

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-1230**

SUBJECT: Firearms, Weapons, and Explosives Policy

REFERENCE: West Virginia Code § 18B-2A-4, *Powers and duties of governing boards generally*;
West Virginia Code § 61-7-14, *Right of certain persons to limit possession of firearms on premises*.

ORIGINATION: May 24, 2016

EFFECTIVE: September 16, 2016

REVIEWED: February 11, 2022

SECTION 1. PURPOSE

- 1.1 The purpose of this policy is to impose the prohibition of and penalty for the possession or storage of firearms, explosives, and weapons in any form on the premises of Southern West Virginia Community and Technical College or any College-leased facilities.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy applies to all members of the Southern West Virginia Community and Technical College community, including faculty, staff and students, as well as visitors to any campus.

SECTION 3. DEFINITIONS

- 3.1 Firearm – Any device that shoots a bullet, pellet, flare, tranquilizer, spear dart, paintball or other projectile, whether loaded or unloaded, including those powered by CO₂. This includes, but is not limited to, guns, air guns, dart guns, pistols, revolvers, rifles, cannons, etc., and any ammunition for any such device.
- 3.2 Weapon – Any device that is designed to or traditionally used to inflict harm. This includes, but is not limited to:
- 3.2.1 Firearms, slingshots, switchblades, daggers, blackjacks, brass knuckles, bows and arrows, hand grenades, hunting knives, nun-chucks, throwing stars, etc.;
- 3.2.2 Any object that could be reasonably construed as a weapon; or
- 3.2.3 Any object legally controlled as a weapon or treated as a weapon under the laws of the State of West Virginia.
- 3.3 Explosives – Any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportion, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonator, or any part of the compound or mixture, may cause a sudden generation of highly heated gases that result in gaseous pressures capable of producing destructive efforts on contiguous objects or of destroying life or limb. This includes, but is not limited to, firecrackers, black powder,

dynamite, etc., as well as detonating devices such as detonators, blasting caps, timers, incendiary wire and the like.

SECTION 4. POLICY

- 4.1 Southern West Virginia Community and Technical College has a responsibility to provide a safe and secure environment for its employees and students. In support of this responsibility, the College has established the following rule regarding firearms, weapons, and explosives on its property.
- 4.2 It is prohibited to possess firearms, weapons, and/or explosives on Southern West Virginia Community and Technical College campuses, or any College-leased facilities, in College vehicles, on any real property under the care, custody, and control of the College, or at any College-sponsored event without the explicit authorization of the President, whether or not it is done openly or concealed and whether or not a federal or state license to possess the same has been issued to the possessor; *Provided*, that a customer, employee, or invitee of Southern may possess any legally owned firearm when the firearm is (a) lawfully possessed; (b) out of view; (c) locked inside or locked to a motor vehicle in a parking lot; and (d) when the customer, employee, or invitee is lawfully allowed to be present in that area. W. Va. Code § 61-7-14(d)(1). This provision does not apply to the possession of any other weapons or explosives, which remain prohibited. Other exceptions to this policy are as follows:
- 4.2.1 Law enforcement officer to the extent they are legally permitted to possess weapons pursuant to West Virginia State Law;
- 4.2.2 Military personnel in performance of their official duties to the extent they are legally permitted to possess weapons in the State of West Virginia; and
- 4.2.3 College sanctioned classes, group or events where a particular weapon(s) is required and regularly used as part of the curriculum or activity, i.e., various Criminal Justice courses. The control, security and safe use of such weapons shall be the responsibility of the supervising faculty member. The supervising faculty member shall inform the appropriate Director of Campus Operations in advance of any unusual or seldom occurring events involving the use of weapons on campus.
- 4.3 If any person carrying or possessing a firearm or other deadly weapon in violation of this policy refuses to temporarily relinquish possession of the firearm or other deadly weapon, or to leave the College premises or grounds as previously defined, upon being requested to do so, then the College shall request the services of the appropriate law enforcement authority. Such person may be found guilty of a misdemeanor, and upon conviction thereof, may be fined not more than \$1,000 or confined in jail for not more than six months, or both. W. Va. Code § 61-7-14(c).

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 Exceptions to this policy may be requested in writing to the President. Only under very limited circumstances will an exception be granted. Questions regarding the applicability of this policy to specific items must be directed to the President.

SECTION 6. GENERAL PROVISIONS

- 6.1 Any student, faculty or staff member violating this policy shall be subject to the disciplinary policies and procedures applicable to students, faculty or staff in addition to the penalties provided under State law.

SECTION 7. RESPONSIBILITIES

7.1 Enforcement of this policy will depend on the cooperation of all members of the campus community, both to comply and encourage others to do so. Faculty, staff, and students who see individuals with weapons are asked to notify the President immediately.

SECTION 8. CANCELLATION

8.1 None.

SECTION 9. REVIEW STATEMENT

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

10.1

Board of Governors Chair **Date**

President **Date**

Attachments: None.

Distribution: Board of Governors (12 members)
 www.southernwv.edu

Revision Notes: May 24, 2016 – Policy originated.

February 11, 2022 – Revisions made pursuant to amendments in W. Va. Code in both 2017 and 2018.