



WEST LIBERTY UNIVERSITY

BOARD OF GOVERNORS RULE 1.9

DEADLY WEAPONS/DANGEROUS OBJECTS

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President's Signature: On file

SECTION 1: Purpose and Scope

- 1.1 This Rule imposes the prohibition of and penalty for the possession or storage of Deadly Weapons, or Dangerous Objects in any form on the West Liberty University campus or any University-leased facilities. This Rule also implements W. Va. Code § 18B-4-5b, the Campus Self-Defense Act, which, subject to certain limited exceptions set forth below, allows anyone holding a current and valid License to carry a Concealed Deadly Weapon on University property.
- 1.2 This Rule applies to all University faculty, staff, students, and visitors. It shall also apply to private vehicles parked or operated on University owned or leased property, which openly display firearms. The Director of Public Safety/Chief of Police of West Liberty University may grant exceptions to this policy in writing for the convenience of the University in achieving its mission.

SECTION II. POLICY

- 2.1 Except as specifically provided for by this Rule or by law, possession or storage of a Deadly Weapon or Dangerous Object as defined herein in any form is prohibited on the West Liberty University campus in University-leased facilities and in vehicles owned or leased by the University.
- 2.2 Section 2.1 does not apply to a person holding a License to Carry a Concealed Deadly Weapon and who is carrying a Concealed Pistol or Revolver on University property, except as discussed in Section 2.3 below. This Rule and the Campus Self-Defense Act only apply to Concealed Pistols or Revolvers and not to any other firearms. The open carrying of any firearm or the concealed carrying of any firearm other than a pistol or revolver as provided herein will subject the carrier to disciplinary action and possible legal action.
- 2.3 Consistent with the Campus Self-Defense Act (W. Va. Code § 18B-4-5b) and the Business Liability Protection Act (W. Va. Code § 61-7-14), all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations:
 - 2.3.1 At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;



**WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS RULE 1.9
DEADLY WEAPONS/DANGEROUS OBJECTS**

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- 2.3.2 At a daycare facility located on University Property;
- 2.3.3 In the secure area of any building used by University Police or other law enforcement agency on University Property;
- 2.3.4 In an area that has adequate security measures, as defined in Subsection 4.1 below, to ensure that Deadly Weapons or Dangerous Objects are not carried by the public into the area;
- 2.3.5 In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;
- 2.3.6 In sole occupancy offices, but only in those offices where the sole occupant notifies those who may enter that concealed pistols and revolvers are prohibited;
- 2.3.7 At a primary or secondary education school-sponsored function being held in a specific location on University Property that is rented, leased, or under the exclusive use of the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring;
- 2.3.8 At a private function that is being held in a specific location on University Property that is rented, leased, or under exclusive use of an entity that is not affiliated with the University for the actual period of time the function is occurring;
- 2.3.9 In any area on University Property where possession of a firearm is prohibited by state or federal law;
- 2.3.10 In specifically designated areas in which patient care or mental health counseling is being provided;
- 2.3.11 In High Hazardous and Animal Laboratories;
- 2.3.12 In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.
- 2.3.12.a This exception does not apply to employees whose responsibilities require them to be in an on-campus residents hall and that person who would otherwise be able to carry a Concealed Revolver or Pistol on or
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WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS RULE 1.9
DEADLY WEAPONS/DANGEROUS OBJECTS

about their person while present in the residence hall for purposes of their employment.

2.3.12.b The President is delegated the authority to provide either a secure location for the storage of a pistol or revolver in residence halls on campus or make available an appropriate safe that may be installed in a resident's room, and to charge a reasonable fee for the use of the secure storage location or a safe.

2.4 The exceptions set forth in Section 2.3 above and the general prohibition against the possession of Deadly Weapons and Dangerous Objects do not apply to the following persons while acting in their official capacities: law enforcement officers or law enforcement officials or chief executives as defined in W. Va. Code § 30-29-1; West Virginia Department of Corrections employees duly appointed pursuant to W. Va. Code § 25-1-11c; federal law enforcement officers or federal police officers authorized to carry a weapon in the performance of the officer's duty; members of the United States armed forces, reserve, or National Guard; parole officers appointed pursuant to W. Va. Code § 62-12-14; any justice of the Supreme Court of Appeals of West Virginia, circuit judge, retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia, family court judge, magistrate, prosecuting attorney, assistant prosecuting attorney, or investigator duly appointed by a prosecuting attorney; and individuals required to possess the items prohibited by this Rule in order to participate in undertakings sanctioned by the University, which include academic and research programs, and historical items. The University's Chief of Police may grant additional exceptions in writing for the convenience of the University in achieving its mission. Consistent with the 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.

