

# THE DEBATE OVER CAMPUS-BASED GUN CONTROL LEGISLATION

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## INTRODUCTION

Almost weekly, the news of a public shooting somewhere in the United States breaks into television programs or alerts smart phones. The stories that are most galvanizing to the general public are mass shootings and the storyline each time is eerily familiar. Typically, the gunman opens fire among numerous, random bystanders in a public space and ends the event with a self-inflicted wound resulting in his death. Mass shootings fall under the category of mass murder, which is defined by the Federal Bureau of Investigation (FBI) as “a number of murders (four or more) occurring during the same incident, with no distinctive time period between the different murders.”<sup>1</sup> Although a mass murder database does not formally exist, research indicates the United States averages about twenty mass shootings each year and there is little evidence to support the notion the number of mass shootings has increased markedly.<sup>2</sup>

Whether formally defined as a mass shooting or not, public shootings occur on college campuses. For the purposes of this article, “mass shootings” will refer to the murder of four or more victims, while “public shootings” will refer to shootings that occur in public spaces and involve by-

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1. FEDERAL BUREAU OF INVESTIGATION, U.S. DEP’T OF JUSTICE, SERIAL MURDER: MULTI-DISCIPLINARY PERSPECTIVES FOR INVESTIGATORS 8 (July 2008), available at <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-july-2008-pdf>.

2. James A. Fox & Monica J. DeLateur, *Mass Shootings in America: Moving Beyond Newtown*, HOMICIDE STUDIES 1 (2013).

standers.<sup>3</sup> These shootings are a constant reminder to the students, faculty, and staff at every college and university of the risk to which they are exposed. During the first month of 2014 alone, four campus shootings (Purdue University,<sup>4</sup> Widener University,<sup>5</sup> South Carolina State,<sup>6</sup> and Tennessee State University<sup>7</sup>) occurred. Reports of these shootings do not linger long in the headlines—to the media, they pale in comparison to mass shootings. But despite the perceived newsworthiness of such public shootings, lives were lost by gunfire in a place that has long been a safe haven for diverse communities. These sad stories refocus those in higher education on this critical topic and leave many perplexed as to how to find a solution to this violence.

After every public shooting, especially those deemed mass shootings, it seems the debate over the “right” solution is rekindled. Many college presidents blame access to guns and call for more restrictive gun laws.<sup>8</sup> Other individuals claim that upholding the liberties afforded by the Second Amendment is paramount and will provide opportunities for citizens to proactively respond in public shooting scenarios.<sup>9</sup> Still others blame the state of mental health care in America<sup>10</sup> or fault the proliferation of violence in movies, on television and in video games.<sup>11</sup> These situations also spur on discussions concerning how America’s deteriorating social fabric has contributed to the perceived increase in public shootings and the culpa-

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3. J. Pete Blair, M. Hunter Martaindale & Terry Nichols, *Active Shooter Events from 2000 to 2012*, FBI L. ENFORCEMENT BULL. (Jan. 7, 2014), <http://leb.fbi.gov/2014/january/active-shooter-events-from-2000-to-2012>.

4. Nick DeSantis, *Student is Killed in Shooting at Purdue U.*, CHRON. HIGHER EDUC., Jan. 21, 2014, <http://chronicle.com/blogs/ticker/one-dead-in-shooting-at-purdue-u/71591>.

5. *The Big Story: Student Shot on Widener Univ. Campus in Pa.*, ASSOCIATED PRESS, Jan. 21, 2014, <http://bigstory.ap.org/article/person-shot-campus-widener-university-pa/>.

6. Nick DeSantis, *Football Player Is Killed in Shooting at South Carolina State U.*, CHRON. HIGHER EDUC., January 24, 2014, <http://chronicle.com/blogs/ticker/student-is-injured-in-shooting-at-south-carolina-state-u/71791>.

7. Kevin Young, *TSU Officials: No One Associated with Univ. Involved in Shooting*, NBC NEWS NASHVILLE, Feb. 11, 2014, <http://www.wsmv.com/story/24569556/tsu-police-investigating-shooting-on-campus>.

8. *An Open Letter to Our Nation’s Policy Leaders*, COLL. PRESIDENTS FOR GUN SAFETY, Dec. 19, 2012, <http://collegepresidentsforgunsafety.org/>.

9. David Kopel, *Guns in America: Arming the Right People Can Save Lives*, L.A. TIMES, Jan. 15, 2013, <http://articles.latimes.com/2013/jan/15/opinion/la-oe-kopel-guns-resistance-nra-20130115>.

10. Todd J. Jasper & Alisha Griswold, *A Cross-Disciplinary Approach to Preventing Active Shooter Incidents*, 2 IAEM BULL. 30, 6, 13 (2013), available at <http://toddjasper.com/2013/06/26/a-cross-disciplinary-approach-to-preventing-active-shooter-incidents/>.

11. Mike Jaccarino, *‘Training Simulation’: Mass Killers Often Share Obsession with Violent Video Games*, FOXNEWS.COM, Sept. 12, 2013, <http://www.foxnews.com/tech/2013/09/12/training-simulation-mass-killers-often-share-obsession-with-violent-video-games/>.

bility of America's crisis of masculinity for the behavior of gunmen.<sup>12</sup>

This debate has taken hold on almost every college or university campus in the United States. In particular, campuses are grappling with how to best align their own campus policies to changing gun laws in their states. In the wake of such deadly and senseless massacres on the campuses of Virginia Tech, Northern Illinois University, and Oikos University, it is clear this issue is prime for political and media fodder.<sup>13</sup> Despite the frequent reminders of public shootings in the nightly news and the public outcry for meaningful change, state gun law trends seem to weave a different narrative. Many campus leaders are calling for more restrictive laws, including those that increase scrutiny during background checks, limit magazine sizes, and deny access to guns for those with documented mental illnesses.<sup>14</sup> In direct opposition to this advocacy, many legislatures (often influenced by powerful lobbyists) are passing legislation that expands concealed carry rights and offers greater availability to guns.

The gun control issue resonates with educators at all levels, but it is particularly intense within the higher education community because the latest trend in legislation is to exclude provisions prohibiting guns on campus.<sup>15</sup> Campuses are no longer a safe haven and traditional approaches to campus security must be re-conceptualized. For some colleges and universities across the country, long-held firearms bans are being lifted, policies altered, and concealed weapons allowed in vehicles and the classroom. At the University of Colorado, where the state supreme court ruled that the university must allow concealed weapons on campus, these changes are being met with anger, uneasiness, and understandable concern.<sup>16</sup> Meanwhile, the Texas state legislature introduced a bill that would grant permit-carrying students the right to carry concealed weapons onto college campuses.<sup>17</sup> In 2013, at least nineteen states proposed legislation that would enable concealed carry on campus.<sup>18</sup> The question has now become: does

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12. Douglas Kellner, *School Shootings, Crises of Masculinities, and the Reconstruction of Education: Some Critical Perspectives*, in *SCHOOL SHOOTINGS: INTERNATIONAL RESEARCH, CASE STUDIES, AND CONCEPTS FOR PREVENTION* 497 (N. Bockler et al. eds., 2012).

13. See, e.g., Daniel de Vise, *Oikos, Va. Tech Shooters May Have Shown Warning Signs*, WASHINGTONPOST.COM, Apr. 17, 2012, [http://www.washingtonpost.com/blogs/college-inc/post/oikos-va-tech-shooters-may-have-shown-warning-signs/2012/04/17/gIQAIfwzNT\\_blog.html](http://www.washingtonpost.com/blogs/college-inc/post/oikos-va-tech-shooters-may-have-shown-warning-signs/2012/04/17/gIQAIfwzNT_blog.html) (reacting to the incidents at Virginia Tech, Northern Illinois University, and Oikos University).

14. See *supra* text accompanying note 7.

15. *Guns on Campus' Laws for Public Coll. and Univ.*, ARMED CAMPUSES (2013), <http://www.armedcampuses.org/>.

