, the use of smokeless tobacco products, the use of unregulated nicotine products, and the use of electronic smoking devices (which includes e-cigarettes) is strictly prohibited on all University Controlled Properties.

**Smoking** means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances that are not tobacco, and operating electronic smoking devices and other smoking instruments.

**Tobacco Use** includes inhaling, smoking, chewing, dipping, or any other assimilation of tobacco products.

**Tobacco Product** means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic cigarettes, and all forms of smokeless tobacco.

**Tobacco-Related** means the use of tobacco brand or corporate name, trademark, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco.

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## III. POLICY TEXT

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Effective January 2nd, 2014, the University of California prohibits smoking and the use of tobacco products at all University controlled properties. Each campus shall develop campus specific policies and procedures to implement this policy that include all of the following minimum requirements:

**University of California – Policy Smoking Policy  
Smoke and Tobacco Free Environment**

- Smoking, the use of smokeless tobacco products, electronic smoking devices (e.g., e-cigarettes), and the use of nicotine products not regulated by the U.S. Food and Drug Administration for treating nicotine or tobacco dependence are strictly prohibited in indoor and outdoor spaces, including parking lots.
- The policy must apply to all UC facilities, whether owned or leased.
- The sale and advertising of tobacco, tobacco-related products, electronic smoking devices, and products related to electronic smoking devices are prohibited at all UC controlled properties except for advertising in newspapers, magazines, or other written materials sold, bought, or distributed on UC property.
- This policy applies to all members of the UC community including academic appointees, staff, students, alumni, volunteers, contractors, visitors, and anyone entering onto University-controlled properties.
- Enforcement should be primarily educational with an emphasis on cessation resources.

The following exemptions may be included in campus policies and procedures:

- For property acquired or received by gift or bequest after the effective date of this policy, the provision of this policy shall apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such preexisting occupancy agreement.
- Smoking and/or tobacco use may be permitted for traditional ceremonial activities of recognized cultural and/or religious groups.
- Research involving tobacco or tobacco products, or tobacco use for educational or clinical purposes upon review and written pre-approval as specified by local campus procedures.

This policy serves the UC goal of meeting sustainable green building design standards through LEED (Leadership in Energy and Environmental Design) certification.

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#### **IV. COMPLIANCE / RESPONSIBILITIES**

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Noncompliance with the policy is handled in accordance with Personnel Policies for Staff Members (PPSM) policies 62-65 pertaining to disciplinary actions and Academic Personnel Manual (APM) 015-016 pertaining to the Faculty Code of

Conduct and administration of discipline; APM 140 and 150 pertaining to Non-Senate Academic Appointees; and campus specific policies on student conduct.

Through the authority provided in California Government Code 7597.1, the governing bodies of the University of California have the authority, in establishing policy for smoking and tobacco use, to set enforcement standards at local campuses. Each campus has the authority to establish fines for violations of this policy, but such fines shall not exceed \$100.00 per violation.

*There will be no reprisal against anyone seeking assistance in enforcing this policy.*

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## V. PROCEDURES

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Each campus shall develop local procedures to implement this policy. In the context of this policy, locations under the jurisdiction of the Vice President—Agriculture and Natural Resources, the authorities and responsibilities delegated to the Chancellors are also delegated to the Vice President—Agriculture and Natural Resources. As part of the implementation process, campuses should consider the following principles when developing local campus procedures:

- All academic appointees, staff, students, and visitors to university controlled properties are expected to adhere to this policy and the applicable procedures. All have a collective responsibility to promote the safety and health of the campus community. Effective implementation depends on the respect and cooperation of all members of the University community.
- In an ongoing effort to enhance awareness and encourage a culture of compliance, members of the campus community are encouraged to respectfully inform others about the policy. It is the responsibility of Senior Management, as well as deans, directors, and department heads to communicate this policy to their employees and volunteers and for event organizers to communicate this it to event attendees.
- In addition, visitors, guests, volunteers, trainees, vendors, contractors, and supplemental staff employed through contract agencies must be made aware of and are expected to adhere to this smoke/tobacco-free policy.
- A comprehensive education and outreach campaign, including resources and referrals for cessation will be made available.

## **VI. RELATED INFORMATION**

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- University Smoke-Free Policy Proposal  
([http://www.ucop.edu/risk-services/files/smoke-free\\_policy.pdf](http://www.ucop.edu/risk-services/files/smoke-free_policy.pdf))
- President Yudof Letter of 01/09/12 to the UC Chancellors  
(<http://www.ucop.edu/risk-services/files/chancellors-smokefree-policy010912.pdf>)
- California Government Code 7597.1  
(<http://law.onecle.com/california/government/7597.1.html>)
- LEED Certification  
(<http://www.usgbc.org/leed>)

## **VII. FREQUENTLY ASKED QUESTIONS**

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For a list of frequently asked questions, visit the UC Smoke/Tobacco-Free website at [www.UCtobaccofree.com](http://www.UCtobaccofree.com). The website also provides links to related resources, including links to other UC campuses and medical centers, as well as universities and colleges that have successfully implemented a similar policy.

## **VIII. REVISION HISTORY**

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This is the first version of this Policy.



## **Appendix J: RE-89 Documents**



OFFICE OF THE PRESIDENT

*Robert C. Dynes*  
President

1111 Franklin Street  
Oakland, California 94607-5200  
Phone: (510) 987-9074  
Fax: (510) 987-9086  
<http://www.ucop.edu>

February 5, 2008

## CHANCELLORS

Dear Colleagues:

As you know, at its September, 2007 meeting, the Board of Regents adopted RE-89, a Regental resolution requiring adoption of special review, approval, and reporting procedures for proposals to obtain research funding from the tobacco industry. I am writing to request that each of you ensure that your respective campus has in place policies and procedures for implementing RE-89, and to provide you with materials to facilitate implementation.

The full text of RE-89 as adopted is available online at:

<http://www.universityofcalifornia.edu/regents/aar/sep.pdf>, and additional background information is available in the item that was provided to The Regents before the September Regents' meeting. This item is available online at:  
<http://www.universityofcalifornia.edu/regents/regmeet/sept07/re89.pdf>.

As adopted by The Regents, RE-89 includes three elements:

1. **A Regental statement to researchers:** The resolution exhorts University researchers to consider carefully whether to accept research funding from the tobacco industry, and to exercise the utmost care to ensure that their research adheres to the highest scientific and ethical standards, including vigilance in not allowing any funder to direct or control the outcome of their research or the dissemination of its results.
2. **A requirement that the Chancellors establish policies requiring scientific peer review and Chancellorial approval of proposals prior to submission to tobacco industry funders, and timely reporting to Regents on the proposals that are reviewed.**

3. **A requirement for an Annual Report to The Regents.** The President is directed to provide The Regents with an annual report summarizing the number of proposals submitted to the scientific review committees for review before submission to tobacco industry sponsors, the number approved, and the number funded, along with abstracts of the proposals. Campuses will need to submit this information to the Office of the President so that it can prepare the required reports.

It is worth noting that Philip Morris, the only known current tobacco industry sponsor of University of California research, recently discontinued its external research program, the program through which it has funded university researchers since 2000. Therefore, Chancellors may elect not to adopt a detailed peer review process at this time, choosing instead to initiate a review process on an “as-needed” basis should a researcher indicate the intent to submit a funding proposal to a tobacco industry sponsor in the event future funding opportunities become available.

Nonetheless, **Chancellors should put in place a process to ensure that no new research proposals are submitted to tobacco industry sponsors unless/until they have undergone internal review as required by RE-89.** This could be accomplished via a combination of one or more mechanisms, such as:

- Adding a “check a box” to appropriate contracts and grants routing forms requiring researchers to indicate whether they are requesting that their proposal be submitted to a tobacco industry funder, and indicating that such proposals must undergo special review.
- Advising researchers intending to seek funding from a tobacco industry sponsor to consult as far in advance as possible with a designated campus official (such as the campus Vice Chancellor for Research) to discuss the required review/approval process.
- Issuing campuswide guidance outlining the review/approval process that will be used for research proposals that are to be submitted to tobacco industry sponsors.

To facilitate your implementation of RE-89, the Office of Research has prepared the enclosed background materials and model policy, which were developed with input from campus Vice Chancellors for Research. While each campus may adopt individual implementation procedures that fit with local administrative processes, it is our hope that the enclosed materials will help promote consistency across campuses in general approach.

Chancellors  
February 5, 2008  
Page 3

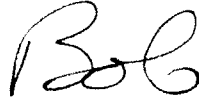
I hope you find the enclosed information useful as you move forward in implementing this important policy, and I encourage you to get in touch with me or Ellen Auriti, Executive Director of Research Policy and Legislation, with any questions you may have. Executive Director Auriti can be reached by telephone at (510) 987-9429 or by e-mail at [ellen.auriti@ucop.edu](mailto:ellen.auriti@ucop.edu).

Enclosed are the following:

1. *Model Policy on Tobacco Industry Funding of Research*. This may be used as a model for campus policies/guidance. However, campuses are free to craft their own guidance consistent with RE-89.
2. *Flowchart: Model Review Process*. This flowchart depicts a suggested review process for implementing RE-89.

Thank you for your assistance in ensuring implementation of RE-89.

Sincerely,



Robert C. Dynes

Enclosures

cc: Provost Hume  
Academic Council Chair Brown  
Vice President Beckwith  
Vice Chancellors for Research  
✓ Executive Director Auriti  
Secretary and Chief of Staff Griffiths

*Model Policy on Tobacco Industry Funding of Research  
at the University of California*

**I. General Policy:** In accordance with University of California Regents Resolution RE-89, the University of California [*insert name of campus*] will not submit any new research proposals to tobacco industry sponsors unless/until the proposals have undergone internal review and have been approved by the Chancellor, as required by RE-89.

Researchers intending to seek funding from a sponsor that may be considered to be part of the tobacco industry should contact the Office of the Vice Chancellor for Research for guidance regarding the process for review and approval, and should do so well in advance of any submission deadline.

**II. Background and Implementation:** On September 20, 2007, The Regents of the University of California approved RE-89, a resolution that requires special review, approval and reporting procedures related to University submission of research proposals seeking funding from tobacco industry sponsors. The full text of RE-89 is available online at:  
<http://www.universityofcalifornia.edu/regents/aar/sep07.pdf><sup>1</sup> [See Page 3].

**A. Exhortation to Researchers:** RE-89 exhorts University researchers to:

1. Consider carefully whether to accept research funding from the tobacco industry (and whether their research might be better served by seeking funding from alternate sources).
2. Exercise the utmost care in assuring that their research (including research carried out with tobacco industry funding) adheres to the highest scientific and ethical standards. This includes being particularly vigilant about not allowing any funder to direct or control the outcome of the research or the dissemination of its results.

**B. Definition of tobacco industry/Scope of policy:** RE-89 defines “tobacco industry” as “entities whose principal business is the manufacture and sale of tobacco products, and agencies that are substantially controlled by or acting on behalf of such entities.” The special review and approval requirements apply only to tobacco industry sponsors of research, and only to proposals submitted after September 2007 (new proposals and/or competitive renewals of current grants) . The campus Office of Research (working with the UCOP Office of Research) can provide guidance as needed in interpreting/applying this definition.

**C. Review/Approval Requirements:** As required by RE-89, the review and approval process for submissions of proposals for research funding from the tobacco industry will include the following elements:

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<sup>1</sup> Additional information can be found in the background item that was provided to The Regents prior to the September 20, 2007 Regents meeting, available online at:  
<http://www.universityofcalifornia.edu/regents/regmeet/sept07/re89.pdf>

**1. Review of all such proposals by a scientific peer review committee designated by the Chancellor for that purpose.**

a. The scientific review committee will be composed of at least three faculty members with expertise in areas of science relevant to the proposal being submitted, and will advise the Chancellor regarding whether the proposed study uses sound methodology and whether it appears designed to allow the researcher to reach objective and scientifically valid conclusions.

b. For each proposal it reviews, the scientific review committee will produce a written report including a recommendation as to whether the proposal should be approved for submission, and/or whether any changes should be made to the proposal prior to submission, along with the rationale for the committee's recommendation.

