

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-1230**

SUBJECT: Firearms, Weapons, and Explosives Policy

REFERENCE: West Virginia Code § 18B-2A-4, *Powers and duties of governing boards generally*; West Virginia Code § 61-7-14 (Business Liability Protection Act), *Right of certain persons to limit possession of firearms on premises*; West Virginia Code § 18B-4-5b (Campus Self-Defense Act), *Concealed carry on higher education campuses*

ORIGINATION: May 24, 2016

EFFECTIVE: September 16, 2016

REVIEWED: April 12, 2024

SECTION 1. PURPOSE

- 1.1 The purpose of this policy is to impose the prohibition of and penalty for the possession or storage of firearms, explosives, and weapons in any form on the premises of Southern West Virginia Community and Technical College or any College-leased facilities, except as specifically provided for by this policy or by law.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy applies to all members of the Southern West Virginia Community and Technical College community, including faculty, staff, and students, as well as visitors to any campus. This policy also provides guidelines regarding the Campus Self-Defense Act, which, subject to certain limited exceptions set forth in Section 4, allows for the carrying of a concealed pistol or revolver on all campuses by those holding a valid license to carry a concealed weapon.

SECTION 3. DEFINITIONS

- 3.1 Firearm – Any device that shoots a bullet, pellet, flare, tranquilizer, spear dart, paintball, or other projectile, whether loaded or unloaded, including those powered by CO₂. This includes, but is not limited to, guns, air guns, dart guns, pistols, revolvers, rifles, cannons, etc., and any ammunition for any such device.
- 3.2 Weapon – Any device that is designed to or traditionally used to inflict harm or serious bodily injury or death or is readily adaptable to such use. This includes, but is not limited to:
- 3.2.1 Firearms, slingshots, switchblades or other knives, daggers, blackjacks, metallic or brass knuckles, bows and arrows, hand grenades, hunting knives, nun-chucks, throwing stars, pistols, revolvers as defined in W. Va. Code, or other deadly weapons of like kind or character which may be easily concealed on or about the person. (This 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 injury or death);
- 3.2.2 Any object that could be reasonably construed as a weapon; or

- 3.2.3 Any object legally controlled as a weapon or treated as a weapon under the laws of the State of West Virginia.
- 3.3 Explosives – Any chemical compounds or mechanical mixture that contains any oxidizing and combustible units or other ingredients in such proportion, quantities, or packing that can be ignited by fire, friction, concussion, percussion, or detonator, or any part of the compound or mixture, may cause a sudden generation of highly heated gases that result in gaseous pressures capable of producing destructive efforts on contiguous objects or of destroying life or limb. This includes, but is not limited to, firecrackers, black powder, tasers, air-powered rifles, dynamite, imitation weapons without appropriate safety markings, etc., as well as detonating devices such as detonators, blasting caps, timers, incendiary wire, and the like.
- 3.4 Concealed – 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 policy, a licensee is considered to be carrying on or about his or her person while in a designated storage area or the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.

SECTION 4. POLICY

- 4.1 Southern West Virginia Community and Technical College has a responsibility to provide a safe and secure environment for its employees and students. In support of this responsibility, the College has established the following rule regarding firearms, weapons, and explosives on its property.
- 4.2 A person holding a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver on the campuses and in the buildings of Southern. This only applies to areas of the campus and buildings of Southern under the custodial possession of the College and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity. (W. Va. Code § 18B-4-5b(a).
- 4.3 The provisions of Section 4.2 above do not limit the authority of the College to regulate the possession of a concealed pistol or revolver by a person holding a current and valid license to carry a concealed deadly weapon in the following locations:
- 4.3.1 An organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;
 - 4.3.2 At a daycare facility (if any) located on the property of the College or any of its campuses;
 - 4.3.3 In the secure area of any building used by a law enforcement agency on the property of the College;
 - 4.3.4 In an area of the property of the College that has adequate security measures in place to ensure that pistols or revolvers are not carried by the public into the area;
 - 4.3.5 In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;
 - 4.3.6 In sole occupancy offices on the campuses and in the buildings of the College, but only in those offices where the sole occupant notifies those who may be entering that concealed pistols and revolvers are prohibited. (Sole occupancy office means a room with a least one door and walls that extend to the ceiling that is assigned to a single person as his or her workspace);

