

GLENVILLE STATE UNIVERSITY POLICIES

ADMINISTRATIVE POLICY 12

DEADLY WEAPONS AND WEST VIRGINIA CAMPUS SELF-DEFENSE ACT POLICY

SECTION 1. GENERAL

- 1.1 Scope: This policy applies to all individuals who enter the campus and any other property of Glenville State University (“GSU”).¹
- 1.2 Authority: W. Va. Code § 18B-2A-4; W. Va. Code § 18B-1-6; W. Va. Code § 18B-4-5b; 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 Purpose: The purpose of this Policy is to establish GSU’s guidelines regarding Deadly Weapons on GSU Property, and GSU’s implementation of W. Va. Code § 18B-4-5b, the Campus Self-Defense Act, through which the West Virginia Legislature established conditions under which persons with a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver at a state institution of higher education.²
- 1.4 Effective Date: July 1, 2024

SECTION 2. POLICY

- 2.1 Except as specifically provided for by this policy or by law, Firearms and Deadly Weapons, are prohibited on GSU Property;³ *provided, however*, that the foregoing prohibition does not apply to the following:
 - a. The following natural 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; employees of the West Virginia Department of Corrections, duly appointed pursuant to W. Va. Code § 25-1-11c; members of the United States armed forces, reserve, or National Guard; federal law enforcement officers of federal police officers authorized to carry a weapon in the performance of their duty; and parole officers appointed pursuant to W. Va. Code § 62-12-14; justices of the Supreme Court of

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

³ W. Va. Code § 61-7-14(b) (noting that “any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on property under his or her domain”).

Appeals of West Virginia; circuit judges; retired justices or retired circuit judges designated senior status by the Supreme Court of Appeals of West Virginia; family court judges; magistrates; prosecuting attorneys; assistant prosecuting attorneys; and duly appointed investigators employed by a prosecuting attorney.⁴

- b. Individuals required to possess the items prohibited by this policy in order to participate in undertakings sanctioned by GSU.
- c. Possession by GSU's customers, employees, or invitees of their legally owned Firearms, where the Firearm is lawfully possessed, out of view, and locked inside or locked to a motor vehicle in a parking lot, when such individual is lawfully allowed to be present in an area, consistent with the Business Liability Protection Act.⁵

2.2 In accordance with the Campus Self-Defense Act, the foregoing Section 2.1 does not prohibit, and GSU must allow, a person holding a License to carry a Concealed Deadly Weapon to carry a Concealed Pistol or Concealed Revolver on the GSU Campus⁶, except as set forth in Section 2.3. For the avoidance of doubt, the Campus Self-Defense Act only applies to Concealed Pistols and Concealed Revolvers. All other types of Firearms and Deadly Weapons are expressly prohibited on all GSU Property, except as limited by Section 2.1 above. 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 the Campus Self-Defense Act,⁷ all Deadly Weapons, including Concealed Pistols and Concealed 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;⁸
- 2.3.2 At a daycare facility located on GSU Property;⁹
- 2.3.3 In the secure area of any building used by the GSU Office of Public Safety or any other law-enforcement agency on GSU Property;¹⁰
- 2.3.4 In an area of GSU Property that has Adequate Security Measures in place to ensure that Pistols or Revolvers are not carried by the public into the area;¹¹

⁴ W. Va. Code §§ 61-7-6 and 61-7-14(c).

⁵ *Id.*

⁶ 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").

⁷ W. Va. Code § 61-7-14.

⁸ W. Va. Code § 18B-4-5b(b)(1).

⁹ W. Va. Code § 18B-4-5b(b)(2).

¹⁰ W. Va. Code § 18B-4-5b(b)(3).

¹¹ 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.

