

## Honor Code Workgroup Executive Summary

During the 2018 – 2019 academic year several concerns about the Honor Code were raised. Those concerns included:

- Number of faculty required for an Honor Council Hearing
- Lack of faculty present during an Honor Council Hearing
- Use of outdated language in the Honor Code
- Standard of proof required to find a student responsible for an Honor Code violation
- Lack of trained faculty to participate in Honor Council Hearings

To address these concerns a working group was convened by the Dean of Students Office. Members of the working group included:

Dr. Evelyn L. Ashley – Associate Dean of Students and Honor Council Advisor  
Dr. Tim Rosendale – President, Faculty Senate  
Dr. Matt Wilson – Chair of the Academic Policies Committee in Faculty Senate  
Chris Stuchly – President, Honor Council  
Sam Waken, Student Body Secretary

This group met four times during the fall 2019 semester to discuss the concerns outlined above. During the initial meeting updates to the wording of the Honor Code were presented by Dr. Ashley. The group approved the wording updates. Two of the major focuses of the group were reviewing the number of faculty members required for an Honor Council Hearing to occur along with the standard of proof. To assist in the review of SMU practices the workgroup reviewed benchmarking data related to the Honor Code at peer and aspirant institutions.

The Honor Code requires a quorum of four members. It does not indicate that a faculty member must be present as part of the quorum. The working group recommends that two faculty members be present for each hearing and that quorum consist of at least one faculty member and three students.

It was recommended that the standard of proof be lowered from clear and convincing to the preponderance of the evidence to be consistent with other processes used to adjudicate policy violations such as the Conduct Review Process and the Title IX harassment policy. The recommendation was taken to the Academic Policies Committee for review and they unanimously voted to maintain the clear and convincing standard. The sentiment for maintaining the standard was that the gravity of an Honor Code violation is great and should be considered at a higher level because of the implications for a student's transcript and future endeavors.

To combat the issue of the lack of trained faculty to participate in Honor Council hearings Dr. Rosendale sent out a request for faculty to be trained and received a great response. On January 15, 2020, Dr. Ashley conducted Honor Council Hearing training for 13 faculty members.

To move forward, the changes to the Honor Code must be approved by Faculty and Student Senate and the Dean of Students and the Provost.

Intellectual integrity and academic honesty are fundamental to the processes of learning and of evaluating academic performance, and maintaining them is the responsibility of all members of an educational institution. The inculcation of personal standards of honesty and integrity is a goal of education in all the disciplines of the University.

The faculty has the responsibility of encouraging and maintaining an atmosphere of academic honesty by being certain that students are aware of the value of it, that they understand the regulations defining it, and that they know the penalties for departing from it. The faculty should, as far as is reasonably possible, assist students in avoiding the temptation to cheat. Faculty members must be aware that permitting dishonesty is not open to personal choice. A professor or instructor who is unwilling to act upon offenses is an accessory with the student offender in deteriorating the integrity of the University.

Students must share the responsibility for creating and maintaining an atmosphere of honesty and integrity. Students should be aware that personal experience in completing assigned work is essential to learning. Permitting others to prepare their work, using published or unpublished summaries as a substitute for studying required materials, or giving or receiving unauthorized assistance in the preparation of work to be submitted are directly contrary to the honest process of learning. Students who are aware that others in a course are cheating or otherwise acting dishonestly have the responsibility to inform the professor and/or bring an accusation to the Honor Council.

Students and faculty members must mutually share the knowledge that any dishonest practices permitted will make it more difficult for the honest students to be evaluated and graded fairly and will damage the integrity of the whole University. Students should recognize that both their own interest, and their integrity as individuals, suffer if they condone dishonesty in others.

#### THE CONSTITUTION OF THE HONOR COUNCIL OF SOUTHERN METHODIST UNIVERSITY

**PREAMBLE AND DEFINITIONS** We, the students of Southern Methodist University, with the approval of the Provost and the Dean of Students, establish the Honor Council to uphold the standards of academic integrity set forth in the Honor Code. Acts punishable under the code include, but are not limited to the following:

**ACADEMIC SABOTAGE** Intentionally taking any action which negatively affects the academic work of another student.

**CHEATING** Intentionally<sub>1</sub> using or attempting to use unauthorized materials, information, or study aids in any academic exercise<sub>2</sub>.

**FABRICATION** Intentional and unauthorized falsification or invention of any information or citation in an academic exercise<sub>3</sub>.

