



Title: #VIII-9. Deadly Weapons and Dangerous Objects Administrative Procedure

Date: June 5, 2024

This administrative procedure establishes the guidelines for the safety and protection of all members of the campus community relating to deadly weapons and dangerous objects on College property.

Except as specifically provided for by this administrative procedure or by law, deadly weapons and dangerous objects, as defined herein, are prohibited on College property.

The preceding paragraph 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 College property, except as set forth below. This administrative procedure 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.

The term “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. The term “deadly weapon” includes, but is not limited to, firearms; blackjacks; gravity, switchblade, or other knives other than folding pocketknives with blades three- and one-half inches long or less, those used for food preparation, or knives used for maintenance or repair work (i.e., utility knife) unless such knives are knowingly used or intended to be used to produce serious bodily injury or death upon another; metallic or false knuckles; nunchaku; pepper spray, unless used by any person solely for self-defense purposes; pistols or revolvers as defined in W. Va. Code § 61-7-2; and other deadly weapons of like kind or character which may be easily concealed on or about the person.

The term “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 that 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 bladed weapons such as swords, razors, or arrows; fireworks or other explosives; tasers; stun guns; air-powered rifles; any throwing devices with sharp or pointed edges; and imitation weapons without appropriate safety markings.

Consistent with both the Campus Self-Defense Act and the West Virginia Business Liability Protection Act, all deadly weapons, including concealed pistols and revolvers, are prohibited in the following locations:

1. In an on-campus room or rooms where previously announced student or employee disciplinary proceedings are being held;
2. In a sole occupancy office when the occupant has placed a visible sign outside the office stating weapons are prohibited;
3. In high hazardous and animal laboratories;
 - a. Applied Technology Center (ATC Building)
 - b. Other labs that fall within the definition of “high hazardous and animal laboratories” and designated as specified by signage.
4. Caperton Center Building (secondary education property)
5. Campus Police and Security Offices;
6. Student Counseling Center and Disabilities Services;
7. At a primary or secondary education school-sponsored function held in a specific location on the College 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;
8. At a private function 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;
9. In any area of College property where possession of a firearm is prohibited by State or federal law;

The exceptions set forth above and the general prohibition against deadly weapons or dangerous objects on College property do not apply to the following persons while acting in their official capacity: 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 armed forces of the United States armed forces, reserve, or the W. Va. 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 administrative procedure in order to participate in undertakings sanctioned by the College. Additionally, consistent with the Business Liability Protection Act, the prohibitions stated in this administrative procedure 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.

Individuals with a valid concealed carry permit who want to enter areas of the College where firearms are restricted must first secure their weapon in their privately-owned vehicle in accordance with the Business Liability Protection Act, W. Va. Code § 61-7-14, which permits employees, students, and visitors to keep a gun securely “locked inside” or “locked to” a privately-owned vehicle in a manner that is “out of view,” while the vehicle is otherwise lawfully on WVUP property and parked in a College parking lot.

Any college employee entering areas of the College where firearms are restricted may store their firearm in their sole occupancy office. The weapon must be stored in an approved safe, which is provided by the employee and approved by the facilities director or campus police. No firearms may be stored in an office desk or file cabinet.

College employees, while on College property or elsewhere, acting in the capacity of a College employee, are not to engage with any person to try to ascertain if that person holds a valid concealed carry license, is carrying a concealed firearm, or is otherwise exercising the rights provided for in the Campus Self-Defense Act.

The Campus Self-Defense Act and the Business Liability Protection Act do not allow for weapons to be carried openly, stored in a vehicle in a visible or unlocked manner, or brandished.

If you think a person is carrying or storing a firearm in a manner that is outside the protection of the law, but you do not believe yourself or others to be in danger, you should not call 911. Instead, contact Campus Police and describe the concern to them. For your safety, do not confront or communicate with the individual you suspect of carrying or storing a firearm in a non-compliant manner. The only employees who will engage with those carrying a firearm will be Campus Police or an authorized official.

If you see someone besides a Campus Police Officer or other authorized law-enforcement official openly carrying or brandishing a deadly weapon or dangerous object, or if you feel in danger at any time, call 911 or Campus Police. Campus Police is available at 304-834-7364 during the day and 304-834-7383 in the day or evening.

DEFINITIONS

1. “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.¹ For purposes of this Rule, a licensee is considered to be carrying on or about his or her person while in a designated College storage area/room where storage is permitted or the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.

2. "Dangerous Object" means any object or device which is designed to cause harm or unnecessarily risks the safety of another person.
 1. This includes fireworks or other explosives, conducted energy devices (stun gun or Taser), air-powered rifles, imitation weapons without appropriate safety markings.
3. "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.³
 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 College, intended for educational use, including academic, athletic, or research, and used solely for that purpose.
 5. The term "Deadly Weapon" or "Dangerous Object" does not include pepper spray when used by any person solely for self-defense purposes.⁴
4. "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.⁵
5. “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*.⁶
 6. “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.⁷
 7. “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.⁸
 8. “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.⁹
 9. “WVUP Campus” means all areas, including buildings, that are under custodial possession of the WVUP Board of Governors and within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to, the College’s educational purposes. It does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.¹⁰
 10. “WVUP Property” means any areas or locations, including those areas located off-campus, under the control, supervision, or custody of the WVUP Board of Governors.

Footnotes:

¹ See W. Va. Code § 61-7-2(3)(defining the term).

² See W. Va. Code § 61-7-2(5)(defining the term).

³ See *generally* W. Va. Code § 61-7-2 (5).

⁴ See W. Va. Code § 61-7-2(5).

⁵ W. Va. Code § 18B-4-5b(b)(11).

⁶ W. Va. Code § 18B-4-5b(i).

⁷ W. Va. Code § 61-7-2 (13).

⁸ W. Va. Code § 61-7-2(14).

⁹ W. Va. Code § 18B-4-5b(b)(6).

¹⁰ See W. Va. Code § 18B-4-5b(a)(stating the language of the W Va. Self-defense Act “only applies to areas of the campus and buildings of a state institution of higher education under the custodial possession of the state institution of higher education and does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity”); see *generally* 34 C.F.R. § 668.46(a).