

KANSAS STATE UNIVERSITY

University Weapons Policy Chapter 3770 Effective July 1, 2017

Table of Contents

.010	<u>Introduction</u>
.020	<u>Definitions</u>
.030	<u>Policy</u>
.040	<u>Reporting and Temporary Actions</u>
.050	<u>Sanctions</u>
.060	<u>Notice and Training</u>
.070	<u>Related Statutes and Regulations</u>
.080	<u>Questions</u>

.010 Introduction

Kansas State University prohibits the possession and use of firearms, explosives, and other weapons on any University campus, with certain limited exceptions, which include use of weapons as part of approved University Programs, use of weapons by law enforcement personnel, and the lawful concealed carrying of handguns, as provided below. This policy is in accordance with [Kansas Board of Regents \("Board"\) Policy](#) and state law, [K.S.A 75-7c01, et seq.](#)

.020 Definitions

For purposes of this policy:

i. The term "weapons" includes:

- (1) Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
- (2) any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
- (3) any BB gun, pellet gun, air/C'O2 gun, blow gun, or any Taser or similar electrical weapon that discharges a projectile;
- (4) any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
- (5) any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
- (6) any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
- (7) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
- (8) any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;

- (9) any martial arts weapon such as nunchucks or throwing stars;
- (10) any longbow, crossbow and arrows or other projectile that could cause serious harm to any person; or
- (11) any other dangerous or deadly weapon or instrument of like character.

ii. The term “handgun” means:

- (1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or
- (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.

iii. The term “firearm” includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive

iv. The term “adequate security measures” shall have the same meaning as the term is defined in [K.S.A. 75-7c20](#), and “building” shall have the same meaning as the term “state building” is defined in K.S.A. 75-7c20.

v. The term “campus” means any building or grounds owned by the University or the Board and any building or grounds leased by the University or the Board for state university use.

.030 Policy

i. General Rules on Open Carry and Concealed Carry on Campus

Open carry of firearms and possession of weapons other than concealed handguns shall be prohibited on campus, while concealed carry of handguns is permitted on campus, subject to the rules stated in this policy. All weapons are prohibited at all off-campus University sponsored or supervised activities, except that, as required by law, the University does not prohibit employees, who are legally qualified, from carrying a concealed handgun while engaged in the duties of their employment outside of KSU’s place of business, including while in a means of conveyance.

Nothing in this policy shall be read to prohibit possession of weapons on campus as necessary for the conduct of Board-approved academic programs or University-approved activities or practices with the advance written approval of the Chief or Assistant Chief of the KSU Police Department, or by University police or security officers while acting within the scope of their employment.

It shall be a violation of Board and University policy to openly display any lawfully possessed concealed carry handgun while on campus, except as provided herein.

There are no University locations that have been designated as prohibiting concealed carry with permanent adequate security measures. The University may from time to time designate a specific location as temporarily prohibiting concealed carry and use temporary adequate security measures as defined and required by law. Appropriate notice will be given whenever this temporary designation is made, including notice to the Board and appropriate signage.

In addition, areas of buildings that have no public access entrances and are limited to restricted access entrances only may be off-limits to concealed carry, as determined by the University. “Restricted access entrance” means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel. “Authorized personnel” means employees of the University and any person granted authorization pursuant to K.S.A. 75-7c20(d)(2), who are authorized to enter a University building through a restricted access entrance. Appropriate signage will be provided in these areas.

ii. Prohibitions Based on State Law

Beginning July 1, 2017, any individual who is 21 years of age or older and who is lawfully eligible to carry a concealed handgun in Kansas shall not be precluded from doing so on campus except in University buildings and areas of buildings for which adequate security measures are provided, and except as otherwise prohibited by law.

Regardless whether the individual is otherwise lawfully eligible to carry a concealed handgun, the following restrictions apply to the carrying of a firearm by Kansas law, and the violation of any of the following restrictions is a crime under Kansas law and a violation of this policy:

- An individual in possession of a concealed firearm 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].