16. Dan Frosch, *University is Uneasy as Court Ruling Allows Guns On Campus*, N.Y. TIMES, Sept. 22, 2012, at A22.

17. Daniel Charnoff, *Guns Have No Place On College Campuses*, DAILY TROJAN, Mar. 3, 2011, <http://dailytrojan.com/2011/03/03/guns-have-no-place-on-college-campuses/>.

18. *Guns on Campus: Overview*, NAT'L CONFERENCE OF STATE LEGIS. (Mar. 7,

allowing students to carry concealed weapons onto campus and into our classrooms make our learning environments safer? The laws are changing, campus administration is adapting, yet the violence continues. The intent of this article is to review the rapidly changing landscape related to concealed carry legislation, consider arguments for and against guns on college campuses in the United States, and to explore campus best practices related to weapons policies and interventions.

## I. THE CHANGING LANDSCAPE OF GUN CONTROL LEGISLATION

Gun control legislation affecting higher education has been enacted across the country and across a range of alternative postures in the wake of campus tragedies during recent years. The Second Amendment has long played a central role in debates concerning gun control, and state laws shape the contours of higher education policy and practice in this regard. This section briefly outlines the Second Amendment and related United States Supreme Court decisions, and then surveys state firearm laws that resonate within higher education, including state laws permitting concealed weapons on campus and other gun-related legislation.

### A. The Second Amendment and the United States Supreme Court

The Second Amendment of the United States Constitution provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”<sup>19</sup> The language of the amendment has long generated discussion and debate regarding whether it may apply collectively or individually to citizens.

In 2008, the United States Supreme Court rendered a decision in *District of Columbia v. Heller*<sup>20</sup> that settled the question, narrowly ruling that the Second Amendment protects the individual’s right to possess firearms to be used for a lawful purpose, such as self-defense.<sup>21</sup> In *Heller*, the Supreme Court struck down a District of Columbia law prohibiting the possession of firearms, concluding that the Second Amendment guarantees “the individual right to possess and carry weapons in case of confrontation.”<sup>22</sup> The ruling upset the Court’s previously long-held posture—articulated in 1939 in *United States v. Miller*<sup>23</sup>—disfavoring an individual application of the Second Amendment. In *Miller* the Court concluded that the purpose of the

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2014), <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx>.

19. U.S. CONST. amend. II.

20. 554 U.S. 570 (2008).

21. *Id.* at 635. See Kyle Hatt, Note, *Gun-Shy Originalism: The Second Amendment’s Original Purpose in District of Columbia v. Heller*, 44 SUFFOLK U. L. REV. 505 (2011).

22. 554 U.S. at 592.

23. 307 U.S. 174 (1939).

Second Amendment was drawn toward the militia.<sup>24</sup> In 2010, the Court revisited the Second Amendment and buttressed its individual applicability, holding in *McDonald v. City of Chicago*<sup>25</sup> that a ban on handguns in Chicago was unconstitutional because the right to keep and bear arms is protected by the Second Amendment, which applies to the states by incorporation through the Due Process Clause of the Fourteenth Amendment.<sup>26</sup>

#### B. State Laws Affecting Higher Education Policy and Practice

State legislation concerning firearms on campus varies widely according to the carriage and demeanor of a particular region. As Lisa A. LaPointe noted, “[i]t is clear that both sides in the debate over concealed carry on college campuses have strong convictions, with neither side willing to concede.”<sup>27</sup> Although the majority of colleges and universities prohibit guns on campus, federal law provides no guidance with regard to such prohibitions, and states are divided on the matter.<sup>28</sup>

In the wake of the previously mentioned campus tragedies, as well as the 2012 shootings at Sandy Hook Elementary School, in which 26 students and staff were killed,<sup>29</sup> state legislative activity concerning firearms on college and university campuses has intensified. According to the National Conference of State Legislatures,<sup>30</sup> there are currently twenty-one states that ban concealed weapons on college and university campuses,<sup>31</sup> and in twenty-two states the decision whether to permit or allow concealed weapons is reached individually by the college, university, or governing system.<sup>32</sup>

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24. *Id.* at 178.

25. 130 S. Ct. 3020 (2010).

26. *Id.* at 3050.

27. Lisa A. LaPointe, *The Up and Down Battle for Concealed Carry at Public Universities*, J. OF STUDENT AFFAIRS 16, 19 (2009–2010), available at [http://www.sahe.colostate.edu/Data/Sites/1/documents/journal/2010\\_Journal\\_of\\_Student\\_Affairs.pdf](http://www.sahe.colostate.edu/Data/Sites/1/documents/journal/2010_Journal_of_Student_Affairs.pdf).

28. David Skorton & Glenn Altschuler, *Do We Really Need More Guns On Campus?*, FORBES, Feb. 21, 2013, <http://www.forbes.com/sites/collegeprose/2013/02/21/guns-on-campus/>.

29. See Matt Flegenheimer, *Final Report on Sandy Hook Killings Sheds New Light on Gunman's Isolation*, N.Y. TIMES, Dec. 27, 2013, at A17.

30. See *Guns on Campus: Overview*, *supra* note 18.

31. *Id.* The states are California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Wyoming.

32. *Id.* The states are Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, and West Virginia.

### C. Legislation Permitting Concealed Carry on the College Campus

Seven states have passed laws specifically providing for concealed carry permits on college campuses.<sup>33</sup> Of these, Utah is the only state to specifically identify publicly-funded colleges and universities as governmental entities lacking the authority to ban concealed carry permits on their premises.<sup>34</sup> As a result, all ten institutions allow concealed carry on their campuses.<sup>35</sup>

In Wisconsin, while allowing concealed carry is required by law, colleges and universities may prohibit it by clearly and prominently posting signage at all entrances to a building.<sup>36</sup> Similarly, in Kansas, concealed carry permits are not prohibited on college campuses; however, Kansas law permits institutions to prohibit concealed carry in buildings considered appropriately secure by clearly posting signage.<sup>37</sup> Governing boards in Kansas may apply for exemptions every four years.<sup>38</sup> In Mississippi, a 2011 law holds that a person who is licensed to carry a concealed weapon and voluntarily completes an instructional training course covering the safe handling of firearms offered by an instructor certified by a nationally recognized firearms training organization, or any other organization approved by the Department of Public Safety, may carry a concealed weapon on a college or university campus.<sup>39</sup>

### D. 2013 Legislation Affecting Higher Education

Firearm-related legislation affecting public institutions of higher education passed in four states in 2013: Alaska,<sup>40</sup> Arkansas,<sup>41</sup> Texas,<sup>42</sup> and New York.<sup>43</sup>

In sweeping language, the Alaska legislature passed a measure prohibiting state and municipal agencies (including the University of Alaska) from using assets to implement or aid in the implementation of any federal law that would infringe on the rights of Alaskans under the Second Amendment to keep and bear arms.<sup>44</sup> This measure was introduced as part of a per-

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33. *Id.* The states are Colorado, Idaho, Kansas, Mississippi, Oregon, Utah, and Wisconsin.

34. *Id.* See UTAH CODE § 53-5a-102 (2013).

35. See *Guns on Campus: Overview*, *supra* note 18; UTAH CODE § 53-5a-102 (2013).

36. WIS. STAT. § 943.13 (1m)(c) (2011).

37. KAN. STAT. ANN. § 75-7c10 (2012).

38. *Id.*

39. MISS. CODE ANN. § 97-37-1 (2011).

40. H.B. 69, 28th Leg., Reg. Sess. (Alaska 2013) available at [http://www.legis.state.ak.us/basis/get\\_bill.asp?bill=HB69](http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB69).

