



Eastern Kentucky University

Policy and Regulation Library

Administrative Regulation: 9.3.2ADR

Responsible Office(s): Public Safety

Effective: November 16, 2012

Next Review Date: November 16, 2017

Administrative Regulation: 9.3.2ADR

Interim Deadly Weapons and Dangerous Materials / Instruments on Campus

Statement

Eastern Kentucky University is committed to the safety of the University community and its visitors. The Kentucky General Assembly expressly recognizes the authority of state universities to control the possession of Deadly Weapons or Dangerous Materials/Instruments on property owned, leased, and controlled by state universities. The Kentucky Supreme Court in *Mitchell v. University of Kentucky* Slip Op. 2010-SC-000762-TG (2012) found the Kentucky General Assembly has also articulated a strong public policy towards the rights of individuals and the Second Amendment of the United States Constitution.

This Policy establishes Eastern Kentucky University's policy on Deadly Weapons and Dangerous Materials/Instruments on campus including extended campuses and all other property now or hereafter owned, leased, or controlled by Eastern Kentucky University, and is intended to be consistent with the Kentucky Supreme Court's holding in *Mitchell v. University of Kentucky*, Slip Op. 2010-SC-000762-TG (2012) and Kentucky Revised Statutes §§ 237.110, 237.115, 500.080, and 527.020 and all applicable controlling laws, statutes and regulations.

Entities Affected

All EKU staff, faculty, students, contractors, vendors, volunteers, and visitors.

Policy Background

This Policy supersedes Eastern Kentucky University's prior policies, regulations, or statements on weapons on campus and the possession of Deadly Weapons and Dangerous Materials/Instruments on property owned, leased or controlled by Eastern Kentucky University.

Procedures

Unless expressly exempt below, all persons are prohibited from possessing Deadly Weapons and Dangerous Materials/Instruments on all property owned, leased, or controlled by Eastern Kentucky University, including but not limited to all classrooms, laboratories, residence halls, clinics, office buildings, performance halls, athletics and recreation facilities, farms, forests and other natural areas, parking lots and structures, University owned, leased, or controlled vehicles, and all outdoor areas of the campus, including extended campuses and all other property now or hereafter owned, leased, or controlled by Eastern Kentucky University, of any unit of Eastern Kentucky University. This policy applies to all persons who possess lawfully issued licenses or permits pursuant to Kentucky Revised Statute 237.110 and to all persons who do not possess lawfully issued licenses or permits pursuant to Kentucky Revised Statute 237.110.

Exemptions for Possession of Deadly Weapons

The following persons are exempt from this Policy in reference to Deadly Weapons by Kentucky Revised Statutes §§527.020, 237.110, 237.115 and the Kentucky Supreme Court decision in *Mitchell v. University of Kentucky*, Slip Op 2010-SC-000762-TG (2012):

1. Sworn police officers employed by the Eastern Kentucky University Police Department;
2. Sworn officers employed by other local, state, and federal public agencies authorized to possess Deadly Weapons in the course of his/her official duties;
3. Person(s) with a valid concealed and carry license authorized by KRS §237.110, provided that the Deadly Weapon is contained within a private motor vehicle. Any attempt to possess the Deadly Weapon outside of a private motor vehicle is a violation of this policy. The concealed and carry license of the holder of the Deadly Weapon shall be carried by the authorized person or kept at all times with the Deadly Weapon and must be produced immediately upon the request of the law enforcement officer. Failure to produce this document shall constitute a violation of this Policy;
4. Person(s) without a valid concealed and carry license provided that, the Deadly Weapon is stored in an enclosed container, compartment, or storage space installed as original equipment in a private motor vehicle by its manufacturer. Any attempt to possess the Deadly Weapon outside of its internally stored place is a violation of this policy; and
5. Persons who are specifically authorized by KRS 527.020 to carry concealed Deadly Weapons on or about their persons at all times and at all locations within the Commonwealth of Kentucky. For a complete list of persons authorized to carry concealed Deadly Weapons within the Commonwealth of Kentucky and the

conditions for which the carrying of the Deadly Weapon is authorized, see KRS 527.020.

