

# FAQ

## **1. Are guns currently prohibited at WVSU?**

Yes, per BOG policy #57; however, BOG policy #57 has been repelled and BOG policy #70 is being considered and in the thirty-day public comment period. Furthermore, effective July 1, 2024 the Campus Self-defense Act goes into effect.

## **2. What is the W. Va. Campus Self-defense Act?**

Beginning July 1, 2024, the Campus Self-defense Act allows a person to carry a concealed pistol or revolver on property under WVSU's control if that person has a current and valid license to carry a concealed deadly weapon.

The Campus Self-defense Act can be found in the West Virginia Code in § 18B-4-5b, Concealed carry on higher education campuses; exceptions.

<https://code.wvlegislature.gov/18B-4-5B/>

## **3. What is the W. Va. Business Liability Protection Act?**

The W. Va. Business Liability Protection Act, which is located at W. Va. Code § 61-7-14, is the W. Va. law that allows employers and other property owners to prohibit guns on their property, except in certain situations. For example, a property owner or employer cannot prohibit a person from possessing any legally owned firearm when (1) the firearm is out of view; (2) the firearm is locked inside a motor vehicle in a parking lot; and (3) the individual is lawfully allowed to be present in the area.

## **4. Does the Self-defense Act allow me to openly carry any type of gun or other deadly weapon on campus?**

No. Institutions of higher education can still prohibit other firearms, deadly weapons, and dangerous objects, except for those individuals who hold a license to carry a concealed deadly weapon only when they are carrying a concealed pistol or revolver in a permissible area.

## **5. Where can I learn more about the firearms laws in West Virginia?**

Guide to concealed carry law in WV

<https://ago.wv.gov/gunreciprocity/Documents/On%20The%20Mark.pdf>

Reciprocity FAQ from WV Attorney General Office

<https://ago.wv.gov/gunreciprocity/Pages/FAQ.aspx>

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## **6. How does WVSU plan to implement the Campus Self-defense Act?**

West Virginia State University created a Campus Safety Taskforce to discuss the implementation on the Campus Self-Defense Act and other campus safety concerns. There have been several meetings with stakeholders regarding interpretation of the code, what other codes that will impact the campus and what campus carry will look like on campus. We have spoken with other universities that currently allow or will be implementing campus carry, we have discussed best practices and held open discussions with faculty, staff, students and local community groups. Recommendations were presented to the BOG to implement the exemptions permitted by the Campus Self-defense act and BOG policy #70 was presented to the BOG for approval.

## **7. Why is it necessary for the Board of Governors to issue a Notice of Proposed Rulemaking to implement the Campus Self-defense Act?**

Although the Campus Self-defense Act includes several exceptions to the campus carry requirement, those exceptions are not automatically required by law. Rather, consistent with the W. Va. Business Liability Protection Act, the Board, as the entity that owns West Virginia University's property, must decide which, if any, exceptions it will adopt. Accordingly, the Board must do so through its rulemaking process.

## **8. Can you give a summary of the proposed BOG rule implementing the Campus Self-defense Act?**

In summary, the proposed rule prohibits deadly weapons and dangerous objects, as defined by the rule, on WVSU's campus except for those individuals who hold a license to carry a concealed deadly weapon when they are carrying a concealed pistol and revolver in a permissible area. Additionally, the rule directs resources be developed relating to the University's compliance with the Act and frequently asked questions be answered and posted publicly.

## **9. Will more information be provided about the proposed BOG rule and WVSU's implementation of it?**

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Yes, these Frequently Asked Questions will be updated as new developments occur and additional open meetings are held to provide additional information.

## **10. Under the Campus Self-defense Act and the BOG Rule, what kind of guns are allowed and who may carry them on-campus?**

Type of Guns permitted under the Act.

- a. The Campus Self-defense Act specifically only requires institutions to allow “concealed” “pistols” or “revolvers”, which have specific definitions under W. Va. law.

- 1) A “pistol” is defined as 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.

- 2) A “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.

- b. Persons able to Carry Pistols or Revolvers

- 1) In order to be able to carry a concealed pistol or revolver, a person must hold a “current and valid license to carry a concealed weapon.” This means a 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.

## **11. Where can I get more information about obtaining a current and valid license carry a concealed weapon?**

More information can be found by reviewing W. Va. Code § 61-7-4, License to carry deadly weapons; how obtained. For W. Va. residents, checking your county sheriff’s office website would be a first step.