41. Act. No. 226. H.B. 1243, 89th Gen. Assemb., Reg. Sess. (Ark. 2013).

42. TEX. BUS. & COM. CODE § 411.2032 (2013); S.B. 1907, 83d Leg. (Tex. 2013).

43. NY Safe Act of 2013, S. 2230, Senate Assemb. (N.Y. 2013).

44. H.B. 69, 28th Leg., Reg. Sess. (Alaska 2013) available at [http://www.legis.state.ak.us/basis/get\\_bill.asp?bill=HB69](http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB69).

ceived movement toward express protection of Second Amendment rights.<sup>45</sup>

In Arkansas, the legislature passed a controversial bill that allows employees who are properly trained and licensed to carry concealed handguns to do so on postsecondary campuses, provided that the governing board does not adopt a policy prohibiting the activity.<sup>46</sup> Any such policies expire after one year and must be annually readopted.<sup>47</sup> This bill contains an opt-out provision, and every university in the state has chosen to do so,<sup>48</sup> garnering national attention in the process.<sup>49</sup>

Texas legislation in 2013 concerned the transportation and storage of firearms or ammunition on private and public college and university campuses by those individuals holding concealed carry permits.<sup>50</sup> According to this statute, institutions of higher education cannot adopt or enforce any measure that prohibits or restricts the storage or transportation of a firearm or ammunition in a locked, privately owned vehicle by any person (student or otherwise) who holds a valid concealed carry permit in Texas.<sup>51</sup>

Finally, New York's state law, the Secure Ammunition and Firearms Enforcement (SAFE) Act,<sup>52</sup> passed as a direct result of the Newtown tragedy, was perhaps the most well-known piece of gun control legislation in 2013. Because it is currently the subject of much litigation, this act will be discussed in more detail in Part II.

## II. LITIGATION, INSTITUTIONAL POLICIES, AND STATE LAWS AFFECTING HIGHER EDUCATION

Recent court rulings in Oregon and Colorado successfully overturned long-standing campus bans on firearms. In 2011, the Oregon Court of Ap-

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legis.state.ak.us/basis/get\_bill.asp?bill=HB69.

45. See Bruce Parker, *Nullification-lite: Why States are Stepping in to Protect the Second Amendment from the Feds*, THE DAILY CALLER, Dec. 18, 2013, <http://dailycaller.com/2013/12/18/nullification-lite-why-states-are-stepping-in-to-protect-the-second-amendment-from-the-feds/>.

46. Act. No. 226, H.B. 1243, 89th Gen. Assemb., Reg. Sess. (Ark. 2013).

47. *Id.*

48. *Laws Taking Effect Friday in Arkansas*, ARKANSASMATTERS.COM, Aug. 16, 2013, <http://www.arkansasmatters.com/story/d/story/laws-taking-effect-friday-in-arkansas/37417/qFDZ395-j021U36nx0E7yA>.

49. See, e.g., Tyler Kingkade, *Arkansas Coll. Reject Concealed Carry On Campus Under Loosened Gun Law*, HUFFINGTON POST, June 24, 2013, [http://www.huffingtonpost.com/2013/06/24/arkansas-concealed-carry-on-campus-colleges\\_n\\_3492425.html](http://www.huffingtonpost.com/2013/06/24/arkansas-concealed-carry-on-campus-colleges_n_3492425.html).

50. TEX. BUS. & COM. CODE § 411.2032 (2013).

51. *Id.*

52. NY Safe Act of 2013, S. 2230, Senate Assemb. (N.Y. 2013).



peals invalidated an Oregon State Board of Higher Education administrative rule that imposed sanctions on persons who possess or use firearms while on university property, concluding that it exceeded the scope of the agency's authority.<sup>53</sup> The ruling stirred considerable controversy and was closely followed by academic and media news outlets.<sup>54</sup> The appellate court's ruling elicited an administrative response: in 2012 the Oregon Higher Education Board unanimously adopted a policy that banned guns from classrooms, buildings, residence halls, and sporting events, although the policy did not extend to holders of concealed carry permits.<sup>55</sup> The Oregon university system ultimately elected not to appeal the court's ruling. Rather, the chancellor of the university system indicated instead that other procedures were viable: "Instead [of appealing], we have started work on internal processes that are already in place or that we can put in place that will maintain a reasonable and satisfactory level of campuses safety and security."<sup>56</sup>

In *Regents of the University of Colorado v. Students for Concealed Carry on Campus*, the Supreme Court of Colorado addressed whether the University's 1994 campus weapons ban violated the Colorado Concealed Carry Act (CCA) and the Colorado Constitution's right to bear arms.<sup>57</sup> The suit was initiated by a pro-concealed carry student organization and initially dismissed by a Colorado district court.<sup>58</sup> However, the court of appeals reversed the lower court's decision and the Supreme Court of Colorado affirmed, holding:

The CCA's comprehensive statewide purpose, broad language, and narrow exclusions show that the General Assembly intended to divest the Board of Regents of its authority to regulate concealed handgun possession on campus. Accordingly, we agree

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53. *Oregon Firearms v. Bd. of Higher Educ.*, 264 P.3d 160, 165 (Or. Ct. App. 2011).

54. *See, e.g.*, Allie Grasgreen, *Guns Come to Campuses*, INSIDE HIGHER ED, Oct. 3, 2011, [http://www.insidehighered.com/news/2011/10/03/concealed\\_carry\\_in\\_oregon\\_wisconsin\\_and\\_mississippi\\_means\\_changes\\_for\\_college\\_and\\_university\\_campuses#sthash.GTJLE3.dpbs](http://www.insidehighered.com/news/2011/10/03/concealed_carry_in_oregon_wisconsin_and_mississippi_means_changes_for_college_and_university_campuses#sthash.GTJLE3.dpbs); Bill Graves, *Oregon Court of Appeals Rejects Univ. System's Ban on Guns On Campus*, OREGONIAN, Sept. 28, 2011, [http://www.oregonlive.com/education/index.ssf/2011/09/oregon\\_court\\_of\\_appeals\\_reject.html](http://www.oregonlive.com/education/index.ssf/2011/09/oregon_court_of_appeals_reject.html); Josh Keller, *Oregon Court of Appeals Strikes Down Univ. System's Ban on Firearms*, CHRON. HIGHER EDUC., Sept. 28, 2011, <https://chronicle.com/article/Oregon-Court-Strikes-Down/129184/>.

55. Bill Graves, *Oregon State Board of Higher Education Resorts to Policy to Ban Guns on Campus*, OREGONIAN, Mar. 2, 2012, [http://www.oregonlive.com/education/index.ssf/2012/03/oregon\\_state\\_board\\_of\\_higher\\_e\\_7.html](http://www.oregonlive.com/education/index.ssf/2012/03/oregon_state_board_of_higher_e_7.html).

56. Bill Graves, *Oregon Univ. System Will Not Appeal Court Decision Allowing Guns on Campus*, OREGONIAN, Nov. 8, 2012, [http://www.oregonlive.com/education/index.ssf/2011/11/oregon\\_university\\_system\\_will\\_1.html](http://www.oregonlive.com/education/index.ssf/2011/11/oregon_university_system_will_1.html).

57. 271 P.3d 496 (Colo. 2012).

58. *Id.* at 497.

with the court of appeals that, by alleging the Policy violates the CCA, the Students have stated a claim for relief.<sup>59</sup>

The court's decision led to unease among faculty and staff of Colorado colleges and universities, pitting them against gun rights proponents who argued that they should not be denied the right to protect themselves.<sup>60</sup> In a statement underscoring the tension between concerned administrators and the court, the president of the University of Colorado noted his disagreement with the ruling:

We are disappointed the Colorado Supreme Court determined that the Board of Regents does not, in this instance, have the constitutional and statutory authority to determine what policies will best promote the health and welfare of the university's students, faculty, staff and visitors, whose safety is our top priority . . . . The Board of Regents is in the best position to determine how we meet that imperative.<sup>61</sup>

Unlike in Oregon and Colorado, sweeping gun legislation passed in New York largely survived its first legal test in federal court. As previously noted, in early 2013, the New York State Assembly passed the SAFE Act,<sup>62</sup> which received bi-partisan support and was signed into law just over one month after the tragic campus shootings at Sandy Hook Elementary School.<sup>63</sup> Included among its many provisions was a ban on the sale of assault weapons, a requirement directing mental health professionals to report patients believed to be a danger to themselves or others, a requirement for background checks related to the private sale of guns, and a ban on magazines holding more than seven rounds of ammunition.<sup>64</sup>

The law immediately gave rise to litigation. In *New York State Rifle and Pistol Association, Inc. v. Cuomo*,<sup>65</sup> gun owners, purveyors, and gun rights organizations challenged the law in federal court, arguing, inter alia, that its provisions violated the Second Amendment.<sup>66</sup> A federal district court

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59. *Id.* at 498–499.

