

MANDATORY MEMORANDUM NO. 24-002

Procedural Rule

Bluefield State University – Deadly Weapons, Dangerous Objects & West Virginia Campus Carry Self-Defense Act

1. Purpose & Scope.

1. This Rule provides the University's guidelines regarding Deadly Weapons and Dangerous Objects on BSU Property, and the University's implementation of W. Va. Code § 18B-4-5b, the Campus Self-defense Act, which, subject to certain limited exceptions set forth below, allows for carrying of a Concealed Pistol or Revolver on campus by those holding a current and valid License to carry a Concealed Deadly Weapon.
2. This Rule applies to all properties under the custodial possession of Bluefield State University (collectively the "University"), including the Main Campus, the Medical Education Center and surrounding grounds, the Erma Byrd Higher Education Center in Beckley, West Virginia, and areas of the campus and buildings under the University's custodial possession but does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity ("BSU Property").

2. Procedure.

1. Except as specifically provided for by this Rule or by law, Deadly Weapons and Dangerous Objects continue to be prohibited on BSU Property.
2. Section 2.1 does not apply to a person holding a current and valid License to carry a Concealed Deadly Weapon and who is carrying a Concealed Pistol or Revolver on BSU Property, except as set forth in section 2.3.
3. Consistent with both the Campus Self-defense Act, W.Va. Code 18B-4-5b, and the W.Va. Business Liability Protection Act, all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations:
 1. At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators.
 2. At a daycare facility located on BSU Property.
 3. In the secure area of any building used by Bluefield City Police or other law-enforcement agency on BSU Property.
 4. In an area that has Adequate Security Measures to ensure that Pistols or Revolvers are not to be carried by the public into the area. This means
 1. Any such area designated by the University under this exception will provide reasonable notice to the public and campus community.
 5. In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held.
 6. In Sole Occupancy Offices, but only in those offices where the sole occupant notifies those who may be entering that Concealed Pistols and Revolvers are prohibited.

7. At a primary or secondary education school-sponsored function being held in a specific location on BSU Property that is rented, leased, or under the exclusive use of the W. Va. Department of Education, the W. Va. Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.
8. At a private function that is being held in a specific location on BSU Property that is rented, leased, or under exclusive use of an entity for the actual period of time the function is occurring.
 1. Any such function designated by an entity under this exception will provide reasonable notice to the attendees.
9. In any BSU Property where possession of a firearm is prohibited by state or federal law.
10. In specifically designated areas in which patient-care or mental health counseling is being provided.
 1. The University shall provide reasonable notice to the public and campus community about what areas are designated under this exception.
11. In High Hazardous and Animal Laboratories.
 1. The University shall provide reasonable notice to the public and campus community about what areas are designated under this exception.
12. In on-campus residence halls, except common areas not beyond a designated security area where a gun storage area is available.
 1. This exception does not apply to employees, contractors or law enforcement personnel whose responsibilities require such individual to be in an on-campus residence hall and that person would otherwise be able to carry a Concealed Revolver or Pistol on-campus as long as that person is present in the residence hall for purposes of his or her employment.
 2. The President shall establish procedures which (1) provides a secure location for the storage of a pistol or revolver at the guards' desk in the lobby of the Medical Education Center residence hall for on-campus residents; and (2) charges a reasonable fee for the use of the secure storage location or a safe.
 3. The University shall make such storage room available at all times during which the on-campus residence hall is open and fully operational for use by its residents.
4. The exceptions set forth in Section 2.3 and the general prohibition on Deadly Weapons or Dangerous Objects do not apply to the following persons, while acting in their official capacity: law enforcement officers or law enforcement officials; W. Va. Department of Corrections employees; members of the armed forces of the United States or the W. Va. National Guard; any active circuit judge, prosecuting attorney, assistant prosecuting attorney, or investigator duly appointed by a prosecuting attorney; and individuals required to possess the items prohibited by this Rule in order to participate in undertakings sanctioned by the University, including academic/research programs. Additionally, the President

may grant additional exceptions in writing for the convenience of the University in achieving its mission. Finally, consistent with the W. Va. Business Liability Protection Act, the prohibitions of this Rule do not apply to legally owned firearms lawfully possessed, out of view, locked inside or locked to a motor vehicle in a parking lot when an individual is lawfully allowed to be present in an area.

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

3. Campus Self-Defense Act Resources.

1. Website.

1. A public website with resources relating to this Rule and the University's compliance with the Campus Self-defense Act shall be established.
2. The issues to be addressed on this website may include, but are not limited to, resources discussing the list of exceptions or a map of locations identified as exempt under Section 2.; gun safety and training opportunities for those interested; and information about how to obtain a concealed weapons permit.

2. Frequently Asked Questions.

1. The University shall maintain a list of frequently asked questions and posted responses to those questions on the public website mentioned in Section 3.1.1. The responses to such questions shall be done in a matter that provides useful and practical advice to the campus community.

