



DEADLY WEAPONS & DANGEROUS OBJECTS

Policy Number: CU-GA-78

SECTION 1. GENERAL

- 1.1 Scope: This policy applies to all individuals who enter the campus of Concord University, 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 ("CU Property").¹
- 1.2 Authority: W. Va. Code § 18B-2A-4; W. Va. Code § 18B-1-6; W. Va. Code § 18B-4-5b, Campus Self-defense Act; 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: July 1, 2024
- 1.4 Purpose: The purpose of this Policy is to establish guidelines regarding deadly weapons and dangerous objects on CU 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 those holding a current and valid License to carry a concealed Pistol or Revolver on CU property.

SECTION 2. POLICY

- 2.1 Except as specifically provided for by this Policy or by law, deadly weapons and dangerous objects, as defined herein, are prohibited on CU Property.
- 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 CU Property,² except as

¹ W. Va. Code § 18B-4-5b(a) (providing that the West Virginia 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(a) ("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").

set forth in Sections 2.3 and 2.6 below. This Policy and the Campus Self-Defense Act only apply to Concealed Pistols or Revolvers and not to any other firearms. The open carrying of any firearm or the Concealed carrying of any firearm other than a Pistol or Revolver as provided herein will subject the carrier to disciplinary action and possible legal action.

2.3 Consistent with both the Campus Self-Defense Act and the West Virginia Business Liability Protection Act,³ 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 spectators.⁴
- b. At the daycare facility located on CU Property.⁵
- c. In the secure area of the Nick Rahall Technology Center used by the Office of Public Safety, located on CU Property.⁶
- d. In an area of CU Property that has Adequate Security Measures, as defined in Subsection 5.1 below, to ensure that deadly weapons and dangerous objects are not to be carried by the public into the area.⁷
- e. In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held.⁸
- f. In Sole Occupancy Offices,⁹ but only in those offices where the sole occupant notifies those who may be entering that Concealed Pistols and Revolvers are prohibited.

³ W. Va. Code § 61-7-14.

⁴ W. Va. Code § 18B-4-5b(b)(1).

⁵ W. Va. Code § 18B-4-5b(b)(2).

⁶ W. Va. Code § 18B-4-5b(b)(3).

⁷ 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.

⁸ W. Va. Code § 18B-4-5b(b)(5).

⁹ 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 CU “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”).

- g. At a primary or secondary education school-sponsored function being held in a specific location on CU 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.¹⁰
- h. At a private function that is being held in a specific location on CU Property that is rented, leased, or under exclusive use of an entity that is not affiliated with the University for the actual period of time the function is occurring.¹¹
- i. In any area on CU Property where possession of a firearm is prohibited by state or federal law.¹²
- j. In specifically designated areas in which patient-care or mental health counseling is being provided.¹³
- k. In High Hazardous locations and Animal Laboratories; and¹⁴
- l. In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.¹⁵
 - i. This exception does not apply to University employees whose responsibilities require them to be in an on-campus residence hall and who would otherwise be able to carry a Concealed Revolver or Pistol on or about their person while present in the residence hall for purposes of their employment.¹⁶
 - 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) develop a policy that reserves an appropriate amount of rooms in the on-campus residence hall where the storage rooms are located for on-campus residents who have a License to carry a concealed Deadly Weapon;¹⁷ and (3) charge a reasonable fee for the use of the secure storage location or a safe.¹⁸

¹⁰ W. Va. Code § 18B-4-5b(b)(7).

¹¹ W. Va. Code § 18B-4-5b(b)(8).

¹² W. Va. Code § 18B-4-5b(b)(9).

¹³ W. Va. Code § 18B-4-5b(b)(10).

¹⁴ W. Va. Code § 18B-4-5b(b)(11).

¹⁵ W. Va. Code § 18B-4-5b(b)(12).

¹⁶ W. Va. Code § 18B-4-5b(c).

¹⁷ W. Va. Code § 18B-4-5b(d).