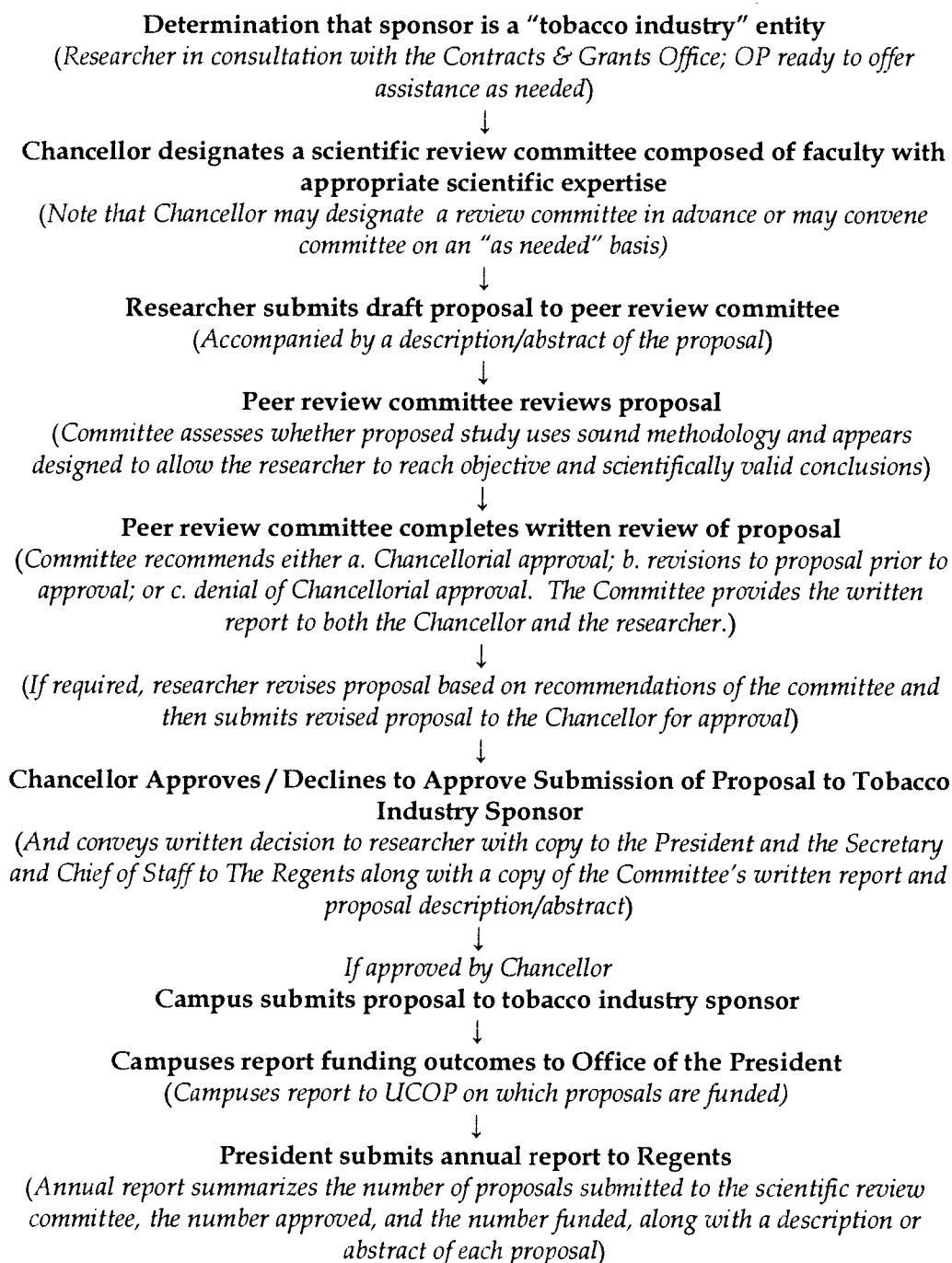
**2. Chancellorial approval prior to submission of any proposal to seek funding from the tobacco industry.** In deciding whether to approve submission of a proposal, the Chancellor will take into account the written review of the scientific peer review committee and any advice issued by the campus conflict of interest committee, in cases where, under existing policy requirements, the researcher has disclosed a financial interest in the research sponsor.

**3. Issuance of a written Chancellorial determination approving or disapproving submission of a proposal to seek funding from a tobacco industry sponsor – including a rationale of the determination – with a copy to be provided to the researcher, the President, and The Regents.**

**4. An annual report from the President of the University to The Regents summarizing the number of proposals submitted to a scientific review committee under RE-89, the number approved, and the number funded, along with a description or abstract of each proposal.**

## Proposals for Tobacco Industry Funding: Model Review Process (Flowchart)

The following flowchart outlines how the review process might look at each campus.



# THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

September 20, 2007

The Regents of the University of California met on the above date at the Mondavi Center, Davis campus.

Present: Regents Allen, Blum, Brewer, Bugay, De La Peña, Dynes, Garamendi, Gould, Hopkinson, Island, Johnson, Kozberg, Lansing, Moores, Parsky, Pattiz, Preuss, and Ruiz (18)

In attendance: Regents-designate Cole and Shewmake, Faculty Representatives Brown and Croughan, Secretary and Chief of Staff Griffiths, Associate Secretary Shaw, General Counsel Robinson, Chief Investment Officer Berggren, Provost Hume, Executive Vice Presidents Lapp and Darling, Vice Presidents Broome, Foley, and Sakaki, Acting Vice President Standiford, Chancellors Birgeneau, Bishop, Block, Fox, Kang, Vanderhoef, and Yang, Acting Chancellors Blumenthal and Grey, and Recording Secretary Smith

The meeting convened at 2:25 p.m. with Chairman Blum presiding.

## 1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion duly made and seconded, the minutes of the meetings of July 2007 were approved.

## 2. REPORT OF THE PRESIDENT

President Dynes presented the report concerning University activities and individuals.

Upon motion duly made and seconded, the President's report was accepted, and it was directed that notes of thanks be sent to the donors of the gifts mentioned in the report, that congratulations be extended to those faculty and staff members who have been awarded honors, and that notes of sympathy and regret be sent to the families of those whose deaths were reported.

[The report was mailed to all Regents in advance of the meeting, and a copy is on file in the Office of the Secretary.]

## 3. REPORT OF THE COMMITTEE ON AUDIT

The Committee presented the following from its meeting of September 11, 2007:

### SUMMARY REPORT

The minutes of the Meeting May 17, 2007 were approved.

All remaining items on the Agenda were for discussion:



- University Auditor Reed gave a brief update on completion rates for the online ethics briefing that is mandatory for all UC employees, and on the conflict of interest courses for UC designated officials and for researchers. A more comprehensive report on completion rates for all three courses, by location, will be given at the November Regents meeting.
- Vice President Sakaki reported on development of a new Presidential policy on student educational loan practices and agreed to provide the Committee on Audit with periodic updates regarding this topic. A copy of Vice President Sakaki's report is on file with the Office of the Secretary and Chief of Staff.
- The Berkeley and Los Angeles campus Directors of Internal Audit gave presentations about their local campus audit programs, focusing on the most significant internal control and compliance issues addressed in their recent reported findings. Future Committee meetings during this fiscal year will include similar presentations from all UC locations. The Berkeley and Los Angeles annual reports were mailed to Committee members in advance of the meeting and are on file with the Office of the Secretary and Chief of Staff.
- The Committee reviewed and discussed a revised, streamlined procedure for selecting and appointing an outside financial expert to replace Mr. Kent Vining, who has served the Committee well in this capacity. This procedure was also mailed to Committee members in advance of the meeting and as amended is on file with the Office of the Secretary and Chief of Staff.
- Finally, the Committee discussed its annual agenda.

Upon motion of Regent Preuss, duly seconded, the report of the Committee on Audit was accepted.

#### 4. **REPORT OF THE COMMITTEE ON COMPENSATION**

##### A. *Individual Salary Items*

The Committee recommended the following:

(1) *Appointment Salary for Lorraine Midanik a Dean–School of Social Welfare, Berkeley Campus*

Approval of the following items in connection with the appointment salary for Lorraine Midanik as Dean–School of Social Welfare, Berkeley campus:

- a. As an exception to policy, an appointment salary of \$200,000. This represents a 38.8 percent increase in Ms. Midanik's current adjusted faculty salary of \$144,644. (SLCG Grade 106: Minimum \$150,000, Midpoint \$189,900, Maximum \$229,700). This increase takes into

consideration that Ms. Midanik will not be eligible for merit/equity consideration in October 2007.

- b. This appointment is 100 percent time and effective September 1, 2007 pending approval by The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, Executive Salary Continuation for Disability.
- Per policy, accrual of sabbatical credits.
- Per policy, ineligible for participation in the Senior Management Supplemental Benefit Program due to dual faculty appointment.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(2) ***Appointment Salary for Albert F. Bennett as Dean—School of Biological Sciences, Irvine Campus***

Approval of the following items in connection with the appointment salary for Albert F. Bennett as Dean—School of Biological Sciences, Irvine campus:

- a. Per policy, appointment salary of \$250,000. This represents a 23.6 percent increase over Mr. Bennett's Fiscal Year Academic salary of \$202,200 (Salary Grade 108: Minimum \$187,100, Midpoint \$238,200, Maximum \$289,300). This increase takes into consideration that Mr. Bennett will not be eligible for merit/equity consideration in October 2007.
- b. This appointment is 100 percent time and effective August 1, 2007 pending approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, Executive Salary Continuation for Disability.
- Per policy, accrual of sabbatical credits as a member of faculty.
- Per policy, ineligible for participation in the Senior Management Supplemental Benefits Program due to dual appointment as a member of faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(3) ***Establishment of New Position and Appointment Salary for James R. Herron as Associate Vice Chancellor–Administration of Health Affairs, Irvine Campus***

Approval of the following items in connection with the establishment of a new Senior Management Group position and an appointment salary for James R. Herron as Associate Vice Chancellor–Administration of Health Affairs, Irvine campus:

- a. Establishment of new position within the Senior Management Group, of Associate Vice Chancellor–Administration of Health Affairs, Irvine campus. This new position combines responsibility for Health Sciences Corporate Compliance and Privacy Officer as well as the duties of the Associate Dean–Administration.
- b. Approval of interim slotting of new position, Associate Vice Chancellor–Administration of Health Affairs at SLCG Grade 110: Minimum \$233,200, Midpoint \$298,800, Maximum \$364,300, per Mercer Human Resource Consulting Group recommendation.
- c. Appointment salary of \$298,800. This represents a 46.8 percent increase to Mr. Herron's base salary of \$203,500 and takes into consideration that Mr. Herron will not be eligible for merit/equity consideration in October 2007.
- d. This appointment is 100 percent time and effective September 1, 2007 pending approval by The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, eligible to participate in the Senior Management Benefits Compensation Plan.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(4) ***Appointment Salary for Paul W. Drake as Senior Vice Chancellor–Academic Affairs, San Diego Campus***

Approval of the following items in connection with the appointment salary for Paul W. Drake as Senior Vice Chancellor–Academic Affairs, San Diego campus:

- a. As an exception to policy, salary increase of \$81,300 (37.2 percent) to bring his annual base salary from \$218,700 to \$300,000 (SLCG Grade 111: Minimum \$260,400, Midpoint \$334,600, Maximum \$408,700 SLCG).
- b. This appointment is 100 percent time and effective October 1, 2007.
- c. Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program. Per policy, as a Senior Manager who was in the Executive Program and who held a dual academic appointment as of June 30, 1996 shall continue participation in the Supplemental Benefit Program. Mr. Drake has been a member of the Senior Management Group since 1995.

Additional items of compensation are:

- Per policy, authorization by The Regents to participate in the Graduated Payment Mortgage Origination Program with a loan up to \$1,330,000.
- Per policy, accrual of sabbatical credits.
- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, an annual automobile allowance of \$8,916.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(5) ***Appointment Salary for Jane C. Moores as Assistant Vice Chancellor–Intellectual Property, San Diego Campus***

Approval of the following items in connection with the appointment salary for Jane C. Moores as Assistant Vice Chancellor–Intellectual Property, San Diego campus:

- a. As an exception to policy, salary increase of \$70,500 (61.6 percent) to bring her annual base salary from \$114,500 to \$185,000. (SLCG Grade 107: Minimum \$167,600, Midpoint \$212,700, Maximum \$257,800).
- b. This appointment is at 100 percent time and effective October 1, 2007.

Additional items of compensation are:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, Ms. Moores will not be eligible to participate in the merit/equity program until October 1, 2008.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(6) ***Title Change and Appointment Salary for Daniel W. Park as Chief Campus Counsel and Associate General Counsel, San Diego Campus***

Approval of the following items in connection with the appointment salary and title change for Daniel W. Park as Chief Campus Counsel and Associate General Counsel, San Diego campus.

- a. As an exception to policy, a salary increase of \$48,600 (35.6 percent) to bring his annual base salary from \$136,400 to \$185,000, 100 percent time.
- b. Mr. Park will not be eligible for merit or equity consideration on October 1, 2007.
- c. Change in title for the position from Campus Counsel to Chief Campus Counsel and Associate General Counsel.
- d. Effective date of October 1, 2007.

Additional items of compensation include:

- Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program.
- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(7) ***Appointment Salary for Sheila E. Antrum as Chief Patient Care Services Officer, Medical Center, San Francisco Campus***

Approval of the following items in connection with the appointment salary for Sheila E. Antrum as Chief Patient Care Services Officer, San Francisco Medical Center:

- a. As an exception to policy, a salary increase of \$62,900 (33.6 percent increase) to bring her annual base salary from \$187,100 to \$250,000, (SLCG Grade 109: Minimum \$208,900, Midpoint \$266,800, Maximum \$324,600) 100 percent time.
- b. As an exception to policy, two house-hunting trips, the total number of days not to exceed 10 for Ms. Antrum. Reasonable expenses for coach, air fare, meals and lodging will be reimbursed.
- c. As an exception to policy, a \$50,000 (20 percent) lump sum Relocation Allowance to offset the cost of living differential. A portion of the allowance will be distributed each year, over four years and conditioned upon Ms. Antrum's active employment at UCSF during each year of the payout. Providing a relocation allowance to Ms. Antrum constitutes an exception to policy because this policy does not provide for the payment of a relocation allowance to intra-state transfers.
- d. The appointment is at 100 percent and is effective October 1, 2007.
- e. Per policy, eligibility to participate in the Mortgage Origination Program with a potential loan of up to \$1,000,000.
- f. Per policy, eligibility to participate in the Senior Management Supplemental Benefit Program at the contribution rate of 5 percent of base salary.

- g. Per policy, eligibility for participation in the Clinical Enterprise Management Recognition Program (CEMRP) with a maximum payout of up to 20 percent of base salary.
- h. Per policy, reimbursement of 100 percent of moving expenses to the extent allowed by policy.
- i. Per policy, one month of temporary housing assistance.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(8) ***Appointment Salary for Brenda L. Johnson as University Librarian, Santa Barbara Campus***

Approval of the following items in connection with the appointment salary for Brenda L. Johnson as University Librarian, Santa Barbara Campus:

- a. Appointment salary of \$195,000. This represents a 15.6 percent increase in Ms. Johnson's current salary of \$168,694 as Associate University Librarian for Public Services, University of Michigan, Ann Arbor (SLCG Grade 105: Minimum \$134,400, Midpoint \$169,600, Maximum \$204,700).
- b. This appointment is 100 percent time and effective January 1, 2008 pending approval by The Regents.
- c. Per policy, \$48,750 (25 percent) as relocation allowance, subject to a pro-rated repayment requirement in the event that Ms. Johnson resigns within the first four years of employment.
- d. Per policy, reimbursement of 100 percent of the actual moving expenses up to \$10,000.
- e. Per policy, one house-hunting trip, not to exceed four days for Ms. Johnson and her spouse. Coach air fare, meals and lodging will be reimbursed up to \$2,500.
- f. Per policy, participation in the Mortgage Origination Program.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits, and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, eligible for participation in the Senior Management Supplemental Benefits Program.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(9) ***Appointment Salary for Donald J. DePaolo as Earth Sciences Division Director–Faculty, Lawrence Berkeley National Laboratory***

Approval of the following items in connection with the appointment salary for Donald J. DePaolo as Earth Sciences Division Director–Faculty, Lawrence Berkeley National Laboratory (LBNL):

- a. Per policy, an increase in the amount of 15 percent (\$37,940) of his current annualized faculty salary of \$252,933, plus an administrative stipend of \$4,000 (1.5 percent) paid by the Berkeley campus for additional duties as Director of the Center of Isotope Geochemistry, for a total salary of \$294,873.
- b. If an adjustment to the academic base salary is made during the term of this ongoing appointment, the 15 percent stipend and the annualized salary will be recalculated against the new academic base salary.
- c. This appointment is at 50 percent time during the academic year (simultaneous 50 percent faculty appointment at UCB during the academic year) and at 100 percent time during the three summer months, and is effective September 1, 2007 pending approval by The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of faculty.