60. *See* Frosch, *supra* note 16.

61. *See* Allie Grasgreen, *State Supreme Court Rules Colorado Regents Can't Ban Guns*, INSIDE HIGHER ED, Mar. 6, 2012, <https://www.insidehighered.com/news/2012/03/06/state-supreme-court-rules-colorado-regents-cant-ban-guns>. For a discussion of administrative concerns regarding concealed weapons on campus, see THOMAS L. HARNISCH, AM. ASS'N OF STATE COLL. AND UNIV., *CONCEALED WEAPONS ON STATE COLL. CAMPUSES: IN PURSUIT OF INDIVIDUAL LIBERTY AND COLLECTIVE SECURITY* (2008) (making the administrative case against concealed weapons through the lens of campus security and student well-being).

62. NY Safe Act of 2013, S. 2230, Senate Assemb. (2013).

63. *See* Kay Koplovitz, *At Last, Real Bipartisan Leadership on Gun Control—Governor Cuomo Takes The Lead*, HUFFINGTON POST, Jan. 17, 2013, [http://www.huffingtonpost.com/kay-koplovitz/new-york-gun-control\\_b\\_2495313.html](http://www.huffingtonpost.com/kay-koplovitz/new-york-gun-control_b_2495313.html).

64. *Id.*

65. No. 13-CV-291S, 2013 WL 6909955 (W.D.N.Y. Dec. 31, 2013).

66. *Id.* at \*5.

largely disagreed, however, concluding that many of the major provisions of the law “further the state’s important interest in public safety, and do not impermissibly infringe on Plaintiffs’ Second Amendment rights.”<sup>67</sup> While the district court struck down the provision limiting magazines to seven rounds,<sup>68</sup> gun control advocates considered the ruling a victory nonetheless.<sup>69</sup>

### III. A DIFFERENCE OF OPINIONS

The question of whether to allow guns on campus has been hotly debated for years. As discussed earlier, most states currently ban guns on the campuses of public and private colleges and universities. However, the rapidly shifting legislative landscape leaves one to wonder if the list of five states with active laws allowing concealed firearms on campus will double or triple. If so, how will this change the face of higher education?

The logic behind legislation allowing concealed carry on college and university campuses seems to boil down to a simple assumption: “To stop gun violence, let’s give everyone a gun.”<sup>70</sup> However, as Gary Olson, former provost of Idaho State University, noted, “[t]here is no recorded incident in which a victim—or spectator—of a violent crime on a campus has prevented that crime by brandishing a weapon.”<sup>71</sup> Furthermore, the presence of guns on campus may frustrate efforts by campus law enforcement to secure a campus in the event of an emergency because police officers face the additional challenge of having to discern which armed individual is the active shooter. Regina G. Lawson, Chief of Police at Wake Forest University, commented, “[w]hen you’re responding to a situation like that, and someone’s in plain clothes with a gun, who’s the bad guy? Who are you going to take out to save the lives of the 10,000 other students you’re trying to protect?”<sup>72</sup>

With cries of Second Amendment rights and basic freedom infringement from all directions, Kutztown University in Pennsylvania has become ground zero for the gun debate in America. Kutztown updated its firearms policy on campus following suggestions from attorneys from the Pennsylvania State System of Higher Education (PASSHE). Under the amended policy, students with permits can carry weapons outdoors on campus and,

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67. *Id.* at \*27.

68. *Id.*

69. See, e.g., *Victory in the Courts: N.Y.’s New Gun Law Largely Upheld By Fed. Dist. Judge*, LAW CTR TO PREVENT GUN VIOLENCE, Jan. 7, 2014, <http://smartgunlaws.org/victory-in-the-courts-new-yorks-new-gun-law-upheld-by-federal-district-judge/>.

70. Jess Coleman, *Colleges Are Safest With No Guns*, POLICYMIC, Aug. 10, 2011, <http://www.policymic.com/articles/1312/colleges-are-safest-with-no-guns>.

71. Gary A. Olson, *Campuses Under Fire*, CHRON. HIGHER EDUC., June 13, 2012, <http://chronicle.com/article/Campuses-Under-Fire/132223/>.

72. See Skorton & Altschuler, *supra* note 28.

with special permission, into buildings and events.<sup>73</sup> Following a firestorm convergence of media coverage on Kutztown's campus, PASSHE instructed the fourteen state-owned universities to maintain "status quo" until a task force could determine the best course of action moving forward.<sup>74</sup>

#### A. Arguments for Conceal and Carry on College Campuses

With intense scrutiny focused on this issue, it is important to examine the logic that impels gun rights supporters to seek the allowance of conceal and carry on college campuses. The most vocally trumpeted arguments stem from advocacy for the constitutionally granted Second Amendment right to bear arms. For instance, Students for Concealed Carry contend that lawful, permit-carrying citizens should be allowed the constitutional freedom to protect themselves in any venue, including on college campuses.<sup>75</sup> Gun rights proponents believe anyone who is motivated to incite a massacre will not heed any university policy banning firearms. They further argue that, should a situation involving an active shooter arise, the lawfully armed would be in an ideal position to step in and assist authorities, thereby protecting themselves and potentially saving lives in the process.<sup>76</sup> Supporters of gun rights look to Liberty University in Lynchburg, Va., where students are subject to some of the strictest policies in the nation, to support their argument.<sup>77</sup> There, students are prohibited from watching R-rated movies, swearing, and attending dances.<sup>78</sup> Yet, in 2011, Liberty's Board of Trustees lifted their longstanding ban on weapons.<sup>79</sup> University president and chancellor Jerry Falwell, Jr., spoke in favor of the lifted ban, arguing that "[i]t adds to the security and safety of the campus and it's a good thing."<sup>80</sup>

#### B. Arguments Against Allowing Weapons in the Classroom, Athletic

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73. KUTZTOWN UNIVERSITY, POSSESSION OF DEADLY OR OFFENSIVE WEAPONS ON KUTZTOWN UNIV. CAMPUS (2013), available at <http://www.kutztown.edu/admin/AdminServ/policy/pdfs/A&F-030.pdf>.

74. Matt Assad, Bill Landauer & Daniel Patrick Sheehan, *Pa. Higher Education Officials Put The Brakes on New Campus Gun Policies*, MORNING CALL, May 10, 2013, available at [http://articles.mcall.com/2013-05-10/news/mc-pennsylvania-guns-on-campus-20130510\\_1\\_kutztown-university-kutztown-president-f-javier-cevallos](http://articles.mcall.com/2013-05-10/news/mc-pennsylvania-guns-on-campus-20130510_1_kutztown-university-kutztown-president-f-javier-cevallos).

75. See generally STUDENTS FOR CONCEALED CARRY, <http://concealedcampus.org/about/> (last visited Apr. 6, 2014).

76. Frosch, *supra* note 16.

77. Mollie Reilly, *Liberty University Reverses Campus Gun Ban*, HUFFINGTON POST, Nov. 21, 2011, [http://www.huffingtonpost.com/2011/11/21/liberty-university-gun-ban\\_n\\_1105506.html](http://www.huffingtonpost.com/2011/11/21/liberty-university-gun-ban_n_1105506.html).

78. Kevin Roose, *Surprises from Liberty University: What I Learned as an Undercover Evangelical*, HUFFINGTON POST, May 5, 2009, [http://www.huffingtonpost.com/kevin-roose/surprises-from-liberty-un\\_b\\_196882.html](http://www.huffingtonpost.com/kevin-roose/surprises-from-liberty-un_b_196882.html).