**FACILITATING ACADEMIC DISHONESTY** Intentionally or knowingly helping or attempting to help another to violate any provision of the Honor Code<sub>4</sub>.

**PLAGIARISM<sup>5</sup>** Intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

**1** Labeling a student as being "dishonest" constitutes a form of moral condemnation, which can be a legitimate sanction in itself. Such moral condemnation, however, is not normally imposed for a simple act of negligence (e.g., a typographical error resulting in a miscited source). A student who cites long passages from a book without acknowledgment cannot expect to convince the decision maker that the omission was merely "negligent." Such ignorance is not a valid defense. Not knowing what one has done (e.g., inadvertently omitting a footnote) is to be distinguished from knowingly doing something while ignorant of a rule.

**2** The term "academic exercise" includes all forms of work submitted for credit or honors at the University, as well as materials submitted to other institutions or organizations for evaluation or publication.

**3** For example, a writer should not reproduce a quotation found in a book review and indicate that quotation was obtained from the book itself. Likewise, it would be improper to analyze one sample in a laboratory experiment and covertly "invent" data based on that single experiment for three more required analyses.

**4** For example, one who provided term papers or examinations to other students while knowing or having reason to know that such materials would be used in violation of the Honor Code would be responsible for "facilitating academic dishonesty."

**5** In regards to cases of plagiarism, ignorance of the rules is not an excuse. The University subscribes to the statement on plagiarism which appears on page six of William Watt's *An American Rhetoric* (1955).

**IMPEDING HONOR COUNCIL INVESTIGATION** Impeding the investigation of the council, lying to the council, or in any way failing to cooperate with the council.

The general principles for all honest writing can be summarized briefly. Acknowledge indebtedness:

1. Whenever you quote another person's actual words.
2. Whenever you use another person's idea, opinion, or theory, even if it is completely paraphrased in your own words.
3. Whenever you borrow facts, statistics, or other illustrative material - unless the information is common knowledge.

Plagiarism also encompasses the notions of citing quotations and materials from secondary sources that were not directly consulted in the preparation of the student's work, and

copying the organizational and argumentation structure of a work without acknowledging its author.

## ARTICLE I

### JURISDICTION, RATIFICATION, AND AMENDMENTS

**SECTION 1:** The Honor Council shall oversee the academic conduct of all undergraduate and graduate students with the exception of those graduate students enrolled in the Schools of Law, Theology, Business, or Education of Southern Methodist University.

**SECTION 2:** Ratification of this Constitution shall be by majority vote of the Student Senate, the Faculty Senate, and the approval of the Provost and Dean of Students.

**SECTION 3:** Amendments may be proposed by a student senator, faculty senator, member of the council, or by petition of no less than ten (10) percent of the student body. Passage shall require a majority vote of the Honor Council and approval by the Student Senate, the Faculty Senate, and the approval of the Provost and the Dean of Students.

## ARTICLE II

### HONOR COUNCIL COMPOSITION AND AUTHORITY

**SECTION 1: MEMBERSHIP** If possible, the Honor Council should be comprised of a minimum of four officers and no less than 27 general members. Membership is open to all members of the SMU student body without respect to sex, sexual orientation, race, color, religion, disability, age, veteran status, or national origin. The officers will be elected internally by the Honor Council. General members will be selected through an application and interview process by the Honor Council Executive Board. The 27 general members should be categorized following these guidelines:

- (a) Five (5) first-year students (after recruiting)
- (b) Six (6) sophomore students
- (c) Seven (7) junior students
- (d) Eight (8) senior students
- (e) One (1) graduate student from a school under the council's jurisdiction
- (f) Five (5) members nominated by the Faculty Senate and appointed by the Provost

**SECTION 2: AUTHORITY** The Honor Council has the following powers and responsibilities:

- (a) To develop its own Bylaws and procedures, subject to a majority vote by the Honor Council and approval by the Provost, the Dean of Students, and Vice President for Legal Affairs for legal sufficiency and compliance with the standards set by the Honor Council Constitution;

- (b) To serve on and constitute at least one hearing board a semester, as specified in Article IV of this Constitution, or investigate at least one case a semester;
- (c) To advise and consult with faculty members and administrative officers on matters related to academic integrity standards, policies, and procedures;
- (d) To foster and promote programs alerting students to the importance of academic integrity and the penalties for its violation;
- (e) To issue an annual report to the campus community, to include a statistical review of the nature, volume and disposition of charges heard, academic integrity standards, policies, and procedures, including recommendations for appropriate changes;
- (f) Any additional duties or responsibilities delegated by the Provost or Dean of Students.