The source of funds for payment of these LBNL related compensation items is the Department of Energy (DOE) as provided under the University's contract with the DOE.



The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments. Approval from DOE has been received.

(10) ***Appointment Salary for Arunava Majumdar as Environmental Energy Technologies Division Director–Faculty, Lawrence Berkeley National Laboratory***

Approval of the following items in connection with the appointment for Arunava Majumdar as Environmental Energy Technology Division Director–Faculty, Lawrence Berkeley National Laboratory (LBNL):

- a. An administrative stipend in the amount of 15 percent (\$29,160) of his current annualized faculty salary of \$194,400 for a total salary of \$223,560.
- b. If an adjustment to the academic base salary is made during the term of this ongoing appointment, the 15 percent stipend and the annualized salary will be recalculated against the new academic base salary.
- c. This appointment is at 50 percent time during the academic year (simultaneous 50 percent faculty appointment at UC Berkeley during the academic year) and at 100 percent time during the three summer months; and is effective October 1, 2007 pending approval by The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of faculty.

The source of funds for payment of these LBNL related compensation items is the Department of Energy (DOE) as provided under the University's contract with DOE.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(11) ***Stipend for Vicki L. Ruiz as Acting Dean–School of Humanities, Irvine Campus***

Approval of the following items in connection with the appointment for Vicki L. Ruiz as Acting Dean–School of Humanities, Irvine campus:

- a. Per policy, an administrative stipend of 8.2 percent (\$16,411) plus her adjusted academic salary of \$199,589 for an annual salary of \$216,000 (Salary Grade 108: Minimum \$187,100, Midpoint \$238,200, Maximum \$289,300).
- b. If an adjustment to the adjusted academic base salary is made prior to the termination of this acting role, the 8.2 percent stipend will be recalculated against the new annualized academic base salary.
- c. This appointment is 100 percent time and is effective September 1, 2007 through August 31, 2008, or until the appointment of a permanent Dean–School of Humanities, whichever occurs first.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(12) ***Stipend for Fernando Torres-Gil as Acting Dean–School of Public Affairs, Los Angeles Campus***

Approval of the following items in connection with the appointment of Fernando Torres-Gil as Acting Dean–School of Public Affairs, Los Angeles campus:

- a. Per policy, an administrative stipend of 3.8 percent (\$8,000) to increase his 9-month professorial salary of \$158,000 plus 3 summer ninths of \$52,700 to \$218,700.
- b. If an adjustment to the annual academic base salary is made prior to the termination of this acting role, the current stipend will be recalculated against the new annualized academic base salary.
- c. This appointment is at 100 percent time and is retroactive to August 1, 2007, and effective through June 30, 2008, or until the permanent incumbent returns to the position, whichever occurs first.

It will be understood that if a shorter period of time is appropriate, the acting appointment and stipend will end.

- d. Mr. Torres-Gil is currently receiving an \$8,000 administrative stipend for his responsibilities as Associate Dean–School of Public Affairs. Effective August 1, 2007, through June 30, 2008, that stipend will be used to compensate Mr. Torres-Gil for both his responsibilities as Associate Dean and Acting Dean. If the permanent incumbent in the Dean position returns prior to June 30, 2008, Mr. Torres-Gil will retain this stipend for his duties as Associate Dean.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(13) ***Stipend for Sharon A. Duffy as Acting Dean–University Extension, Riverside Campus***

Approval of the following items in connection with the appointment salary for Sharon A. Duffy as Acting Dean–University Extension, Riverside campus:

- a. As an exception to policy, an administrative stipend of 39.4 percent (\$44,661) plus Ms. Duffy's adjusted academic salary of \$113,339 for an annual salary of \$158,000 (Salary Grade 105: Minimum \$134,400, Midpoint \$169,600, Maximum \$204,700).
- b. If an adjustment to the adjusted academic base salary is made prior to the termination of this acting role, the 39.4 percent stipend will be recalculated against the new annualized academic base salary.
- c. This appointment is 100 percent time and is effective October 1, 2007 through September 30, 2008, or until the appointment of a permanent Dean–University Extension, whichever occurs first.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(14) ***Stipend for Susan Harlow as Acting Vice Chancellor–University Advancement, Riverside Campus***

Approval of the following items in connection with the appointment salary for Susan Harlow as Acting Vice Chancellor–University Advancement, Riverside campus:

- a. As an exception to policy, an administrative stipend of 20 percent (\$37,000) to increase Ms. Harlow's base salary of \$185,000 for an annual salary of \$222,000 (Salary Grade 108: Minimum \$187,100, Midpoint \$238,200, Maximum \$289,300).
- b. If an adjustment to the base salary is made prior to the termination of this acting role, the 20 percent stipend will be recalculated against the new base salary.
- c. This appointment is 100 percent time and effective September 10, 2007 through September 9, 2008 or until the appointment of a permanent Vice Chancellor–University Advancement, whichever occurs first, pending approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(15) ***Stipend for Jeffrey L. Elman as Acting Dean–Division of Social Sciences, San Diego Campus***

Approval of the following items in connection with the compensation for Jeffrey L. Elman as Acting Dean–Division of Social Sciences, San Diego campus:

- a. Per policy, an annual administrative stipend of 12.8 percent (\$30,000) plus his adjusted academic salary of \$235,367 for total annual compensation of \$265,367.
- b. If an adjustment to the adjusted academic base salary is made prior to the termination of this acting role, the 12.8 percent stipend will be recalculated against the new annualized academic base salary.

- c. This appointment is at 100 percent time and is effective October 1, 2007 through September 30, 2008, or until a new Dean is hired, whichever occurs first.

Additional compensation and related items include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of the faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(16) ***Stipend Extension for Patricia Calarco as Acting Dean—Graduate Division, San Francisco Campus***

Approval of the following items in connection with the stipend extension for Patricia Calarco as Acting Dean—Graduate Division, San Francisco campus:

- a. As an exception to policy, an extension of her existing stipend of \$32,880 (20.9 percent) to increase her base salary of \$157,700 for an annual salary of \$190,580 (SLCG Grade 107: Minimum \$167,600, Midpoint \$212,700, Maximum \$257,800). The total stipend percentage of 20.9 percent represents an exception to the policy which provides for a maximum stipend amount of 15 percent.
- b. The stipend amount of \$32,880 is to remain constant with any and all salary adjustments, inclusive of merit increases.
- c. The stipend will be effective July 1, 2007 through June 30, 2008. This period represents an exception to policy which provides for one-year acting appointments. Ms. Calarco has served in this acting capacity since November 1, 2005 (20 months). Ms. Calarco is to serve in this capacity up to an additional three months following the appointment of a permanent Dean or June 30, 2008, whichever occurs first, to facilitate a transition.
- d. This is an 80 percent appointment.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(17) ***Stipend Extension for Harold G. Levine as Associate Provost for Education Initiatives, Office of the President***

Approval of the following items in connection with the stipend extension for Harold G. Levine as Associate Provost for Education Initiatives, Office of the President:

- a. As an exception to policy, increase in administrative stipend from \$26,865 (15 percent) to \$35,820 (20 percent) to increase his base salary of \$179,100, for a total annual salary of \$214,920. The stipend of 20 percent represents an exception to the policy which provides for a maximum stipend amount of 15 percent.
- b. The stipend amount will be increased as the base salary is increased, so the stipend will equal 20 percent of the base salary.
- c. Effective September 1, 2007 through August 31, 2008.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(18) ***Stipend for Acting Department Counsels in the Office of the General Counsel***

Approval of the following in support of a reorganization of the Office of the General Counsel:

- a. Six stipends totaling \$265,904 on an annualized basis as shown in Attachment 1. Four of the six stipends are exceptions to policy since they exceed 15 percent of base salary.
- b. The stipend amount will be increased as the base salary is increased, so the stipend will remain at the same percent of the base salary.
- c. Effective July 1, 2007 through June 30, 2008, or until the positions are filled permanently, and to be paid from State and common funds in the Office of the General Counsel.

The compensation described in [Attachment 1](#) shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(19) ***Retention Increase for Charles F. Louis as Vice Chancellor–Research, Riverside Campus***

Approval of the following items in connection with the retention increase for Charles F. Louis as Vice Chancellor–Research, Riverside campus:

- a. Per policy, retention increase of \$18,700 (8.5 percent) to increase his annual base salary from \$221,300 to \$240,000. (Salary Grade 107: Minimum \$167,600, Midpoint \$212,700, Maximum \$257,800).
- b. This appointment is 100 percent time and effective July 1, 2007.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits including Senior Manager Life insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, accrual of sabbatical credits as a member of faculty.
- Per policy, ineligible for participation in the Senior Management Supplemental Benefit Program due to dual appointment as a member of the faculty.
- Per policy, participating in Mortgage Origination Program as part of his original appointment package in 2004.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(20) ***Title Change and Salary Adjustment for Thomas V. McAfee, M.D., as Dean–Clinical Affairs, Health Sciences, San Diego Campus***

Approval of the following items in connection with the title change and salary adjustment for Thomas V. McAfee, M.D., as Dean–Clinical Affairs, Health Sciences, San Diego campus. These actions recognize the assumption of additional responsibilities as a result of a reorganization.

- a. Title change from Physician-In-Chief to Dean–Clinical Affairs, Health Sciences. Dr. McAfee will continue to retain his dual appointment at 0 percent as non-tenured Associate Clinical Professor Health Sciences. Per Academic Personnel Policy 240-16, Restrictions, the title of Dean will be regarded as a non-academic Dean.

- b. As an exception to policy, a salary adjustment of \$94,100 (26.7 percent) to increase his annual base salary from \$353,100 to \$447,200. This salary adjustment will take into consideration Dr. McAfee's 2007-08 merit increase and preclude him from further merit or equity increase consideration until October 2008.
- c. Per policy, eligibility to participate in the Clinical Enterprise Management Recognition Plan, with a maximum payout of up to 20 percent of base salary annually.
- d. Effective retroactive to July 1, 2007, the date the additional responsibilities were assumed.
- e. Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program. Dr. McAfee continues to be eligible for this benefit program since his dual, academic appointment as Health Sciences Associate Clinical Professor (Fiscal Year) is a non-tenured position.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(21) ***Retroactive Compensation of One Summer Month, Each Year for Five Years, for Robert Rosen as Dean–School of Theater, Film, and Television, Los Angeles Campus***

Approval of an exception to policy to provide a total retroactive payment of \$70,300 in compensation for one summer month for the years 2002, 2003, 2004, 2005, and 2006 for Robert Rosen, Dean–School of Theater, Film, and Television, Los Angeles campus. Erroneously, Mr. Rosen was not compensated for the past five years during which he engaged in summer research. Corresponding vacation time will be forfeited from his accrued vacation.

The compensation described above includes only the University's commitment for the one summer month salary for each of five years, as outlined in this recommendation.



(22) ***Additional Compensation of One Summer Month for Two Employees at the Santa Barbara Campus***

Approval of additional one month summer compensation payments to the following employees at the Santa Barbara campus:

- a. David B. Marshall as Executive Dean—College of Letters and Science and Dean—Humanities and Fine Arts, to add to his current \$235,100 salary \$17,091 for 11 days in July 2007 plus 10 days in August 2007, for a total annual salary of \$252,191. Dean Marshall will forfeit 21 days of vacation.
- b. Melvin L. Oliver as Dean—Division of Social Sciences, College of Letters and Science, to add to his current \$202,650 salary \$16,833 for the month of August 2007, for a total annual salary of \$219,483. Dean Oliver will forfeit 23 days of vacation.

The funding source for both payments is unrestricted gift funds.

The compensation described above includes only the University's commitment for the one summer month salary outlined in this recommendation.

(23) ***Participation in the Treasurer's Office Annual Incentive Plan for the Director of Operations and the Business Manager, and Adjustment to the Recently Approved Incentive Target for the Director of Communications, Office of the Treasurer***

Approval of participation in the Treasurer's Office Annual Incentive Plan for the Director of Operations and the Business Manager, and an adjustment to the recently approved incentive target for the Director of Communications ([Attachment 2](#)). All three new participants would have a target incentive of 20 percent of base pay. The annual cost of adding the three participants at a 20 percent target incentive totals \$68,905.

(24) ***Appointment Salary for Erwin Chemerinsky as Dean–Donald Bren School of Law, Irvine Campus***

Approval of the following items in connection with the appointment salary for Erwin Chemerinsky as Dean–Donald Bren School of Law, Irvine campus:

- a. Appointment salary of \$350,000 (Salary Grade 110: Minimum \$233,200, Midpoint \$298,800, Maximum \$364,300) as he will not be eligible for annual merit/equity consideration until October 2009.
- b. This appointment is 100 percent time and effective June 1, 2008 pending approval by The Regents.
- c. Per policy, a relocation allowance of 25 percent of base salary or \$87,500, subject to a repayment requirement in the event that Mr. Chemerinsky resigns within the first five years of employment.
- d. Per policy, full moving expenses, as allowed within University policy. e. Per policy, participation in the Mortgage Origination Program (MOP), up to \$1 million.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, accrual of sabbatical leave as a member of faculty.
- Per policy, ineligible for participation in the Senior Management Supplemental Benefit Program due to dual appointment as a member of faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

**B. *Compensation for Participants of the Clinical Enterprise Management Recognition Plan for Fiscal Year 2006-07***

The Committee recommended that awards under the Clinical Enterprise Management Recognition plan, as proposed by the Medical Centers for 72 eligible participants and totaling \$2,878,234, be approved for certain members of the Senior Leadership Compensation Group, as shown below.