79. LIBERTY UNIVERSITY, WEAPONS POLICY (2013), available at [http://www.liberty.edu/media/1370/Weapons\\_Policy\\_Revision\\_1.pdf](http://www.liberty.edu/media/1370/Weapons_Policy_Revision_1.pdf).

80. Reilly, *supra* note 77.

### Events and Vehicles

There are many compelling arguments for a laxer grip on gun regulations in America, but one voice that has been irresponsibly removed from the debate is that of the student attending class each day on America's college and university campuses. An April 2013 "National Guns Survey" found that "the views of American adults younger than 30 largely mirror the views of Americans overall in supporting tougher legislation to reduce gun violence."<sup>81</sup> The survey further detailed that "[m]illennials oppose guns on college campuses and in classrooms" and "are even more adamant that they don't want to be on college campuses where students are carrying firearms" because students with guns would make those surveyed feel decidedly "less safe."<sup>82</sup> Another survey conducted by Ball State University questioned 1,600 students at fifteen higher education institutions in the Midwest.<sup>83</sup> The survey found 78 percent of the students "were not supportive of concealed handguns on campuses and would not obtain a permit to carry handguns on campus if it were to become legal."<sup>84</sup>

Many college and university administrators across the country agree with this student perspective. In 2013, The University of Alabama took a stand to ban guns everywhere on campus, including athletic events.<sup>85</sup> The University recognizes a limited number of reasonable exceptions, such as law enforcement officers who are on campus and university teams or coursework that involve guns (such as the ROTC).<sup>86</sup> Legislation that supports putting firearms in the hands of our students does nothing more than create a climate of fear and unrest among the young people we are attempting to protect and educate.<sup>87</sup>

### IV. CAMPUS-BASED BEST PRACTICES

It is easy to see how these colliding forces—high profile public shoot-

81. Ronald Roach, *College Student Voices Heard During Gun Debate*, DIVERSE ISSUES HIGHER EDUC., Apr. 18, 2013, <http://diverseeducation.com/article /52782/>; GBA STRATEGIES, NATIONAL GUNS SURVEY (2013), available at <http://www.americanprogress.org/wp-content/uploads/2013/04/CAP-Guns-FQ-0413a.pdf>.

82. Roach, *supra* note 81.

83. See WISH-TV/BALL STATE UNIV., 2013 HOOSIER SURVEY (2013), available at [http://bowencenterforpublicaffairs.org/wp-content/uploads/2013/11/BowenCenterFinalDocument\\_HR.pdf](http://bowencenterforpublicaffairs.org/wp-content/uploads/2013/11/BowenCenterFinalDocument_HR.pdf).

84. Stacie Jackson, *Study: Guns on Campus A No-Go for Midwest Students*, THE LANTERN, Sept. 26, 2013, available at <http://thelantern.com/2013/09/study-guns-campus-go-midwest-students/>.

85. UNIVERSITY OF ALABAMA, UNIVERSITY OF ALABAMA DANGEROUS WEAPONS & FIREARMS POLICY (2013), available at <http://policies.ua.edu/weapons.html>.

86. *Id.*

87. Stephen Dethrage, *Updated University of Alabama Policy Bans Guns Everywhere on Campus, Even at Games; Violators Face Ban*, AL.COM (Aug. 21, 2013, 6:30 AM), [http://blog.al.com/tuscaloosa/2013/08/updated\\_ua\\_policy\\_bans\\_weapons.html](http://blog.al.com/tuscaloosa/2013/08/updated_ua_policy_bans_weapons.html).

ings and broadening gun laws—create an untenable dilemma for higher education. Administrators are faced with the challenge of balancing Second Amendment rights with the creation of an environment that is most conducive to learning and academic exploration. This leaves higher education leaders in the proverbial “cross hairs” of this debate. To that end, campus practitioners—those involved with setting, implementing, and enforcing policy—must frequently examine their policies and practices to assure that the campus is in compliance and doing what it can to create a safe environment for all of its constituents.

#### A. Policy Review and Development

Regardless of whether a college or university administration is pro- or anti-gun, one fact remains apparent: it is imperative that each institution develop clear, concise, and effective policies to guide students, educators, and staff. To that end, there are acknowledged best practices to guide campus administrators in policy development that will add to the safety of our students and institutions.<sup>88</sup>

First, with the frequent shifts in legislation, each campus should consider an annual review of policy and procedures. An ad hoc committee comprised of a myriad of representatives can complete this annual review. Consider inviting representatives that bring pragmatic perspectives—legal, law enforcement, housing, conduct, etc. It will be important to collaborate with individuals that have a depth of knowledge regarding state laws and how they interplay with campus policies. Reaching out to colleagues in other states will also be beneficial and help expedite policy development. In addition, colleges and universities should appoint someone to specifically monitor developing legislation in order to anticipate the next wave of changes that may impact campus operations.

Second, it is important for administrators to engage the campus in an educated debate. Take a close look at the culture of your campus, city, and region. Consult a wide range of sources within your scope (e.g., faculty, staff, students, alumni, parents and even members of the surrounding community). Seek the advice of legal counsel, risk managers and campus security, as they will play a substantial role in carrying out campus weapons policies. Tenaciously pool varying opinions from all sides of the debate, taking care to include individuals who are the most vocal and will be most directly affected by the policies implemented.

Third, realize exceptions to the policy are vital. To simply establish a blanket ban on weapons precludes the validity and need for such organizations as ROTC, martial arts-related activities and rifle teams.

Fourth, research has shown that thoughtful gun policies and laws will

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88. See, e.g., CAMPUS SAFETY & SEC. PROJECT, RESULTS OF THE NATIONAL CAMPUS SAFETY AND SECURITY PROJECT SURVEY (2008), available at <http://www.nacubo.org/Documents/Initiatives/CSSPSurveyResults.pdf>.

help avoid the creation of an underground gun culture.<sup>89</sup> Engendering an environment in which students feel the need to hide weapons eliminates the ability to manage risks on campus. Look closely at local culture and attitudes towards guns. For instance, a blanket gun ban on a campus could generate confusion or anger in a region where recreational hunting activities are prevalent. Such a maneuver sets the stage for students to go to extreme lengths to retain access to weapons.

Fifth, in the implementation of policy language, create a sound and specific definition of what constitutes a “weapon.” Policies should detail explicit verbiage with categories not only for firearms, but other “weapons” such as knives, hunting utilities (such as cross-bows), explosives and fake weapons (such as water pistols and plastic knives).<sup>90</sup> Policies should also allow and clearly define exceptions such as kitchen and pocket knives. Once the campus’s definition of a weapon is complete, it is important to determine and clearly state the recourse for policy violations. Allow for flexibility in behavioral penalties based on a case-by-case review, but be clear that violators will experience swift recourse from campus officials.

Finally, campus weapons policies should be applicable to everyone, including faculty, staff, students and visitors.<sup>91</sup> Make sure this critical information is published in student, faculty and staff handbooks, as well as being easily accessible on the campus website. Student orientations and employee training sessions should include a thorough review of the campus weapons policy. Additionally, institutions with a large contingent of outside guests, such as visitors to on-campus sporting events, should work to advertise their policy and display posters bearing the information or distribute handbills. Though the national opinion regarding guns on college and university campuses remains divided,<sup>92</sup> with careful planning, preparation and policy implementation, greater safety can be achieved within our scholastic environments.

Once a policy has been updated or developed, communication of this policy is paramount. Communication must be redundant and thorough so that faculty and staff can be fully apprised of what is expected. Utilize campus e-mail, websites, social media and various departmental and leadership meetings. It is important to fully explain the context of any changes and describe the major procedural changes that will be apparent. Encourage faculty and staff support and involve them in an effective communication plan aimed toward students. A separate communication plan should be developed for incoming students, current students, and the families of stu-

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89. See MAYORS AGAINST ILLEGAL GUNS, TRACE THE GUNS: THE LINK BETWEEN GUN LAWS AND INTERSTATE GUN TRAFFICKING 20 (2010), available at [http://www.mayorsagainstillegalsguns.org/downloads/pdf/trace\\_the\\_guns\\_report.pdf](http://www.mayorsagainstillegalsguns.org/downloads/pdf/trace_the_guns_report.pdf).

