



**Fairmont State University Board of Governors**  
Policy #GA-08  
Effective Date: July 1, 2024

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**TITLE: POLICY REGARDING WEST VIRGINIA CAMPUS SELF-DEFENSE ACT**

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**SECTION 1: PURPOSE & SCOPE.**

- 1.1 This Policy provides Fairmont State University's guidelines regarding the University's implementation of W. Va. Code § 18B-4-5b, also known as 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.
- 1.2 This Policy applies to Fairmont State University's campus and in its 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.<sup>1</sup>

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**SECTION 2: POLICY.**

- 2.1 Except as specifically provided for by this Policy or by law, Deadly Weapons are prohibited on Fairmont State University's campus and in its buildings.
- 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 Fairmont State University's campus and in its buildings,<sup>2</sup> except as set forth in section 2.3. This Policy 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 As permitted by both the Campus Self-Defense Act and the Business Liability Protection Act,<sup>3</sup> all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations:<sup>4</sup>
  - 2.3.1 At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;

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<sup>1</sup> W. Va. Code § 18B-4-5b(a)(providing that the West Virginia Campus 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").

<sup>2</sup> W. Va. Code § 18B-4-5b(a)("a person holding a current and valid license to carry a concealed deadly weapon may carry a concealed pistol or revolver on the campus and in the buildings of a state institution of higher education").

<sup>3</sup> W. Va. Code § 61-7-14.

<sup>4</sup> W. Va. Code § 18B-4-5b(b)(1) – (12)



- 2.3.2 At a daycare facility located on Fairmont State Property;
- 2.3.3 In the secure area of any building used by University Police or other law-enforcement agency on Fairmont State Property;
- 2.3.4 In an area of Fairmont State Property that has Adequate Security Measures, as defined in Subsection 5.1 below, to ensure that Deadly Weapons 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 At a primary or secondary education school-sponsored function being held in a specific location on Fairmont State 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;
- 2.3.7 At a private function that is being held in a specific location on Fairmont State 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;
- 2.3.8 In any area of Fairmont State Property where possession of a firearm is prohibited by State or federal law;
- 2.3.9 In specifically designated areas in which patient-care or mental health counseling is being provided;
- 2.3.10 In High Hazardous and Animal Laboratories, as defined in Subsection 5.4 below;
- 2.3.11 In on-campus residence halls, except common areas such as lounges, dining areas, and study areas. This exception does not apply to Fairmont State University employees whose responsibilities require them to be in an on-campus residence hall and who would otherwise be able to carry a Concealed Revolver or Pistol on- or about their person while present in the residence hall for purposes of their employment.<sup>5</sup>
- 2.4 The University shall provide reasonable notice to the public and campus community about the exceptions set forth in Section 2.3.
- 2.5 The exceptions set forth in Section 2.3 and the general prohibition against Deadly Weapons 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

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<sup>5</sup> W. Va. Code § 18B-4-5b(c).



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;<sup>6</sup> 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.<sup>7</sup>

- 2.6 Consistent with the Business Liability Protection Act, the prohibitions of this Policy do not apply to legally owned firearms lawfully possessed, out of view, and locked inside or locked to a motor vehicle in a parking lot when an individual is lawfully allowed to be present in that area.<sup>8</sup>
- 2.7 To the extent anything in this Policy conflicts with the West Virginia Campus Self-Defense Act or the Business Liability Protection Act, the applicable act takes precedence.

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### **SECTION 3: VIOLATIONS.**

- 3.1 Any University employee or student who fails to abide by the requirements of this Policy is subject to appropriate disciplinary action, including warning, suspension, termination, possible criminal charges, or other disciplinary action as may be appropriate.
- 3.2 Any other person who fails to abide by the requirements of this Policy is subject to appropriate action by University officials, including without limitation a request by Campus Police 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 It is a violation of State law and this Policy to carry on Fairmont State Property a Pistol or Revolver (or any other firearm or Deadly Weapon) that is partially or wholly visible, or 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 firearm is holstered. This provision applies to individuals who possess a valid License to Carry a Concealed Deadly Weapon and any other person not expressly permitted or authorized by this Policy to carry a Concealed Pistol or Revolver. Anyone who violates this subsection may be subject to disciplinary action, including without limitation a campus ban and any applicable criminal charges.<sup>9</sup>
- 3.4 Although conduct may not violate this Policy, it may still be prohibited by the University under a different Policy or standard of behavior. Accordingly, in such cases, the University

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<sup>6</sup> See, W. Va. Code §§ 61-7-6 and 61-7-14(c)

<sup>7</sup> Id.