4. Violations.

1. It is the obligation and the responsibility of any individual who seeks to carry a concealed deadly weapon or object on BSU property to be aware of all laws, procedures, policies and rules related to the carrying of such weapons or objects in West Virginia and in the United States. Ignorance by any employee or student of any such law, procedure, policy or rule shall not be a defense for the consequences of violations thereof. Beyond the resources posting requirements in Section 3, it shall not be the responsibility of the University to instruct or otherwise inform any employee or student of such laws, procedures, policies or rules, or of such individual's obligations and responsibilities under such laws, procedures, policies or rules.
2. Any University employee or student who fails to abide by the requirements within this Rule shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.
3. Any other person who fails to abide by the requirements of this Rule shall be subject to appropriate action, including a request to leave campus or temporarily relinquish the prohibited item and, if they fail to do so, referral for any appropriate criminal action and/or issuance of a trespass notice.
4. Importantly, a holder of a License or any other person not expressly authorized to do so by this Rule, shall not carry a Pistol or Revolver (or any other firearm or Deadly Weapon or Object), which is partially or wholly visible, or intentionally or knowingly display in plain view of another person in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the firearm is holstered.

Anyone who violates this may, in addition to any applicable criminal charges, be subject to discipline.

5. Although conduct may not violate this Rule, it may still be prohibited by the University under a different Rule, policy, or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

5. Definitions.

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.
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. A deadly weapon or object is not on or about a person when it is beyond arm's length from that person. A deadly weapon or object is not considered concealed when it is locked in a desk or located in a place other than an approved storage location under this procedure. For purposes of this Rule, a licensee is considered to be carrying on or about his or her person while in a designated University storage area or the weapon is in a motor vehicle if located in an approved storage area as set forth in this procedure.
3. "Dangerous Object" means any object or device which can be used to cause harm or unnecessarily risks the safety of another person and includes any item with a lawful purpose (such as, scissors, baseball bat, paintball gun) used in a manner which could or does result in an act of violence or a threat of violence against another person, except when used for self-defense.
 1. This includes fireworks or other explosives, tasers, air-powered rifles, and imitation weapons without appropriate safety markings.
4. "Deadly Weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use.
 1. The term "Deadly Weapon" includes, but is not limited to, firearms, blackjacks, gravity/switchblade or other knives, metallic or false knuckles, nunchaku, pistols, revolvers, as defined in the W. Va. Code, or other deadly weapons of like kind or character which may be easily concealed on or about the person.
 2. The term "Deadly Weapon" does not include a pocketknife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports, or other recreational uses, or a knife designed for use as a tool or household implement, unless the item is knowingly used or intended to be used to produce serious bodily injury or death.
 3. The term "Deadly Weapon" includes explosive, chemical, biological, and radiological materials.
 4. The term "Deadly Weapon" does not include any item or material owned or used by the University, intended for educational use, including

academic, athletic, or research, and used solely for that purpose. For the avoidance of doubt, it also does not include University-approved weapons training or University-approved shooting sports (e.g., 4-H).

5. The term “Deadly Weapon” does not include pepper spray or bear repellent when used by any person solely for self-defense purposes.
5. As set forth in W.Va. Code, 18B-4-5b(b)(11), “High Hazardous and Animal Laboratories” means laboratories with:
 - (a) Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher;
 - (b) Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;
 - (c) MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the equipment or 5 gauss line typically at least 3 feet and as much as 20 feet from equipment;
 - (d) Large cylinders of acetylene; or
 - (e) Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees.
6. “License” means a current and valid license, lawfully issued by the State of West Virginia pursuant to W. Va. Code § 61-7-4, *License to carry deadly weapons; how obtained*; W. Va. Code § 61-7-4a, *Provisional license to carry deadly weapons; how obtained*; or a current and valid license or permit recognized under W. Va. Code § 61-7-6a, *Reciprocity and recognition; out-of-state concealed handgun permits*.
7. “Pistol” means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
8. “President” means the President or his or her designee.
9. “Revolver” means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
10. “Sole Occupancy Office” means a room with at least one door and walls that extend to the ceiling that is assigned to a single person as his or her workspace.
11. “BSU Property” means all areas on-campus and in the buildings under custodial possession of the BSU Board of Governors, and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity. This includes the main campus in Bluefield, West Virginia; the Medical Education Center and grounds in Bluefield, West Virginia; and the Erma Byrd Education Center, in Beckley, West Virginia.

6. Authority.

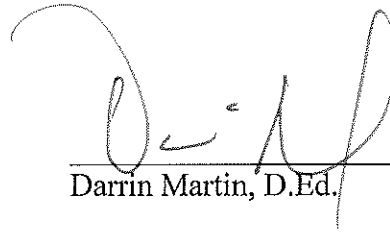
1. W. Va. Code § 18B-2A-4; W. Va. Code § 18B-1-2, 6; W. Va. Code § 61-7-14, W. Va. Business Liability Protection Act; W. Va. Code § 18B-4-5b, Campus Self-defense Act.

7. Superseding Provisions.

1. This Rule repeals, supersedes, and replaces any other internal University procedure, rule or guideline which relates to the subject matter contained within this Rule.

*This Memorandum shall have **MANDATORY** application to Bluefield State University, its properties, and its employees and students, effective July 1, 2024.*

Entered this 21st day of June, 2024.

A handwritten signature in black ink, appearing to read "Darrin Martin", is written over a horizontal line. The signature is stylized and cursive.

Darrin Martin, D.Ed.