90. See *infra* Appendix (giving examples of various weapon policies).

91. *Id.*

92. See CBS/NEW YORK TIMES POLL—FEB. 19–23, POLLINGREPORT.COM, <http://www.pollingreport.com/guns.htm> (last visited Aug. 27, 2014).

dents. Campus administrators should note that research continues to indicate that safety is a factor in college choice.<sup>93</sup> Both students and parents place a high value in the security of the campus grounds, so clear and thoughtful communication will enable college and university administrators to implement policies more effectively.

#### B. Primary and Secondary Interventions

Once campus leaders have developed and implemented an effective weapons policy, it is critically important to develop community-based prevention interventions, as well as monitoring mechanisms. Campuses should employ individuals responsible for violence prevention education and outreach. These individuals can work directly with faculty, staff, and students to better train the community on how to identify violent behavior, respond in a productive manner and report appropriately. Campus violence prevention strategies should be well-planned and offered in as many venues as possible.

It is also important to keep in mind that suicide is a form of violence. Gary Pavela reminds us that, “[m]ost rampage shootings are also suicides. Reaching out to students at risk of suicide—affirming that those who seek professional help deserve respect for their courage and wisdom—is imperative.”<sup>94</sup> In fact, 67 percent of the shooters involved in active shooter incidents between 2000 and 2012 stopped themselves by taking their own life before police arrived.<sup>95</sup> Having faculty, staff and students aware of how they can help someone in distress is a critical, but often overlooked, prevention strategy in reducing incidence of violence.

An obvious partner in violence prevention is the campus police department or local city/municipal police. Many police departments have education specialists or officers who are tasked with providing outreach and prevention-based messages. Teaming up with law enforcement facilitates educational objectives, but more importantly, officers help train community members on how they can best respond in coordination with police efforts. A recent study found that in 33 percent of the active shooter events, the shooter was stopped by the non-violent intervention of a potential victim.<sup>96</sup>

For campus-based police departments, there is a good deal to consider given the new landscape of concealed carry legislation and related campus

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93. See Jeff E. Hoyt & Andrea B. Brown, *Identifying Coll. Choice Factors To Successfully Market Your Institution*, 78 COLL. AND UNIV. JOURNAL 3 (2003); Greg M. Broekemier & Srivatsa Seshadri, *Differences in College Choice Criteria Between Deciding Students and Their Parents*, 9 J. MARKETING FOR HIGHER EDUC. 1 (1999).

94. Gary Pavela, *Fearing Our Students Won't Help Them*, CHRON. HIGHER EDUC., Feb. 29, 2008, <http://chronicle.com/article/Fearing-Our-Students-Wont/6617/>.

95. J. Pete Blair, M. Hunter Martaindale & Terry Nichols, *Active Shooter Events from 2000 to 2012*, FBI L. ENFORCEMENT BULL., Jan. 7, 2014, available at <http://leb.fbi.gov/2014/january/active-shooter-events-from-2000-to-2012>.

96. *Id.*



policies. More and more, campus law enforcement will find themselves addressing individuals with guns or other weapons (lawful or otherwise). Due to this increasing exposure, law enforcement agencies must evaluate their training programs to assure that officers have the tactical training necessary to respond to an active shooter scenario. Additionally, police departments may want to provide medical training for their officers or employ the Rescue Task Force concept.<sup>97</sup> A Rescue Task Force partners responding law enforcement with armored emergency medical team personnel. The medical team “enter[s] attack sites to stabilize and rapidly remove the injured, while a ballistic or explosive threat still may exist.”<sup>98</sup> Lastly, law enforcement agencies should be sure they are equipped properly—proper guns, ammunition, and protective equipment are all important considerations.

Another critical community-based prevention mechanism is the establishment of a cross-functional threat assessment team. In a 2013 report, the American Psychological Association indicated such teams “bring community stakeholders together in a collaborative, problem-solving mode, with a goal of preventing individuals from engaging in gun violence, whether directed at others or self-inflicted.”<sup>99</sup> Some states, such as Virginia and Illinois, have passed legislation regarding the use of threat assessment teams on their campuses.<sup>100</sup> This community-based approach of assessing potential risks and gathering information and data from numerous campus constituents is a powerful and supportive approach to managing threats and potentially eliminating violence on campus. Ideal campus partners might be invited from the counseling center, legal affairs, police department, housing, conduct office and human resources. Each campus needs to have a meaningful dialogue in order to discern the most effective team composition given their campus condition and context. Coupling a threat assessment team with an effective outreach program can effectively elevate awareness among the community and create communication patterns that will help reduce the exposure for violent behavior. “Primary prevention programs can reduce risk factors for violence in the general population. Secondary prevention programs can help individuals who are experiencing emotional difficulties or interpersonal conflicts before they escalate into violence . . . .”<sup>101</sup>

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97. *Id.*

98. *Id.*

99. AM. PSYCHOLOGICAL ASS’N, GUN VIOLENCE: PREDICTION, PREVENTION, AND POLICY 24 (2013), available at <http://www.apa.org/pubs/info/reports/gun-violence-report.pdf>.

100. See VA. CODE ANN § 23-9.2:10 (2013); 29 ILL. ADMIN. CODE § 305.60(c) (2013).

101. Rhea Farberman, *Report: Threat Assessment Most Effective Way to Prevent Gun Violence*, UVA TODAY, Dec. 12, 2013, <http://news.virginia.edu/content/report-threat-assessment-most-effective-way-prevent-gun-violence>.

Beyond threat assessment, campus leaders must be prepared for when gun violence occurs. With proactive training and education as well as vigilant assessment of risk factors, the hope is that gun-related deaths and injuries will be avoided or mitigated. Best practices dictate that proper planning for an active shooter event is necessary. Crisis response teams should be identified, trained and empowered to lead in the event of a campus shooting. These groups should practice through the use of table top exercises and simulations to best understand how campus entities will collaborate to manage crisis.

#### CONCLUSION

When it comes to higher education there is an important truth: students cannot learn in the atmosphere of fear and intimidation that weapons on campus create. Likewise, faculty and staff seek security in their workplace in order to more effectively develop the leaders of tomorrow. It is clear the legislation related to gun control continues to shift and reinvent itself across this country. As higher education professionals, we must be informed and adaptable in order to best protect our colleges and universities and the individuals they serve. The college and university campus should be carefully designed to offer safety and respite from the cruelties of our modern world. Achieving that environment will foster the learning and security that the scholars and leaders of tomorrow need to find and pursue their passion.

## APPENDIX: VARIOUS EXAMPLES OF CAMPUS CONCEALED CARRY POLICIES

Updated firearms and weapons policies of various institutions across the country have been provided as examples. Each policy effectively outlines the university's stance on weapons, provides concise direction about definitions of a weapon, exceptions that may occur, and recourse to violators. These examples also highlight the types of policy implementation variations that can occur from one college or university.

A. Northern Illinois University Concealed Carry Policy<sup>102</sup>

The Illinois General Assembly has passed the Illinois FIREARMS ACT “conceal and carry.” The Act authorizes public and private universities to promulgate policy regulating the use of weapons on campuses. The President is proposing the adoption of a University Conceal and Carry Policy and an amendment to the current Workplace Violence Prevention Policy. The policy is attached for Board of Trustees discussion and approval.

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Concealed Carry—University Policy Under 430 ILCS 66—Illinois Firearm Concealed Carry Act.

## Statement of Purpose

Northern Illinois University (hereafter referred to as “NIU” or “University”) hereby establishes the NIU Concealed Carry Policy (hereafter referred to as “Policy”) pursuant to the 2013 Illinois Firearm Concealed Carry Act (430 ILCS 66) and its enabling regulations, and the authority granted by the Northern Illinois University Law (10 ILCS 685). NIU is committed to providing a safe and secure environment for the NIU community and its guests. In support of this commitment, NIU establishes restrictions on the ability to carry firearms or weapons on the NIU campus in accordance with the Board of Trustees' authority to promulgate rules and regulations and the 2013 Illinois Firearm Concealed Carry Act.

