

UNIVERSITI TEKNOLOGI MALAYSIA

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25 June 2014
27 Syaaban 1435

ADMINISTRATIVE CIRCULAR NO. 22/2014

ENFORCEMENT OF SMOKE-FREE AREAS UNIVERSITI TEKNOLOGI MALAYSIA

In exercising its powers under subparagraph 4 (1) (v), the Constitution of Universiti Teknologi Malaysia (UTM) is enforcing the Smoke-Free Area Regulations, in line with the Control of Tobacco Product Regulations 2004, gazetted on 23 September 2004 (P.U. (A) 324 / 2004).

2. Smoking shall be construed as an act of inhaling and exhaling or emitting smoke from any tobacco products such as cigarettes, pipes, shisha, cigars, tobacco leaf cigarettes and / or any tobacco substitutes such as electronic cigarettes of any kind that can be used immediately for the purpose of smoking, including having possession or control of any lighted tobacco products in any areas on campus, by staff, students or visitors to the University.

3. Officers authorised to enforce the Smoke-Free Area Regulations, including the issuance of summonses are as follows:

- a) Officers and Security Personnel from the Security Division;
- b) Officers of the Student Health Centre;
- c) Officers of the Faculty / Division nominated by Heads of Department / Deans;
- d) Officers, Principals, Fellows or any Staff of Student Affairs & Alumni (HEMA); and
- e) Officers of the OSHE Unit.

4. Based on the endorsement of the University Management Committee Meeting No. 18/2013 dated 23 September 2013, a summons of RM100.00 will be issued for each smoking offence and administrative action will be taken against staff and students who fail to pay the respective summonses within 30 days.

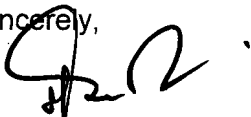
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5. The Smoke-Free Area Regulations are enforced in all areas of Universiti Teknologi Malaysia with immediate effect.

6. Hence, the Administrative Circular No. 2/1989 and the Administrative Circular No. 16/1998 related to the prohibition of smoking among the UTM community are rescinded.

Thank you.

Sincerely,



WAN MOHD. ZAWAWI BIN WAN ABD. RAHMAN
Registrar

- c.c. - Vice-Chancellor
- Deputy Vice-Chancellor (Research & Innovation)
- Deputy Vice-Chancellor (Academic & International)
- Deputy Vice-Chancellor (Student Affairs & Alumni)
- Deputy Vice-Chancellor (Development)
- Director of UTM Kuala Lumpur
- Bursar
- Senior Officers / Deans / Directors



SMOKE-FREE AREA ENFORCEMENT REGULATIONS Universiti Teknologi Malaysia

INTRODUCTION

In exercising its powers under subparagraph 4 (1) (v), the Constitution of Universiti Teknologi Malaysia (UTM) enforces the Smoke-Free Area Regulations as follows;

Authority of the University

4. (1) Subject to the provisions of this Constitution, the University shall have the following authority:
 - (v) perform any act or conduct, whether related or not, to the authority above, as necessary in the advancement of teaching, research, finance, administration, welfare and discipline at the University.

PURPOSE

1. These regulations are aimed at implementing the enforcement of smoke-free areas in Universiti Teknologi Malaysia.
2. Compliance with the Malaysian Government Circular on the Control of Tobacco Product Regulations 2004, gazetted on 23 September 2004. (P.U. (A) 324/2004).
3. Act as guidance on enforcement provisions and summonses issued to those in defiance of the related regulations.

BACKGROUND

1. The Government has gazetted and enforced the Control of Tobacco Product Regulations 2004 P.U. (A) 324/2004. These regulations are an extension of Section 36 of the Food Act 1983 (Act 281) relating to the prohibition of tobacco product advertisements, control of sale of tobacco products, smoking prohibition and issuance of summonses for smoking offences.
2. The University has issued Administrative Circular no. 2/1989 and Administrative Circular no. 16/1998 relating to the prohibition of smoking among the campus community.

INTERPRETATION

- "Tobacco Product" - All types of tobacco products used such as cigarettes, pipes, shisha, cigars, tobacco leaf cigarettes and / or all types of tobacco replacement products such as electronic cigarettes.
- "Campus" - Campus of Universiti Teknologi Malaysia, including all areas, residential hostels, institutions and university buildings.
- "Smoking" - Inhaling and exhaling or emitting smoke from any tobacco products or any tobacco substitutes that can be used immediately for the purpose of smoking, including having possession or control of any lighted tobacco products on campus.
- "Student" - A person registered, apart from as a student, in an institution affiliated to a university or university college, pursuing a course of study, teaching, training or research of any description at a personal, pre-degree, postgraduate or post-doctoral level, conducted full-time or part-time, by or from the university, including distance learning, off-campus, exchange and non-graduate students.
- "Staff" - Any person employed by Universiti Teknologi Malaysia
- "The Public" - Any outsider, apart from staff and students of Universiti Teknologi Malaysia
- "Enforcement" - Any staff appointed by the University Authorities to enforce the Smoke-Free Area Regulations in Universiti Teknologi Malaysia
- "Tobacco" - Any product obtained from the leaves of the Nicotiana Tobacum tree or other related trees, including any tobacco products.

ENFORCER

Officers authorised to enforce the Smoke-Free Area Regulations, including the issuance of summonses are as follows:

- a) Officers and Security Personnel from the Security Division;
- b) Officers of the Student Health Centre;
- c) Officers of the Faculty / Division nominated by Heads of Department / Deans;
- d) Officers, Principals, Fellows or any Staff of Student Affairs & Alumni (HEMA); and
- e) Officers of the OSHE Unit.

1. Enforcement Jurisdiction:-

To perform the entrusted duties efficiently and with due diligence, an enforcer is authorised at any time to:

- a) Request for personal identification documents or any other relevant documents which the Enforcement Officer sees fit;
- b) request for the smoking to stop, or for a lighted cigarette to be put out, and detain any parties found to have violated any provisions in this regulation;
- c) seize and confiscate any goods or materials that can be used as evidence, in the believe that provisions in this regulation has been infringed; and
- d) issue a notice of summons immediately to any party found to have violated this regulation.

ENFORCEMENT ACTION

Enforcement action implemented is based on the following categories:

- a) Student;
- b) Staff; and
- c) The Public.

1. Student:

Issued a summons of RM100.00 which must be paid within a month. Failure to pay the summons will result in the outstanding value of the summons to be uploaded into the student account information system as debt or money owed.

2. Staff:

- a) Issued a summons of RM100.00 which must be paid within a month.;
- b) Failure to pay the summons within a month would trigger the process of a salary cut (with notice); and
- c) If any individuals are found not to cooperate with the Enforcement Officers during the detainment, the individual is considered to be insubordinate to the University. This will result in the implementation of the procedure for insubordination in the form of First Administrative Warning, and Second Administrative Warning which will be recorded in the Personal File for documentation purposes.

3. The public:

- a) Directed to quit smoking;
- b) In the event of a refusal to stop smoking, the individual is ordered to leave the campus grounds;

- c) For individuals who refuse to stop smoking and leave the campus grounds, then that individual will be expelled and forcibly removed from the campus.

The Smoke-Free Area Regulations are enforced in all areas of Universiti Teknologi Malaysia from the issuance of the Administrative Circular No. 22/2014 dated June 25, 2014.