

# HRCR 1

Office of the President  
October 10, 2006

Members, Board of Trustees:

PROPOSED AMENDMENT TO GOVERNING REGULATIONS:  
SMOKE-FREE POLICY

Recommendation: that the Board of Trustees approve the attached revision of Governing Regulations, Part I, which was received for preliminary consideration at the September 12, 2006 Board meeting. The proposed revision relates to legislation passed by the 2006 Kentucky General Assembly that requires each of the state's postsecondary education institutions to adopt a written policy relating to smoking.

Background: The 2006 General Assembly enacted House Bill 55 (Kentucky Revised Statute 61.165) which requires the board of trustees for each of the state's postsecondary education institutions to adopt a written policy relating to smoking in all buildings owned, operated, or under the jurisdiction of the institution. The policy must:

- (a)
  - 1. Provide for accessible indoor smoking areas in any building where smoking is otherwise restricted; and
  - 2. Favor allowing smoking in open public areas where ventilation and air exchange are adequate and there are no restrictions otherwise placed on the area by the state fire marshal or other similar authority; or
- (b) Prohibit indoor smoking.

University of Kentucky Governing Regulation, Part I, relates to the University's Vision, Mission, and Values, and includes its Ethical Principles and Code of Conduct. The attached revision: (a) adds a general smoke-free policy to the Governing Regulation; and (b) delegates to the President the authority to promulgate an Administrative Regulation related to this policy.

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Action taken:     Approved     Disapproved     Other \_\_\_\_\_

By virtue of the above, University of Kentucky facilities shall be used only for educational, cultural or charitable purposes, or other purposes as determined by the President or by the administrative officer to whom the President has delegated this responsibility in accordance with these *Governing Regulations, Administrative Regulations, and University Senate Rules*.

K. Political Activity

The University cannot endorse, support or promote any political candidate or any partisan political activity. Therefore, University facilities shall not be used for conventions, rallies, or any campaign activities that would further the interests of a political party\* or of a candidate or candidates for public office. The facilities of the University may be used for public forums to which all legally qualified candidates for a public office are invited to speak provided that all such candidates are given equal access and opportunity to speak.

University facilities may be used by registered student organizations for meetings with a candidate or candidates for public office when meetings are open in attendance to students, faculty members, and staff employees of the University.

In accordance with the Constitution of the Commonwealth of Kentucky, the decisions of the United States Supreme Court, and the opinions of the Office of the Attorney General to the Commonwealth of Kentucky, University facilities shall not be used to advance or inhibit religion.

L. Smoke-Free Policy

Kentucky Revised Statute 61.165 requires the Board of Trustees to adopt a written policy related to smoking in buildings owned, operated, or under the jurisdiction of the University. Smoking is generally prohibited in all University owned, operated, leased or controlled buildings, and enclosed walkways or bridges. Smoking is also prohibited within a reasonable distance from building entrances, exits, air intake ducts, and windows. The President is delegated authority to promulgate an appropriate Administrative Regulation.

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\*"Political party" is defined as a voluntary association of persons formed and organized for the purpose of nominating or electing candidates for public office. This definition includes, but is not limited to, the meaning of "political party" as defined in KRS 119.010.