## Persons Covered by this Policy

This Policy applies to all employees, students, persons conducting business, or individuals visiting the NIU campus, as “Campus” is defined in this Policy. Visitors include, but are not limited to, prospective students, former students and their respective families.

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102. NORTHERN UNIV., NORTHERN UNIVERSITY CONCEALED CARRY POLICY (2013) *available at* [http://www.niu.edu/board/policies/Concealed\\_Carry\\_University\\_Policy\\_082913.pdf](http://www.niu.edu/board/policies/Concealed_Carry_University_Policy_082913.pdf).

## Prohibited Activities

### *Weapons or Firearms*

NIU maintains a Weapons and Firearms-Free Campus. "Campus" includes, but is not limited to, the NIU campus in DeKalb; regional campuses in Hoffman Estates, Naperville and Rockford; the Lorado Taft Field campus outside Oregon, Illinois; and sites, whether owned, leased or controlled by NIU, where NIU programs, activities and classes are held. No person covered by this policy, unless authorized by law or specifically exempted by federal or state law or NIU regulation, is authorized to possess a weapon or firearm while engaged in NIU-related business or activities.

It is the Policy of NIU to prohibit:

(1) Any person covered by this Policy from possessing a weapon or firearm on property owned, leased or controlled by NIU, even if that person has a valid federal or state license to possess a weapon or firearm.

(2) Any person covered by this Policy from displaying, brandishing, discharging or otherwise using any and all weapons or firearms, including concealed weapons or firearms.

### *Other Prohibited Activities*

It is the Policy of NIU to prohibit all persons covered by this Policy from making threats, bullying, intimidating or engaging in acts of violence. Such behavior or actions will not be tolerated and may result in discipline, up to and including but not limited to, immediate discharge, expulsion, and/or banishment from Campus.

### *Exceptions*

The provisions of this Policy do not apply to the possession of weapons or firearms in NIU vehicles, NIU buildings, on NIU grounds, or at any NIU-sponsored activity if the possession of weapons or firearms is related to one of the following exceptions:

a. The weapon or firearm is used in connection with a weapons safety course or weapons education course offered in the regular course of business or approved and authorized by NIU.

b. The weapon or firearm is carried by a full-time law enforcement officer required to carry a weapon or firearm as a condition of his or her employment; the weapon or firearm is carried by an enforcement officer from an external agency conducting official business at NIU; or any other exception is deemed necessary as determined by the NIU Chief of Police.

c. The weapon or firearm is used in connection with sanctioned classes, athletics, or recreational sports practices, games, matches, tournaments or events on Campus when the activity requires the use of such weapons or firearms (e.g., fencing, starter pistols and archery).

d. The use of simulated weapons or firearms in connection with NIU-related theatrical productions.

The exceptions to the prohibitions of concealed carry do not apply to off-duty law enforcement officers on Campus, including off duty law enforcement officers attending classes as students.

#### Locations at Which Policy Applies

For purposes of this Policy, “property of NIU” includes any vehicle, building, classroom, laboratory, medical clinic, hospital, artistic venue, or entertainment venue whether owned, leased or operated by NIU, and any real property, including parking areas, sidewalks and common areas under the control of NIU.

This Policy also applies to all University-related organization property whether leased or owned by NIU, and all NIU-officially-recognized organization property whether leased or owned by NIU.

NIU’s Division of Finance and Facilities, in consultation with NIU’s Division of Student Affairs and Enrollment Management and NIU’s Department of Police and Public Safety, shall determine placement of clearly and conspicuously posted signs at all building and restricted parking area entrances stating that concealed firearms are prohibited. Signs shall be in accordance with the design approved by the Illinois State Police.

The Division of Finance and Facilities, in consultation with other relevant divisions of NIU and executive management, shall be responsible for the placement and maintenance of signage at building and restricted parking area entrances where vehicles containing weapons or firearms are prohibited.

#### Parking

A weapon or firearm may be transported into an unrestricted parking area within a vehicle if the weapon or firearm and its ammunition remain locked in a case out of plain view within the parked vehicle. Certain parking areas on Campus may be designated as areas where weapons and firearms are not permitted. “Case” is defined as a glove compartment or console that completely encases the weapon or firearm and its ammunition, the trunk of the vehicle, or a weapon or firearm carrying box, shipping box or other container. The weapon or firearm may only be removed for the limited purpose of storage or retrieval from within the trunk of the vehicle. A weapon or firearm must first be unloaded before removal from the vehicle.

#### Storage and Confiscation of Weapons or Firearms

The primary place of storage for a weapon or firearm is within a locked case out of plain view within a parked vehicle in an unrestricted parking area. When storage of a weapon or firearm in a vehicle is not practical, the weapon or firearm may also be stored with the NIU Department of Police

and Public Safety. Prior arrangements should be made with the Department of Police and Public Safety when using its storage services, which is available 24 hours a day, 7 days a week.

All persons arriving on the NIU campus in DeKalb with a licensed weapon or firearm who cannot store their weapon or firearm in their vehicle must proceed immediately to the dispatch facility of the NIU Department of Police and Public Safety at 375 Wirtz Drive, DeKalb to temporarily secure their weapon or firearm. Individuals are required to present their valid concealed carry license, their valid state Firearm Owners Identification card, and their valid state-issued driver's license or state ID, in order to check in and check out weapons or firearms. Weapons or firearms shall be checked out immediately prior to leaving the NIU campus in DeKalb.

All persons who seek storage of a licensed weapon or firearm at any other NIU location (including, but not limited to, the NIU campuses in Hoffman Estates, Naperville and Rockford and the Lorado Taft Field campus outside Oregon, Illinois) must make prior arrangements with the NIU Department of Police and Public Safety.

The Reserve Officers' Training Corp shall develop protocols for storage, maintenance and safety of weapons used as part of its program, as approved by the Provost or his/her designee.

#### Enforcement

Any individual visiting or conducting business on the property of NIU found to have carried a weapon or firearm onto the property of NIU knowingly, or under circumstances in which the person should have known that he or she was in possession of a weapon or firearm, may be banned from the NIU Campus.

Any student found to have carried a weapon or firearm onto the property of NIU knowingly, or found to be carrying a weapon under circumstances in which the student should have known that he or she was in possession of a weapon or firearm, may be subject to discipline up to and including, but not limited to, expulsion from NIU.

Any employee found to have carried a weapon or firearm onto the property of NIU knowingly, or found to be carrying a weapon or firearm under circumstances in which the employee should have known that he or she was in possession of a weapon or firearm, may be subject to discipline up to and including, but not limited to, immediate termination of employment, subject to such other employment rules or regulations in place.

Any individual found to have carried a weapon or firearm onto the property of NIU knowingly, or found to be carrying a weapon or firearm under circumstances in which the individual should have known that he or she was in possession of a weapon or firearm, may be subject to administrative action by NIU and possible arrest and prosecution. Violations of this Policy may result in referrals to external law enforcement agencies.

### Reporting Requirements

NIU's Board of Trustees authorizes the President of NIU to promulgate protocols for the implementation of this Policy including, but not limited to, delegating required reporting responsibilities and protocols related to storage and confiscation of weapons or firearms.

### Distribution of Information Regarding Policy

NIU's Division of University Relations, in consultation with other relevant divisions of NIU and executive management, shall be responsible for the development and distribution of information regarding this Policy to the NIU campus community, NIU media outlets and external audiences.

### Definitions

A. "Bullying" is defined as: Conduct by any person covered by this Policy that is intended or that a reasonable person would know is likely to harm students by substantially interfering with educational opportunities, benefits, or programs of one or more students, faculty members or employees, or conduct that adversely affects the ability of a student to participate in or benefit from NIU's educational programs or activities by placing the student, faculty member or employee in reasonable fear or actual and substantial physical harm, mental harm or emotional distress.

B. A "firearm" is defined as: a loaded or unloaded handgun. A "handgun" is defined as any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand.