Other Exemptions

Eastern Kentucky University's Chief of Police may grant other exceptions at his/her discretion to this Policy for University authorized academic, athletic or work-related activity, or other activities determined to be in the best interest of the University. Any recognized University academic or administrative unit or organization or any individual sponsored by a recognized University academic or administrative unit or organization may request an exception to this policy. A request for exception must be made in writing to the Chief of Police prior to the Deadly Weapon or Dangerous Material being possessed or stored as stated herein. Any approved exception to this policy must be in writing with signature approval of the Chief of Police. The decision by the Chief of Police to approve or not approve an exception is final.

All exceptions shall clearly identify the Deadly Weapon or Dangerous Material, shall be granted for specified stated reasons, and shall be for a limited duration, in no event longer than the time period required to fulfill the purpose of the request.

The exception document and picture identification of the holder of the exception shall be carried and/or kept at all times with the possessor of the Deadly Weapon or Dangerous Materials/Instruments and must be produced immediately upon the request of law enforcement officers. Failure to produce these documents shall constitute a violation of this policy.

Definitions

- **Dangerous Materials / Instruments:** Dangerous Materials/Instruments are defined to include, but not be limited to, any of the following:
 - Explosive devise;
 - Fireworks including sparklers and smoke devises;
 - Incendiary devices;
 - Toxic or poisonous chemicals or disease organisms;
 - Bomb;
 - Grenade;
 - Mine;
 - Rocket;
 - Tasers and stun guns;
 - Other similar device or materials and includes the unassembled components from which such device or any of the preceding can be made; and
 - Any replicas or look-alike Dangerous Materials/Instruments

- **Deadly Weapon:** Defined to include but not be limited to as any of the following:
 - A weapon of mass destruction or dangerous materials;
 - Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
 - Any knife other than an ordinary pocket knife or hunting knife;
 - Billy, nightstick, or club;
 - Blackjack or slapjack;
 - Nunchaku karate sticks;
 - Shuriken or death star;
 - Artificial knuckles made from metal, plastic, or other similar hard material;
 - Any bow and arrow; and
 - Replica or look-alike Deadly Weapons.

- **Possession:** Actual physical possession or ability to exercise actual dominion or control over a tangible object.

- **University Property:** Property owned, leased, or controlled by Eastern Kentucky University.

Responsibilities

All members of the University community shall comply with this policy and share in the responsibility for campus safety and security and adhering to this policy. If any member of the University community is notified or becomes aware of the existence of a Deadly Weapon or Dangerous Material/Instruments on University Property, they are responsible for reporting it to Eastern Kentucky University Police. Failure to report the existence of Deadly Weapons or Dangerous Material/Instruments on campus to the Eastern Kentucky University Police is a violation of this policy.

Violations of the Policy

All violations of this policy may be subject to all appropriate administrative and legal action, including any applicable provisions of the faculty, staff, and student handbooks and the Kentucky Penal Code. In addition, students, staff, and faculty violations are subject to disciplinary and corrective actions including but not limited to expulsion or termination from employment and other appropriate administrative and legal action. Others who possess Deadly Weapons or Dangerous Material/Instruments in violation of this policy shall be directed to remove their Deadly Weapon or Dangerous Material or their Deadly Weapon or Dangerous Material/Instruments and themselves from the University's property or premises and shall be subject to other appropriate administrative and legal action.

Statutory or Regulatory References

KRS §237.110
KRS §237.115
KRS §500.080
KRS §527.020
KRS §527.070 (Model Laboratory High School)

Relevant Links

Mitchell v. University of Kentucky, Slip Op 2010-SC-000762-TG (2012)

Progressive Disciplinary Action (EKU Regulation 8.3.4R)

Student Rights and Responsibilities Policy, General Regulations Concerning Student Conduct

Regulation Adoption Review and Approval

<u>Date</u>	<u>Entity</u>	<u>Action</u>
November 16, 2012	President	Approved Interim