

DRAFT UNIVERSITY-WIDE WEAPONS POLICY
Version submitted to the Board of Regents

Purpose:

The purpose of this policy statement is to adopt and implement the Board of Regents policy on weapons possession and to direct the creation and implementation of campus specific procedures at the University of Kansas, Lawrence, campuses and the University of Kansas Medical Center campuses.

Applies to:

All faculty, staff, students, visitors of the University of Kansas.

Campuses:

Lawrence, Edwards, Parsons, Juniper Gardens, Yoder, Topeka; Medical Center, Kansas City, Wichita.

Policy Statement:

As required by Kansas law (the Personal and Family Protection Act (“PFPA”)), concealed carry of handguns shall be permitted on University campuses, including all buildings and public areas of buildings owned or leased by the University that do not have adequate security measures, except in specified restricted access areas within buildings. Open carry of firearms and possession of weapons other than concealed handguns shall be prohibited on all University campuses, except for police instructors and their students who carry their service or training weapons openly as part of authorized police training conducted at the Kansas Law Enforcement Training Center’s (“KLETC”) Yoder campus. Nothing in this policy shall be read to prohibit the possession of weapons on University campuses (1) as necessary for the conduct of Board of Regents approved academic programs or University approved activities or practices, including those conducted by the Reserve Officer Training Corps faculty and their enrolled students and by the KLETC police instructors and their enrolled students, or (2) by University police or security officers or other law enforcement officers as defined by K.S.A. 75-7c22. The University of Kansas, Lawrence, campuses, and the University of Kansas Medical Center campuses shall develop campus specific procedures for the safe possession, use, and storage of such weapons.

Concealed Carry

Beginning July 1, 2017, any individual who is 21 years of age or older and who is not prohibited or disqualified by law and who is lawfully eligible to carry a concealed handgun in Kansas shall not be precluded from doing so on University campuses, including all facilities owned or leased by the University, except (1) in buildings and public areas of buildings for which adequate security measures are provided or, (2) in a specified restricted access area of a building. Within such restricted access areas, concealed carry will be banned. Individuals who are not employees

of the University may be authorized access through a restricted access entrance only pursuant to a University screening process that is compliant with the provisions of the PFPA. The Executive Vice Chancellor (“EVC”) of the KU Medical Center will coordinate with the Chief Executive Officer (“CEO”) of the KU Hospital to determine implementation of these measures for purposes of reciprocity with respect to their respective employees.

Safety Measures

Each individual who lawfully possesses a handgun on any of the University campuses shall be wholly and solely responsible for carrying, storing and using the handgun in a safe manner and in accordance with the law, Board of Regents policy and University policy. This responsibility shall include the obligation at all times to be in control of the handgun and to keep it secure on his or her person and concealed from view when not in use for purposes provided by law. If a concealed handgun is carried in a handbag, purse or backpack, the handbag, purse or backpack must be physically on or in the hands of the person carrying it.

Every handgun carried by an individual into any University building must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures any external hammer in an un-cocked position through the use of a strap or by other means. Handguns with an external safety must be carried with the safety in the “on” position. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty cylinder.

The Director of the KLETC shall implement appropriate measures and procedures regarding concealed carry on the Yoder campus to assure the safety of students and instructors during training.

Nothing in this policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.

No person shall use the fact or possibility that he or she is carrying a concealed weapon with the intent to intimidate another person except in defense of self or others.

Except for law enforcement officers, no person shall carry a firearm of any type, whether concealed or openly, into any secured area located in the offices and facilities of the University police (K.S.A. 75-7c20(g)).

The implementing procedures of the University of Kansas, Lawrence, campuses, and the University of Kansas Medical Center campuses shall include detailed provisions regarding how and where to report suspected violations of this policy, how faculty, staff and students shall be notified of the laws and policies pertaining to concealed carry on campus, and shall also provide interested students, faculty and staff with information about any known locally or regionally available firearm safety instruction.

Federal and State Restrictions on Firearms

The following state and federal laws apply to possession and use of firearms, including the carry of concealed handguns.

- Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun;
- An individual in possession of a concealed handgun must be at least 21 years of age (K.S.A. 21-6302(a)(4));
- A firearm cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual incapable of safely operating the firearm (K.S.A. 21-6332);
- A firearm cannot be carried by an individual who is an unlawful user of and addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802) (K.S.A. 21-6301(a)(10));
- A firearm cannot be carried by an individual who is or has been a mentally ill person subject or has been subjected to involuntary commitment (K.S.A. 21-6301(a)(13));
- A firearm cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment (K.S.A. 21-6301(a)(13));
- A firearm cannot be carried by an individual who has been convicted of a felony crime (K.S.A. 21-6304(a)) or convicted in any court of a crime punishable by imprisonment for a term exceeding one year (18 U.S.C. 922(g)(1));
- Automatic firearms and sawed off shotguns cannot be carried (K.S.A. 21-6301(a)(5));
- A cartridge which can be fired by a handgun and which has a plastic-coated bullet with a core of less than 60% lead by weight is illegal (K.S.A. 21-6301(a)(6));
- Suppressors and silencers cannot be used with a firearm (K.S.A. 21-6301(a)(4));
- Firearms cannot be fired in the corporate limits of a city or at a dwelling, or at a structure or vehicle in which people are present, except in self-defense (K.S.A. 21-6308a and 21-6308(a)(1)(A));
- A firearm cannot be carried by a person who is a fugitive from justice (18 U.S.C. § 922(g)(2));
- A firearm cannot be carried by an individual who is an illegal alien (18 U.S.C. § 922(g)(5)(A));
- A firearm cannot be carried by an individual who has been discharged from the Armed Forces under dishonorable conditions (18 U.S.C. § 922(g)(6));
- A firearm cannot be carried by an individual who has renounced his or her United States citizenship (18 U.S.C. § 922(g)(7));
- A firearm cannot be carried by an individual who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner (18 U.S.C. § 922(g)(8)); and
- A firearm cannot be carried by an individual who has been convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)).

Open Carry Prohibited

Except as otherwise specifically provided in the Policy Statement above, open carry of any firearm anywhere on any of the University campuses is prohibited. Each entrance to each building and facility on each campus shall be conspicuously posted with appropriate signs indicating that openly carrying a firearm into that building or facility is prohibited. Additional signs may be posted as appropriate.

Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in this policy, it shall be a violation of University and Board of Regents policy to openly display any concealed carry handgun while on campus.

Regardless whether an individual is otherwise lawfully eligible to carry a concealed handgun, it shall be a violation of University and Board of Regents policy to commit any of the following offenses on University campuses:

- Possess a firearm under the influence of alcohol or drugs, as defined by K.S.A. 21-6332, and amendments thereto;
- discharge a firearm in violation of K.S.A. 21-6308, and amendments thereto;
- discharge a firearm within or into the corporate limits of any city in violation of K.S.A. 21-6308a; or
- otherwise possess, store, transport, trade, sell, or in any other way use a firearm in violation of any applicable law, including the Restrictions on Firearms specified above.

Beginning July 1, 2017, an individual who lawfully possesses a concealed handgun on campus shall at all times have that handgun in the individual's possession and control, and shall either keep it on his/her person with safety mechanism, if any, engaged, or stored 1) in any secure storage location provided by the university specifically for that purpose, 2) at the individual's residence, or 3) in his or her vehicle. If stored in a vehicle on campus, the handgun must be secured and concealed from view. For any dormitory or scholarship hall that does not have adequate security measures, each resident who lawfully possesses a handgun on campus and elects to store the handgun in the room to which he or she is assigned when not carrying it on the individual's person in a concealed fashion shall secure the handgun in a secure storage device that conceals the gun from view. Such storage devices shall be provided by the individual who possesses the handgun and must meet minimum industry standards for safe-keeping of handguns.

Adequate Security Measures

Beginning July 1, 2017, the University of Kansas, Lawrence, campuses and the University of Kansas Medical Center campuses shall determine whether and to what extent otherwise lawfully possessed concealed handguns will be prohibited by provision of adequate security measures, permanent or temporary, at each public entrance to buildings or public areas within campus buildings. Each public entrance to each building where concealed carry is prohibited as provided in this paragraph shall have adequate security measures and all entrances, including restricted access entrances, shall be conspicuously posted with appropriate Attorney General-approved signs indicating that carrying a concealed handgun into that building is prohibited. Additional

signs may be posted as appropriate. If the University of Kansas, Lawrence, campuses and the University of Kansas Medical Center campuses prohibit concealed carry pursuant to this paragraph, they will submit to the Chancellor or her designee a list of the buildings and public areas of buildings so designated, the rationale therefor, and a description of the adequate security measures to be provided. The University will consolidate the list and, pursuant to Regents policy, submit it to the Board of Regents office for review and approval by the Board of Regents Governance Committee.

The list shall be provided at the time such buildings and public areas are first identified as requiring adequate security and, as buildings or public areas of buildings are added to the list, at the time so amended. Once the Board of Regents Governance Committee has approved a building or area for provision of adequate security measures, re-approval of that building or area is not required.

