

# MARSHALL UNIVERSITY

## University Policy No. GA-12

### Campus Carry Policy

#### 1 General Information

- 1.1 Scope: This policy governs Deadly Weapons and Dangerous Objects on Marshall University's campus.
- 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 § 18B-4-5b, Campus Self-defense Act.
- 1.3 Passage Date: July 1, 2024
- 1.4 Effective Date: July 1, 2024
  - 1.4.1 Controlling over: Marshall University students, faculty, staff, and general public on campus.
- 1.5 History: On July 1<sup>st</sup>, 2024, WV Code §18B-4-5b became effective, which permitted individuals to concealed carry on the campuses of institutions of higher education with proper licenses. The legislation provided exemptions and restrictions that are highlighted within this University Policy.
- 1.6 Statement of Safety: Marshall University is dedicated to ensuring a secure atmosphere for all students, staff, university associates, and guests, while also honoring the rights of individuals who are licensed to carry a handgun in accordance with West Virginia law. Marshall University is bound to adhere strictly to West Virginia statutes and cannot implement policies or measures that contravene state law.

#### 2 Scope

- 2.1 This policy provides Marshall University's guidelines regarding Deadly Weapons and Dangerous Objects on Marshall Property, and the University's implementation of W. Va. Code §18B-4-5, the Campus Self-defense Act, which, subject to certain limited exceptions set forth below, allows for carrying Concealed Pistols or Revolvers on Marshall's Campus by those holding a current and valid License to carry a Concealed Deadly Weapon.
- 2.2 This policy only applies to areas of campus and buildings of Marshall University under the possession of Marshall University and does not include areas rented, leased, or under exclusive agreement for the full-time occupancy of a private entity.

#### 3 Definitions

- 3.1 "Adequate Security Measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any Handguns consistent with the Concealed Carry Administrative Procedure.
- 3.2 "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.

- 3.3 “Concealed Carry” means the exercise of the right to carry a Handgun by a person holding a current and valid license to carry a concealed deadly weapon pursuant to WV Code §61-7-4; §61-7-4a; and/or §61-7-6a.
- 3.4 “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 bats, 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
  - 3.4.1 This includes fireworks or other explosives, tasers, air-powered rifles, imitation weapons without appropriate safety markings.
- 3.5 “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.
  - 3.5.1 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.
  - 3.5.2 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.
  - 3.5.3 The term “Deadly Weapon” includes explosive, chemical, biological, and radiological materials.
  - 3.5.4 The term “Deadly Weapon” does not include any item or material owned or used by Marshall University, intended for educational use, including academic, athletic, or research, and used solely for that purpose.
  - 3.5.5 The term “Deadly Weapon” does not include pepper spray when used by any person solely for self-defense.
- 3.6 “High Hazardous and Animal Laboratories” means laboratories with:
  - 3.6.1 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;
  - 3.6.2 Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;
  - 3.6.3 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;

- 3.6.4 Large cylinders of acetylene; or
- 3.6.5 Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees.
- 3.7 “Handguns” means Pistols and/or Revolvers.
- 3.8 “License” means a current and valid license, lawfully issued by the State of West Virginia pursuant to W. Va. Code § 61-7-4.
- 3.9 “Marshall’s Campus” means all areas on-campus and in the buildings under custodial possession of the Marshall University 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.
- 3.10 “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.
- 3.11 “Residents” means those individuals who reside full-time in the residence halls on Marshall’s Campus.
- 3.12 “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.
- 3.13 “Sole Occupancy Office” means a room that has at least one door and walls extending to the ceiling, designated for the exclusive use of a single individual as his or her workspace. This definition explicitly excludes any space that functions as a thoroughfare or entry point to additional offices or workspaces, regardless of its assignment to an individual. Such spaces, even if primarily used by one person, do not qualify as Sole Occupancy Offices if they provide access to or are configured as reception areas leading to other occupied areas.