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### **12. Is there any training requirements to carry a concealed weapon under the Campus Self-defense Act?**

You must comply with the requirements to obtain a concealed handgun license.

### **13. I have a provisional license under W. Va. Code § 61-7-4a. Am I allowed to carry a concealed pistol or revolver on WVSU property?**

Yes, the Campus Self-Defense Act allows “a person holding a current and valid license to carry a concealed deadly weapon” to carry a pistol or revolver on WVSU property, subject to the exceptions allowed by the Act. The Act goes on to provide that, a “license to carry a concealed deadly weapon” refers to a current and valid license, lawfully issued by the State of West Virginia pursuant to § 61-7-4, which is the code section that explains how one gets a license to carry deadly weapons in West Virginia, or § 61-7-4a, which is the section of the Code that discusses how one obtains a provisional license to carry deadly weapons in West Virginia.

### **14. If I have a current and valid concealed deadly weapons license in another state, can I carry a concealed pistol or revolver on WVSU property?**

It depends. The Campus Self-Defense Act allows “a person holding a current and valid license to carry a concealed deadly weapon” and does not limit it to only a W. Va. license. Specifically, the Act provides that a permit recognized under § 61-7-6a, which is the Code section that deals with reciprocity and out-of-state concealed handgun permits, is included in the definition of “license to carry a concealed deadly weapon” under the Act.

Reciprocity FAQ from WV Attorney General Office

<https://ago.wv.gov/gunreciprocity/Pages/FAQ.aspx>

### **15. If I have a concealed deadly weapons license, can I carry my pistol or revolver in my backpack?**

Yes, if the backpack is always in your sole, close possession. Under the W. Va. Code, “concealed” means “hidden from ordinary observation so as to prevent disclosure or recognition” and a pistol or revolver “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.”

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### **16. Are there any areas where a person with a concealed deadly weapons license is prohibited from carrying a pistol or revolver?**

Yes. The W. Va. Self-defense Act allows institutions of higher education to prohibit concealed pistols and revolvers – even by those possessing a concealed deadly weapons license – in limited, enumerated areas. The West Virginia State University Board of Governors has proposed the following areas to be places where a person with a concealed deadly weapons license is prohibited from carrying a pistol or revolver:

- a. At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators.
- b. At a daycare facility located on WVSU Property.
- c. In the secure area of any building used by University Police or other law-enforcement agency on WVSU Property.
- d. In an area that has Adequate Security Measures to ensure that Pistols or Revolvers are not to be carried by the public into the area.
- e. In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held.
- f. In Sole Occupancy Offices, but only in those offices where the sole occupant notifies those who may be entering that concealed Pistols and Revolvers are prohibited.
- g. At a primary or secondary education school-sponsored function being held in a specific location on WVSU Property that is rented, leased, or under the exclusive use of the W. Va. Department of Education, the W. Va. Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.
- h. At a private function that is being held in a specific location on WVSU Property that is rented, leased, or under exclusive use of an entity for the actual period of time the function is occurring.
- i. In any WVSU Property where possession of a firearm is prohibited by state or federal law.
- j. In specifically designated areas in which patient-care or mental health counseling is being provided.
- k. In high hazardous and animal laboratories, which are defined by the Campus Self-defense Act.

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- I. In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.

### **17. How will I know what specific places the University has designated as places where a concealed pistol or revolver will not be allowed?**

This will be on a case-by-case basis depending on the area involved. Some areas may have specific signage, while others may include notices on advertising materials, tickets, or other communications. WVSU will endeavor to provide as much information as possible about specific locations on its Campus Safety website.

### **18. Can I bring a pistol or revolver to a WVSU Athletics event at the WVSU Walker Convocation Center and Dickerson Stadium, if I have a concealed deadly weapons license?**

No, all deadly weapons, including pistols and revolvers, are prohibited at an organized events taking place at a stadium or arena with a capacity of more than 1,000 spectators and includes those facilities, but may vary depending on the event. Notification will be disseminated prior to events and at the venue.

### **19. My office or class is located in an athletic facility or somewhere else that firearms are prohibited. Are pistols and revolvers prohibited at all times in those areas?**

No, the prohibition only applies while the organized event is taking place, which has been determined to mean whenever the gates or doors to the event or game are opened.