C. A "weapon" is defined as: Any device, whether loaded or unloaded, that shoots a bullet, pellet, flare or any other projectile including those powered by CO<sub>2</sub>. This includes, but is not limited to, machine guns, rifles, shotguns, handguns or other firearm, BB/pellet gun, spring gun, paint ball gun, flare gun, stun gun, Taser or dart gun and any ammunition for any such device. Any replica of the foregoing is also prohibited.

Any explosive device including, but not limited to, firecrackers and black powder.

Any device that is designed or traditionally used to inflict harm including, but not limited to, bows and arrows, any knife with a blade longer than three inches, hunting knife, fixed blade knife, throwing knives, dagger, razor or other cutting instrument the blade of which is exposed.

APPROVED by action of the Board of Trustees Aug. 29, 2013.

### B. Ball State University Weapons Policy<sup>103</sup>

Ball State University recognizes the importance of providing a climate which is conducive to the safety of all members of the University community. To aid in the accomplishment of this objective:

A. Faculty, Professional Personnel and Staff employees of Ball State University, students, visitors, guests and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles, or other personal property or effects.

B. The only exceptions to this policy are: (a) firearms in the possession of University police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons; (b) firearms in the possession of sheriffs, police officers, law enforcement officers and correctional officers, who are duly authorized by law to carry such firearms; (c) equipment, tools, devices and materials which are prescribed for use by authorized University employees as a condition of employment or class enrollment; and (d) legal chemical dispensing devices, such as pepper sprays, that are sold commercially for personal protection.

C. University property includes all University owned, leased, or otherwise controlled building and lands. University vehicles are covered by this policy at all times whether or not they are on University property.

D. University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.

E. For the purposes of this policy, "weapons" include but are not limited to: (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, Tasers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material and devices that, in the manner they are used could ordinarily cause harm, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs, or chains.

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103. BALL STATE UNIV., BALL STATE UNIVERSITY WEAPONS POLICY: APPENDIX O (2014) *available at* <http://cms.bsu.edu/about/administrativeoffices/studentrights/policiesandprocedures/studentcode/appendixo>.



### C. Seattle University Firearms and Weapons Policy<sup>104</sup>

Seattle University is committed to ensuring a safe and secure environment for the University community. This policy is a proactive step towards reducing the risk of injury or death associated with intentional or accidental use of firearms and weapons.

#### Policy

All members of the Seattle University community, including faculty, staff, students and visitors are prohibited from possessing, discharging, or otherwise using firearms, explosives or weapons (“weapons”) on University premises without the expressed authorization of the Director of Campus Public Safety, whether or not the person has been issued a federal or state license to possess such weapons.

All members of the Seattle University community are also prohibited from possessing weapons while working or attending University or University-related events, whether or not the event is on University premises.

Any person violating this policy will be subject to disciplinary action including but not limited to suspension, expulsion, termination, removal from University premises or events and/or criminal prosecution.

Suspected violations of this policy should be reported immediately to the Department of Campus Public Safety at (206) 296-5911.

#### Exceptions

The following exceptions apply to this policy:

- Commissioned law enforcement officers in performance of their official duties.
- Military personnel in performance of their official duties.
- Armored vehicle guards.
- An individual using or possessing a weapon in connection with a scheduled educational, recreational or training program or activity authorized in writing by the Director of Campus Public Safety and under the supervision of a University employee.
- Additional exceptions to this policy may be requested in writing to the Director of Campus Public Safety. The Director will review requests on a case-by-case basis with University Counsel.

#### Definitions

- Firearm – Any device that shoots a bullet, pellet, flare, tran-

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104. SEATTLE UNIV., SEATTLE UNIVERSITY FIREARMS AND WEAPONS POLICY, <http://www.seattleu.edu/Policies/> (last visited May 28, 2014).

quillizer, dart, or other projectile, whether loaded or unloaded, including those powered by CO<sub>2</sub>. This includes but is not limited to guns, air guns, dart guns, pistols, revolvers, rifles, shot guns, cannons, and any ammunition for any such device.

- Weapon – Any device that is designed to or traditionally used to inflict serious bodily injury. This includes but is not limited to:
  - Firearms, slingshots, switchblades, daggers, swords, blackjacks, brass knuckles, bows and arrows, tasers, hand grenades, knives with blades three (3) inches or longer, nunchucks, and throwing stars; or
  - Any object that could be reasonably construed as a weapon; or
  - Any object legally controlled as a weapon or treated as a weapon under the law.
- Explosives – Any dangerous chemicals, substances, mixtures or compounds capable of or intended to cause injury to another, or possessed in negligent disregard for the safety of self and others. This includes but is not limited to firecrackers, gunpowder, and dynamite.

#### D. The University of Alabama Dangerous Weapons & Firearms Policy<sup>105</sup>

##### Purpose

The University of Alabama seeks to maintain a welcoming and safe educational environment for students, employees and visitors, and adopts this policy for possession of dangerous weapons and firearms on campus and at events.

##### Definitions

- “Campus” means all property owned, leased or controlled by the University and any affiliated foundation or health care entity, including buildings and outdoor premises, such as parking lots and other outdoor property.
- “Dangerous weapon” is defined to include:
  - Any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, or other projectile,

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105. UNIV. OF ALABAMA, THE UNIVERSITY OF ALABAMA DANGEROUS WEAPONS & FIREARMS POLICY (2013), *available at* <http://policies.ua.edu/weapons.html>.

whether loaded or unloaded, including those devices powered by CO<sub>2</sub>.

- Any explosive device, including fireworks.
- Any instruments/devices that are designed or may be used as a weapon to injure or threaten another individual, including non-culinary knives with a blade greater than four (4) inches.
- A firearm, as defined herein, is not included in this definition of dangerous weapon.
- “Firearm” means a pistol, handgun, rifle, or shotgun, and any ammunition.

#### Policy Statement, Application, & Enforcement

Except as otherwise stated in this policy or as otherwise allowed by law, the University prohibits the possession, transportation and use of firearms and other dangerous weapons on campus. This policy applies to all persons on campus, including faculty, staff, students, contractors, patients and visitors. University students may not possess firearms at any time on campus (except as expressly authorized by the University of Alabama Police Department (UAPD)). UAPD provides temporary storage for firearms lawfully possessed by students at its headquarters.

Dangerous weapons are not allowed on campus at any time. Any dangerous weapons may be confiscated.

Faculty and staff may not possess firearms on campus or while otherwise engaged in duties associated with their employment, except for a firearm properly maintained in a personal vehicle in a manner consistent with Alabama law.

Consistent with Alabama law, all persons (including concealed carry permittees) are strictly prohibited from possessing firearms: (1) at facilities that provide inpatient or custodial care of patients with psychiatric, mental or emotional disorders; and (2) at locations where guards and other security features are employed, such as athletic events.

This policy will be published in staff, faculty, and student handbooks, and supersedes any contrary provisions.

Persons on campus and in violation of University policy are trespassers and may be dealt with accordingly, including, but not limited to, being removed from campus and receiving a written directive to remain off campus. Contractors and vendors are expected to comply with policy and contract terms. Violations of Alabama law may be dealt with by appropriate law enforcement. Student violations may be addressed in accordance with the Code of Student Conduct as well as other applicable policies and may include sanctions, up to and including expulsion. Employee violations may be resolved in accordance with employer policies, up to and including termination.

### Exceptions

This policy does not prohibit use or possession of dangerous weapons or firearms by: (1) certified law enforcement officers acting within the scope of their employment; (2) private security, who with express prior permission of UAPD, possess firearms or dangerous weapons while in the employ of the University or for a permitted event; and (3) members, coaches and authorized staff of a recognized team or course who are acting within the scope of activities that UAPD has pre-approved (e.g. ROTC members). This Policy also does not apply to UAPD officers who are attending classes as students. If, however, UAPD officers are not in uniform during class, they must keep their weapons concealed. Any other use or possession of dangerous weapons or firearms on campus must be authorized by UAPD.