Safety and security considerations may warrant the University of Kansas, Lawrence, campuses and the University of Kansas Medical Center campuses implementing adequate security measures on an as-needed, temporary basis in order to address a specific concern. These as-needed, temporary measures will be reported to the Chancellor or her designee in order to assure compliance with Board of Regents policy requiring that the University's annual security report to the Board of Regents include information regarding all instances in which adequate security measures were implemented on an as needed, temporary basis during the previous year and the reasons therefor.

Screening Process for Restricted Access Entrances

At the discretion and upon the approval of the Chancellor (or, if authorized by the Board of Regents, the Chancellor's designees), and in accordance with the PFPA, persons who are not employees of the University of Kansas may be granted access through a restricted access entrance upon issuance of an identification card that (1) includes the person's name and photograph and specifies that the person has been authorized access to a specific area through a restricted access entrance, and (2) contains the person's acknowledgement in a notarized statement that weapons are prohibited in restricted access areas and that violation of the prohibition may result in revocation of authorization to enter through the restricted access entrance. The EVC of the KU Medical Center campuses and the Provost for the Lawrence campuses shall develop for approval by the Chancellor screening criteria for admission of individuals to enter a University building or area through a restricted access entrance. Such criteria shall be in accordance with the PFPA. The EVC of the KU Medical Center will coordinate with the CEO of the KU Hospital to determine implementation of these measures for purposes of reciprocity.

Violation of Policy

Any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any employee or student of the University who violates one or more provisions of this policy shall be subject to

discipline in accordance with applicable University codes of conduct. Any individual who violates state or federal law may be detained, arrested or otherwise subjected to lawful processes appropriate to the circumstances. University faculty, staff, and students are encouraged to report suspected violations of the concealed carry law and this policy to the appropriate campus threat assessment team, identified in each campus's implementing policy, or by immediate notification to University Police by calling 9-1-1. University officials and or Police will investigate and determine if the display or possession of the firearm is a violation of law or Board of Regents or University policy.

Notice

Notice of and reference to this policy and to the Board of Regents weapons possession policy shall be given in the implementing weapons procedures of the University of Kansas, Lawrence, campuses and the University of Kansas Medical Center campuses as well as in housing contracts. To the extent adequate security measures are used to prohibit concealed carry into stadiums, arenas and other large venues that require tickets for admission, the tickets shall state that concealed carry will be prohibited at that event.

Definitions:

The term **“weapons”** includes, but is not limited to:

- (1) Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
- (2) any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
- (3) all BB guns, pellet guns, air/CO2 guns, or any device, such as a Taser, which is designed to discharge electric darts or other similar projectiles; however, a personal self-defense stun gun that does not fit within the preceding definition shall not be considered a weapon for the purposes of this policy;
- (4) any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
- (5) any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
- (6) any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
- (7) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the

knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(8) any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;

(9) any martial arts weapon such as nunchucks or throwing stars;

(10) any longbow, crossbow and arrows or other projectile that could cause serious harm to any person; or

(11) any other dangerous or deadly weapon or instrument of like character.

The term “**handgun**” means:

(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or

(2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.

The term “**firearm**” includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive.

The term “**adequate security measures**” means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any weapons into a University building or public area of a University building, including but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building or public area of the building by members of the public.

The term “**building**” means a state building owned or leased by the University or the Board of Regents.

The term “**campus**” means any building or grounds owned by the University or the Board of Regents and any building or grounds leased by the University or the Board of Regents for University use.

The term “**restricted access entrance**” means a restricted access entrance to a building or area of a building that requires a key, keycard, code or similar device to allow entry to authorized personnel through the restricted access entrance.

The term “**open carry**” means carrying a firearm visible to others.

The term “**public area**” means any portion of a University building that is open to and accessible by the public or which is otherwise designated as a public area. These areas will be identified by the Chancellor, the Provost of the Lawrence campuses or the Executive

Vice Chancellor of the Medical Center campuses, or their designees, consolidated on a University-wide list and, pursuant to Regents policy, submitted to the Board of Regents office for review and approval by the Board of Regents Governance Committee.

The term “**secured area**” shall mean those areas of the University Police facilities that are not open or accessible to the public without approval or escort from University Police departmental personnel.

Policy Owner:

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Approved by:

Chancellor Bernadette Gray-Little

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Review Cycle:

Annual (As Needed)

Related Policies and Procedures:

University of Kansas, Lawrence, procedure for application of BOR weapons possession policy:
(link here)

University of Kansas Medical Center procedure for application of BOR weapons possession
policy: (link here)

Board of Regents Policy on Weapons Possession:

<http://www.kansasregents.org/resources/PDF/About/BoardPolicyManual.pdf>

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Review, Approval & Change History:

Approved by Chancellor Bernadette Gray-Little on _____, 2016