- 4.3.7 At a primary or secondary education school-sponsored function being held in a specific location on the property of the College 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;
 - 4.3.8 At a private function that is being held in a specific location on the property of the College that is rented, leased, or under the exclusive use of an entity that is not affiliated with the College for the actual period of time the function is occurring. (Any such function designated by an entity under this exception will provide reasonable notice to the attendees);
 - 4.3.9 In any area on the property of the College where possession of a firearm is prohibited by state or federal law;
 - 4.3.10 In specifically designated areas in which patient-care or mental health counseling is being provided; and
 - 4.3.11 In highly hazardous areas. (The College shall provide reasonable notice to the public and campus community about what areas are designated under this exception).
- 4.4 It is also prohibited to possess firearms, weapons, and/or explosives on Southern West Virginia Community and Technical College campuses, or any College-leased facilities, in College vehicles, on any real property under the care, custody, and control of the College, or at any College-sponsored event without the explicit authorization of the President, whether or not it is done openly or concealed and whether or not a federal or state license to possess the same has been issued to the possessor; *Provided*, that a customer, employee, or invitee of Southern may possess any legally owned firearm when the firearm is (a) lawfully possessed; (b) out of view; (c) locked inside or locked to a motor vehicle in a parking lot; and (d) when the customer, employee, or invitee is lawfully allowed to be present in that area. W. Va. Code § 61-7-14(d)(1).
- 4.5 This provision does not apply to the possession of any other weapons or explosives, which remain prohibited. Other exceptions to this policy are as follows:
- 4.5.1 Law enforcement officers and W. Va. Department of Corrections employees to the extent they are legally permitted to possess weapons pursuant to West Virginia State Law;
 - 4.5.2 Military personnel and National Guard in performance of their official duties to the extent they are legally permitted to possess weapons in the State of West Virginia;
 - 4.5.3 Any circuit judge, prosecuting attorney, assistant prosecuting attorney, or investigator duly appointed by a prosecuting attorney; and
 - 4.5.4 College-sanctioned classes, groups, or events where a particular weapon(s) is required and regularly used as part of the curriculum or activity, i.e., various Criminal Justice courses. The control, security, and safe use of such weapons shall be the responsibility of the supervising faculty member. The supervising faculty member shall inform the appropriate Campus Director in advance of any unusual or seldom occurring events involving the use of weapons on campus.
- 4.6 If any person carrying or possessing a firearm or other deadly weapon in violation of this policy refuses to temporarily relinquish possession of the firearm or other deadly weapon or to leave the College premises or grounds as previously defined upon being requested to do so, then the College shall request the services of the appropriate law enforcement authority. Such person may be found guilty of a misdemeanor and, upon conviction thereof, may be fined not more than \$1,000 or confined in jail for not more than six months, or both. W. Va. Code § 61-7-14(c).

4.7 To the extent anything in this policy conflicts with the Campus Self-Defense Act or the W. Va. Business Liability Protection Act, the applicable act takes precedence.

SECTION 5. BACKGROUND OR EXCLUSIONS

5.1 Exceptions to this policy may be requested in writing to the President. Only under very limited circumstances will an exception be granted. Questions regarding the applicability of this policy to specific items must be directed to the President.

SECTION 6. GENERAL PROVISIONS

6.1 Any student, faculty, or staff member violating this policy shall be subject to the disciplinary policies and procedures applicable to students, faculty, or staff in addition to the penalties provided under State law.

6.2 Any other person who fails to abide by the requirements of this policy shall be subject to appropriate action, including a request to leave the property 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.

6.3 A holder of a license or any other person not expressly authorized to do so by this policy shall not carry a pistol or revolver (or any other firearm or deadly weapon) that is partially or wholly visible or intentionally or knowingly displayed 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.

SECTION 7. RESPONSIBILITIES

7.1 Enforcement of this policy will depend on the cooperation of all members of the campus community, both to comply and encourage others to do so. Faculty, staff, and students who see individuals with weapons are asked to notify the President immediately.

SECTION 8. CANCELLATION

8.1 None.

SECTION 9. REVIEW STATEMENT

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair **Date**

President **Date**

Attachments: None.

Distribution: Board of Governors (12 members)
www.southernwv.edu

Revision Notes: May 24, 2016 – Policy originated.

February 11, 2022 – Revisions made pursuant to amendments in W. Va. Code in both 2017 and 2018.

April 12, 2024 – Revisions made pursuant to changes to W. Va. Code regarding the Campus Self-Defense Act.