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

- m. The exceptions set forth in Section 2.3 and the general prohibition against 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 or chief executives as defined in W. Va. Code § 30-29-1; West Virginia Department of Corrections employees duly appointed pursuant to W. Va. Code § 25-1-11c; federal law enforcement officers or federal police officers authorized to carry a weapon in the performance of the officer's duty; members of the United States armed forces, reserve, or National Guard; parole officers appointed pursuant to W. Va. Code § 62-12-14;¹⁹ any justice of the Supreme Court of Appeals of West Virginia, circuit judge, retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia, family court judge, magistrate, prosecuting attorney, assistant prosecuting attorney, or investigator duly appointed by a prosecuting attorney;²⁰ and individuals required to possess the items prohibited by this Policy in order to participate in undertakings sanctioned by Concord University. Additionally, consistent with the 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.²¹
- 2.4 To the extent anything in this Policy conflicts with the Campus Self-defense Act or the Business Liability Protection Act, the applicable act takes precedence.
- 2.5 Pursuant to Section 2.3(l)(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, except for ammunition stored by the Office of Public Safety.
- 2.6 Deadly weapons and dangerous objects are prohibited in University owned vehicles; provided, that this provision does not pertain to vehicles used solely by Campus Law Enforcement Officers while acting in their official capacity.
- 2.7 In addition to the prohibitions listed herein, the University prohibits any machine gun, submachine gun, or any other fully automatic weapon on CU property.

¹⁹ See, W. Va. Code §§ 61-7-6 and 61-7-14(c).

²⁰ *Id.*

²¹ W. Va. Code § 61-7-14(d)(1)(A)-(D).

SECTION 3. RESOURCES

3.1 Website

- a. The Board of Governors designates and directs the President to maintain a public website 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 Subsection 2.3 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 License to carry a concealed Deadly Weapon.
- c. Frequently Asked Questions (FAQs) – the Board of Governors designates and directs the President to maintain a list of frequently asked questions and posted responses to those questions on the public website created in accordance with Section 3.1. Responses to FAQs shall provide guidance to the campus community and those visiting campus on the implementation of the Campus Self-Defense Act and this Policy.

3.2 Publicly Posted Notices

- a. The University shall provide reasonable notice to the public and campus community about any areas of CU property where carrying a concealed pistol or revolver is prohibited pursuant to the exemptions listed in Subsection 2.3 above.
- b. The University shall 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 4. VIOLATIONS

- 4.1 Any University employee, student, or volunteer who fails to abide by the requirements of this Policy is subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate and possible criminal charges.
- 4.2 Any other person who fails to abide by the requirements of this Policy is subject to appropriate action by University officials, including without limitation a request to leave campus or temporarily relinquish the prohibited item to law enforcement for criminal action, issuance of a trespass notice, and a temporary or permanent ban from campus.

- 4.3 It is a violation of State law and this Policy to carry on CU Property a pistol or revolver (or any other firearm, Dangerous Object, or Deadly Weapon) that is partially or wholly visible, intentionally or knowingly displayed in plain view of another person, or 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 individuals who possess a valid license to carry a concealed deadly weapon and any other person not expressly permitted or authorized to do so by this Policy. Anyone who violates this subsection may be subject to disciplinary action,²² including, without limitation, a campus ban, and any applicable criminal charges.

SECTION 5. DEFINITIONS

- 5.1 “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 public.²³
- 5.2 “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 carried²⁴. For purposes of this Policy, a person 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.
- 5.3 “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. “Dangerous Objects” include fireworks or other explosives, tasers, stun guns, air-powered rifles, and imitation weapons without appropriate safety markings.
- 5.4 “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.²⁵
- a. The term “Deadly Weapon” includes, but is not limited to, firearms, blackjacks, gravity/switchblade or other knives, metallic or false knuckles, nunchaku, pepper spray, pistols, and revolvers, as defined in W. Va. Code § 61-7-2, or other deadly

²² W. Va. Code § 18B-4-5b(g).

²³ W. Va. Code § 18B-4-5b(b)(4).

²⁴ See W. Va. Code § 61-7-2(3)(defining the term).

²⁵ See W. Va. Code § 61-7-2(5)(defining the term).

weapons of like kind or character which may be easily concealed on or about the person.²⁶

- b. 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 or pepper spray when used by any person solely for self-defense purposes.²⁷

5.5 “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;
- 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
- e. Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees.²⁸

5.6 “License to carry a Concealed Deadly Weapon” 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*; or 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*.²⁹

5.7 “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.³⁰

5.8 “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 hand.³¹

²⁶ See generally W. Va. Code § 61-7-2 (5).

²⁷ See W. Va. Code § 61-7-2(5).

²⁸ W. Va. Code § 18B-4-5b(b)(11).

²⁹ W. Va. Code § 18B-4-5b(i).

³⁰ W. Va. Code § 61-7-2 (13).

³¹ W. Va. Code § 61-7-2(14).

5.9 “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.³²

SECTION 6. AMENDMENTS

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

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

APPROVAL

Intent to Plan Approved by Board of Governors: April 16, 2024

Policy Approved by the Board of Governors:

³² W. Va. Code § 18B-4-5b(b)(6).