



POLICY TITLE: Gun Policy

POLICY PURPOSE: The purpose of this section is to describe how concealed handguns may be carried and stored on the campus of Fort Hays State University in as safe a manner as possible pursuant to Kansas law [The Private and Family Protection Act, K.S.A. 75-7c01 et seq.]

BACKGROUND:

APPLIES TO: Everyone on Campus

DEFINITIONS: **Concealed Carry Defined.** Individuals who carry a handgun on campus must carry it concealed on or about their person at all times. With respect to this policy, concealed means completely hidden from view and does not reveal the weapon in any way, shape, or form. “About” the person means that an individual may carry a handgun if it can be carried securely in a suitable carrier, such as a backpack, purse, handbag, or other personal carrier designed and intended for the carrying of an individual’s personal items. Moreover, the carrier must at all times remain within the exclusive and uninterrupted control of the individual. This includes wearing the carrier with one or more straps consistent with the carrier’s design, carrying or holding the carrier, or setting the carrier next to or within the immediate reach of the individual. Exceptions to concealed carry at all times is during times of transfer from concealed to approved storage and for use in self-defense.

CONTENTS:

POLICY STATEMENT: **Geographic Applicability.** This policy is applicable only within the geographic limits of the campus of Fort Hays State University and within locations owned or leased by the University that are not part of the University campus, provided that such locations are located within the State of Kansas. Leased locations leased and controlled by an entity that may lawfully exclude or permit firearms at their premises (concealed or otherwise) may choose at their sole discretion to exclude or permit concealed firearms from their premises, notwithstanding a lease with the University.

Campus Gun Free Locations with Adequate Security Measures. Each location within the geographic applicability of this policy designated as gun free with permanent “adequate security measures,” as defined by Kansas law, will be identified in this policy. There are no University locations that have been designated as gun free with permanent adequate security measures. The University may from time to time designate a specific location as temporarily gun free and use temporary adequate security measures as defined and required by law and per KBOR policy. Appropriate notice will be given whenever this temporary designation is made.

Prohibitions. Open carry of firearms by any means is prohibited. The carrying of

any rifle, shotgun, or other long gun by any means is prohibited. The carrying of any firearm, concealed or otherwise, is prohibited in any location or under any circumstances prohibited by the applicable federal or state law.

Restrictions to the Carrying of a Concealed Firearm Pursuant to Kansas Law:

Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun. Nothing in this policy is intended to replace municipal, state or federal law regarding weapons, firearms, explosives and other hazardous objects or substances or be inconsistent with the rights afforded a lawfully commissioned peace officer. The following restrictions apply to the concealed carrying of a handgun by Kansas law and the violation of any of the following restrictions is a crime under Kansas law:

- An individual in possession of a concealed handgun must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
- A firearm cannot be carried by an individual under the influence of alcohol or drugs, or both, to such a degree as to render the individual incapable of safely operating the firearm [K.S.A. 21-6332];
- A firearm cannot be carried by an individual who is both addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301(a)(10)];
- A firearm cannot be carried by an individual who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- A firearm cannot be carried by an individual with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301(a)(13)];
- A firearm cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
- An automatic firearm cannot be carried [K.S.A. 21-6301(a)(5)];
- A cartridge which can be fired by a handgun and which has a plastic-coated bullet with a core of less than 60% lead by weight is illegal [K.S.A. 21-6301(a)(6)];
- Suppressors and silencers cannot be used with a firearm [K.S.A. 21-6301(a)(4)]; and,
- Firearms cannot be fired in the corporate limits of a city or at a dwelling, or at a structure or vehicle in which people are present, except in self-defense [K.S.A. 21-6308, 6308a].

Carrying Safety. Holsters are Required. Every handgun carried by an individual, whether on their person or in a carrier, must be secured in a holster that completely covers the trigger and the entire trigger guard area and that secures an external hammer in an un-cocked position through the use of a strap or by other means. Handguns with an external safety must be carried with the safety in the “on” position. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty cylinder.

Handgun Storage. Handgun storage at Fort Hays State University is only allowed in the following circumstances: (1) in an individual’s privately-owned or leased motor vehicle when the vehicle is locked and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; (2) in an individual’s on-campus residential unit when the handgun is secured in a holster and in an

approved storage device (see below); or (3) in an employee's office within an approved storage device (see below) that is placed in a non-visible location such as a desk drawer or non-visible location. Employees may only store their own handgun in their offices. The office must be locked when the employee whose office it is is not there and no overnight storage in offices. Handgun storage by any other means than specifically permitted in this policy is prohibited.

Approved (per policy definition) Storage Device. The University does not provide approved handgun storage devices to any person under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own approved storage device. An approved storage device has each of these characteristics: (1) it is of sufficient size to fully enclose the handgun while secured in an approved holster; (2) it is constructed of sturdy materials that are non-flammable; (3) it has a combination, digital, or other secure locking device that can only be unlocked by the individual using the storage device, but devices secured exclusively with a key lock are prohibited; and, (4) the device is constructed specifically for the storage of a handgun and/or ammunition. All ammunition stored in an on-campus residence must be stored in an approved (per policy definition) storage device.

Reporting, Investigation, and Determination. All reports of suspected violation of the conceal carry policy are made to FHSU Police by picking up any Emergency Campus Phone or by calling FHSU Police at 785-628-5304 or by calling 911.