## **ARTICLE III - PREHEARING PROCEDURES**

### **SECTION 1: FACULTY DISPOSITION OF A SUSPECTED HONOR VIOLATION**

A faculty member who suspects that a student has committed an act of academic dishonesty may take either or both of the following courses of action:

- (a) Determine to handle the situation privately with the student, in which case these procedures should be followed:
  - (i) the faculty member shall inform the student of the alleged misconduct and, after discussing it with him or her, determine whether or not the student is responsible for a violation of the Honor Code;
  - (ii) the faculty member shall inform the student of the sanctions for a determination of responsibility, which may be as severe as a failing grade in the course;
  - (iii) the faculty member shall determine whether to notify the Director of Student Conduct & Community Standards of the action taken using the form designated for this purpose and available from the Honor Council. Faculty members should use this reporting mechanism, as it serves two purposes: first, it enables the University to track the number and severity of honor code violations; second, it preserves a record of a particular student's violation of the Honor Code in the event the student is charged with other alleged violations in the future.
- (b) Determine that the matter should be referred to the Honor Council, in which case the charge must be filed and received by the Honor Council within twenty-two (22) class days from the date of discovery of the alleged violation. The procedures outlined in Section 2, below, will be followed.

### **SECTION 2: NOTIFICATION OF STUDENT AND PREHEARING PROCEDURES**

- (a) A person who suspects an Honor Code violation shall notify the Honor Council president of the alleged act in writing on the standard form established for that purpose.
- (b) The Provost will select faculty members designated in advance by the Faculty Senate. Although selection may be made on a case-by-case rotating basis, the Provost should retain

discretion to make selections, which will ensure representation of appropriate academic disciplines, as necessary in each case.

(c) The Honor Council president or designee shall immediately send written notice of charges to the respondent. All correspondence is sent to the local address the student has provided to the University registrar. The Honor Council will consider notice served once notice has been mailed to the local address as provided to the University registrar. Students are responsible for maintaining a current address with the Registrar's Office at all times. A copy of the written notice of charges shall also be sent to the Director of Student Conduct & Community Standards.

(d) The Vice President of Investigations shall appoint an investigator who will collect information relevant to the case and write a summary report to be used at the hearing. The investigator must deliver the summary report and copies of all written evidence and exhibits which will be used at the hearing to the Vice President of the Honor Council while submitting a copy to the Director of Student Conduct and Community Standards at least three (3) days before the hearing.

(e) Upon notification of an alleged Honor Code violation, the Honor Council president shall request the registrar to place a hold on the respondent's transcript until the case has reached a final disposition through the hearing.

(f) The Honor Council president shall convene a Hearing Board, with a suggested composition of four students and one faculty member, within a reasonable period of time but no earlier than ten (10) days after the respondent receives notice of the allegation. "Ten days" shall be counted as class days. Weekend days, exam days, holidays, and summer vacation days are not included. Hearing boards ordinarily will not convene during these times.

(g) Quorum for an Honor Council Hearing Board shall be defined as at least four (4) members of the Honor Council.

### SECTION 3: ADVISING THE RESPONDENT

(a) The vice president of the Honor Council or designee shall serve as liaison to the respondent. The Honor Council vice president shall document every attempt by phone and mail to contact the student to schedule a meeting to review the respondent's rights and the Honor Council procedures. It is the student's prerogative whether or not to attend this meeting. At the meeting, the Honor Council vice president will ensure the student has written notice of the charges and copies of the Honor Code, the Honor Council Constitution, and the Hearing Procedures. The vice president will describe the hearing procedures to the respondent and answer questions. The vice president will also provide a copy of the investigator's summary report to the student and all written evidence or exhibits to be used in the case at least three days before the hearing. The vice president shall inform the student of the hearing date, time, and place. Training for the vice president shall be provided by Student Conduct & Community Standards staff.

(b) The vice president shall inform the student that he or she may bring one person from the SMU community (a SMU student, faculty member, or staff member) and his or her parents.

Parents and/or community support person are for moral support only and may not participate in the hearing unless called upon as a witness. Parents or family members who are attorneys may not be present in a lawyer capacity. Attorneys may not attend or participate in the hearing.

## **ARTICLE IV - HEARING RULES AND PROCEDURES**

### **SECTION 1: GENERAL HEARING RULES**

(a) Unless otherwise noted, all guidelines concerning shall follow the same general principles set forth by the University Conduct Review Process.