#### **4 Concealed Carry on Marshall’s Campus**

- 4.1 Except as specifically provided for by this policy or law, Deadly Weapons and Dangerous Objects are prohibited on Marshall’s Campus.
- 4.2 Section 4.1 does not apply to an individual who holds a current and valid license to Concealed Carry and who is carrying a Concealed Handgun on Marshall’s Campus except as set forth in Section 5.
- 4.3 The exceptions set forth in Section 5.1 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 policy in order to participate in undertakings sanctioned by Marshall University which include academic/research programs, historical items, and the farm management programs which are approved by the Department of Natural Resources. Additionally, Marshall University’s Chief of Police may grant additional exceptions in writing for the convenience of the University in achieving its mission. Finally, consistent with the W. Va. Business Liability Protection Act, the prohibitions of this policy 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.

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

## **5 Concealed Carry Exceptions on Marshall's Campus**

5.1 The exercise of Concealed Carry on Marshall's Campus is prohibited in the following:

5.1.1 Daycare facilities located on Marshall's Campus;

5.1.2 Organized events taking place at a stadium or arena with a capacity of more than 1,000 spectators;

5.1.3 The secure area of any building used by law-enforcement agency on Marshall University property;

5.1.4 Areas in which Adequate Security Measures are provided.

5.1.5 On-campus room or rooms in which a student or employee disciplinary proceeding is being held;

5.1.6 Individuals who have been assigned a Sole Occupancy Office may restrict Concealed Carry in their Sole Occupancy Office provided they provide sufficient notice consistent with the Concealed Carry Administrative Procedure.

5.1.6.1 If there is a conflict between a student, employee, or faculty and an occupant's Concealed Carry status in the occupant's Sole Occupancy Office, the occupant of the Sole Occupancy Office will provide an alternative meeting method consistent with the Concealed Carry Administrative Procedure.

5.1.7 Areas where Primary or Secondary education school-sponsored functions being held in a specific location on Marshall 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;

5.1.8 Private entities that are not affiliated with Marshall University may restrict Concealed Carry in buildings that are rented, leased, or under their exclusive possession by providing advanced notice.

5.1.9 Any area of Marshall University property where possession of a firearm is prohibited by state or federal law;

5.1.10 Specifically designated areas in which patient-care or mental health counseling is being provided;

5.1.11 Hazardous and animal laboratories consistent with WV Code §18B-4-5b(b)(11); and

5.1.12 On-campus residence halls, except common areas such as lounges, dining areas, and study areas.

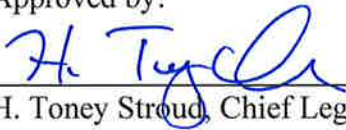
5.1.12.1 Residents must store Handguns in gun safes consistent with the Concealed Carry Administrative Procedure when Handguns are no longer in their possession and concealed while in Residence Halls.

- 5.1.12.2 Residents who Concealed Carry must obtain gun safes for storage in Residence Halls consistent with the Concealed Carry Administrative Procedure.
- 5.1.12.3 Employees whose employment responsibilities require them to be in an on-campus residence halls may Concealed Carry while present in residence halls for purposes of their employment.

## 6 Violations

- 6.1 Any individual who exercises their Concealed Carry right is responsible for knowing and understanding all applicable federal, state, and local laws and Marshall University Board of Governors Rules, University Policy, and Administrative Procedures.
- 6.2 Any University Employee or Student who fails to abide by the requirements within this policy shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.
- 6.3 Any other person who fails to abide by the requirements of this policy 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.
- 6.4 Importantly, a holder of a Concealed Carry license or any other person not expressly authorized to do so by this policy, shall not carry a gun, 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 firearm is holstered. Anyone who violates this may, in addition to any applicable criminal charges, be subject to discipline.
- 6.5 Although conduct may not violate this policy, it may still be prohibited by the University under a different Rule, Policy, Administrative Procedure or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

Approved by:



H. Toney Stroud, Chief Legal Officer

Date:

7-1-2024