FHSU Police will conduct an initial investigation to determine whether the report describes a criminal matter and/or a policy violation. Police are solely responsible for deciding the extent of investigation necessary to make this determination.

At any time beginning with receipt of a report, FHSU Police have the authority through this policy to disarm and/or temporarily confiscate a firearm and issue a restriction to not carry a concealed firearm on campus pending results of the weapons policy violation determination. The decision whether to confiscate and issue a restriction prohibiting conceal/carry will be made by Police when there is probable cause to believe that a Weapons Policy violation has occurred or continued possession and carrying by the alleged policy violator will create imminent danger to self or others. This authority does not supersede or alter the authority of Police to confiscate a firearm during a criminal investigation. A confiscated firearm will be stored and handled by Police according to their policies.

At any time after a report of suspected Weapons Policy violation has been made to Police and continuing through the date the final determination has been made in the matter, the President may take any temporary action as determined necessary by the President to ensure the safety of the University and of its students and personnel. Such temporary action may include, but is not necessarily limited to: prohibiting an alleged policy violator from carrying a concealed firearm anywhere within the geographic limits of this policy; if a student is the alleged policy violator, temporary suspension from one or more classes in which the student is enrolled, or a change in the student's class schedule, or the placement of restrictions or conditions on the student in order to continue with normal class attendance and participation; if an employee (faculty or staff) is the alleged policy violator, temporary administrative leave with or without pay, or the placement of restrictions or conditions on the employee in order to continue with the employee's normal employment.

When FHSU Police have finished their initial investigation:

- When the conclusion is that no crime has been committed and the Weapons Policy has not been violated, no further action will be taken and the matter is closed.
- When the conclusion is that a crime has been committed, but the Weapons Policy has not been violated, the incident will be handled as a criminal matter only.
- When the conclusion is that a both a crime may have been committed and the Weapons Policy may have been violated, the matter will continue to be handled by the police as a criminal matter, but the policy violation incident report and any findings will be submitted to the appropriate University official for handling pursuant to the Weapons Policy. Police will have no further involvement in the policy investigation, except as requested.
- When the conclusion is that a crime has not been committed, but that the Weapons Policy may have been violated, the incident report will be turned over to the appropriate University official for handling pursuant to the Weapons Policy. Police will have no further involvement in the policy investigation, except as requested.

When Police have concluded that the Weapons Policy may have been violated, the incident report, findings, and any other appropriate information from the initial investigation will be submitted to the appropriate University official as described below. In those cases that include a criminal investigation, Police will release criminal investigative materials in accordance with standard law enforcement protocol.

- Vice President for Student Affairs or designee, if the alleged violator is a student.
- Human Resources, if the alleged violator is an employee.
- FHSU Police, if the alleged violator is a visitor to the University campus or is any person not described above.

Once the investigation materials have been received from Police, the process to be followed for determining whether the policy has been violated is:

- Student. The matter will be handled through the Student Code of Conduct as a student conduct issue.
- Faculty/Staff: The matter will be handled by Human Resources as a violation to any policy on campus.

Sanctions. The determination of which sanction(s), if any, that will be imposed following a determination that the Weapons Policy has been violated will be handled on a case by case basis. Notwithstanding the type and nature of sanctions that may be described in University policies, the appropriate sanction for violation of the Weapons Policy can be anything determined pursuant to the applicable policy as appropriate, including expulsion or termination from the University. The guiding theme when determining the appropriate sanction is to ensure that the Weapons Policy violation will not be repeated and that the safety of University students and personnel is assured.

Knowingly Making a False Report. Each report of a suspected policy violation must be made in good faith. The conclusion after an investigation of a report that

there has been no policy violation does not mean, by itself, that the report was not made in good faith. Knowingly making a false report of a policy violation is prohibited and will be investigated through the same process as described within this policy for the investigation of a suspected policy violation, with appropriate sanctions being assessed upon confirmation that a false report was made.

Training. All University students and personnel who are regularly within the geographic applicability of this policy are required to receive training concerning this policy. Training will include learning where this policy applies, how a handgun is carried and stored pursuant to this policy, how to report a suspected violation of this policy, how reports are investigated, the potential sanctions upon confirmation of violation of this policy, and other topics relevant to this policy. The University will not conduct any training for students or personnel in the use of firearms, firearm safety, firearm cleaning and maintenance, firearm ownership or transfer of ownership, or any other topic not necessary for understanding and complying with this policy. The General Counsel's Office is responsible for ensuring that appropriate training in this policy is conducted.

EXCLUSIONS OR SPECIAL CIRCUMSTANCES:

RELATED DOCUMENTS:

Policies:

Forms:

Other:

KEYWORDS:

Gun, conceal and carry, handgun, firearm, holster, storage

RESPONSIBLE OFFICE:

General Counsel's Office

RESPONSIBLE UNIVERSITY OFFICIAL:

General Counsel

ORIGINATION DATE: 7/29/2016

REVIEW CYCLE: 3 years

POLICY ADDRESS:

LAST APPROVED ON:

Approved by KBOR in January 2017

REVIEW/CHANGE HISTORY:

NEXT REVIEW DATE:

1/2019