<b>Last Name</b>	<b>First Name</b>	<b>Title</b>	<b>Base Salary</b>	<b>Actual Award Amount<sup>1</sup></b>	<b>Annual Total Cash</b>
<b>Davis</b>					
Madden Rice	Ann	Director/CEO	\$495,000	\$74,250	\$569,250
Pomeroy	Claire	Vice Chancellor/Dean	\$435,600	\$77,319	\$512,919
McGowan	William	CFO/Acting CEO	\$341,400	\$51,210	\$392,610
Bonham	Ann	Executive Associate Dean	\$303,300	\$60,660	\$363,960
Nesbitt	Thomas	Executive Associate Dean	\$303,200	\$60,640	\$363,840
Siefkin	Allan	Executive Dir., Clinical Affairs	\$320,850	\$32,085	\$352,935
Musallam	Nabil	Chief Ambulatory Care Officer	\$270,000	\$40,500	\$310,500
Koppel	Guy	Executive Dir., Information Services	\$266,355	\$13,318	\$279,673
Duruisseau	Shelton	Chief Pt. & Admin. Services Officer	\$234,600	\$35,190	\$269,790
Robinson	Carol	Chief Pt. Care Services Officer	\$224,000	\$33,600	\$257,600
<b>Irvine</b>					
Zehntner	Maureen	Interim CEO	\$375,500	\$75,100	\$450,600
King	Ron	CFO	\$365,000	\$49,275	\$414,275
Spiritus	Eugene	CMO	\$269,100	\$34,983	\$304,083
Grosser	Joy	CIO	\$216,600	\$32,490	\$249,090
Winner	Cynthia	Chief Ambulatory Care Officer	\$215,100	\$26,880	\$241,980
Herron	James	Chief Compliance Officer (Assc Dean)	\$203,500	\$28,490	\$231,990
Reiser	Lisa	Chief Patient Care Services Officer	\$195,000	\$25,350	\$220,350
Thatcher	Patricia	Chief Human Resource Officer	\$189,000	\$23,625	\$212,625
Rayburn	Susan	Exec Dir, Clin Entrprse Contracting	\$184,200	\$27,630	\$211,830

Last Name	First Name	Title	Base Salary	Actual Award Amount <sup>1</sup>	Annual Total Cash
<b>Office Of The President</b>					
Munoz	Santiago	Associate Vice President, Clinical Services Dev.	\$190,000	\$28,500	\$218,500
<b>Los Angeles</b>					
Callender	David	AVC Hospital System, CEO UCLA Medical Center	\$549,018	\$79,717	\$628,735
Rubin	Amir	COO, UCLA Medical Center	\$526,510	\$78,029	\$604,539
Fawzy	Fawzy	Hospital Medical Director, NPI/H	\$460,000	\$66,930	\$526,930
Creem	Mitch	AVC & CFO, Medical Sciences	\$436,893	\$61,907	\$498,800
Rosenthal	J. Thomas	CMO, UCLA Medical Center	\$325,100	\$46,619	\$371,719
Staton	Paul	CFO Hospital System	\$298,793	\$44,102	\$342,895
Klove	Carole	Chief Compliance Officer, Medical Sciences	\$241,894	\$33,938	\$275,832
Crooks	Heidi	Senior Associate Director, Operations & Patient Care Services	\$232,603	\$33,914	\$266,517
Speare	Mark A.	Sr. Associate Director, Patient Relations, Human Resources & Marketing	\$218,008	\$32,309	\$250,317
Carpenter	Posie	CAO, SM-UCLA Medical Center	\$218,196	\$31,420	\$249,616
O'Kelley	Shannon	Associate Director, Clinical Services	\$215,001	\$23,413	\$238,414
Shultz	James	COO, Practice Plan	\$197,691	\$30,599	\$228,290
Flynn	Meredith	Associate Director, Managed Care Programs	\$195,291	\$30,228	\$225,519
Watkins	Paul	Associate Director, Support Services	\$184,996	\$20,143	\$205,139
<b>San Diego</b>					
Liekweg	Richard	CEO	\$470,500	\$70,105	\$540,605
Sonnenshein	Mona	COO	\$365,000	\$54,385	\$419,385
Mcafee	Thomas	Physician-in-Chief	\$353,100	\$52,612	\$405,712
Sakai	David	CFO Health Sciences	\$313,900	\$46,771	\$360,671
Taylor	Palmer	Assoc Vice Chan Health Sciences & Founding Dean School of Pharm & Pharmaceutical Sciences	\$303,400	\$45,207	\$348,607
Babakanian	Edward	Chief Information Officer	\$273,300	\$43,318	\$316,618
Scioscia	Angela	Medical Director - Med Center	\$261,000	\$38,889	\$299,889
Baggett	Margarita	Chief Patient Care Services Officer	\$232,000	\$36,772	\$268,772
Hogan	Robert	CFO Medical Center	\$217,900	\$32,467	\$250,367
Friedman	Lawrence	Medical Director - Med Group	\$217,000	\$32,333	\$249,333
Giddings	Leland	Chief Compliance Officer/Privacy Officer/Med. Dir. For Clin Resource Mgt	\$202,800	\$32,144	\$234,944
Antrum	Sheila	Chief of Ambulatory Services	\$187,100	\$27,878	\$214,978

Last Name	First Name	Title	Base Salary	Actual Award Amount <sup>1</sup>	Annual Total Cash
<b>San Francisco</b>					
Laret	Mark	Chief Executive Officer	\$552,700	\$82,905	\$635,605
Ryba	Tomi	Chief Operating Officer	\$526,500	\$78,975	\$605,475
Ring, MD	Ernie	Chief Medical Officer	\$367,800	\$55,170	\$422,970
Jones	Ken	Chief Financial Officer	\$353,900	\$53,085	\$406,985
Barclay	Steve	SVC-Administration and Finance	\$335,000	\$50,250	\$385,250
Harris	John	Chief Strategy and Business Development Officer	\$256,300	\$38,445	\$294,745
Lotenero	Larry	Chief Information Officer	\$255,900	\$38,385	\$294,285
Wittenberg	Catherine	Chief Nursing/Patient Care Officer	\$242,600	\$36,390	\$278,990
Louie	Clifton	Executive Director, Clinical/Professional Svcs	\$239,100	\$35,865	\$274,965
Fawley	Reece	Executive Director, Contracting & Revenue Mgmt	\$238,200	\$35,730	\$273,930
Fernandes	Roxanne	Executive Director, Mothers' and Children's Svcs	\$238,200	\$35,730	\$273,930
Mahaney	Tim	Executive Director, Facilities & Support Services	\$238,200	\$35,730	\$273,930
Odato	David	Executive Director, Human Resources & Svc Exc	\$238,200	\$35,730	\$273,930
Morgan	David	Executive Director, Ambulatory Care Svcs	\$238,200	\$34,777	\$272,977
Moore	Susan	Director, Finance	\$213,200	\$31,980	\$245,180

<sup>1</sup>Per *Policies on Universitywide and Senior Leadership Compensation, and Procedures for Senior Leadership Compensation* (RE61) and subsequent revisions, those individuals with total annual cash compensation in excess of \$205,000 are presented for Regental approval.

The incentive compensation described above shall constitute the University's total commitment under the Clinical Enterprise Management Recognition Plan until modified by The Regents and shall supersede all previous oral or written commitments.

**C. 2006-07 Annual Incentive Awards for Selected Participants of the Annual Incentive Plan for the Office of the Treasurer**

The Committee recommended approval of the following award amounts for certain individuals of the Senior Leadership Compensation Group under the 2006-07 Office of the Treasurer's Annual Incentive Plan (AIP). This award, consistent with AIP terms and conditions, will be paid out incrementally over a three-year period.

<b>Incumbent</b>	<b>Position</b>	<b>Base Salary (1)</b>	<b>Target AIP (\$)</b>	<b>Target as a % of Base Salary</b>	<b>Total Award (\$)</b>	<b>Award as a % of Base Salary</b>	<b>Total Cash Comp</b>
Melvin Stanton	Asst. Treasurer	\$262,675	\$157,605	60%	\$234,710	89%	\$497,385
Randall Wedding	MD, Fixed Income MD, Risk Management	\$259,258	\$155,555	60%	\$150,130	58%	\$409,388
Jesse Phillips	Sr. Portfolio Mgr	\$251,467	\$150,880	60%	\$205,460	82%	\$456,927
Linda Fried	Sr. Portfolio Mgr	\$214,375	\$96,469	45%	\$102,980	48%	\$317,355
Satish Swamy	Sr. Portfolio Mgr	\$211,583	\$95,212	45%	\$72,080	34%	\$283,663
David Schroeder	Sr. Portfolio Mgr	\$214,083	\$96,337	45%	\$104,770	49%	\$318,853
Kim Evans	Sr. Portfolio Mgr	\$212,708	\$95,719	45%	\$87,840	41%	\$300,548
Lynda Choi	Dir. of Absolute Return	\$209,531	\$94,289	45%	\$168,520	80%	\$378,051
Gloria Gil	Dir. Of Real Estate PE Investment	\$215,750	\$97,088	45%	\$173,520	80%	\$389,270
Thomas Lurquin	Officer RE Investment	\$147,279	\$51,548	35%	\$92,130	63%	\$239,409
Rebecca Stafford	Officer	\$137,495	\$48,123	35%	\$86,000	63%	\$223,495
Aileen Liu	Assoc Director	\$147,731	\$51,706	35%	\$70,410	48%	\$218,141
<b>TOTAL <sup>(2)</sup></b>		<b>\$2,483,935</b>	<b>\$1,190,530</b>	<b>48%</b>	<b>\$1,548,550</b>	<b>62%</b>	

(1) Actual salary earned during the 2007 fiscal year.

(2) Totals include payout values for individuals with >\$205,000 Total Cash Compensation. Totals that include all eligible incumbents except the CIO are: Base Salary: \$3,276,073; Target AIP: \$1,448,185; Average Target Percent: 44%; Total Actual AIP: \$1,756,880; Average Actual Percent: 54%

The compensation described above shall constitute the University's total commitment under the Treasurer's Annual Incentive Plan until modified by The Regents and shall supersede all previous oral or written commitments.

**D. *Recommendations for Base Salary Adjustments for Certain Senior Managers in the Medical Centers***

The Committee recommended that equity adjustments for certain individuals of the Senior Leadership Compensation Group be approved, as illustrated in [Attachment 3](#).

**E. *Compensation for Participants of Bonus and/or Incentive Plans for Fiscal Year 2006-07***

The Committee recommended approval of award amounts as proposed by UCLA, UCSF, UCI, UCSD, and the Office of the President for certain members of the Senior Leadership Compensation Group. The award payments total \$576,033, to be paid to 29 senior managers.

The incentive compensation described in [Attachment 4](#), which shall supersede all previous oral or written commitments, shall constitute the University's total

commitment regarding incentive awards for the individuals identified, until modified by The Regents.

F. ***Change in Title, Classification, Slotting of Position, and Salary Adjustment for Cathryn Nation, M.D., as Associate Vice President–Health Sciences, Office of the President***

The Committee recommended approval of the following items in connection with the change in title, classification, slotting of position, additional responsibilities, and salary adjustment for Dr. Cathryn Nation:

- (1) Change in title from Executive Director–Health Affairs to Associate Vice President–Health Sciences.
- (2) Classification of position in the Senior Management Group.
- (3) Approval of interim slotting of new position, Associate Vice President–Health Sciences at SLCG Grade 106: Minimum \$150,000, Midpoint \$189,900, Maximum \$229,700 per the Mercer Human Resources Consulting Group recommendation.
- (4) As an exception to policy, salary adjustment of \$40,900 (28.4 percent) added to her current salary of \$144,100, for a total annual salary of \$185,000.
- (5) This appointment is at 100 percent time and effective October 1, 2007 pending approval by The Regents.
- (6) Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

G. ***Appointment Salary for Nicholas P. Jewell as Vice Provost–Academic Personnel, Office of the President***

The Committee recommended approval of the following items in connection with the appointment salary for Nicholas P. Jewell as Vice Provost–Academic Personnel:

- (1) Appointment salary of \$263,750.
- (2) Appointment is at 100 percent time and is effective September 1, 2007, pending approval of the Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Continuation of faculty appointment at 0 percent in School of Public Health, Berkeley campus.
- Per policy, accrual of sabbatical credits as a member of the faculty.
- Per policy, ineligible to participate in the merit/equity program until October 1, 2008.
- Per policy, ineligible to participate in the Senior Management Supplemental Benefit Program.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

H. ***Position Review and Compensation for Marie N. Berggren as Chief Investment Officer, Vice President–Investments, and Acting Treasurer of The Regents***

The Committee recommended approval of the following actions for Marie N. Berggren as Chief Investment Officer, Vice President–Investments, and Acting Treasurer of The Regents.

- (1) Slotting the position to SLCG Grade 114: Minimum \$362,700, Midpoint \$470,200, Maximum \$577,600) to align with current competitive market data and consistent with the recent slotting recommendations for other positions within the Office of the Treasurer, as presented to The Regents in May. This recommendation has also been documented in a letter from Mercer Human Resource Consulting dated June 4, 2007.



- (2) A base salary increase of 5.3 percent (\$23,750) over Ms. Berggren's base salary (including stipend), resulting in a final base salary of \$470,000. This adjustment reflects the competitive market data review and takes into account Ms. Berggren's performance and contribution over the 2006-07 fiscal year. This increase incorporates Ms. Berggren's normal 2007 merit increase and will be effective October 1, 2007, consistent with normal program timing. The stipend Ms. Berggren is currently receiving will cease effective October 1, 2007.
- (3) Adjust the maximum incentive opportunity for the Chief Investment Officer and Treasurer position to 165 percent of the target incentive from the current maximum of 150 percent, effective commencing with the 2007-08 plan year. The University of California, Office of the Treasurer Annual Incentive Plan dated March 2002 (Plan) states that maximum incentive opportunity for Plan participants is to be capped at 200 percent of the target incentive opportunity; however, the incentive opportunity for this position was capped at 150 percent of target due to a provision inherited through a contractual agreement that UC negotiated with Ms. Berggren's predecessor.
- (4) Per policy, continuation of an automobile allowance (\$8,916 per annum).
- (5) Per policy, continued eligibility for participation in the Mortgage Origination Program loan program.
- (6) Per policy, continued 5 percent monthly contribution to the Senior Management Supplemental Benefit Program.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

**I. *2006-07 Annual Incentive Award for Chief Investment Officer of The Regents***

The Committee recommended that the total award amount of \$486,200 for 2006-07 contributions and performance under the Office of the Treasurer Annual Incentive Plan (AIP) be approved for Marie Berggren as Chief Investment Officer, Vice

President–Investments, and Acting Treasurer of The Regents. This award, consistent with AIP terms and conditions, will be paid out incrementally over a three-year period.