- 2.3.5 In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;¹²
- 2.3.6 In Sole Occupancy Offices; *provided, however*, that GSU is not authorized to prohibit, regulate, or restrict faculty or staff members who hold a License to carry a Concealed Deadly Weapon from carrying a Concealed Pistol or Concealed Revolver in his or her assigned office;¹³
- 2.3.7 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 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;¹⁴
- 2.3.8 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 that is not affiliated with GSU for the actual period of time the function is occurring;¹⁵
- 2.3.9 In any area on GSU Property where possession of a firearm is prohibited by state or federal law;¹⁶
- 2.3.10 In specifically designated areas in which patient-care or mental health counseling is being provided;¹⁷
- 2.3.11 In High Hazardous and Animal Laboratories; and¹⁸
- 2.3.12 In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.¹⁹
 - 2.3.12.1 Notwithstanding section 2.3(l) above, a University employee whose employment responsibilities require him or her to be in an on-campus residence hall and who holds a License to carry a Concealed Deadly Weapon is permitted to carry a Concealed Pistol or Concealed Revolver while present in on-campus residence halls for purposes of his or her employment.²⁰
 - 2.3.12.2 GSU shall provide either (1) a secure location for the storage of a Pistol or Revolver in at least one on-campus residence hall or (2) make available an appropriate safe that may be installed in a resident's room in any on-

¹² W. Va. Code § 18B-4-5b(b)(5).

¹³ 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").

¹⁴ W. Va. Code § 18B-4-5b(b)(7).

¹⁵ W. Va. Code § 18B-4-5b(b)(8).

¹⁶ W. Va. Code § 18B-4-5b(b)(9).

¹⁷ W. Va. Code § 18B-4-5b(b)(10).

¹⁸ W. Va. Code § 18B-4-5b(b)(11).

¹⁹ W. Va. Code § 18B-4-5b(b)(12).

²⁰ W. Va. Code § 18B-4-5b(c).

campus residence hall.²¹ The GSU Board of Governors delegates to the President the authority to decide whether to provide either a secure storage location or safes.

2.3.12.3 If GSU chooses to make a storage room available to on-campus residents at an on-campus residence hall, GSU shall develop a policy that reserves an appropriate number of rooms in the on-campus residence hall where the storage room is located for on-campus residents with a License to carry a Concealed Deadly Weapon, and GSU shall make the storage room available at all times during which the on-campus residence hall is open and fully operational for use by its residents.²²

2.3.12.4 GSU may charge a reasonable fee for the use of the secure storage location or a safe.²³

2.4 Notwithstanding any of the foregoing, it is a violation of State law and this policy to carry a Pistol, 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, or in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the Firearm is holstered.²⁴ This provision pertains to individuals who possess a 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 and any applicable criminal charges.²⁵

2.5 When a person exercises the rights granted by the Campus Self-Defense Act, neither the carrying of a Concealed Pistol or Concealed Revolver, nor any other conduct of the person involving a Concealed Pistol or Concealed Revolver, shall be construed to be an act of GSU nor of the State of West Virginia, and no liability for any such actions of such person shall be imputed to GSU, its officers, agents, or employees, unless GSU has expressly requested or directed such person to carry a Concealed Pistol or Concealed Revolver; *provided, however*, that the failure to provide adequate security measures at any building or location at GSU where the carrying of a Concealed Pistol or Concealed Revolver is not permitted shall not give rise to a cause of action or any liability whatsoever related to or arising from the carrying of a Concealed Pistol or Concealed Revolver by any person.²⁶

2.6 While GSU will provide a secure location for the storage of a Pistol or Revolver in at least one on-campus residence hall pursuant to Section 2.3.12.2, the amount of ammunition an individual may store in the on-campus residence hall will be limited to the space within the individual

²¹ W. Va. Code § 18B-4-5b(d).

²² W. Va. Code § 18B-4-5b(d).

²³ W. Va. Code § 18B-4-5b(e).

²⁴ W. Va. Code § 18B-4-5b(g).

²⁵ W. Va. Code § 18B-4-5b(g).

²⁶ W. Va. Code § 18B-4-5b(h).

storage unit in the secure location. The storage of ammunition in any area on GSU Property is strictly prohibited, with the exception of ammunition stored by the Office of Public Safety.

- 2.7 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.

SECTION 3. VIOLATIONS

- 3.1 Any GSU employee or student who fails to abide by the requirements within this policy or applicable law is subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate, and possible criminal charges.²⁷
- 3.2 Any other person who fails to abide by the requirements of this policy is subject to appropriate action by GSU officials, including without limitation a request to leave campus or to temporarily relinquish the prohibited item, referral to law enforcement for criminal action, issuance of a trespass notice, and a temporary or permanent ban from GSU Property.²⁸
- 3.3 Although a person's conduct may not directly violate this policy, it may still be prohibited by GSU under a different policy, rule, or standard of behavior. Accordingly, in such cases, GSU reserves the ability to take any necessary action.