### **20. If there will be minors on-campus in a certain area, does that mean the entire area becomes automatically gun-free?**

No, under the Campus Self-defense Act, only daycare facilities and specific functions under exclusive use of the W. Va. Department of Education, W. Va. Secondary School Activities Commission, a county school board, or local public school are exempt – not every area or location where minors are located. And, if the W. Va. Department of Education, W. Va. Secondary School Activities Commission, a county school board, or local public school are hosting events, those should be publicized, and the specific area and location will be identified.

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**21. My office is in a building that has student conduct or employee disciplinary hearings, am I allowed to carry a pistol or revolver under the BOG rule?**

It depends. Concealed pistols or revolvers are not permitted in the rooms during any such hearings. However, if a hearing is not being held, or your office is not the room where such a hearing is being held, then you would be allowed to do so as long as your office is not covered by another exemption.

**22. I work in a “sole occupancy” office, which is defined as “a room with at least one door and walls that extend to the ceiling that is” only assigned to me as my workplace and I’d like to prohibit others from bringing a pistol or revolver into my office, how can I do that?**

You should download and print WVSU’s template sign and place it outside of your office and notify those who may be coming into your office, that your office is an area where concealed carry is not permitted. Faculty members are encouraged to use the syllabus statement approved by Faculty Senate on their syllabi.

**23. If my office is located in a location where pistols or revolvers are prohibited, can I still possess a pistol or revolver in it?**

No, although the “sole occupancy office” subsection of the Act does not allow the University to prohibit, regulate, or restrict faculty or staff members who hold a current and valid license to carry a pistol or revolver in his or her office, that language does not apply to the other subsections of Act and therefore, an employee cannot possess a pistol or revolver if his or her office is otherwise located in a prohibited area.

**24. If there’s a private function that is being held in a specific location at WVSU that is rented, leased, or under exclusive use of the private entity, how will I know if concealed pistols or revolvers are permitted?**

The private entity hosting the event will take steps to provide notice to its attendees and may do so depending on the specific circumstances of the function.

**25. What areas have been designated as areas where “patient-care” or “mental health counseling” is being provided?**

Each area designated under this exemption will contain signage and providers will notify patients and visitors regarding their policy.

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### **26. What areas have been designated as “high hazardous and animal laboratories”?**

Each area designated under this exemption will contain signage to notify visitors regarding their policy.

### **27. Are concealed pistols or revolvers prohibited in on-campus residence halls?**

Yes, the Campus Self-defense Act allows WVSU to prohibit concealed pistols or revolvers in on-campus residence halls, except common areas and for employees whose employment responsibilities require them to be in the residence hall for purposes of their employment.

### **28. Can a resident assistant, a main desk secretary, maintenance, campus service worker, food service worker, work study, a person leading a program, be anywhere in a residence hall, including a student room, if he or she has a concealed deadly weapons license and is carrying a concealed pistol or revolver?**

Yes, under the W. Va. Self-defense Act, although pistols and revolvers are prohibited in residence halls rooms, the law allows an employee whose employment responsibilities require him or her to be in an on-campus residence hall and who holds a current and valid license to carry a concealed deadly weapon to carry a concealed revolver or pistol on or about his or her person while present in on-campus residence halls for purposes of his or her employment. This is the only instance where the law allows a non-law enforcement employee to carry in an otherwise prohibited area.

### **29. I live in one of WVSU’s residential housing or transitional housing, how are those properties treated?**

The common areas and grounds of are just like any other area on campus. Are these locations considered dorms? If not, then for the units themselves, they are not subject to the Campus Self-defense Act since that area is rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity. Given that, it is up to the residents themselves to decide whether to prohibit guns in their apartments under the W. Va. Business Liability Protection Act.



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### **30. What should I do if I am a student, or an employee who is carrying a concealed revolver or pistol and I must go into an area where concealed pistols and revolvers are prohibited?**

There is no exemption under the Campus Self-defense Act or the BOG rule that allows a person to carry a pistol or revolver in a prohibited area – except for employees who may have to enter a residence hall room or those specifically authorized to do so on campus, such as police officers. Given that, members of the University community should make plans to store or leave at home anything that would be prohibited in a specific area where they must go to do their job or attend class. Employees or students may, consistent with their schedule, decide to secure my pistols or revolvers they may be carrying in their vehicle so long as they are locked and out of view consistent with the W. Va. Business Liability Protection Act.

