

GLENVILLE STATE UNIVERSITY POLICIES

ADMINISTRATIVE POLICY 12

W. VA. CAMPUS SELF-DEFENSE ACT CONCEALED CARRY ON HIGHER EDUCATION CAMPUS POLICY

SECTION 1. GENERAL

- 1.1 Scope: This policy applies to all individuals who enter the campus of Glenville State University (GSU), including the areas of campus and buildings under the University's custodial possession but does not include areas rented, leased, or under the exclusive agreement for the full-time occupancy and use of a private entity ("GSU Property").¹
- 1.2 Authority: W. Va. Code § 18B-2A-4; W. Va. Code § 18B-1-2, 6; W. Va. Code § 61-7-14, W. Va. Business Liability Protection Act; W. Va. Code § 61-7-4; W. Va. Code § 61-7-4a; and W. Va. Code § 61-7-6a.
- 1.3 Effective Date: [TBD]
- 1.4 Purpose: The purpose of this Policy is to establish guidelines regarding deadly weapons and dangerous objects on GSU Property, and the University's implementation of W. Va. Code § 18B-4-5b, the Campus Self-Defense Act, which, subject to certain limited exceptions set forth below, allows for carrying of a concealed pistol or revolver on campus by those holding a current and valid license to carry a concealed deadly weapon.

SECTION 2. DEFINITIONS

- 2.1 "Adequate Security Measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any pistols or revolvers into the area, including, but not limited to, metal detectors, metal detector wands, or any other equipment used for similar purposes to ensure that pistols or revolvers are not carried in those areas by members of the public².
- 2.2 "Concealed" means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried³. For purposes of this Rule, a licensee is considered to be "carrying" on or about his or her person while in a designated University storage area or the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.

¹ W. Va. Code § 18B-4-5b(a) (noting that the W. Va. Self-defense Act "only applies to areas of the campus and buildings of a state institution of higher education under the custodial possession of the state institution of higher education and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity").

² W. Va. Code § 18B-4-5b(b)(4).

³ See W. Va. Code § 61-7-2(3)(defining the term).

- 2.3 “Dangerous Object” means any object or device which can be used to cause harm or unnecessarily risks the safety of another person and includes any item with a lawful purpose (such as, scissors, baseball bat, paintball gun) used in a manner which could or does result in an act of violence or a threat of violence against another person, except when used for self-defense.
- a. This includes fireworks or other explosives, tasers, stun guns, air-powered rifles, imitation weapons without appropriate safety markings.
- 2.4 “Deadly Weapon” means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use⁴.
- a. The term “Deadly Weapon” includes, but is not limited to, firearms, blackjacks, gravity/switchblade or other knives, metallic or false knuckles, nunchaku, pistols, revolvers, as defined in the W. Va. Code, or other deadly weapons of like kind or character which may be easily concealed on or about the person⁵.
 - b. The term “Deadly Weapon” includes any machine gun, submachine gun, or any other fully automatic weapon⁶
 - c. The term “Deadly Weapon” includes explosive, chemical, biological, and radiological materials.
 - d. The term “Deadly Weapon” does not include a pocketknife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports, or other recreational uses, or a knife designed for use as a tool or household implement, unless the item is knowingly used or intended to be used to produce serious bodily injury or death.
 - e. The term “Deadly Weapon” does not include any item or material owned or used by the University, intended for educational use, including academic, athletic, or research, and used solely for that purpose.
 - f. The term “Deadly Weapon” does not include pepper spray when used by any person solely for self-defense purposes⁷.
- 2.5 “High Hazardous and Animal Laboratories” means laboratories with:
- a. Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher;
 - b. Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;

⁴ See W. Va. Code § 61-7-2(5)(defining the term).

⁵ See generally W. Va. Code § 61-7-2 (5).

⁶ It shall be unlawful for any person to carry, transport, or have in his/her possession, any machine gun, submachine gun, or any other fully automatic weapon unless he or she has fully complied with applicable federal statutes and all applicable rules and regulations of the secretary of the treasury of the United States relating to such firearms. See W. Va. Code § 61-7-9.

⁷ See W. Va. Code § 61-7-2(5).

- c. If ever applicable, MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the equipment or 5 gauss line typically at least 3 feet and as much as 20 feet from equipment;
- d. Large cylinders of acetylene; or
- e. Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees⁸.