J. ***Total Compensation for Senior Vice President–Chief Compliance and Audit Officer***

The Committee recommended approval of the following items in connection with the appointment salary for Sheryl Vacca as Senior Vice President–Chief Compliance and Audit Officer, 100 percent, effective no later than October 10, 2007.

- (1) An annual salary of \$405,000 be approved, along with the additional compensation related items listed below.
- (2) As exception to policy, reimbursement of actual reasonable costs associated with temporary accommodations not to exceed \$25,000 over a period of six months to assist with the transition of Ms. Vacca from her current location to Oakland.
- (3) As exception to policy, reimbursement of up to three round-trip, coach-class airfares plus reasonable accommodation expenses between the San Francisco Bay Area and Orange County, to be used before October 10, 2007.
- (4) As exception to policy, reimbursement of round-trip, coach-class airfares up to a maximum of \$6,000 between the San Francisco Bay Area and Orange County during Ms. Vacca's first 12 months of employment if needed to complete the sale or other arrangements necessary to take care of her current home and family in Orange County.
- (5) Per policy, relocation of household effects.
- (6) Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program.
- (7) Per policy, an automobile allowance of \$8,916 per annum.
- (8) Per policy, participation in the Mortgage Origination Loan Program, available to be exercised within a period not to exceed 24 months from date of employment.

Additional compensation and related items include:

- Per policy, Administrative Fund for official entertainment and other purposes permitted by University policy.

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance.
- Per policy, continuation of her current speaking and teaching activities on behalf of two not-for-profits (Health Care Compliance Association (HCCA) and the Society of Corporate Compliance and Ethics (SCCE)) as well as her current board membership of HCCA and her advisory board membership of SCCE.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

**K. *Adjustments to Selected Provisions of the Annual Incentive Plan for Investment Professionals in the Office of the Treasurer***

The Committee recommended approval of the following actions effective with the 2007-08 plan year:

- (1) Amend the University of California Office of The Treasurer Annual Incentive Plan (Plan), as indicated below, to bring the Plan into alignment with common and competitive practices among other incentive plans for university endowments and foundations.
- (2) Authorize the Office of the President Human Resources and Benefits to implement the proposed amendments.

**Plan Design Changes**

The key Plan design features that are being recommended for change will align with market prevalent practices based on the Mercer 2007 Compensation Survey of Investment Groups within University Endowments and Foundations. These three changes include:

**Performance Measures**

- (1) Implement a three-year rolling average investment performance measurement period to replace the one year performance measurement period/claw-back feature. This will provide for longer-term focus on and accountability for sustainable performance results.

The current one-year measurement period (Current 1-Year) features a "claw-back," which provides potential for awards to carry a negative value and affect both current year and deferred (i.e., previously earned but unpaid) awards.

The rolling three-year average (Recommended 3-Year) measures performance in the current and prior two years. Investment returns in a given year, whether positive or negative, will inherently impact this average, and thus the incentive award, in three separate plan years.

The lowest value of any award under the three-year rolling average would be zero. Measuring multiyear performance to determine awards is the predominant market practice, used in 73 percent of Mercer survey respondents who offer incentive compensation. The chart below provides a side-by-side comparison of the current one-year period with claw-back feature with the three-year rolling average.

<b>Feature</b>	<b>Period for Performance Measure</b>	<b>Impact on Annual Incentive Award Earned</b>	<b>Impact on Annual Incentive Award Paid</b>
<b>Current 1-Year</b>	One year	Award amount earned each year could be negative or positive.	Payout comprised of current year award and prior two years' deferred awards. Negative Accruals <sup>1</sup> in a given year will reduce payout, but never below zero.
<b>Recommended 3-Year</b>	Average of three years, comprised of the current plan year and the two prior plan years.	Award amount earned each year could be zero or positive.	Payout comprised of current year award and the two prior years' deferred awards.

<sup>1</sup> Performance below the threshold level in one performance area can earn a negative award ("Negative Accrual"), and thus offset awards earned in other areas, including unpaid awards from previous years.

### ***Cost Impact of Implementing a Recommended Measurement Period***

Because incentive opportunity is not changing, the amount that can be earned under the plan at threshold, target, and maximum performance levels remains unchanged and unaffected by this recommendation.

The amount that could be paid to the recipient under the adoption of the three-year rolling average could be greater or lesser than under the one year claw-back, depending on investment performance. Preliminary analysis using a model based on twenty years of investment performance randomly assigning positive and negative returns indicates the Plan's total average annual payout would increase by approximately \$430,000 or 0.0006 percent of assets under management. The CIO was not included in these calculations and would need to be added to determine the full impact. Because of the complexity of the plan calculations, further review of this preliminary analysis would be required to validate the results.

- (2) Weight performance measures by position as displayed in the following table. This provides rewards based on "line of sight," appropriately aligning rewards with the performance in those areas for which the position has direct responsibility. All levels continue to have varying degrees of tie-in to overall entity performance.

<b>Recommended Weighting</b>	<b>Entity</b>	<b>Asset Class / Sector</b>	<b>Individual / Subjective</b>
Chief Investment Officer	75%	0%	25%
Associate CIO	60%	15%	25%
Senior Managing Director (Risk Mgmt)	70%	0%	30%
Senior Managing Director (Asset Class)	20%	60%	20%
Managing Director	20%	60%	20%
Senior Portfolio Manager	10%	70%	20%
Investment Officer, Director	10%	70%	20%
Investment Officer, Risk Management	70%	0%	30%
Risk Management Analyst	70%	0%	30%
Jr. Portfolio Manager; Jr. / Sr. Analyst	10%	70%	20%

### **Cost Impact of Implementing Recommended Weightings**

Because incentive opportunity is not changing, the amount that can be earned under the plan at threshold, target and maximum performance levels remains unchanged and unaffected by this recommendation.

Had this recommendation been in place for the FY 2006 plan year, the amounts paid would not have materially changed.

### **Award Determination**

- (3) Individual Subjective awards for Senior Managing Director level positions and below (all those who have primary responsibilities for asset class performance) will be contingent on respective asset classes meeting threshold investment performance rather than on the entity meeting threshold performance. Individual Subjective awards for Chief Investment Officer, Associate Chief Investment Officer, and Risk Management would continue to be contingent on the entity's achieving threshold investment performance.

### **Cost Impact**

Because incentive opportunity is not changing, the amount that can be earned under the plan at threshold, target and maximum performance levels remains unchanged and unaffected by this recommendation.

Had this recommendation been in place for the FY 2006 plan year, the amount paid would have decreased by \$30,000, due to below-threshold performance in the Public Equity asset class. Investment Officers would not have received an individual subjective award.

### **Revised Plan Summary**

The proposed Plan summary below notes any changes from the current plan provisions:

#### Eligibility

- Eligible participants include senior management, professional investment and trading staff, and the following senior operations positions: Director of Communications, Director of Operations and Business Manager (new to FY 2008).
- Eligibility is reviewed annually. Recommendations for eligibility are made by the Chief Investment Officer and approved by the President, in consultation with the Chairs of the Committee on Investments and Committee of Compensation.
- Plan participants must be active, full-time employees at the end of the plan year and must be employed by the UCOT for at least six months during the year to be eligible to receive an award for that plan year.

#### Incentive Opportunity and Performance Measures

- The incentive award is earned based on performance relative to policy portfolio benchmarks and individual contribution.
- Target awards vary from 20 percent to 100 percent of base salary, depending on position.
  - Threshold awards range from 40 percent to 50 percent of Target awards, depending on position.
  - Maximum awards are equal to 200 percent of Target awards, with the exception of the Chief Investment Officer, whose maximum award is equal to 150 percent of Target.
- Investment performance of both UC and the market is measured using a three-year rolling average (new to FY 2008).

#### Award Determination and Payout

- Payout is determined using a polynomial curve.
- Investment returns in a given year, whether positive or negative, affect the payout over three separate plan years via measurement of a three-year rolling average (new to FY 2008).
- Individual Subjective awards for Managing Director level positions and below are contingent on respective asset classes' meeting threshold level of performance rather than on the entity meeting a threshold level of performance (new to FY 2008).
- Individual Subjective awards for Senior Managing Directors and above (i.e., Chief Investment Officer, Associate Chief Investment Officer, Risk Management) are contingent on the entity's achieving a threshold level of performance.

- Annual incentive awards are payable in three equal annual payments. The first award payment is paid as soon as practicable following the end of the plan year.
- The deferred portion of the award earns interest based on the Short-Term Investment Pool rate of return.

L. ***Senior Leadership Compensation Group Salary Range Adjustment and Budget Allocations for Senior Management Group Merit and Equity Increases***

The Committee recommended the following changes to the Senior Leadership Compensation Group (SLCG) and Senior Management Group (SMG) merit and equity budget, effective upon approval of The Regents for FY 2007-08:

- (1) A salary range structure increase of 2.8 percent, to maintain competitiveness with the SLCG salary ranges with the external higher education labor market.
- (2) An overall budget allocation of 5 percent for SMG merit and equity increases, comprised of a 4 percent allocation for merit increases and a 1 percent allocation for equity increases. Equity moneys will be used to recognize and reward performance and contribution of individuals. Equity monies will be used to increase base salaries for those individuals whose performance warrants and whose salary is further below midpoint, or where market pressures or internal equity considerations warrant adjustments.

M. ***Authorization to Enter into Discussion with the Department of Energy/National Nuclear Security Administration Regarding Transfer of University of California Retirement Plan Assets and Liabilities to Facilitate the Close-Out of the Lawrence Livermore National Laboratory Management Contract and Amendments of the Plan to Provide an Alternate Method for Paying Accrued Benefits for Former Laboratory Employees Prior to the Final Transfer***

The Committee recommended that, effective October 1, 2007:

- (1) In accordance with the Contract, the Associate Vice President–Human Resources and Benefits be authorized to enter into discussions with the Department of Energy/National Nuclear Security Administration (DOE/NNSA) to determine the final amount of assets and liabilities to be transferred from the University of California Retirement Plan (UCRP) to the Lawrence Livermore National Security, LLC (LLNS) Plan and the funding methodology to be adopted by DOE/NNSA to address any shortfalls in funding within the Lawrence Livermore National Laboratory segment of UCRP, provided that the proposed Final Transfer amount and any funding agreement not become effective until consultation with the Academic Senate has occurred and unless approved by The Regents at a future meeting.

- (2) The Regents authorize the amendment of UCRP to provide an alternative method for paying the UCRP benefits accrued through September 30, 2007 to or on behalf of eligible members of the LLNS Plan who retire, die, or become disabled prior to the Final Transfer and to the alternate payees of members of the LLNS Plan named in a qualified domestic relations order, including former spouses, who request that their benefits begin before the Final Transfer, and delegate to the Associate Vice President–Human Resources and Benefits, as the Plan Administrator, the authority to implement the necessary UCRP amendments. Any monies paid from UCRP to Eligible Payees under the alternative method will be accounted for in the determination of the amount of the Final Transfer.

Upon motion of Regent Moores, duly seconded, the report of the Committee on Compensation was approved, Regent Garamendi voting “No.”

## 5. **REPORT OF THE COMMITTEE ON EDUCATIONAL POLICY**

### *Overview Report of the Study Group on University Diversity*

The Committee recommended that:

- A. The Regents of the University of California adopt as Regents Policy the following University of California Diversity Statement adopted by the Assembly of the Academic Senate in May 2006 and endorsed by the President in June 2006:

#### UNIVERSITY OF CALIFORNIA DIVERSITY STATEMENT

The diversity of the people of California has been the source of innovative ideas and creative accomplishments throughout the state’s history into the present. Diversity – a defining feature of California’s past, present, and future – refers to the variety of personal experiences, values, and world views that arises from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, socioeconomic status, and geographic region, and more.

Because the core mission of the University of California is to serve the interests of the State of California, it must seek to achieve diversity among its student bodies and among its employees. The State of California has a compelling interest in making sure that people from all backgrounds perceive that access to the University is possible for talented students, staff, and faculty from all groups. The knowledge that the University of California is open to qualified students from all groups, and thus serves all parts of the community equitably, helps sustain the social fabric of the state.



Diversity should also be integral to the University's achievement of excellence. Diversity can enhance the ability of the University to accomplish its academic mission. Diversity aims to broaden and deepen both the educational experience and the scholarly environment, as students and faculty learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society. Ideas, and practices based on those ideas, can be made richer by the process of being born and nurtured in a diverse community. The pluralistic university can model a process of proposing and testing ideas through respectful, civil communication. Educational excellence that truly incorporates diversity thus can promote mutual respect and make possible the full, effective use of the talents and abilities of all to foster innovation and train future leadership.

Therefore, the University of California renews its commitment to the full realization of its historic promise to recognize and nurture merit, talent, and achievement by supporting diversity and equal opportunity in its education, services, and administration, as well as research and creative activity. The University particularly acknowledges the acute need to remove barriers to the recruitment, retention, and advancement of talented students, faculty, and staff from historically excluded populations who are currently under-represented.

