

Directive on Smoke-Free Areas, Approved in the University Senate meeting on_____

ISTANBUL TECHNICAL UNIVERSITY

DIRECTIVE ON SMOKE-FREE AREAS

**ITU OCCUPATIONAL HEALTH
AND SAFETY UNIT**

Directive on Smoke-Free Areas, Approved in the University Senate meeting on_____



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ISTANBUL TECHNICAL UNIVERSITY DIRECTIVE ON SMOKE-FREE AREAS

SECTION ONE

Purpose, Scope, Grounds and Definitions

Purpose

ARTICLE 1- (1) The purpose of this Directive is to take measures to protect Istanbul Technical University personnel, students, guests and other stakeholders from the harms of tobacco products and to make arrangements to ensure that everybody can breathe fresh air on our campuses.

Scope

ARTICLE 2- (1) This Directive covers all indoor and outdoor areas of Istanbul Technical University and its staff, students, guests and other stakeholders regarding the implementation of smoke-free air space.

Grounds

ARTICLE 3- (1) This Directive has been prepared based on the provisions of the Law No. 4207 on the Prevention and Control of Harms of Tobacco Products and the Communiqué on the Implementation Procedures and Principles of Administrative Sanctions Decisions to be Given to Those Who Consume Tobacco Products in Places, Vehicles, Buildings and Facilities of Public Institutions and Organizations.

Definitions

ARTICLE 4- (1) In this Directive, the operative definitions are as follows:

- a) Supervision teams: Teams formed in order to supervise ITU campuses in accordance with the relevant directive.
- b) Smoke-free airspace: 'Protect the air' is the name of the campaign launched to inform the public regarding the Law No. 4207 on the Prevention and Control of Harms of Tobacco Products, the first phase of which entered into force on 19 May 2008.
- c) Administrative Sanction Decision Records: The books where the administrative sanction decisions are recorded.
- d) Third hand smoke: Passive exposure to tobacco smoke in an area where others have used tobacco products before.
- e) University: Istanbul Technical University.
- f) Passive exposure, second hand smoking: Exposure to tobacco smoke, the smoke coming out of a burning cigarette or any other kind of tobacco product such as cigars, pipes etc. or the smoke exhaled by others.
- g) Tobacco: In broad terms, tobacco is the product made/produced from the whole or part of

tobacco leaf and that can be smoked, chewed, sucked or consumed in another form. Tobacco products contain nicotine, which is an addictive substance. Within the scope of the “Law on the Prevention and Control of Harms of Tobacco Products” No. 4207 in Turkey, the term refers to a substance produced wholly or partially from tobacco leaf as raw material, which is produced to be smoked, sucked, chewed or sniffed. All kinds of hookahs and cigarettes that do not contain tobacco but are used in a way that mimics tobacco products are considered tobacco products. Electronic cigarettes and heated delivery systems, which have recently become widespread in our country, are also tobacco products. The term “electronic nicotine delivery systems” is also used for electronic cigarettes.

- h)** Tobacco control: Prevention of taking up the habit, helping the users/smokers to quit and prevention of passive exposure to tobacco smoke.
- i)** Yellow line: Smoke-free areas determined to support a healthy life and prevent non-smokers from being exposed to cigarette smoke

(2) For the concepts that are not defined in the content of this directive, the definitions in the Law No. 4207 on the Prevention and Control of the Harms of Tobacco Products, the Misdemeanors Law No. 5326, the related regulations and other relevant legislation are valid.

SECTION TWO

Istanbul Technical University Smoke-Free Areas Policy, Vision and Mission

Smoke-Free Areas Policy

ARTICLE 5- (1) With the amendments made in the Law No. 4207 on the Prevention and Control of Harms of Tobacco Products in 2008, the consumption of tobacco products was prohibited in all closed areas open to the public, and in 2009 in businesses such as restaurants, coffee houses, cafeterias, and pubs belonging to private entities. In this context, a smoking ban has been introduced in all closed areas, except for residences (houses). The main purpose of this ban is to protect people who do not smoke but who are harmed by cigarette smoke used by others. In addition, it is necessary to ensure that passive exposure does not occur in order to prevent exposure to tobacco products. Thus, to provide smoke-free air space in indoor and outdoor areas on ITU Campuses in order to protect the health of all stakeholders in our university, and

(2) To support the "Smoke-Free Air Space" Project implemented by the Ministry of Health in official institutions and social areas, and to determine the smoke-free air space areas on our University Campuses is our main policy as the university.

Smoke-Free Areas Vision

ARTICLE 6- (1) Our vision is to be a leading university that aims to protect the health of our staff, students and all other stakeholders, and to cooperate with relevant persons and organizations by creating a smoke free areas management system applicable in national and international scope.