### **31. Does the University provide a locker or safe for anyone to store guns while on campus?**

No, lockers/safes are only available to students living on-campus in a residence hall. The W. Va. Self-defense Act requires WVSU to provide lockers or safes to on-campus students living in residence halls. Accordingly, those students are able to obtain safes/lockers by contacting Housing and ResLife. WVSU does not provide any other storage and individuals are responsible for securing their firearms appropriately if required to do so.

### **32. What should I do if I see a pistol, revolver, or any other type of deadly weapon dangerous object?**

Although pistols and revolvers are allowed on campus in certain situations, they should always be concealed and should never be seen. Therefore, any time one is visible, the appropriate University officials should be contacted. The only exceptions to this would be for clearly approved individuals, such as police officers working within the scope of their employment, or when someone is storing a weapon in an approved storage area.

If any rifle or larger firearm is ever seen on campus or if anyone is ever acting in a threatening or suspicious manner and has any firearm, including a pistol or revolver that is supposed to be concealed, call 9-1-1 immediately. The only exceptions to

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this would be for clearly approved individuals, such as the ROTC within the scope of their activities.

If someone's pistol or revolver is poorly concealed, outlined, or becomes visible as they move, then the person seeing it should contact WVSUPD at 304-766-3353 and provide as much information as possible. An officer will be dispatched to speak with the individual, confirm he or she has a valid license to carry a concealed deadly weapon, explain the W. Va. Self-defense Act, University's rule, and some tips about properly carrying a concealed pistol or revolver. UPD may also forward the information to the Office of Student Affairs, if appropriate.

If the person is carrying a concealed pistol or revolver in a location where one is prohibited, the person will be asked to leave and refusing to do so may warrant further action by UPD.

**33. Can I ask students or employees whether they are concealing a pistol or revolver and, if they are, refer them to the University Police Department, Office of Student Affairs, or take other adverse action against them?**

No, no adverse action should be taken against a student or employee who decides to lawfully carry a concealed pistol or revolver on-campus. Further, other than members of WVSUPD, employees should avoid confronting others about whether they are carrying concealed pistols or revolvers. If there's an issue, WVSU employees should contact UPD. While students may ask each other if they are carrying a concealed pistol or revolver, no one is under any obligation to tell you and the decision to do so is theirs.

**34. Can WVSU publicly disclose who has a license to carry concealed a deadly weapon?**

No, information collected under the license to carry deadly weapons section, "including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for, or holder of, a concealed weapon license, is confidential." W. Va. Code § 61-7-4(r). That information, however, "may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes." *Id.* Thus, if there's an issue about whether someone has a license, UPD should be contacted.

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### **35. Can WVSU ask for people to disclose whether they have a license to carry a concealed weapon?**

No, however, students electing to utilize the Campus Self-defense act and reside in the on-campus residence hall must follow housing regulations and exemptions to the Campus Self-defense act.

### **36. What is the difference between open carry, constitutional carry and concealed carry?**

The difference between open carry, constitutional carry and concealed carry lies in their regulations regarding the carrying of weapon. The Campus Self-defense act ONLY allows for concealed carry with the appropriate license, but not open or constitutional carry of a weapon.

Open Carry:

Definition: Open carry refers to the openly display of handguns on a person that is visible to others and not covered up.

Constitutional Carry:

Definition:

In West Virginia, persons 21 years of age or older, who are not prohibited by state or federal law from possessing a firearm, and who are United States citizens or legal residents thereof are authorized by law to carry a concealed weapon within the state **without first obtaining a concealed handgun license** ("CHL"). This authorization applies to all such persons regardless of his or her state of residence. This is commonly known as "constitutional carry" which indicates a form of permit less or unrestricted concealed carry of a deadly weapon. See W.Va. Code § 61-7-7(c).

Concealed Carry:

Definition: "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 concealed handgun licensees, a licensee is considered to be

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carrying on or about his or her person while in or on a motor vehicle if the firearm is located in a storage area in or on the motor vehicle.

### **37. If my roommate has a permit and I'm uncomfortable what are my options?**

Contact Housing and Residence Services to further explore your alternative options, but remember the firearms will be secured in storage area within Sullivan Hall and should never be in your dorm room.

### **38. How will guns be stored on campus?**

Sullivan Hall has been designated as the location for the storage room for firearms.

### **39. Can you live in any dorm and store a firearm in Sullivan Hall?**

No, if you decide to exercise the Campus Self-defense Act by carrying a concealed weapon, you must reside in Sullivan Hall.