- B. The Regents of the University of California affirm the finding of the Study Group on University Diversity that change is needed to achieve a level of diversity among students, faculty, and staff appropriate to the University's mission, as well as a climate on each of its campuses that is open and inclusive of individuals from all backgrounds. The reports of the Study Group's work teams provide direction for this change.
- C. The Regents of the University of California require the President of the University, as a fundamental component of his or her responsibilities, to report annually to The Regents on the status of diversity at the University. This report should include consistent and clear metrics of diversity among students, faculty, and staff. It should (1) identify trends, including areas of progress or concern; (2) allow for meaningful comparisons among campuses and, where appropriate, among academic fields; and, (3) include appropriate contextual data that illuminate University performance (for example, demographic trends among California public high school graduates provide context for evaluating trends in the enrollment of new undergraduates). In addition, while issues of campus climate are not easily tracked using statistical data, the report should address climate issues each year – for example, by reporting the results of new surveys or qualitative research performed for the system as a whole or for individual campuses.

Upon motion of Regent Island, duly seconded, the report of the Committee on Educational Policy was approved.

## 6. **REPORT OF THE COMMITTEE ON FINANCE**

A. ***Approval of the Final 2007-08 Budget***

The Committee recommended that changes to the University of California 2007-08 budget plan for State General Funds consistent with the final budget act adopted by the Legislature and the Governor be approved.

B. ***Authorization to Submit Applications for Proposition 71 Grant Funding for Major Facilities Grants and Take Related Actions to Receive Funding***

With the concurrence of the Committee on Grounds and Buildings, the Committee recommended that:

- (1) The Regents authorize the chancellors to submit applications for Proposition 71 grant funding for the California Institute for Regenerative Medicine Major Facilities Grant Program.
- (2) The Regents authorize the President or his designee, after consultation with the General Counsel, to execute grant contract documents and take such further actions, including but not limited to:
  - a. The establishment of a mechanism for financial transactions.
  - b. Execution and delivery of such additional, related instruments, certificates, statements, and documents as are reasonably required to obtain the Grants.
- (3) Any action taken by the President or his designees, in furtherance of the matters authorized by the foregoing actions, is hereby ratified, approved, and confirmed as the act and deed of The Regents.
- (4) Approval of the individual capital projects, including its financial feasibility, for which the grant funding would be applied, will follow the standard University approval practices.

C. ***Authorization for Approval of Appropriations from LANS LLC Fee Income to Be Expended in FY 2007-2008***

The Committee recommended the following resolution that:

- (1) The President be authorized to expend, for the following purposes and in the following amounts, from the University's net share of Los Alamos National Security (LANS), LLC income earned from contract inception through September 30, 2007:

- a. Supplemental compensation and other payments previously approved by The Regents for certain LANS LLC employees, incurred through September 30, 2007 – \$1.2 million.
  - b. An appropriation to the Office of the President budget for federally unreimbursed costs of University oversight of its interest in LANS LLC and LLNS LLC, paid or accrued through June 30, 2008, including but not limited to an allocable share of the costs of The Regents; the Secretary and Chief of Staff to The Regents; Human Resources; Finance; Strategic Communications; Governmental Affairs; the General Counsel; the University appointed Governors on the LLCs; and the Vice President for Laboratory Management – \$2.6 million.
  - c. An appropriation to a new LLC post-contract contingency fund – \$700,000.
- (2) The balance of fee income to be appropriated to scientific research in the following priority order:
- a. California Institutes for Science and Innovation – \$2.5 million.
  - b. UC Campus-Los Alamos Research and Education Initiatives – \$3.05 million.
  - c. Los Alamos-New Mexico Universities Research Initiatives – \$1.5 million.
  - d. Science and Technology Policy Initiatives – \$1.0 million.
  - e. UC System-Wide Institute for Geophysics and Planetary Physics – \$500,000.
  - f. UC Institute on Global Conflict and Cooperation – \$500,000.
  - g. Collaborative Research Program – \$1.0 million.
  - h. UC Professorship – \$1.0 million.
  - i. UC National Laboratory Doctoral Student Fellowship Program – \$1.0 million.
  - j. Net fee income received in excess of the above appropriation would be used to supplement funding for S&T Policy Initiatives,

Collaborative Research Program, and the UC National Laboratory Doctoral Student Fellowship Program.

- (3) IT IS RESOLVED that the intent of the University is to maximize the use of fee income for science while maintaining appropriate oversight, and The Regents will review such allocation.

D. ***Adoption of Policy Requiring Special Review/Approval Procedures Prior to University Submission of Research Proposals to Tobacco Industry Funders***

The Committee recommended that RE89 [“Adoption of Policy Restricting University Acceptance of Funding from the Tobacco Industry,” presented at the July 18, 2007 Regents meeting] be withdrawn from consideration, and the following substitute resolution be adopted:

- (1) The Regents exhorts University researchers to:
  - a. Consider carefully whether to accept research funding from the tobacco industry (and whether their research might be better served by seeking funding from alternate sources).
  - b. Exercise the utmost care in assuring that their research (including research carried out with tobacco industry funding) adheres to the highest scientific and ethical standards. This includes being particularly vigilant about not allowing any funder to direct or control the outcome of the research or the dissemination of its results.
- (2) The Regents directs the Chancellor to establish a policy requiring that prior to the submission of any proposal to seek research funding from the tobacco industry, the research proposal must be reviewed by a scientific review committee drawn from the community of scholars designated by the Chancellor for this purpose, and must be approved by the Chancellor. Additionally, The Regents shall receive timely notice of such grants and a description of the research to be undertaken. Under the policy:
  - a. The scientific review committee shall be charged with reviewing proposals intended for submission to tobacco industry funders, and with advising the relevant Chancellor regarding whether a proposed study uses sound methodology and appears designed to allow the researcher to reach objective and scientifically valid conclusions.
  - b. The review committee shall be composed of at least three faculty members with expertise in areas of science relevant to the proposal being submitted. If a standing committee is established for this purpose, a provision shall be made allowing for consultation with

experts in additional areas or from specific campuses, as needed, to evaluate a particular research proposal appropriately.

- c. For each proposal it reviews, the scientific review committee shall produce a written report including a recommendation as to whether the proposal should be approved for submission, and/or whether any changes should be made to the proposal prior to submission, along with the rationale for the committee's recommendation. The report should be sent to the researcher, the Chancellor, the President, and The Regents and shall be publicly posted on the UC Office of the President website.
  - d. Chancellors shall be directed to take the advice of the review committee into account in deciding whether to approve submission of the proposal by the campus. Chancellors shall also be directed to take into account any advice issued by the campus conflict of interest committee, in cases where under existing policy requirements, the researcher has disclosed a financial interest in the research sponsor.
  - e. The Chancellor shall issue his or her determination (i.e., whether the proposal is to be approved for submission, with or without changes) in writing, including a rationale for his or her determination, with a copy to be sent to the researcher, the President, and The Regents. A copy of the Chancellor's determination letter shall be publicly posted on the UC Office of the President website.
- (3) The Regents directs the President to prepare and submit to The Regents an annual report summarizing the number of proposals submitted to the scientific review committee, the number approved, and the number funded, along with a description or abstract of each proposal. The reporting requirement shall be in kept in place for at least five years, which will allow The Regents to review the type of research conducted by University researchers with funding from the tobacco industry. After five years, the President will consult with The Regents to evaluate whether the reporting requirement should be continued.

Upon motion of Regent Gould, duly seconded, the report of the Committee on Finance was approved, Regent Allen voting "No" on paragraph C., *Authorization for Approval of Appropriations from LANS LLC Fee Income to Be Expended in FY 2007-2008*, and Regents Brewer, De La Peña, Garamendi, and Ruiz voting "No" on paragraph D., *Adoption of Policy Requiring Special Review/Approval Procedures Prior to University Submission of Research Proposals to Tobacco Industry Funders*.

## 7. REPORT OF THE COMMITTEE ON GOVERNANCE

A. *Amendment of Policy on Appointment of the President of the University and Bylaw 10.2 – Special Committees*

The Committee recommended that:

- (1) The Policy on Appointment of the President be amended as follows:

**Additions shown by underscore, deletions by strikeout**

POLICY ON APPOINTMENT OF THE  
PRESIDENT OF THE UNIVERSITY

Each time a vacancy occurs in the presidency or is imminent, The Regents will undertake a search on a nationwide basis to seek the most highly qualified applicants and nominees for the position, following the general guides set forth below.

- a. In accordance with Bylaws 10.2 and 10.4, the Chairman of the Board of Regents will appoint a Special Committee to consider candidates and to recommend to the Board the appointment of a President of the University. The Chairman of the Board will name ~~five~~ up to six members (designating a Chairman and Vice Chairman) in addition to the Alumni Regent who is President of the Alumni Associations of the University, the Student Regent, and the following as ex officio members: the President of the Corporation, the Chairman of the Board, and the former Chairman of the Board as described in Bylaw 10.4.
- b. The Chairman of the Special Committee will invite the Academic Council to appoint an Academic Advisory Committee, composed of not more than ~~twelve~~ thirteen members, including the Chairman of the Academic Council and at least one representative of each of the ~~nine~~ ten campuses, to assist the Special Committee in screening candidates.
- c. The Special Committee will consult broadly with constituent groups of the University, including the Academic Advisory Committee appointed by the Academic Council, Chancellors, Laboratory Directors, Vice Presidents, students, staff, and alumni. To facilitate consultation, there shall be appointed advisory committees, each with no more than twelve members, of students, staff, and alumni. The student advisory committee shall be appointed by the Chairman of the University of California Student Association and shall include at least one student from each campus. The staff advisory committee shall be appointed by the Chairman of the Council of UC Staff

Assemblies and shall include at least one staff member from each campus. The alumni advisory committee shall be appointed by the President of the Alumni Associations of the University of California and shall include at least one alumnus from each campus. Such consultation will be for the purpose of (1) reviewing the relevancy of the criteria approved by the Board of Regents and (2) presenting the nominee or nominees to members of the groups at the conclusion of the search.

- d. The Special Committee will consult with the Board of Regents at the beginning of the search for the purpose of reviewing the relevancy of the criteria to be considered and approved by the Board of Regents and discussing potential candidates. All Regents will be invited to all meetings with all constituencies.
- e. In general, the consultative practices followed in recent presidential searches shall be carried forward.

(2) Bylaw 10.2 be amended as follows:

- a. Service of notice be waived.
- b. Bylaw 10.2 be amended as shown below.

**Additions shown by underscore, deletions by strikeout**

BYLAW 10

COMMITTEE OF THE BOARD OF REGENTS

10.2 Special Committees.

Special Committees shall be appointed by the President or Chair of the Board upon authority of the Board with such powers and duties as the Board may determine, provided that no Special Committee shall be created to act upon any matter appropriate to be acted upon by a Standing Committee. A Special Committee shall act for no more than one year from the date of appointment and shall be considered discharged upon the expiration of said year, unless specifically authorized by the Board at the time of its appointments, or from year to year, to act for a longer period. No Special Committee, other than a Special Committee to consider the selection of a President, shall have more than seven members in addition to ex officio members.

B. *Appointments of Regent and Regent-Designate to Standing Committees*

The Committee recommended that:

- (1) Regent Allen be appointed to the Committee on Long Range Planning, effective immediately through June 30, 2008. He will come off the Committee on Health Services.
- (2) Regent-designate Scorza be appointed as an advisory member of the Committees on Compensation, Finance, and Oversight of the Department of Energy Laboratories through June 30, 2008.

C. *Appointments to the Investment Advisory Group*

The Committee recommended that Investment Advisory Group member Charles Martin be reappointed to the Investment Advisory Group for a term to begin September 1, 2007 and to end September 1, 2011.

Upon motion of Regent Lansing, duly seconded, the report of the Committee on Governance was approved.

8. **REPORT OF THE COMMITTEE ON GROUNDS AND BUILDINGS**

A. *Authorization to Submit Applications for Proposition 71 Grant Funding for Major Facilities Grants and Take Related Actions to Receive Funding*

With the concurrence of the Committee on Finance, the Committee recommended that:

- (1) The Regents authorize the chancellors to submit applications for Proposition 71 grant funding for the California Institute for Regenerative Medicine Major Facilities Grant Program.
- (2) The Regents authorize the President or his designee, after consultation with the General Counsel, to execute grant contract documents and take such further actions, including but not limited to:
  - a. The establishment of a mechanism for financial transactions.
  - b. Execution and delivery of such additional, related instruments, certificates, statements, and documents as are reasonably required to obtain the Grants.
- (3) Any action taken by the President or his designees, in furtherance of the matters authorized by the foregoing actions, is hereby ratified, approved, and confirmed as the act and deed of The Regents.



- (4) Approval of the individual capital projects, including its financial feasibility, for which the grant funding would be applied, will follow the standard University approval practices.

B. ***Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing, Clark Kerr Campus Renewal, Berkeley Campus***

The Committee recommended that:

- (1) The 2007-08 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Berkeley: Clark Kerr Campus Renewal – preliminary plans, working drawings, construction and equipment – \$135,350,000, to be funded from external financing (\$128,600,000) and the Berkeley campus' share of the University of California Housing System Net Revenue Fund (\$6,750,000).

- (2) The President be authorized to obtain external financing not to exceed \$128,600,000 to finance the Clark Kerr Renewal project, subject to the following conditions:
  - a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
  - b. As long as this debt is outstanding, University of California Housing System fees for the Berkeley campus shall be established at levels sufficient to provide excess net revenues sufficient to pay the debt service and to meet the related requirements of the proposed financing.
  - c. The general credit of the Regents shall not be pledged.
- (3) The Officers of The Regents be authorized to provide certification to the lender that interest paid by The Regents is excluded from gross income for purposes of deferral income taxation under existing law.
- (4) The Officers of The Regents be authorized to execute all documents necessary in connection with the above.

C. ***Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing, Telemedicine and Prime HEQ Education Facility, San Diego Campus***

The Committee recommended that:

- (1) The 2007-08 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: San Diego: Telemedicine and PRIME HEq Education Facility – preliminary plans, working drawings, construction, and equipment – \$59,170,000, to be funded from State funds (\$35,000,000), gift funds (\$20,375,000), campus funds (\$3,295,000), and University funds (\$500,000).

To: San Diego: Telemedicine and PRIME HEq Education Facility – preliminary plans, working drawings, construction, and equipment – \$60,227,000, to be funded from State funds (\$35,000,000), external financing (\$20,457,000), capitalized leases (\$1,950,000), campus funds (\$2,320,000), and University funds (\$500,000).

