



WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS RULE 1.9
~~WEAPONS/DESTRUCTIVE DEVICES DANGEROUS OBJECTS~~

Approval Date: October 5, 2016
Effective Date: October 5, 2016
Revision History: October 5, 2016
President's Signature: On file

SECTION 1: Purpose and Scope

1.1 This Rule imposes the prohibition of and penalty for the possession or storage of ~~D~~eadly ~~w~~Weapons, ~~or destructive devices~~Dangerous Objects, or fireworks in any form on the West Liberty University campus or any University-leased facilities. This Rule also implements W. Va. Code § 18B-4-5b, which – subject to certain limited exceptions set forth below – allows for carrying of a Concealed Pistol or Revolver on campus by anyone holding a current and valid License to carry a Concealed Deadly Weapon.

1.2 This Rule applies to all University faculty, staff, students, and visitors, including those on any satellite campus. It shall also apply to private vehicles parked or operated on University owned or leased property, which openly display firearms. The Director of Public Safety/Chief of Police of West Liberty University may grant exceptions to this policy in writing for the convenience of the University in achieving its mission.

~~1.3 This Rule shall not apply to the following persons, while acting in their official capacity:~~

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~~• Law enforcement officers or law enforcement officials;~~

~~• West Virginia Department of Corrections employees;~~

~~• Members of the armed forces of the United States while on activity duty or serving in an official capacity;~~

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~~• 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 policy in order to participate in academic/research undertakings sanctioned by West Liberty University. This includes the possession of historic weapons/replicas used for educational purposes.~~

SECTION II. POLICY

2.1 Except as specifically provided for by this Rule, possession or storage of a ~~d~~eadly ~~w~~weapon, ~~or destructive device~~Dangerous Object, or fireworks in any



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form (as defined by West Virginia State Code) is prohibited on the West Liberty University campus in University-leased facilities and in vehicles owned or leased by the University.

2.2 Section 2.1 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 University property, except as discussed in Section 2.3 below.

2.3 Consistent with the Campus Self-Defense Act (W. Va. Code § 18B-4-5b) and the Business Liability Protection Act (W. Va. Code § 61-7-14), all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations:

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

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2.3.2 At a daycare facility located on University Property.

2.3.3 In the secure area of any building used by University Police or other law enforcement agency on University Property.

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2.3.4 In an area that has adequate security measures to ensure that Pistols or Revolvers are not to be carried by the public into the area. If the University designates any such area under this exception, it will provide reasonable notice of such designation to the public and campus community.

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2.3.5 In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held.

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2.3.6 In sole occupancy offices, but only in those offices where the sole occupant notifies those who may enter that concealed pistols and revolvers are prohibited.

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2.3.7 At a primary or secondary education school-sponsored function being held in a specific location on University Property that is rented, leased, or under the exclusive use of the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

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2.3.8 At a private function that is being held in a specific location on University Property that is rented, leased, or under exclusive use of

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an entity for the actual period of time the function is occurring. If the University designates any such area under this exception, it will provide reasonable notice of such designation to the public and campus community.

2.3.9 In any University Property where possession of a firearm is prohibited by state or federal law.

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2.3.10 In specifically designated areas in which patient care or mental health counseling is being provided. The University shall provide reasonable notice to the public and campus community about what areas are designated under this exception.

2.3.11 In High Hazardous and Animal Laboratories. The University shall provide reasonable notice to the public and campus community about what areas are designated under this exception.

2.3.12 In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.

2.3.12.1 This exception does not apply to employees whose responsibilities require him or her to be in an on-campus residents hall and that person would otherwise be able to carry a Concealed Revolver or Pistol on-campus, so long as that person is present in the resident hall for purposes of his or her employment.

2.3.12.2 The President is delegated the authority to provide either a secure location for the storage of a pistol or revolver in residence halls on campus or make available an appropriate safe that may be installed in a resident's room, and to charge a reasonable fee for the use of the secure storage location or a safe.

2.4 The exceptions set forth in Section 2.3 above and the general prohibition on the possession of Deadly Weapons and Dangerous Objects do not apply to the following persons while acting in their official capacities: 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 the University, which include academic and research programs, and

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historical items. The University's Chief of Police may grant additional exceptions in writing for the convenience of the University in achieving its mission. 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 area.

SECTION 3: Violations

3.1.2.2 Any University Employee or Student who fails to abide by the requirements of this Rule shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.

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3.2 Any other person ~~carrying or possessing a firearm or other deadly weapon in violation of this policy~~ 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 the person fails to do so, referral for any appropriate criminal action and/or issuance of a trespass notice, ~~who, upon being requested to do so, refuses to temporarily relinquish possession of the firearm or other deadly weapon, and/or refuses to leave University or College premises or grounds as previously defined while in possession of the firearm or deadly weapon, shall be charged with a misdemeanor, and upon conviction thereof, shall be fined not more than one thousand dollars or confined in the regional jail not more than six months, or both (§61-7-14 WV Code).~~

3.3 A holder of a License or any other person not expressly authorized to do so by this Rule, shall not carry a Pistol or Revolver (or any other Deadly Weapon or Dangerous Object), which is partially or wholly visible, or intentionally or knowingly display in plain view of another person in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the device is holstered. Anyone violating this section may, in addition to any applicable criminal charges, be subject to discipline.

3.4 The University reserves its right to take any necessary action to address any conduct that – while it may not violate this Rule – is prohibited by the University under a different Rule, policy, or standard.

SECTION 34: Authority Definitions.

The following definitions apply to terms used within this Rule:

4.1 "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

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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.

4.2 "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 carried. 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.

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4.3 "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. This includes fireworks or other explosives, tasers, air-powered rifles, imitation weapons without appropriate safety markings.

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4.4 "Deadly Weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use.

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4.4.1 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 person.

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4.4.2 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.

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4.4.3 The term "Deadly Weapon" includes explosive, chemical, biological, and radiological materials.

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4.4.4 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.

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4.4.5 The term "Deadly Weapon" does not include pepper spray when used by any person solely for self-defense purposes.

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4.5 "High Hazardous and Animal Laboratories" means laboratories with:

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(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;

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(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;

(c) 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

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(e) Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees.

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4.6 "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.

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4.7 "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 hand.

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4.8 "President" means the President or their designee.

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4.9 "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 hand.

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4.10 "Sole Occupancy Office" means 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.

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4.11 "University Property" means all areas on-campus and in the buildings under custodial possession of the Board of Governors, and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.

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SECTION 5: Authority.

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35.1 W. Va. Code § 18B-1-2, 6; W. Va. Code § 18B-2A-4; W. Va. Code § 18B-4-5B (Campus Self-Defense Act); W. Va. Code § 61-7-11a; W. Va. Code § 61-7-14 (Business Liability Protection Act).

This Rule was formerly BOG Policy 56 – Deadly Weapons/~~Destructive Device~~Dangerous objects~~Dangerous objects~~.