2.6 "License" means a current and valid license, lawfully issued by the State of West Virginia pursuant to W. Va. Code § 61-7-4, *License to carry deadly weapons; how obtained*; W. Va. Code § 61-7-4a, *Provisional license to carry deadly weapons; how obtained*; or a current and valid license or permit recognized under W. Va. Code § 61-7-6a, *Reciprocity and recognition; out-of-state concealed handgun permits*⁹.

2.7 "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand¹⁰.

2.8 "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand¹¹.

SECTION 3. POLICY

3.1 Except as specifically provided for by this rule or by law, deadly weapons and dangerous objects, as defined herein, are prohibited on GSU Property.

3.2 Section 3.1 does not apply to a person holding a license to carry a concealed deadly weapon and who is carrying a Concealed Pistol or Revolver on GSU Property¹², except as set forth in Section 3.3.

3.3 Consistent with both the Campus Self-Defense Act and the W. Va. Business Liability Protection Act¹³, all deadly weapons, including concealed pistols and revolvers, are prohibited in the following locations:

- a. At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators¹⁴.

⁸ W. Va. Code § 18B-4-5b(b)(11).

⁹ W. Va. Code § 18B-4-5b(i).

¹⁰ W. Va. Code § 61-7-2 (13).

¹¹ W. Va. Code § 61-7-2(14).

¹² W. Va. Code § 18B-4-5b(a) (providing that "a person holding a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver on the campus and in the buildings of a state institution of higher education").

¹³ W. Va. Code § 61-7-14.

¹⁴ W. Va. Code § 18B-4-5b(b)(1).

- b. If ever applicable, at a daycare facility located on GSU Property¹⁵.
- c. In the secure area of the Office of Public Safety, located in the Jesse R. Lilly Gymnasium building on GSU campus¹⁶.
- d. In an area that has adequate security measures to ensure that pistols or revolvers are not to be carried by the public into the area¹⁷.
 - i. Any such area designated by the University under this exception will provide reasonable notice to the public and campus community.
- e. In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held¹⁸.
- f. In Sole Occupancy Offices¹⁹, but only in those offices where the sole occupant notifies those who may be entering that concealed pistols and revolvers are prohibited.
- g. At a primary or secondary education school-sponsored function being held in a specific location on GSU Property that is rented, leased, or under the exclusive use of the W. Va. Department of Education, the W. Va. Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring²⁰.
- h. At a private function that is being held in a specific location on GSU Property that is rented, leased, or under exclusive use of an entity for the actual period of time the function is occurring²¹.
 - i. Any such function designated by an entity under this exception will provide reasonable notice to the attendees.
- i. In any GSU Property where possession of a firearm is prohibited by state or federal law²².
- j. In specifically designated areas in which patient-care or mental health counseling is being provided²³.
 - i. The University shall provide reasonable notice to the public and campus community about what areas are designated under this exception.
- k. In High Hazardous and Animal Laboratories²⁴.

¹⁵ W. Va. Code § 18B-4-5b(b)(2).

¹⁶ W. Va. Code § 18B-4-5b(b)(3).

¹⁷ W. Va. Code § 18B-4-5b(b)(4)(defining “adequate security measures” as “the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any pistols or revolvers into the area, including, but not limited to, metal detectors, metal detector wands, or any other equipment used for similar purposes to ensure that pistols or revolvers are not carried in those areas by members of the public”); *see also infra* section 5.1.

¹⁸ W. Va. Code § 18B-4-5b(b)(5).

¹⁹ W. Va. Code § 18B-4-5b(b)(6)(defining a “sole occupancy office” as “a room with at least one door and walls that extend to the ceiling that is assigned to a single person as his or her workspace” but not authorizing GSU “to prohibit, regulate, or restrict faculty or staff members who hold a current and valid license to carry a concealed deadly weapon from carrying a concealed pistol or revolver in his or her assigned office”).

²⁰ W. Va. Code § 18B-4-5b(b)(7).

²¹ W. Va. Code § 18B-4-5b(b)(8).

²² W. Va. Code § 18B-4-5b(b)(9).

²³ W. Va. Code § 18B-4-5b(b)(10).

²⁴ W. Va. Code § 18B-4-5b(b)(11).

