

**EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS
POLICY NO. BP – 6.16**

TITLE: DEADLY WEAPONS AND DANGEROUS OBJECTS

SECTION 1. GENERAL

- 1.1 Scope. – This policy establishes the guidelines for the safety and protection of all members of the campus community relating to deadly weapons and dangerous objects on the property of Eastern Community and Technical College.
- 1.2 Authority. – West Virginia Code §§ 18B-2A-4; the *West Virginia Campus Self-Defense Act*, 18B-4-5b; and the *West Virginia Business Liability Protection Act*, 61-7-14
- 1.3 Effective Date. – July 1, 2024
- 1.4 Repeal of Former Policy – Repeals and replaces Eastern West Virginia Community and Technical College Board of Governors Administrative Policy 6.11, *Firearms, Weapons, and Explosives* (March 16, 2016)

SECTION 2. STATEMENT

- 2.1 Eastern West Virginia Community and Technical College (the “College” or “Eastern”) has a responsibility to its employees, students, parents, vendors, partners, and community members to provide a safe and nurturing environment. Eastern has established the following policy regarding all dangerous weapons on any of its property.
- 2.2 Except as specifically provided for by this policy or by law, deadly weapons and dangerous objects, as defined herein, are prohibited on Eastern property without the explicit authorization of the President ***with the exception of firearms described in Subsection 2.3 and Section 4***. Any person found in violation of this policy who, upon being requested to do so, refuses to turn over the deadly weapon or dangerous object **OR** leave College premises or grounds, may be charged with a misdemeanor.
- 2.3 Subsection 2.2 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 Eastern property, except as set forth in Subsection 4.1 below. 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.

SECTION 3. DEFINITIONS

- 3.1 “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 policy, a person is considered to be “carrying” on or about his or her person while in a designated College storage area or the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.
- 3.2 “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 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.
- 3.3 “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. The term “deadly weapon” includes, but is not limited to:
- a. Firearms;
 - b. Blackjacks;
 - c. Gravity, switchblade or other knives (other than folding pocketknives with blades three- and one-half inches long or less; knives 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 seriously bodily injury or death upon another);
 - d. Metallic or false knuckles;
 - e. Nunchaku;
 - f. Pepper spray, unless used by any person solely for self-defense purposes;
 - g. Pistols and revolvers, as defined in W. Va. Code § 61-7-2; and
 - h. Other deadly weapons of like kind or character which may be easily concealed on or about the person.²
- 3.4 “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, biohazardous

¹ See, W. Va. Code § 61-7-2(3)

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

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- 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 measured outside the equipment or 5 gauss line typically at least three 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.³
- 3.5 “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 or 61-7-4a or a current and valid license or permit recognized under W. Va. Code § 61-7-6a.
- 3.6 “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.⁴
- 3.7 “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.⁵
- 3.8 “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.⁶

SECTION 4. CAMPUS SELF-DEFENSE ACT

- 4.1 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:
- 4.1.1 In an on-campus room or rooms where a previously announced student or employee disciplinary proceeding is held;
 - 4.1.2 In a sole occupancy office, when the occupant has placed a visible sign outside the office stating weapons are prohibited (if dual occupancy or higher, this exception does not apply);

³ W. Va. Code § 18B-4-5b(b)(11)

⁴ W. Va. Code § 61-7-2(13)

⁵ W. Va. Code § 61-7-2(14)

⁶ W. Va. Code § 18B-4-5b(b)(6)

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- 4.1.3 In high hazardous and animal laboratories;
 - a. Science labs (Room 205 and Room 208);
 - b. Eastern Technology Center in Petersburg, West Virginia;
 - c. Other labs that fall within the definition of “high hazardous and animal laboratories” stated above and designated by specified by signage.
- 4.1.4 At a primary or secondary education school-sponsored function held in a specific location on 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;
- 4.1.5 At a private function held in a specific location on College property 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.
- 4.1.6 In any area on Eastern property where possession of a firearm is prohibited by Sate of federal law.
- 4.2 The exceptions set forth in Subsection 4.1 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;⁷ 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;⁸ and individuals required to possess the items prohibited by this policy in order to participate in undertakings sanctioned by the College. Additionally, consistent with the Business Liability Protection Act, the prohibitions stated in this policy 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.⁹

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

⁸ Id.

⁹ W. Va. Code § 61-7-14(d)(1)(A) – (D)

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SECTION 5. COMPLIANCE

- 5.1 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 Eastern property and parked in a College parking lot.
- 5.2 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.
- 5.3 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.
 - 5.3.1 If an individual thinks a person is carrying or storing a firearm in a manner that is outside the protection of the law, but he or she does not believe themselves or others to be in danger, the individual should not call 911. Instead, please contact any of the College staff listed in Section 6 below, and describe the concern to them. For safety reasons, do not confront or communicate with the individual suspected of carrying or storing a firearm in a non-compliant manner.
 - 5.3.2 If an individual sees someone openly carrying or brandishing a deadly weapon, or if he or she feels in danger at any time, call 911.

SECTION 6. REPORTING BEHAVIOR OUTSIDE THE LAW

- 6.1 The College has designated the following employees for the purposes of reporting behavior outside the protection of the law (Subsection 5.3.1):
 - a. Jaennae Snyder, Human Resources Representative/Title IX Coordinator
jaennae.snyder@easternwv.edu
(304) 434-8000 Ext 9275
 - b. Dr. Thomas Striplin, President
thomas.striplin@easternwv.edu
(304) 434-8000 Ext 9227

- c. Monica Wilson, Vice President of Academics and Student Services
monica.wilson@easternwv.edu
(304) 434-8000 Ext 9235

Greg Greenwalt, Board Chair

Date