Smoke-Free Areas Mission

ARTICLE 7- (1) Our mission is to support a healthy life by creating "Smoke-Free Areas" in various parts of our campuses with a yellow line, to prevent non-smokers from being exposed to cigarette smoke and environmental pollution caused by cigarette butts.

SECTION THREE

No-Smoking Areas on Istanbul Technical University Campuses

ARTICLE 8- (1) ITU academic and administrative staff, students, guests and other stakeholders are not going to use tobacco products in

- a) Any closed areas of all public service buildings,
- b) Any kinds of education (pre-school, primary and secondary education including private education and training institutions and non-formal education) institutions and any similar institutions and organizations including corridors and stairs; indoor and outdoor areas of cultural and social service buildings, facilities, gardens and similar places in open areas,
- c) Closed areas of hospitals, health centers, laboratories, clinics, pharmacies and similar places,
- d) Cinema, theatre, concert, exhibition, conference, library areas and all closed areas of places open to cultural use,
- e) Indoor areas of sports halls, sports clubs and all sports related buildings,
- f) Open areas where sports, culture, art, etc. activities are carried out and their viewing areas,
- g) Any areas other than the areas where smoking is allowed in open areas on ITU campuses.

ARTICLE 9- (1) Academic and administrative staff, students, guests and other stakeholders who do not fulfill their obligations regarding the implementation of the Law No. 4207 on the Prevention and Control of Harms of Tobacco Products will be fined by the administration in line with the regulations, and disciplinary action will be taken in accordance with the provisions to which they are subject to.

SECTION FOUR

Formation of Supervision Teams, The Supervision Process and Fining Procedures

ARTICLE 10- Formation of Supervision Teams

- (1) A Smoke-Free Area Supervision Team is formed to supervise ITU Campuses within the scope of Directive on Some-Free Areas.
- (2) The teams should consist of at least two people.
- (3) The teams should be given ID cards to be used during the supervision process.

ARTICLE 11- The Supervision Process

- (1) Supervision should be conducted in regular and continuous manner.
- (2) The teams will be inspecting whether legal warning notices in accordance with the legislation are posted in places that can be seen by everyone.

ARTICLE 12- Fining Procedures

- (1) Unit administrators will assign one or more of their personnel to impose administrative fines in illegal situations.
- (2) The contact information of the authorized personnel will be written on the legal notices.
- (3) When it is reported that tobacco products are consumed in places, vehicles, buildings and facilities belonging to our university where tobacco consumption is prohibited, the responsible personnel will immediately do the necessary research, and when the result of the research finds sufficient evidence or determines that tobacco products have been consumed, the administrative sanction report will be prepared. In general, the following information, documents and evidence can be used as a means of proof:
 - a) Minutes and/or incident reports duly prepared by the responsible units,
 - b) The report containing the declarations of the complainant or other persons (if possible),
 - c) Visual proof (photographs, video recordings, etc.)
- (4) Administrative sanction reports will be issued as three copies. Each copy will be filled in legibly. A copy of the administrative sanction report will be given to the relevant person, a copy will be kept in the unit that implements the sanction decision, and one copy of the uncollected and not finalized minutes will be sent to the tax offices for collection. The transaction will be recorded in Administrative Sanction Decision Records. The sequence number of the Administrative Sanction Decision Book will be written in the relevant section of the report. The report shall be signed by at least two authorized officials. When it is necessary to cancel the minutes, the cancellation procedures will be carried out by crossing the minutes and putting an annulment annotation.
- (5) The person being fined should be informed that:
 - a) The fine should be paid within a month,