SECTION 4. RESOURCES

- 4.1 Website
 - 4.1.1 The GSU Board of Governors designates and directs the President to post on GSU's website a page with resources relating to this policy and GSU's compliance with the Campus Self-Defense Act.
 - 4.1.2 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 2.3 where the carrying of a Concealed Pistol or Concealed 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
 - 4.2.1 GSU shall provide reasonable notice to the public and campus community about any areas of GSU Campus where carrying a concealed pistol or revolver is prohibited pursuant to the above-listed exemptions.
 - 4.2.2 GSU shall provide and post signage across GSU Campus as necessary to alert those entering of the conceal carry guidelines within the area.

²⁷ W. Va. Code § 18B-4-5b(f).

²⁸ W. Va. Code § 61-7-14(c).

4.3 Frequently Asked Questions

- 4.3.1 The GSU 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 mentioned in Section 4.1.a. The responses to such questions shall be done in a manner that provides useful and practical advice to the campus community.

SECTION 5. AMENDMENTS

- 5.1 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.
- 5.2 Federal and State laws, rules, and regulations change. The Board may modify any portion of this policy to conform GSU's practices with such changes. Subject to GSU's rulemaking policy, GSU will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

SECTION 6. DELEGATION

- 6.1 The GSU Board of Governors delegates to the President the authority to adopt internal policies and procedures to effectuate the implementation of this Board of Governors policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this policy.

SECTION 7. DEFINITIONS

- 7.1 "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.²⁹
- 7.2 "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.³⁰ For purposes of this policy, a person is considered to be carrying on or about his or her person (a) while in or on a motor vehicle if the firearm is located in a storage area in or on the motor vehicle and (b) while in a designated GSU storage area/room where storage is permitted if such person's firearm is located in such storage area/room.

²⁹ W. Va. Code § 18B-4-5b(b)(4).

³⁰ See W. Va. Code § 61-7-2(3) (defining the term).

7.3 “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.³¹

- a. The term “Deadly Weapon” includes, but is not limited to, firearms, pistols, revolvers, antique firearms, knives (including gravity knives and switchblade knives), blackjacks, metallic or false knuckles, nunchakus, and pepper spray, as defined in the West Virginia Code,³² or other deadly weapons of like kind or character which may be easily concealed on or about the person.
- b. The term “Deadly Weapon” includes explosive, chemical, biological, and radiological materials.
- c. The term “Deadly Weapon” does not include a pocket knife 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.
- d. The term “Deadly Weapon” does not include any item or material owned or used by GSU, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes. For the avoidance of doubt, the term “Deadly Weapon” does not include the musket carried by the GSU Pioneer mascot, acting in his or her official capacity.
- e. The term “Deadly Weapon” does not include pepper spray when used by any person solely for self-defense purposes.

7.4 “GSU Campus” means all areas, including buildings, that are under custodial control of GSU; *provided, however*, it does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.³³

7.5 “GSU Property” means any areas or locations, including those areas located off-campus, under the control, supervision, or custody of GSU.

7.6 “Firearm” means any weapon which will expel a projectile by action of an explosion, other than antique firearms except to the limited extent provided by law.³⁴

7.7 “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;

³¹ See W. Va. Code § 61-7-2(5) (defining the term).

³² See *generally* W. Va. Code § 61-7-2 (5).

³³ See W. Va. Code § 18B-4-5B(a).

³⁴ See W. Va. Code § 61-7-2(7) (defining the term); *see also* W. Va. Code § 61-7-9 regulating the carry, transport, and possession of any machine gun, submachine gun, or any other fully automatic weapon.

- 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.³⁵

7.8 “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*) 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*).³⁶

7.9 “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.³⁷

7.10 “President” means the GSU President or his or her designee.

7.11 “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.³⁸

7.12 “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.³⁹

³⁵ W. Va. Code § 18B-4-5b(b)(11).

³⁶ W. Va. Code § 18B-4-5b(i).

³⁷ W. Va. Code § 61-7-2 (13).

³⁸ W. Va. Code § 61-7-2(14).

³⁹ W. Va. Code § 18B-4-5B(b)(6).