- i. The University shall provide reasonable notice to the public and campus community about what areas are designated under this exception.
- I. In on-campus residence halls, except common areas such as lounges, dining areas, and study areas²⁵.
 - i. This exception does not apply to University employees whose responsibilities require them to be in an on-campus residence hall and that person would otherwise be able to carry a concealed revolver or pistol on-campus as long as that person is present in the residence hall for purposes of his or her employment²⁶.
 - ii. The Board of Governors delegates to the President the responsibility to (1) provide a secure location for the storage of a pistol or revolver in at least one on-campus residence hall; (2) reserve an appropriate space in the on-campus residence hall where the storage room is located for on-campus residents with a license to store their weapons²⁷; and (3) charge a reasonable fee for the use of the secure storage location or a safe²⁸.
- li. The exceptions set forth in Section 3.3 and the general prohibition on deadly weapons or dangerous objects do not apply to the following persons, while acting in their official capacity: law enforcement officers or law enforcement officials; W. Va. Department of Corrections employees; members of the armed forces of the United States or the W. Va. National Guard; any circuit judge, prosecuting attorney, assistant prosecuting attorney, or investigator duly appointed by a prosecuting attorney; and individuals required to possess the items prohibited by this rule in order to participate in undertakings sanctioned by Glenville State University. Additionally, consistent with the W. Va. Business Liability Protection Act, the prohibitions of this rule do not apply to legally owned firearms lawfully possessed, out of view, locked inside or locked to a motor vehicle in a parking lot when an individual is lawfully allowed to be present in an area²⁹.

3.4 To the extent anything in this rule conflicts with the Campus Self-defense Act or the W. Va. Business Liability Protection Act, the applicable act takes precedent.

3.5 Pursuant to Section 3.3(I)(ii)(1), while the University will provide a secure location for the storage of a pistol or revolver in at least one on-campus residence hall, the amount of ammunition an individual may store in the on-campus residence hall will be limited to the space within the individual storage unit in the secure location. The storage of ammunition in any other building on campus is strictly prohibited, with the exception of ammunition stored by the Office of Public Safety.

SECTION 4. RESOURCES

²⁵ W. Va. Code § 18B-4-5b(b)(12).

²⁶ W. Va. Code § 18B-4-5b(c).

²⁷ W. Va. Code § 18B-4-5b(d).

²⁸ See generally W. Va. Code § 18B-4-5b(e).

²⁹ W. Va. Code § 61-7-14(d)(1)(A)-(D).

4.1 Website

- a. The Board of Governors designates and directs the President to post on GSU's website a page with resources relating to this policy and the University's compliance with the Campus Self-defense Act.
- b. The issues to be addressed on this website include, but are not limited to, resources discussing the list or map of locations identified as exempt under Section 3.3 where the carrying of a concealed pistol or revolver is prohibited; gun safety and training opportunities for those interested; and information about how to obtain a concealed weapons permit.

4.2 Publicly Posted Notices

- c. Pursuant to Section 3.3, the University will provide reasonable notice to the public and campus community about which areas are designated as an exception to the rule wherein carrying a concealed pistol or revolver is prohibited.
- d. The University will provide and post signage across campus, in its buildings, and all locations necessary to alert those entering of the conceal carry guidelines within the area.

SECTION 5. VIOLATIONS

- 5.1 Any University employee, student, or volunteer who fails to abide by the requirements within this rule shall be subject to: (i) appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate and (ii) applicable criminal charges, if warranted.
- 5.2 Any other person who fails to abide by the requirements of this rule shall be subject to appropriate action, including a request to leave campus or temporarily relinquish the prohibited item and, if they fail to do so, referral for any appropriate criminal action and/or issuance of a trespass notice, and/or a temporary or permanent ban from campus.
- 5.3 It is a violation of this rule and W. Va. Code to carry a pistol or revolver (or any other firearm or deadly weapon), on GSU Property, that is partially or wholly visible, or intentionally or knowingly displayed in plain view of another person, in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the firearm is holstered. This provision pertains to (i) individuals who possess a valid license to carry a concealed weapon and (ii) any other person not expressly permitted/authorized to do so by this rule. Anyone who violates this provision may, in addition to any applicable criminal charges, be subject to disciplinary action³⁰.

³⁰ W. Va. Code § 18B-4-5b(g).

SECTION 6. AMENDMENTS

6.1 This Policy may be amended to change or update any and all W. Va. Code citations, names, titles, links to information, grammar, and spelling without going through the rulemaking process.

6.2 Federal and State laws, rules and regulations change. The Board may modify any portion of this policy to conform the College's practices with such changes. Subject to the institution's rulemaking policy, the institution will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

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