(b) The president or his/her designee shall act as the nonvoting presiding officer of the hearing.

(c) The respondent may challenge any board member's eligibility to sit on the panel; however, the hearing board by majority vote, will have the final decision regarding the panelist's eligibility.

(d) Hearings will be closed to the public, except for the respondent's parents, the community support person accompanying the respondent, and Honor Council members-in-training. The respondent may request an open hearing, which may be held at the discretion of the president. Open hearings will waive all rights to confidentiality.

(e) Any person, including the respondent, who disrupts a hearing or who fails to adhere to the rulings of the president may be excluded from the proceeding.

(f) All proceedings are confidential. Violations of the policy on confidentiality will result in a board member's removal from the council as well as subject the board member to possible conduct action.

(g) In accusations involving more than one (1) student, the president will determine whether separate hearings will be held. If a single hearing is held, the respondents may be asked to testify with the other(s) out of the hearing room. Guilt or innocence and penalties will be assigned separately.

(h) If the respondent withdraws from school pending a hearing, the Honor Council retains jurisdiction to render a finding of guilt and apply sanctions.

### **SECTION 2: HEARING PROCEDURES**

(a) A hearing board should be comprised of four students and one faculty Honor Council member. The quorum for a hearing shall be four members. For a hearing to commence, the complainant or a statement by him or her, and the investigator or a statement by him or her must be present. The respondent does not have to be present for the case to proceed. Training for hearing board members will be jointly planned and implemented by the faculty adviser and the Director of Student Conduct & Community Standards.

(b) Prospective witnesses, other than the complainant and the respondent, shall be excluded from the hearing during the testimony of other witnesses.

(c) Formal rules of evidence shall not be applicable in the hearing. Unduly repetitious or irrelevant evidence may be excluded. Circumstantial evidence and hearsay are admissible.

(d) Respondents shall be accorded an opportunity to question the complainant and those witnesses who testify for the complainant at the hearing.

(e) In like manner, the complainant shall be accorded an opportunity to question the respondent and those witnesses who testify for the respondent at the hearing.

(f) The burden of proof shall be upon the complainant, who must establish the guilt of the respondent by clear and convincing evidence.

(g) All parties, the witnesses, and the public shall be excluded during panel deliberations. Honor Council members-in-training, if any, will be allowed to stay for deliberations but may not contribute to the discussion of the board.

(h) A four (4) out of five (5) vote is necessary for a verdict of responsibility to enter. If only four (4) members are present, a unanimous four (4) to zero (0) vote is necessary for a verdict of Responsible. Any vote short of the requirement will exonerate the respondent and the board will dismiss the charge.

(i) A majority vote is necessary for the sanctions to be set. If there is no majority opinion, then the student will not receive any sanctions.

(j) If the respondent is found responsible for an Honor Code violation, the president will inform the board of any prior Honor Code or Conduct violations by the respondent. The hearing board will then determine the sanction(s) to apply. (See Article V, Section 3.)

(k) A brief, written statement of reasons for finding a student responsible or not responsible for an offense and the sanctions imposed will be provided by the president or his/her designee. A copy of this statement, called a Hearing Summary, must be signed by the student and the president and given to the respondent in person or sent via certified mail if the respondent is not present, or refuses to accept his or her copy. The decision of the hearing board will be available to the respondent and accuser(s) no earlier than 24 hours after decision has been reached.

### SECTION 3: SPECIAL CONTINGENCY PROCEDURES

(a) In the event that a hearing must be held during the summer and on an accelerated schedule (such as the case of a student scheduled to graduate before the next academic term), and to the extent that logistics make it impossible to convene a hearing board according to Section 2(a), a special hearing board shall be convened for the hearing. The board shall still be comprised of five members if possible (four (4) for a quorum), however more than one Honor Council faculty member is eligible to sit on the board, as well as is one member of the administration of Southern Methodist University, so long as there are at least two (2) student Honor Council members on any hearing board (including the (4) four-member quorum). Furthermore, any officer of the Honor Council shall be eligible to sit on the board to the extent that they have no prior knowledge of the case.

(b) All other special contingency hearing procedures shall follow the guidelines set forth in Section 2.