- (2) The President be authorized to obtain external financing not to exceed \$20,457,000 to finance the Telemedicine and PRIME HEq Education Facility, subject to the following conditions:
  - a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
  - b. Repayment of financing shall be from the San Diego Campus share of the University Opportunity Fund.
  - c. The general credit of The Regents shall not be pledged.
- (3) The Officers of The Regents be authorized to provide certification that interest paid by The Regents is excluded from gross income for purposes of federal income taxation under existing law.
- (4) The Officers of The Regents be authorized to execute all documents necessary in connection with the above.

D. ***Annual Report on Approvals of Chancellors' Residences and Other Capital Projects for the Year Ended June 30, 2007***

The Committee reported its acceptance of, in accordance with the Schedule of Reports, the annual report on Chancellors' Residences and Other Capital Projects for the year ending on June 30, 2006.

E. ***Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing, Student Athlete High Performance Center, Berkeley Campus***

The Committee recommended that, subject to a decision by the court in favor of the University in the matter of pending litigation concerning this project, and with concurrence of the Chairman of the Board of Regents and the Chairs of the Committee on Grounds and Buildings and the Committee on Finance:

- (1) The President be authorized to amend the 2007-08 Budget for Capital Improvements and the Capital Improvement Program as follows:

From: Berkeley: Student Athlete High Performance Center – preliminary plans, working drawings, construction, and equipment – \$111,948,000, to be funded from gift funds.

To: Berkeley: Student Athlete High Performance Center – preliminary plans, working drawings, construction, and equipment – \$117,448,000, to be funded from gift funds (\$17,448,000) and external financing (\$100,000,000).

- (2) The President be authorized to obtain external financing not to exceed \$100 million to finance the Student Athlete High Performance Center (SAHPC) project, subject to the following conditions:

- a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
- b. Repayment of the debt shall be from the Berkeley campus football program gross revenues and the income earned on the SAHPC Initiative Fund, which shall be sufficient to meet operating expenses, pay debt service, and meet requirements related to the financing.
- c. The general credit of The Regents shall not be pledged.

- (3) The President to be authorized to obtain standby financing not to exceed \$6,248,000 prior to awarding a construction contract for any gift funds not received by that time and subject to the following conditions:

- a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
- b. Repayment of any financing shall be from gift funds and, in the event such gift funds are insufficient, from the Berkeley campus' football program net revenue.

- c. The general credit of The Regents shall not be pledged.
- (4) The Officers of The Regents be authorized to provide certification to the lender that interest paid by The Regents is excluded from gross income for purposes of federal income taxation under existing law.
- (5) The Officers of The Regents be authorized to execute all documents necessary in connection with the above.

Upon motion of Regent Kozberg, duly seconded, the report of the Committee on Grounds and Buildings was approved.

9. **REPORT OF THE COMMITTEE ON HEALTH SERVICES**

***UCSD Medical Center Participation in Ambulatory Surgery Center Joint Venture, San Diego Campus***

The Committee recommended approval of UCSD Medical Center's participation in an ambulatory surgery center joint venture with Surgical Care Affiliates.

Upon motion of Regent Lansing, duly seconded, the report of the Committee on Health Services was approved.

10. **REPORT OF THE COMMITTEES ON FINANCE AND INVESTMENTS**

***Amendment of Policy on Conflict of Interest Disclosure Obligations of Investment Advisory Group Members***

With the concurrence of the President and the Vice President for Investments/Acting Treasurer, the Committees recommended adoption, effective immediately, of an amendment to the policy on conflict of interest disclosure by members of the Investment Advisory Group, as follows:

**Deletions shown by ~~strikeout~~; additions shown by underlining**

1999 Policy Establishing the Investment Advisory Committee [now Group, per Regents' action at the July 2007 meeting]:

\*\*\*

Conflicts: Members of the Advisory Group shall upon taking and leaving office and annually during their terms, with updates when information changes, disclose ~~all existing and potential conflicts of interest and shall abstain from voting on any such matters~~ the following: their status and the status of their immediate family, within the meaning of the Political Reform Act, as partners, members, executive officers or employees with any and

all investment management firms; any ownership interest in a privately held investment management firm; and any ownership interest of 1 percent or more in a publicly traded investment management firm.

An investment management firm is defined as a for-profit business entity which derives its revenues from the investment of third-party assets or, if it is a diversified business entity, no other business line contributes more revenues or earnings than the investment of third-party assets.

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Upon motion of Regent Gould, duly seconded, the report of the Committees on Finance and Investments was approved.

## 11. **REPORT OF THE COMMITTEES ON FINANCE AND EDUCATIONAL POLICY**

### ***Approval of a Three-Year Plan for Professional Degree Program Fees and Proposed Professional Degree Fee Increases for 2008-09***

The Committee on Finance recommended that:

- A. The three-year plan of professional degree program fees, shown in **Attachment 5**, be endorsed for planning purposes.
- B. The proposed fee increases for 2008-09, also shown in **Attachment 5**, be approved for implementation.
- C. The following conditions be adopted for future professional degree fee increases:
  - (1) Access and inclusion are among the University's core commitments, and student affordability is a vitally important component to a public education system. Any increases in professional degree fees (PDFs) must be justified by programmatic and financial needs, but also must not adversely affect the University's commitment to access, inclusion, and keeping the door open for students interested in pursuing low-paying public interest careers.
  - (2) With this sentiment in mind, if a professional school unit wishes to propose a PDF increase greater than 6 percent or in excess of the percentage increase in the Education Fee for a given year, it must submit a plan, endorsed by its chancellor, describing academic and/or programmatic reasons for the requested increase and describing policies to ensure or enhance access and inclusion in the face of the rising fees.
  - (3) Each plan should consider the following (including expenditure projections, design parameters, and performance metrics) components:

- a. Front-end financial aid such that needy students are able to pursue their academic and summer interests without regard to financial considerations.
  - b. Loan forgiveness programs (or some equivalent alternative program) for, among others, students interested in pursuing low-paying public service jobs such that their debt from professional school does not unduly restrict their career decision.
  - c. A strategy for inclusion of underrepresented groups.
  - d. A detailed marketing and outreach plan to explain financial aid and loan forgiveness.
- (4) Each unit's PDF plan shall also include:
- a. Assurances that in any program directly supported by State 19900 funds, the total in-state fees charged will be at or below the total tuition and/or fees charged by comparable degree programs at other comparable public institutions.
  - b. Information as to the views of the unit's student body and faculty on the proposed increase. This information may be obtained in a variety of ways ranging from consultations with elected student leaders and faculty executive committees to referenda. The information would be treated as advisory, but The Regents would view more favorably PDF proposals that enjoy the support of a unit's faculty and student body.
- (5) The Provost and Executive Vice President will provide further guidance and coordination as needed to the campuses and to elements of the Office of the President, and coordinate submission of the PDF proposals to The Regents for annual action. Chancellors will carefully review PDF proposals and the supporting plans concerning financial aid, loan forgiveness, outreach, evaluation, and implementation of corrective measures if needed (such as a PDF rollback, freeze, limit on future increases, or other financial and/or non-financial measures), and forward the PDF proposals as revised to the Office of the President. PDF proposals from the campuses and as submitted to The Regents should cover a rolling period of not less than three years.
- (6) These conditions are effective in academic year 2009-10 and onwards. For academic year 2008-09, any PDF increases greater than 6 percent approved by The Regents are conditional on the President's determination by March 1, 2008, that the unit has satisfied conditions equivalent to those above; such a determination will be reported to The Regents for information.

Upon motion of Regent Gould, duly seconded, the recommendation of the Committee on Finance was approved, Regents Allen, Garamendi, Island, Johnson, and Ruiz voting “No.”

12. **REPORT OF THE COMMITTEES ON COMPENSATION AND FINANCE**

*Approval of Plan to Adjust Faculty Salary Scales*

The Committees recommended approval of the plan for new faculty salary scales, effective October 1, 2007, examples in [Attachment 6](#), and further approve the overall budgetary strategy for the remaining three years of a four-year program to improve faculty scales.

Upon motion of Regent Moores, duly seconded, the report of the Committees on Compensation and Finance was approved.

13. **REPORT OF THE COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES**

*Authorization to Approve and Execute Modification to the Department of Energy Contract for the Lawrence Berkeley National Laboratory to Amend Clauses and Add a New Clause as a Result of Changes to the Department of Energy Acquisition Regulations*

The Committee recommended that the President be authorized to execute a modification to the provisions of Lawrence Berkeley National Laboratory contract DE-AC02-05CH11231 in order to incorporate revisions to four clauses and add one new clause.

Upon motion of Regent Pattiz, duly seconded, the report of the Committee on Oversight of the Department of Energy Laboratories was approved.

14. **REPORT OF INTERIM ACTIONS****Report of Actions Taken Between Meetings**

In accordance with authority previously delegated by The Regents, interim action was taken on routine or emergency matters as follows:

A. The Chairman of the Board, the Chair of the Committee on Compensation, and the President of the University approved the following recommendations:

(1) ***Interim Slotting of Position and Promotional Salary for Cindy Lima as Executive Director of Administration, Medical Center, San Francisco Campus***

Approval of the following items be approved in connection with the interim slotting and promotion of Cindy Lima. Ms. Lima is being promoted into a currently unslotted and vacant position which encompasses a broader scope of duties and responsibilities:

- a. Interim slotting of position Executive Director of Administration, as recommended by Mercer Human Resource Consulting (SLCG Grade 107: Minimum \$167,600, Midpoint \$212,700, Maximum \$257,800).
- b. Promotion to Executive Director of Administration with an annual salary of \$212,700 and an appointment at 100 percent time.
- c. Per policy, eligibility for participation in the School of Medicine Management Incentive Program with a maximum payout of up to 20 percent of base salary.
- d. Effective upon approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.



(2) ***Stipend for Ann M. Williamson as Acting Chief Patient Care Services Officer, Medical Center, San Francisco Campus***

Approval of the following items in connection with the appointment of Ann M. Williamson as Acting Chief Patient Care Services Officer:

- a. As an exception to policy, administrative stipend of 20.4 percent (calculated against appointment salary of \$173,492, the stipend is \$35,408) when included with her base salary for a total annual salary of \$208,900.
- b. The stipend amount will be increased as the base salary is increased, so the stipend will equal 20.4 percent of the base salary.
- c. Continued eligibility for participation in the UCSF Medical Center Director-level Incentive Award Plan with a maximum payout of up to 15 percent of base salary.
- d. Effective June 17, 2007, at 100 percent time or upon approval of The Regents, through December 31, 2007, or until this responsibility is transferred to the new Chief Patient Care Services Officer, including a one-month transition period, whichever is sooner.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(3) ***Interim Slotting of New Position and Appointment Salary for Mark Ramirez as Director–Supply Chain Management, Medical Center, San Francisco Campus***

Approval of the following items in connection with the classification and appointment of Mark Ramirez as Director–Supply Chain Management, Medical Center, San Francisco campus:

- a. Interim slotting of new position entitled Director–Supply Chain Management as recommended by Mercer Human Resource Consulting (SLCG Grade 106: Minimum \$150,000, Midpoint \$189,900, Maximum \$229,700).
- b. Appointment salary of \$199,000, 100 percent time.

- c. Per policy, eligibility for participation in the Medical Center Incentive Award Plan with a maximum payout of up to 15 percent of base salary (beginning in FY 2008).
- d. Effective upon approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, ineligible to participate in the 2007-2008 merit and equity review.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(4) ***Continuation of Current Compensation (Base and Extension of Existing Stipend) for Marie N. Berggren as Chief Investment Officer and Vice President–Investments and Acting Treasurer, Office of the Treasurer***

- a. Extension of Ms. Berggren's existing stipend of 14.4 percent (\$56,250 per annum) when combined with her base salary totals \$446,250. Ms. Berggren's stipend was effective for a one-year period and expired on June 2, 2007. The extension will be effective from June 3, 2007 and continue until The Regents assess her past year's performance and determine the full scope of her duties, expected to occur at the September Regents meeting. At that time, it is expected that The Regents, taking into account performance and scope of duties, will determine an appropriate base salary for Ms. Berggren.