- b)** They may apply to the Criminal Courts of Peace in person or through their legal representative or lawyer, within 15 days at the latest, from the date on which the administrative sanction decision is notified or announced to them,
- c)** The decision will be finalized if they fail to appeal within that time frame,
- d)** They will be charged 3/4 of the amount if they decide to pay without appealing to the court,
- e)** and they may still appeal to the court after paying the indicated amount. After the person is informed about all of the above, they will be asked to sign the report.
- f)** If the person refrains from signing, this will be stated in the "Signature of the Person Enforced with Administrative Sanctions" section of the Administrative Sanction Report. A copy of the report will be given to the person concerned.
- g)** In cases where the person to whom the administrative fine is imposed consents to the payment at the time the fine is given or wants to pay the fine without resorting to legal action, the total amount of the administrative fine, the deducted amount and the collected amount shall be separately specified on the receipt of the deposit by the staff appointed as accounting officer. If the economic situation of the person is not suitable and they state this in written form within one month, it may be decided to pay the administrative fine in 4 equal installments within one year, provided that the first installment is paid in advance. If the installments are not paid on time and in full, the remaining part of the administrative fine will be reported to the tax office for collection. The application for installment will be made to the administration that made this decision within one month following the notification of the administrative report, and the requests will be evaluated and decided by these administrations.
- h)** The administrative sanction decision regarding the administrative fine is finalized if the person concerned does not object to the criminal courts of peace within 15 days from the date of notification or annotation of the decision. Following the finalization of the decision, the administrative sanction decision will be sent to the relevant tax office with an official letter for the collection of the administrative fine.
- i)** If the person concerned applies to the criminal court of peace against the decision within 15 days from the date of the notification or the annotation of the administrative sanction decision, the administrative sanction decision will not be finalized until the conclusion of the trial.
- j)** In order to carry out the collection procedures by the responsible personnel, the personnel who will act as the trustee of the accounting officer by the public institutions and organizations will be determined by the administrative unit chiefs, with the consent of the relevant accounting officer, and the name, surname, place of duty, title and signature sample of the personnel selected as the accounting officer shall be determined. Authorizations shall be notified in writing to the accounting officer. Sufficient receipts will be obtained from the Revenue Office and Property Directorates and these receipts will be used in collection transactions. Due care will be taken to ensure the security of documents.
- k)** In the event that more than one person participates in committing the misdemeanor, a separate administrative fine will be imposed on each of these persons and a separate administrative sanction report will be prepared.
- l)** Separate administrative sanction reports will be issued to a person who both smokes indoors and litters the area with a cigarette butt.

- m)** If the same offense is committed more than once or separate offenses are committed by the same person, separate administrative sanction reports will be prepared for each misdemeanor.
- n)** For children who have not completed the age of 15 at the time of committing the act and the people who, due to mental illness, cannot perceive the legal meaning and consequences of their act or whose abilities to direct their behavior in relation to this act has significantly decreased, administrative sanction reports will be issued but no fines will be given.
- o)** If the collected administrative fines are required to be returned for any reason, the cancellation and refund procedures will be carried out by the accounting unit that makes the collection.
- p)** Administrative sanction reports, other relevant documents and the books kept will be stored for at least 3 years in the authorized unit that carries out these transactions.

SECTION FIVE

Obligations Held by ITU Rectorate, Academic and Administrative Staff, Students, Guests and Other Stakeholders

ARTICLE 10- (1) ITU Rectorate

- a)** forms supervision teams,
- b)** makes sure that the legal notices which clearly indicate the legal regulations and the possible outcomes of not conforming to these are visibly posted in areas where smoking is banned,
- c)** makes sure notices giving the health advice are visibly posted in areas assigned for smoking.

ARTICLE 11- (1) In the event that tobacco and tobacco products are used in the areas defined in Article 8, in accordance with Article 39 of the Misdemeanor Law, public officials authorized by the head of the relevant administrative unit in public service buildings and public transport vehicles shall impose an administrative fine.

ARTICLE 12- (1) It is forbidden to throw butts, packages, mouthpieces, paper and similar wastes related to tobacco products into the environment. Administrative fines are imposed on those who throw cigarette butts, packages, mouthpieces, paper and similar wastes related to tobacco products into the environment by the officials authorized by the ITU Rectorate in accordance with Article 41 of the Misdemeanors Law.

SECTION SIX

Miscellaneous and Final Provisions

Specific Cases Without Provision

ARTICLE 13-(1) In cases without provision in this directive, the provisions of the Law No. 4207 on the Prevention and Control of Harms of Tobacco Products, the Misdemeanors Law No. 5326, the Occupational Health and Safety Law No. 6331 and the relevant legislation are applied.

Disciplinary Provisions

ARTICLE 14- (1) ITU academic and administrative staff and students who do not comply with the provisions of this Directive shall be subject to the provisions of the disciplinary legislation they are subject to.

Effective Date

ARTICLE 15- (1) This Directive comes into force on the date it is accepted by the Istanbul Technical University Senate.

Implementation

ARTICLE 16- (1) The provisions of this Directive are implemented by the Rector of Istanbul Technical University.

APPENDIX-1: THE PROCEDURE TO BE FOLLOWED WHEN DEALING WITH PERSONS SMOKING IN BANNED AREAS

The responsible staff in places and/or vehicles covered by the ban are under an obligation to ensure that the law is complied with. Practical measures they can take against those who try to smoke or use other tobacco products in a place or vehicle for which they are responsible are as follows:

- Show them the no-smoking sign and ask them to put out their cigarette or go outside.
- Inform them that if you allow them to smoke, you will be committing a crime, that they are breaking the law by smoking in the prohibited place or vehicle, and both of you may be penalized.
- If they refuse to put out the cigarette:
- Tell them the new law aims to protect employees and the public from the harms of secondhand smoke, and breathing in smoke-free areas is a legal right.
- If necessary, take penal action for non-compliance with the rules in accordance with the Directive on Smoke-Free Areas on ITU Campuses.
- Make note of where and when the incident happened, the name of the person concerned, and what happened as a result. You can record photos or videos.
- You can apply to ITU Security and other relevant units with your legal report and warning letter.