## ARTICLE V - PENALTIES

**SECTION 1:** The recommended minimum penalty for a violation of the Honor Code shall be an Honor Violation (H.V.) and a deferred suspension from the University for the remainder of the student's academic career. The suspension will be invoked for a finding of guilt of an Honor Code violation or a sanction of disciplinary probation through the University Conduct Review Process. The Honor Council shall authorize the University registrar to place an H.V. on the transcript. The H.V. shall remain on the student's transcript for three years after graduation or expected date of graduation. It shall then be removed from the transcript. Although it is presumed that a guilty verdict would result in assignment of a grade of "F", the faculty member retains complete discretion to award a grade for the course he or she deems appropriate. Hearing board members may discuss the case issues in general with other Honor Council members at their regular meeting for purposes of training, but no identifying information may be discussed.

**SECTION 2:** In lieu of, or in addition to, the above recommended Honor Violation, the following penalties may be given:

- (a) Educational sanction
- (b) Conduct Reprimand
- (c) Disciplinary Probation for a term set by the hearing board
- (d) Deferred sanctions for a term set by the hearing board
- (e) Suspension from the University for a term to be set by the hearing board (during which, credit gained at another institution cannot be transferred back to SMU);
- (f) Expulsion from the University
- (g) If the student receives a sanction involving a probationary period or higher, the student's parents will be notified

**SECTION 3:** The criteria on which penalties are based include but are not limited to:

- (a) Truthfulness and cooperation in the investigation and hearing;
- (b) Intent, premeditation and seriousness of the offense;
- (c) Previous University Honor Council or Conduct record;
- (d) Harassment of the complainant or any witness.

**SECTION 4:** For a period of one year, no student with an H.V. on the transcript will be permitted to represent the University in any extracurricular activity, or run for or hold office in any recognized student organization, including, but not limited to, participating as a member of an athletic team, in performances conducted under University auspices, serving

as a member of the Mustang Band, the debate teams, an officer of a sorority or fraternity, a member of the Student Senate, a member of the Student Foundation, or in similar capacities. If students so sanctioned fail to remove themselves from such activities voluntarily, the Honor Council will contact the relevant student or administrative officials to force such action. In exceptional situations, this penalty may be waived at the discretion of the hearing board.

**SECTION 5:** For a period of one year, no student with an H.V. on his or her record shall be entitled to a scholarship based on any factor other than need.

## **ARTICLE VI - APPEAL**

**SECTION 1:** Grounds for appeal are the following:

- (a) substantial new relevant evidence not available at the time of the original hearing;
- (b) significant procedural irregularities which denied the student a fair hearing;
- (c) insufficient evidence provided to merit a finding of responsibility;
- (d) sanctions overly harsh;
- (e) Clearly erroneous findings of fact.

**SECTION 2:** Only the respondent has the right to appeal.

**SECTION 3:** All requests for appeal of the hearing board's decision shall be submitted to the University Conduct Council in writing no later than four (4) calendar days (excluding school holidays) from the Hearing Summary meeting with the Honor Council President or the mailing of the Hearing Summary Report to the student's address of record. Requests must set out detailed reasons for the appeal. The hearing board shall submit a response to the appeal to the University Conduct Council. For this purpose, a quorum of the University Conduct Council shall be two (2) faculty members, two (2) students, and one (1) administrator. The council shall convene a closed informal hearing within a timely manner to discuss the merits of the appeal. The standard of appellate review is very stringent and only in cases of a clear miscarriage of justice shall an appeal be granted.

**SECTION 4:** The University Conduct Council may dismiss the case due to such procedural irregularities as will forever deny the student a fair hearing, grant the appeal and remand for a de novo hearing, with a new hearing board, for insufficient evidence, significant procedural irregularity, or substantial new evidence, or lighten sanctions if it finds the sanctions to be overly harsh.

## **ARTICLE VII - RECORDS**

**SECTION 1:** All correspondence with the student and records of board decisions and all board correspondence will be kept permanently in the Honor Council file. Copies will also be maintained in the permanent file in the Student Conduct & Community Standards Office, in accordance with policies established for maintaining of student conduct records.

**SECTION 2:** If the student is found not responsible, the Honor Council president will expunge identifying information from the case file in the Honor Council Office.

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The code was derived in part from Kibler, W., Nuss, E., Patterson, B., and Pavela, G., *Academic Integrity and Student Development: Legal Issues, Policy Issues* (College Administration Publications, Inc., 1988).