Additional elements of compensation currently include:

- Per policy, continued eligibility for participation in the Annual Incentive Plan for the Treasurer's Office.
- Per policy, continuation of an automobile allowance (\$8,916 per annum).
- Per policy, continued eligibility for participation in the Mortgage Origination Program loan program.
- Per policy, continued participation in the Senior Management Supplemental Benefit Program at the rate of 5 percent.
- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, Executive Salary Continuation for Disability.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(5) ***Appointment Salary for Penny Rue as Vice Chancellor–Student Affairs, San Diego Campus***

Approval of the following items in connection with the appointment of Penny Rue as Vice Chancellor–Student Affairs, San Diego campus:

- a. Title of Vice Chancellor–Student Affairs.
- b. Appointment salary of \$215,000, 100 percent time.
- c. Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program.
- d. Per policy, a \$53,750 relocation allowance equal to 25 percent of base pay (subject to a repayment requirement in the event that she resigns within the first four years of employment).
- e. Per policy, reimbursement of moving expenses.
- f. Per policy, 30 days of temporary housing and reimbursement of moving expenses.
- g. Per policy, authorization by The Regents to participate in the Mortgage Origination Program with a loan up to \$1,330,000.
- h. Effective date of September 10, 2007, upon approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, Ms. Rue will not be eligible to participate in the merit/equity program until October 1, 2008.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(6) ***Appointment Salary for Barbara Allen-Diaz as Assistant Vice President–Programs, Agriculture and Natural Resources, Office of the President***

Approval of the following items in connection with the appointment of Barbara Allen-Diaz as Assistant Vice President–Programs, Agriculture and Natural Resources, Office of the President:

- a. Appointment salary of \$180,000 at 100 percent time.
- b. Effective date of September 1, 2007, upon approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, ineligible to participate in the merit/equity program until October 1, 2008.
- Per policy, eligible to participate in the Mortgage Origination Program.
- Per policy, ineligible for participation in the Senior Management Supplemental Benefit Program.
- Per policy, accrual of sabbatical credits as a member of faculty.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(7) ***Appointment Salary for Jennifer Ridgeway as Facilities Division Director, Lawrence Berkeley National Laboratory***

Approval of the following items in connection with the appointment of Jennifer Ridgeway as Facilities Division Director, Lawrence Berkeley National Laboratory:

- a. Appointment salary of \$200,000 (LBNL Job Code 197.1 Salary Grade N15: Minimum \$165,684, Midpoint \$248,472, Maximum \$331,260) at 100 percent time.
- b. Effective September 4, 2007, upon approval of The Regents.
- c. Per policy, a hiring bonus of \$20,000.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(8) ***Stipend for John D. B. Featherstone as Acting Dean–School of Dentistry, San Francisco Campus***

Approval of the following items in connection with the appointment of John D. B. Featherstone as Acting Dean–School of Dentistry, San Francisco campus:

- a. As an exception to policy, an administrative stipend of 32 percent (\$72,000) to increase his current base salary of \$142,500 and his Health Sciences Compensation Plan (HSCP) salary of \$82,500 to an annual salary of \$297,000 (Salary Grade 111: Minimum 260,400, Midpoint \$334,600, Maximum 408,700).
- b. The stipend amount of (\$72,000) is to remain constant with any and all salary adjustments, inclusive of merit increases.
- c. Effective July 1, 2007, through June 30, 2008, or until the effective date of the appointment of a permanent Dean, whichever occurs first. This period represents a two-month overlap in service, with the current Dean of Dentistry. This appointment is at 100 percent.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.
- Per policy, accrual of sabbatical credits as a member of faculty.
- Per policy, authorization by The Regents to participate in the Mortgage Origination Program (MOP) with a loan up to \$980,000. This represents an increase of \$390,000 to Mr. Featherstone's current MOP loan of \$590,000. This is a second MOP loan for Mr. Featherstone to use to refinance his existing MOP loan plus any housing related debit used for qualified home improvements. The loan will comply with all other normal Mortgage Origination Program parameters.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(9) ***Appointment Salary for Barry A. Wolitzky as Chief Operating Officer–Immune Tolerance Network, School of Medicine, San Francisco Campus***

Approval of the following items in connection with the appointment of Barry A. Wolitzky as Chief Operating Officer–Immune Tolerance Network, School of Medicine, San Francisco campus:

- a. Slotting of new position, Chief Operating Officer–Immune Tolerance Network, as recommended by Mercer Human Resource Consulting (SLCG Grade 106: Minimum \$150,000, Midpoint \$189,900, Maximum \$229,700).
- b. Appointment salary of \$195,000, 100 percent time.
- c. Per policy, eligibility for participation in the School of Medicine Management Incentive Program with a maximum payout of up to 20 percent of base salary.
- d. As an exception to policy, reimbursement of 100 percent of moving expenses to the extent allowed by policy. MSP policy allows for reimbursement of up to 50 percent of moving expenses.
- e. As an exception to policy, two house-hunting trips, the total number of days not to exceed ten for Mr. Wolitzky and his spouse. Coach airfare, meals, and lodging will be reimbursed, per policy.
- f. Effective upon approval of The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

(10) ***Appointment Salary for Felicia E. McGinty as Vice Chancellor–Student Affairs, Santa Cruz Campus***

Approval of the following items in connection with the appointment of Felicia E. McGinty as Vice Chancellor–Student Affairs, Santa Cruz campus:

- a. Appointment salary of \$200,000.

- b. This appointment is 100 percent time, effective September 1, 2007 pending approval by The Regents.

Additional items of compensation include:

- Per policy, standard Pension and Health and Welfare benefits and standard Senior Management benefits, including Senior Manager Life Insurance, Executive Business Travel Insurance, and Executive Salary Continuation for Disability.
- Per policy, 5 percent monthly contribution to the Senior Management Supplemental Benefit Program.
- Per policy, eligibility for a Mortgage Origination Program loan for an amount of up to \$1 million.
- Per policy, a relocation allowance of \$50,000 (25 percent) with a contingent repayment schedule.
- Per policy, reimbursement of moving expenses up to a maximum of \$20,000.

The compensation described above shall constitute the University's total commitment until modified by The Regents and shall supersede all previous oral or written commitments.

- B. The Chairman of the Board and the Chair of the Committee on Compensation approved the following recommendation:

***Extension of the Appointment of Ann Parode Dynes as Interim Associate of the President***

- (1) Extension of the appointment of Ann Parode Dynes as Interim Associate of the President, effective May 16, 2007 and continuing until the full Board approves the revised policy, anticipated at its July 2007 meeting.
- (2) This appointment is subject to the proposed Policy on Associate of the President/Chancellor, as described in the March 2007 Regents' Item RE-93, and all administration shall be in accordance with this proposed policy. This revised policy is under review for approval by The Regents in July 2007. Once approved, the new policy shall govern the terms and conditions of this appointment.

- C. The Chairman of the Board, the Chair of the Committee on Grounds and Buildings, and the President of the University concurred in the following:

***Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing for West Village Backbone Infrastructure, Campus Wastewater Treatment Plant Expansion Phase 1, and Relocating Agricultural Research, Davis Campus***

*Pursuant to Standing Order 100.4(q) and Standing Order 100.4 (nn)*

- (1) The President, subject to concurrence of the Chairman of the Board, and the Chair of the Committee on Grounds and Buildings, amend the 2006-07 Budget for Capital Improvements and the Capital Improvement Program to include the following:

From: Davis: West Village Backbone Infrastructure – Preliminary plans – \$750,000, to be funded with campus funds.

To: Davis: West Village Backbone Infrastructure – Preliminary plans, working drawings, and construction – \$14,594,000 to be funded with external financing.

- (2) The President, subject to concurrence of the Chairman of the Board and the Chair of the Committee on Grounds and Buildings, amend the 2006-07 Budget for Capital Improvements and the Capital Improvement Program as follows:

From: Davis: Campus Wastewater Treatment Plant Expansion Phase 1 – Preliminary plans, working drawings, and construction – \$7,166,000, funded from State funds (\$3,543,000) and campus funds (\$3,623,000).

To: Davis: Campus Wastewater Treatment Plant Expansion Phase 1 – Preliminary plans, working drawings, and construction – \$7,166,000, to be funded from State funds (\$3,543,000), external financing (\$2,600,000), and campus funds (\$1,023,000).

- (3) The President, subject to concurrence of the Chairman of the Board and the Chair of the Committee on Grounds and Buildings, amend the 2006-07 Budget for Capital Improvements and the Capital Improvement Program as follows:

Davis: Relocating Agricultural Research – \$896,500 to be funded with external financing.

- (4) The President be authorized to obtain external financing not to exceed \$18,090,500 for items (1), (2), and (3), subject to the following conditions:



- a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
  - b. Repayment of the external financing shall be from project ground rent, utility surcharges, and funds available to the Chancellor, which shall generate net revenues sufficient to pay debt service and to meet all related financing requirements of the proposed funding.
  - c. The general credit of The Regents shall not be pledged.
- (5) The Officers of The Regents be authorized to provide certification to the lender that interest paid by The Regents is excluded from gross income for purposes of federal income taxation under existing law.
  - (6) The Officers of The Regents be authorized to execute all documents necessary in connection with above.

15. **SUMMARIES OF COMMUNICATIONS RECEIVED**

Secretary and Chief of Staff Griffiths presented summaries of communications received subsequent to the July 2007 meeting which will be referred to President Dynes as appropriate.

16. **REPORT OF MATERIALS MAILED BETWEEN MEETINGS**

Secretary and Chief of Staff Griffiths reported that, on the dates indicated, the following were mailed to The Regents or to its Committees:

To Members of the Committee on Compensation:

- A. Letter and resolution regarding the Academic Senate's call for rejection of the Senior Leadership Compensation Group salary structure. August 9, 2007
- B. Letter and enclosure regarding salary actions taken for professors, as well as administrators, in the Academic Personnel Program. August 14, 2007
- C. Letter and enclosure regarding the 2006 report of uncompensated outside professional activities of members of the Senior Management Group. August 22, 2007

To Members of the Committee on Grounds and Buildings:

- D. Capital Project Design Approvals since July 2002. August 22, 2007

To Members of the Committee on Health Services:

- E. Medical Center Activity and Financial Status Report for the eleven months ended May 31, 2007. July 24, 2007

To Members of the Committee on Investments and the Investment Advisory Group:

- F. Investment Performance and Assets Allocation Report of the University of California Foundations for the quarter ending March 31, 2007. July 25, 2007

To The Regents of the University of California:

- G. Letter from the Department of Energy announcing that UC received \$3 million fine from the Department for violations of classified information security requirements relating to the October 2006 security incident at Los Alamos. July 13, 2007.
- H. Response to Glorja Kaufman regarding her concerns about programs and activities taking place at Glorja Kaufman Hall at UCLA. July 16, 2007
- I. Letter to Gov. Schwarzenegger and legislators regarding Regents' statement urging support for maintaining the University as a high priority during the resolution of the budget. July 19, 2007
- J. Update on the status of the State budget. July 24, 2007
- K. Notification of review by the Western Association of Schools and Colleges. July 30, 2007
- L. University Auditor's report on follow-up review of recommendations from the various executive compensation audits and reviews conducted in 2006. August 2, 2007
- M. Rejection of University's proposal to host and manage a petascale computing system for the National Science Foundation. August, 10, 2007
- N. President Dynes' announcement that he is stepping down from the presidency. August 13, 2007
- O. Letter from Chairman Blum regarding President Dynes' decision to step down. August 13, 2007
- P. Announcement of membership of the Special Committee to Consider the Selection of a President. August 17, 2007

- Q. Save the date notice for UC Merced's and UCLA's upcoming Chancellor Inauguration events. August 20, 2007
- R. Summary of the State Budget from President's office. August 21, 2007
- S. Letter to Gov. Schwarzenegger regarding the budget. August 21, 2007
- T. Letter and document entitled, "We Need to Be Strategically Dynamic," by Chairman Blum. August 22, 2007
- U. Op-ed by Chancellor Birgeneau in the "San Francisco Chronicle." August 23, 2007
- V. Summary of 2007-08 State budget impact on UC. August 24, 2007
- W. UC Berkeley Native American Graves Protection and Repatriation Act background summary. August 27, 2007
- X. President Dynes' Goals and Priorities. August 30, 2007
- Y. Response from Provost Hume to Chairman Blum's "Strategically Dynamic" letter. September 2, 2007.
- Z. Long Range Guidance Team Report. September 4, 2007
- AA. Response from Chair of the Council of UC Staff Assemblies Kathy Mendonca to Chairman Blum's "Strategically Dynamic" letter. September 5, 2007
- BB. Response to Mrs. Janet J. Gray regarding her son's financial aid processing at UC Merced. September 5, 2007
- CC. Copy of a letter expressing the opposition of the systemwide Vice Chancellors for Research to certain provisions of the draft compromise proposal on "University Acceptance of Research Funding From the Tobacco Industry." September 6, 2007

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September 20, 2007

The meeting adjourned at 2:40 p.m.

Attest:

Secretary and Chief of Staff

## Application of RE-89: What companies (potential research sponsors) are covered?

On February 5, 2008, President Dynes sent a letter to Chancellors --

[http://www.ucop.edu/research/policies/documents/review\\_approval\\_re89.pdf](http://www.ucop.edu/research/policies/documents/review_approval_re89.pdf)

-- asking them to implement RE-89, a Regental resolution requiring adoption of special review, approval and reporting procedures for proposals to obtain research funding from the tobacco industry. The President's letter enclosed a model policy for campuses to consider adopting, which included the following definition of "tobacco industry," drawn from RE-89:

B. Definition of tobacco industry/Scope of policy: RE 89 defines "tobacco industry" as "entities whose principal business is the manufacture and sale of tobacco products, and agencies that are substantially controlled by or acting on behalf of such entities." The special review and approval requirements apply only to tobacco industry sponsors of research, and only to proposals submitted after September 2007 (new proposals and/or competitive renewals of current grants). The campus Office of Research (working with the UCOP Office of Research) can provide guidance as needed in interpreting/applying this definition.

UCOP does not maintain a comprehensive list of companies that are part of the "tobacco industry" (some companies, like RJ Reynolds and Philip Morris, are readily identified as "tobacco companies;" others, like the former Center for Indoor Air Research, may have an association with the tobacco industry that is not immediately apparent). However, to assist campuses in implementing RE-89, the Office of Research compiled the following list of companies that are or that have in the past been identified with the tobacco industry. *Please note that inclusion on this list does not definitively mean that a company falls under the definition of tobacco industry included in RE-89, nor does the fact that a company does not appear on this list mean that it would not be included within the scope of RE-89.* If campuses have questions about a particular sponsor, they may consult with UCOP's Office of Research for assistance in determining whether/how RE-89 applies.

Altadis Group (*acquired by Imperial Tobacco Group*)  
AllianceOne International (*formerly Dimon Inc.*)  
American Tobacco  
Altria Group (*Parent company of Philip Morris*)  
British American Tobacco Company, Ltd  
Brown & Williamson Tobacco Corp.  
Center for Indoor Air Research (*No longer in existence*)  
China National Tobacco  
The Council for Tobacco Research (*No longer in existence*)  
Dimon Incorporated (*No longer in existence*)  
~~Kraft Foods~~ [*Kraft was recently spun off from Altria, and so it appears that Kraft would not be covered by the RE-89 policy*]  
Gallaher Group  
Imperial Tobacco  
Japan Tobacco Inc

Liggett & Brooke Group  
Liggett & Myers, Inc.  
Loews Corporation  
Lorillard Tobacco Co., Inc.  
Philip Morris  
ResearchAmerican Tobacco Corporation  
Reynolds American (*parent of RJ Reynolds*)  
RJ Reynolds  
RJR Nabisco, Inc. [*No longer in existence; now Nabisco Holdings Corp. Unclear if there is now any tobacco relationship that would trigger RE-89 provisions*].  
Smokeless Tobacco Council  
Standard Commercial Corporation  
Star Scientific, Inc. (*Formerly Star Tobacco and Pharmaceuticals*)  
Tobacco Associates  
Tobacco Industry Research Committee  
Tobacco Institute, Inc.  
United States Tobacco Company  
Universal Leaf Tobacco Co.  
Vector Group (*successor to Brooke Partners*)