It shall also be a violation of this policy to otherwise possess, store, transport, trade, sell, or in any other way use a firearm in violation of any applicable law.

iii. Carrying and Storing Handguns

Each individual who lawfully possesses a handgun on campus shall be wholly and solely responsible for carrying, storing and using that handgun in a safe manner and in accordance with the law, Board policy and University policy. Nothing in this policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.

Beginning July 1, 2017, each individual who lawfully possesses a concealed handgun on campus shall at all times have that handgun in their custody and control, and shall either:

- (1) carry it concealed on or about their person in a manner that complies with this policy, or;
- (2) keep it stored in any secure storage location provided by the university specifically for that purpose, at their residence, or in their privately-owned or leased vehicle.

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. Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in this Policy, it shall be a violation of Board and University policy to openly display any lawfully possessed concealed carry handgun while on campus.

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 any external hammer in an uncocked position. The handgun must be secured in the holster with a strap or by other means of retention. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Handguns with an external safety must be carried with the safety in the “on” position. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty chamber.

Handguns shall not be stored:

- (1) in any University classroom, lab, office, or facility;
- (2) in an on-campus residential unit, except in the residential unit of the individual who is at least 21 years of age, who legally owns the handgun, and when the handgun is secured in an approved storage device;
- (3) in any non-privately owned or leased motor vehicle; or,
- (4) in any other location and under any circumstances except as specifically permitted by this policy and by state and federal law.

Handguns may be stored:

- (1) in an individual’s privately-owned or leased motor vehicle when the vehicle is locked (if unattended) and the handgun is secured in a location within the vehicle that is not visible from outside the vehicle; or,
- (2) in an individual’s on-campus residential unit when the handgun is secured in a holster and in an approved storage device. Handgun storage by any other means than specifically permitted in this policy is prohibited.

For any on-campus residential unit that does not have adequate security measures, each resident who lawfully possesses a handgun on campus and elects to store the handgun they possess in the room to which they are assigned when not carrying it on their person in a concealed fashion shall secure the handgun in a secure storage device that conceals the gun from view. Such storage devices shall be provided by the individual who possesses the handgun and must meet minimum industry standards for safe-keeping of handguns.

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 storage device.

.040 Reporting and Temporary Actions

All reports of suspected violation of the concealed carry policy are made to the University Police Department by picking up any Emergency Campus Phone or by calling: 785-532-6412.

University Police will conduct an initial investigation to determine whether the report describes a criminal matter and/or a policy violation.

University Police have the authority 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 concealed carry will be made by University Police when there is probable cause to believe that a violation of this policy 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 University Police to confiscate a firearm during a criminal investigation. A confiscated firearm will be stored and handled by University Police according to their policies.

The Threat Management Team, the Critical Incident Response Team (CIRT), or the President may take any temporary action as determined necessary 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.

.050 Sanctions

Any individual who violates one or more provisions of this policy may be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and may be cited accordingly. Any employee or student of the university who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable University codes of conduct. Any individual who violates state or federal law may be detained, arrested or otherwise subjected to lawful processes appropriate to the circumstances.

.060 Notice and Training

Notice of this policy, the Board policy, and the concealed carry law are given in this policy and shall also be given by way of reference to this policy in the University Handbook, the student conduct code and each housing contract. To the extent adequate security measures are used to prohibit concealed carry into stadiums, arenas and other large venues that require tickets for admission, the tickets shall state that concealed carry will be prohibited at that event. Signs will be posted as appropriate.

Locally or regionally available firearm safety instruction may be found by following this link:

<http://ag.ks.gov/docs/default-source/documents/certified-instructor-directory.pdf>.

.070 Related Statutes and Regulations

[K.S.A 75-7c01, et seq.](#)

[Kansas Board of Regents Policy on Weapons Possession](#)

.080 Questions

Questions regarding this policy are to be directed to the University Police Department at (785) 532-6412 or to the Vice President for Administration and Finance at (785) 532-6226.