<sup>8</sup> W. Va. Code § 61-7-14(d)(1)(A)-(D).

<sup>9</sup> W. Va. Code § 18B-4-5b(g)

#### **SECTION 4: DELEGATION.**

- 4.1. The Board of Governors delegates to the President the authority to adopt internal policies and procedures to effectuate the implementation of this Board of Governors Policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Policy.
- 4.2. The Board of Governors delegates to the President the responsibility to provide a secure location for the storage of a Pistol or Revolver in at least one of the University's on-campus residence halls for use by those holding a current and valid License to Carry a Concealed Deadly Weapon.
  - 4.2.1 The President shall develop a policy that reserves an appropriate amount of rooms in the on-campus residence hall where the storage rooms are located for on-campus residents who have a License to Carry a Concealed Deadly Weapon.<sup>10</sup>
  - 4.2.2 The University shall charge a reasonable fee for the use of the secure storage location or a safe.<sup>11</sup>
- 4.3. The Board of Governors delegates to the President the authority to establish the Campus Carry Committee ("Committee"). The Committee shall be comprised of 16 members, comprised of President-appointed students, faculty, and staff.
  - 4.3.1 The Committee shall elect a Chairman annually by July 1 of each year.
  - 4.3.2 The Committee shall meet at least once a year to review and assess the effectiveness of this Policy. The Committee shall make necessary recommendations to the President for revisions based on emerging best practices, changing legal requirements, and the evolving needs of the University community.

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#### **SECTION 5: DEFINITIONS.**

- 5.1 "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.<sup>12</sup>
- 5.2 "Concealed" means hidden from ordinary observation so as to prevent disclosure or

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<sup>10</sup> W. Va. Code § 18B-4-5b(d)

<sup>11</sup> W. Va. Code § 18B-4-5b(e)

<sup>12</sup> W. Va. Code § 18B-4-5b(b)(4).

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.<sup>13</sup> For purposes of this Policy, 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.

5.3 “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.<sup>14</sup>

5.3.1 The term “Deadly Weapon” includes, but is not limited to, firearms, antique 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.<sup>15</sup>

5.3.2 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.

5.3.3 The term “Deadly Weapon” does not include pepper spray when used by any person solely for self-defense purposes.<sup>16</sup>

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

5.4.1 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;

5.4.2 Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;

5.4.3 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;

5.4.5 Large cylinders of acetylene; or

5.4.6 Animal research laboratory spaces in locations not accessible to the public or

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<sup>13</sup> See W. Va. Code § 61-7-2(3)(defining the term).

<sup>14</sup> See W. Va. Code § 61-7-2(5)(defining the term).

<sup>15</sup> See generally W. Va. Code § 61-7-2 (5).

<sup>16</sup> See W. Va. Code § 61-7-2(5)

generally accessible to students and employees.<sup>17</sup>

- 5.5 “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; W. Va. Code § 61-7-4a; or a current and valid license or permit recognized under W. Va. Code § 61-7-6a.<sup>18</sup>
- 5.6 “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.<sup>19</sup>
- 5.7 “President” means the President of Fairmont State University, or their designee.
- 5.8 “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.<sup>20</sup>

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#### **SECTION 6: AUTHORITY.**

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

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#### **SECTION 7: SUPERSEDING PROVISIONS.**

- 7.1. This Policy repeals, supersedes, and replaces any other internal University policy or procedure which relates to the subject matter contained within this Policy and supersedes and replaces any Policy of Higher Education Policy Commission which relates to the subject matter contained within this Policy.

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<sup>17</sup> W. Va. Code § 18B-4-5b(b)(11)

<sup>18</sup> W. Va. Code § 18B-4-5b(i)

<sup>19</sup> W. Va. Code § 61-7-2 (13)

<sup>20</sup> W. Va. Code § 61-7-2(14)