

## REGULATIONS AND PROCEDURES

### Y.4 Firearms Regulations and Procedures

**4.1 Purpose.** The purpose of this regulation is to describe how handguns may be carried and stored in any building owned or leased by Washburn University, including Washburn Institute of Technology, in as safe a manner as possible pursuant to Kansas law [The Personal and Family Protection Act, K.S.A. 75-7c01 et seq.]

**4.2 Washburn University Police.** Washburn University police officers shall be allowed to possess firearms or other weapons at all times when engaged in the performance of their duties or as otherwise allowed by law. **Sections 4.7 and 4.8** shall not apply to law enforcement officers. Weapons shall be carried and stored in accordance with departmental policy.

**4.3 Definitions.** For the purposes of this policy,

- a. **“Adequate Security Measures”** (also **“ASM”**) shall have the same meaning as is defined in K.S.A. 75-7c20.
- b. **“Building”** shall have the same meaning as the term “municipal building” is defined in K.S.A. 75-7c20.
- c. **“Campus”** shall mean any property owned or leased by Washburn University and Washburn Institute of Technology.
- d. **“Concealed Carry”** means the weapon is concealed on or about their person at all times. With respect to this policy, concealed means completely hidden from view from any angle 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. If the carrier is not within the immediate reach of the individual, then the weapon is no longer being “carried” and would then need to meet the requirements for storing a weapon.
  - a. If the concealed weapon becomes exposed because the weapon holder is either 1) using the weapon in lawful self-defense or defense of others as defined by Kansas Statutes; or 2) is transferring the weapon directly to an appropriate storage location as defined in **Section 4.8** below, such exposure of the weapon shall not be considered a violation of this policy.
- e. **“Firearm”** means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion. K.S.A. 21-5111(m).

f. **“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. K.S.A. 75-7c02(b) and 75-7b01(i).

g. **“Policy”** means this Weapons Policy.

**4.4** Open Carry of Weapons. Open carry of any firearms by any means is prohibited. Each entrance to each building and facility on Campus shall be conspicuously posted that openly carrying a firearm into that building or facility is prohibited. These postings shall be in accordance with Kansas law, more specifically, K.S.A. 75-7c24.

**4.5** Concealed Carry of Weapons. In accordance with The Personal and Family Protection Act, K.S.A. 75-7c01 *et seq.*, concealed carry of handguns shall be permitted on Campus. Any restrictions, limitations or requirements affecting the carrying of concealed handguns on campus are set forth below.

**4.6** Restrictions to the Carrying of a Concealed Handgun Pursuant to Kansas Law: Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun. The following restrictions apply to the concealed carrying of a firearm by Kansas law and the violation of any of the following restrictions is a crime under Kansas law AND is also a violation of this policy, whether or not a criminal charge is filed by the appropriate prosecuting authority:

- a. An individual in possession of a concealed firearm must be at least 21 years of age [K.S.A. 21-6302(a)(4)];
- b. 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 unable to safely operate the firearm [K.S.A. 21-6332];
- c. 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)];
- d. 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)];
- e. 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)];
- f. A firearm cannot be carried by an individual who has been convicted of a felony crime [K.S.A. 21-6304];
- g. An automatic firearm cannot be carried [K.S.A. 21-6301(a)(5)];

**4.7** Carrying Safety.

- a. 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. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.
- b. Handguns with an external safety must be carried with the safety in the “on” position.
- c. Semiautomatic handguns must be carried without a chambered round of ammunition.
- d. Revolvers must be carried with the hammer resting on an empty cylinder.

**4.8 Handgun Storage.** Handgun storage on Campus is prohibited, except in the following three 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 appropriate storage device (see below); or (3) an employee’s own handgun in that employee’s office (means a secured office with a door and a lock) within an approved storage device (see below) that is placed in a non-visible location. If the employee is not in his/her office, the weapon may only be stored under this provision i) while the employee is located on the campus where their office is located and ii) the employee’s office is locked. As an example, if an employee’s office is located at the Washburn University campus and the employee travels to the Washburn Institute of Technology campus, the employee must remove their concealed weapon from their office. Leaving the weapon in the office, even if in an approved storage device, under these circumstances would be a violation of this policy. Handgun storage by any other means than specifically permitted in this policy is prohibited.

- a. Appropriate Storage Device. The University does not provide handgun storage devices to any person under any circumstances. Each individual who stores a handgun in an on-campus residence must provide their own appropriate storage device. An appropriate storage device has each of these characteristics: (1) it is of sufficient size to fully enclose the handgun while secured in an appropriate holster; (2) it is constructed of sturdy materials that are non-flammable; and (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 appropriate storage device.

**4.9 Carrying Concealed in Campus Buildings.** Generally, concealed handguns may be carried into any Building on Campus. Below are situations/circumstances where the general rule may not apply.

- a. Buildings with Public Access. No carrying concealed weapons will be allowed in a Building if the Building has one or more entrances that are open to the public, Adequate Security Measures are in place at each such public access entrance and

such Buildings are conspicuously posted as required by Kansas law, more specifically, K.S.A. 75-7c10.

- b. Temporary Adequate Security Measures. Washburn reserves the right to set up temporary Adequate Security Measures for any Building to address security needs for a particular event or for a period of time. If such temporary measures are put in place for a particular event, announcements for the event will include notification that concealed carry will not be allowed for that event. If such temporary measures are put in place for a period of time, Washburn shall give reasonable notice to the Washburn community in advance of the period of time.
- c. List of buildings where Carrying Concealed is not allowed permanently. If carrying concealed will be restricted in the entirety for any Building on Campus pursuant to the requirements of **Subsection a.** above, then that Building shall be listed below.

#### **4.10** Violations of the Policy.

- a. Any suspected violation of this Policy should be reported to University Police. The University Police shall then conduct an investigation for a possible violation of either a criminal statute of the State of Kansas or a provision of this Policy.
- b. Upon completion of the investigation, University Police shall:
  - i. Provide a copy of their report to the Appropriate University official for further consideration as the Appropriate University official would handle any other potential policy violation.
  - ii. If the investigation leads University Police to believe that a criminal violation may have occurred, then the University Police shall proceed as they do with any other criminal matter.
  - iii. Appropriate University official means the Director of Human Resources or his/her designee where the alleged violator is an employee and means the Associate Vice-President for Student Life or his/her designee where the alleged violator is a student.

**4.11** Sanctions. Sanctions shall be imposed on a case by case basis dependent upon the circumstances of the incident, prior violations of this Policy, other prior violations of any policy, regulation or procedure of Washburn University or state law that shows 1) a pattern of disregard for Washburn policy, regulations and procedures and/or 2) a pattern of behavior that creates a concern for safety of the Washburn faculty, staff or students.

**4.12** 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.

**4.13** Training. Training on the policy will begin upon approval of the policy by the Board of Regents. Training will include in person training but the University should include, at some point, if not available at the beginning, an online component including a webpage. Training as provided

for under this policy is not intended to be gun safety training. Available resources in and around Shawnee County for gun safety shall be identified at the policy trainings as well as on the proposed webpage.