APPENDIX-2: ADMINISTRATIVE SANCTION REPORT

| ADMINISTRATIVE SANCTION REPORT | |
|--|----------|
| I. IDENTITY DETAILS | |
| a) Nationality | |
| b) National Identity Number | |
| c) Taxpayer Identity Number | |
| d) Name and Surname | |
| e) Father's Name | |
| f) Date and Place of Birth | |
| g) Registered Province | |
| h) Registered Town | |
| I) Neighborhood/Village | |
| j) Address | |
| k) Home Telephone Number | |
| l) GSM Number | |
| II. DETAILS ABOUT THE OFFENSE | |
| 1. Offense | |
| 2. Place | |
| 3. Date and Time | |
| 4. Evidence Regarding the Offense | |
| 5. Actions Taken Amount of Fine Amount of Payment by the Offender (if any) | |
| 6. This report, which was prepared in accordance with the administrative sanction report taken in the presence / absence of the person, was notified to the person whose identity is stated above, on/...../20 ... by the authorized officers whose names are listed below. | |
| 7. Signature of the Person Enforced with Administrative Sanctions (Acknowledged) | |
| 8. Administrative Sanction Decision Record No: | |
| III. PUBLIC INSTITUTION AND ORGANIZATION STAFF IMPLEMENTING THE ADMINISTRATIVE SANCTION DECISION | |
| Person 1 | Person 2 |
| 1. Name and Surname | |
| 2. Position | |
| 3. Unit | |
| 4. Signature | |
| LEGAL WARNING: | |
| 1 - You can apply to the Criminal Court of Peace in person or through your legal representative or lawyer, within 15 days at the latest from the date of notification of the decision against this administrative sanction report. If no application is made within this period, the administrative sanction decision becomes final. | |
| 2 - You have to pay the administrative fine within one month; if you pay it without resorting to legal action, 3/4 of the fine will be collected. The advance payment does not affect your right to appeal against this decision. | |
| 3 - If the person refrains from signing, it will be stated in section II.7 of the report. | |

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| 4 - Following the finalization of the administrative fine, the unpaid amount will be followed up in accordance with the Law No. 6183. |
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APPENDIX-3: ADMINISTRATIVE SANCTION DECISION RECORDS BOOK

[illegible]

APPENDIX-4: CHECKLIST FOR THE SMOKE-FREE UNIVERSITY PROCEDURES

| Step | Done | Not Done | Not Evaluated | Explanation |
|---|------|----------|---------------|-------------|
| Ensuring that tobacco control procedures are carried out by a unit within the university | | | | |
| Maintaining tobacco-free university efforts under the coordination of this unit, in line with the structure of the established units. | | | | |
| Planning and programming the tobacco control practices and informing all components of the university about this process | | | | |
| Preparing a university-wide tobacco control action plan | | | | |
| Ensuring the participation of all relevant persons/parties in the preparation of the action plan | | | | |
| Announcement of the action plan to all university components/public with the support of the administrative staff | | | | |
| Ensuring 100% compliance with Law No. 4207 | | | | |
| Carrying out and maintaining training and awareness activities in order to help all components of the university (students as well as the personnel) adopt the tobacco-free university policy | | | | |

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|--|--|--|--|--|
| Adding 'tobacco control' to in-service trainings as a separate subject (For example, integrating the topic of tobacco control into Occupational Health trainings). Conducting awareness activities on tobacco control on special days. | | | | |
|--|--|--|--|--|

| Step | Done | Not Done | Not Evaluated | Explanation |
|--|------|----------|---------------|-------------|
| Including healthy living components and tobacco control theme in the curriculum content | | | | |
| Undergraduate curriculum Graduate curriculum Elective Courses | | | | |
| Ensuring that relevant assistance services are accessible to everyone for those who want to quit tobacco | | | | |
| Observation and evaluation | | | | |
| Monitoring violations continuously and implementing the requirements of the existing Law and other administrative measures in case of violations without exception | | | | |
| Conducting scientific research in cooperation with health, social and behavioral sciences | | | | |
| Conducting multidisciplinary studies on different tobacco products | | | | |
| Ensuring the continuity of scientific research | | | | |
| Creating regular (annual) reports in line with the Action Plan | | | | |
| Sharing information/documents with all relevant parties | | | | |