SOUTHERN METHODIST UNIVERSITY  
UNIVERSITY POLICY MANUAL  
Policy Section: Institutional Affairs

Policy Number: 1.19

Date Adopted: 5/4/1998

Revised as of: \_\_\_\_\_

Effective as of: \_\_\_\_\_

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**Policy Title:** Smoke-Free and Tobacco-Free Campus Policy

**1. Definitions**

Definitions of capitalized terms are set forth in Appendix A.

**2. Policy Statement**

The University is committed to maintaining a healthy and safe learning, working, and living environment for all faculty, staff, students, contractors, vendors, volunteers, and visitors. To maintain this environment, SMU prohibits Smoking and the use of all Tobacco Products (including smokeless tobacco) in all University buildings and facilities, University owned or leased vehicles, and all other University owned or leased property, including outdoor areas such as parking lots, garages, and sidewalks.

**3. Purpose**

The purpose of this policy is to establish SMU as a smoke-free and tobacco-free campus to support a healthy and safe learning and work environment, in line with the recommendations of the Surgeon General of the United States and other health professionals nationwide.

**4. Applicability**

All faculty, staff, students, volunteers, contractors, vendors, and visitors are expected to comply with this policy.

**5. Questions**

Questions about this policy should be directed to Human Resources or Student Affairs as appropriate.

**6. Enforcement**

The expectation is voluntary compliance and community-wide accountability. Enforcement will be primarily achieved through education and providing support to those who wish to stop Smoking or using Tobacco Products. SMU may initiate enforcement actions and disciplinary procedures against any

individual found to be in violation of this policy through Human Resources, Student Affairs, and/or the SMU Police Department, as appropriate. Any University enforcement action or disciplinary procedure could carry the potential for a minimum fine of \$50. Collected fines will be applied to support the University's smoking and tobacco cessation efforts.

Campus visitors who are found to be Smoking or using Tobacco Products may be asked to leave campus. Any persons with concerns about implementation or compliance should refer the issue to their immediate supervisor. If the issue is still unresolved, questions or concerns should be referred to Human Resources, Student Affairs, or other appropriate Department Head or Vice President. Individuals witnessing violations of this policy should strive to be respectful to tobacco users when communicating the policy.

## 7. Exceptions

Smoking or the use of Tobacco Products as part of a religious or cultural ceremony or theatrical performance may be permitted with prior approval from the Vice President of Student Affairs or Vice President of Business and Finance, as applicable.

Smoking or the use of Tobacco Products as part of a controlled research, educational, or medical purpose may be permitted with prior approval from the Dean for Research.

Single family homes, offices, and storefronts owned by SMU and leased to external entities are exempt from this policy and are governed by their respective contracts, agreements, and city ordinances.

## 8. Cessation Programs

The University offers no cost cessation programs through Human Resources for faculty and staff. Interested employees should contact [benefits@smu.edu](mailto:benefits@smu.edu). Students can contact the Health Center or their health insurance provider for information regarding cessation.

## 9. Smoking and Tobacco Laws

In addition to SMU's prohibition on Smoking and the use of Tobacco Products under this policy, Section 161.252 of the Texas Health and Safety Code makes it an offense for an individual younger than twenty-one (21) to possess, purchase, consume, or accept a Cigarette, E-Cigarette, or Tobacco Product. Exception to this Texas law is made for an individual at least eighteen (18) years of age who presents a valid United States or state military identification card. All members of the University community should be cognizant of and comply with this law and all other applicable smoking and tobacco laws. Failure to do so will subject the offender(s) to potential University action and/or action by civil authorities, including fines up to \$250.

## Appendix A: Definitions

**"Cigarette"** is defined by Section 161.251 of the Texas Health and Safety Code as "a roll for smoking: (A) that is made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco; and (B) that is not a cigar."

**"E-Cigarette"** is defined by Section 161.251 of the Texas Health and Safety Code as "an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The

term does not include a prescription medical device unrelated to the cessation of smoking. The term includes: (A) a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and (B) a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.” E-Cigarettes including any and all vaping devices.

**“Smoking”** means inhaling, exhaling, burning, or carrying any lighted or heated tobacco, plant, or synthetic products. Smoking includes the use of Cigarettes, E-Cigarettes, and hookahs.

**“Tobacco Product”** is defined by Section 161.251 of the Texas Health and Safety Code as “(A) a cigar; (B) smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette; (C) chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing; (D) snuff or other preparations of pulverized tobacco; or (E) an article or product that is made of tobacco or a tobacco substitute and that is not a cigarette or an e-cigarette as defined by Section 161.081, Health and Safety Code.”