2.5 Publicly Posted Notices. – The University shall provide reasonable notice to the public and the campus community about any areas of University Property where carrying a concealed pistol or revolver is prohibited pursuant to the exceptions listed in Subsection 2.3 above. The University shall provide and post signage across campus, in its buildings, and all locations necessary to alert those entering of the campus carry guidelines within the area.

SECTION 3: Violations

3.1 Any University Employee or Student who fails to abide by the requirements of this Rule shall be subject to appropriate disciplinary action, including warning,



WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS RULE 1.9
DEADLY WEAPONS/DANGEROUS OBJECTS

suspension, termination, or other disciplinary action as may be appropriate and possible referral to law enforcement for criminal charges.

- 3.2 Any other person who fails to abide by the requirements of this Rule shall be subject to appropriate action by University officials, including without limitation a request to leave campus or temporarily relinquish the prohibited item, referral to law enforcement for criminal action issuance of a trespass notice, and a temporary or permanent ban from campus.
- 3.3 A holder of a License to Carry a Concealed Deadly Weapon, or any other person not expressly authorized to do so by this Rule, shall not carry a Pistol or Revolver (or any other Deadly Weapon or Dangerous Object), which is partially or wholly visible, intentionally or knowingly display in plain view of another person, or in a way or manner to cause, or threaten, a breach of the peace, regardless of whether the device is holstered. Anyone who violates this subsection may be subject to disciplinary action, including without limitation a campus ban and any applicable criminal charges.
- 3.4 The University reserves its right to take any necessary action to address any conduct that – while it may not violate this Rule – is prohibited by the University under a different Rule, policy, or standard.

SECTION 4: Definitions.

The following definitions apply to terms used within this Rule:

- 4.1 “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.
- 4.2 “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. For purposes of this Rule, a person is considered to be carrying on or about his or her person while in a designated University storage area or the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.
- 4.3 “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



WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS RULE 1.9
DEADLY WEAPONS/DANGEROUS OBJECTS

which could or does result in an act of violence or a threat of violence against another person, except when used for self-defense. “Dangerous object” includes fireworks or other explosives, tasers, air-powered rifles, imitation weapons without appropriate safety markings, and explosive, chemical, biological, and radiological materials.

4.4 “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.

4.4.1 The term “Deadly Weapon” includes, but is not limited to, firearms, blackjacks, gravity/switchblade or other knives, metallic or false knuckles, nunchaku, pepper spray, pistols, and revolvers, as defined in W. Va. Code § 61-7-2, or other deadly weapons of like kind or character which may be easily concealed on or about the person.

4.4.2 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, or pepper spray when used by any person solely for self-defense purposes.

4.4.3 Neither of the terms, “Deadly Weapon” nor “Dangerous Object” include antique firearms or weapons owned by and in the possession of a member of the faculty who is using such item(s) for pedagogical purposes as part of a course being taught at the University. Any antique firearms used for such purpose must be rendered incapable of firing prior to being carried onto the campus. Further, the terms “Deadly Weapon” and “Dangerous Object” do not include equipment used by athletic teams or clubs when used in conjunction with team or club activities but may include such equipment if used to produce serious bodily injury or death.

4.5 “High Hazardous and Animal Laboratories” means laboratories with:

- (a) Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher;
- (b) Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;
- (c) MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the



**WEST LIBERTY UNIVERSITY
BOARD OF GOVERNORS RULE 1.9
DEADLY WEAPONS/DANGEROUS OBJECTS**

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.

- 4.6 “License to Carry a Concealed Deadly Weapon” means a current and valid license, lawfully issued by the State of West Virginia pursuant to W. Va. Code § 61-7-4 or W. Va. Code § 61-7-4a, or a current and valid license or permit recognized under W. Va. Code § 61-7-6a.
- 4.7 “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.
- 4.8 “President” means the President or his or her designee.
- 4.9 “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.
- 4.10 “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.
- 4.11 “University Property” means all areas on-campus and in the buildings under custodial possession of the 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.

SECTION 5: Authority.

- 5.1 W. Va. Code § 18B-1-6; W. Va. Code § 18B-2A-4; W. Va. Code § 18B-4-5b (Campus Self-Defense Act); W. Va. Code § 61-7-14 (Business Liability Protection Act); W. Va. Code § 61-7-4; W. Va. Code § 61-7-4a; and W. Va. Code § 61-7-6a.

This Rule was formerly BOG Policy 56 – Deadly Weapons/Dangerous objects.