

Cowley College Procedures on Firearms - Effective Jan 1, 2018

PURPOSE:

The purpose of this procedure is to supplement Kansas law and Cowley College's policy on weapons possession and to direct and implement campus specific procedures at all Cowley College campuses.

APPLIES TO:

All faculty, staff, students, visitors of Cowley College.

CAMPUS:

Arkansas City
Winfield
Mulvane
Mulvane IT
Wichita
Wellington

CONTENTS:

- I. Communication of Policy and Procedures
- II. Training
- III. Adequate Security Measures
- IV. Safeguarding and Storage
- V. Handgun Discharge/Intimidation of Others
- VI. Violation of Policy
- VII. Reporting

PROCEDURES STATEMENT:

As required by Kansas law (the Personal and Family Protection Act ("PFPA")), concealed carry of handguns shall be permitted on college campuses, including all buildings and public areas of buildings owned or leased by the College that do not have adequate security measures, except if in specified restricted access areas within buildings. Open carry of firearms and possession of weapons other than concealed handguns shall be prohibited on all College campuses. Nothing in this policy shall be read to prohibit the possession of weapons on College campuses (1) as necessary for the conduct of Board of Trustees approved academic programs or College approved activities or practices, (2) by College police or security officers or other law enforcement officers as defined by K.S.A. 75-7c22. Cowley College shall develop campus specific procedures for the safe possession, use, and storage of such weapons.

Per Cowley College's Firearms Policy 126.00, beginning on July 1, 2017, any individual who is 21 years of age or older and who is not prohibited or disqualified by law and who is lawfully eligible to carry a concealed handgun in Kansas shall not be precluded from doing so on College campuses, including all facilities owned or leased by the College, except in buildings and public areas of buildings for which adequate security measures are provided or, if not an employee of the College, in buildings or areas of

buildings with restricted access. Open carry of firearms and possession of weapons other than concealed handguns shall be prohibited in all College facilities, with limited exceptions.

I. Communication of Policy and Procedures

The College has published the Firearms Policy 126.00 and shall also distribute and publish the procedures for weapons violations on the College's website, code of conduct and/or employee/student handbooks.

II. Training

All faculty, staff, and students shall be offered training concerning these procedures. Training will address possession and storage of handguns, how to report a suspected violation, how reports are investigated, the potential sanctions upon confirmation of violation of the College Policy or Procedure, and other relevant topics.

The College will not conduct any training for faculty, staff, or students in the use of firearms, firearm safety, firearm cleaning and maintenance, firearm ownership or transfer of ownership, or any other topic not necessary for understanding and complying with the College's Policy and Procedures.

Interested faculty, staff, and students may visit the following link to obtain information regarding regionally and locally available providers of such instruction. <http://ag.ks.gov/docs/default-source/documents/certified-instructor-directory.pdf>

III. Adequate Security Measures

Cowley College shall determine whether and to what extent otherwise lawfully possessed concealed handguns will be prohibited by provision of adequate security measures, permanent or temporary, at each public entrance to buildings or public areas within campus buildings. Each public entrance to each building where concealed carry is prohibited as provided in this paragraph shall have adequate security measures and all entrances, including restricted access entrances, shall be conspicuously posted with appropriate Attorney General-approved signs indicating that carrying a concealed handgun into that building is prohibited. Additional signs may be posted as appropriate. If Cowley College prohibits concealed carry pursuant to this paragraph, they will submit to the Board of Trustees a list of the buildings and public areas of buildings so designated, the rationale therefor, and a description of the adequate security measures to be provided for review and approval.

The list shall be provided at the time such buildings and public areas are first identified as requiring adequate security and, as buildings or public areas of buildings are added to the list, at the time so amended. Once the Board of Trustees has approved a building or area for provision of adequate security measures, re-approval of that building or area is not required.

Safety and security considerations may warrant Cowley College to implement adequate security measures on an as-needed, temporary basis in order to address a specific concern. These as-needed, temporary measures will be reported to the President or designee.

The College may identify specific facilities and buildings on campus where adequate security measures may be employed to prevent access by anyone carrying a concealed weapon. These measures may be employed on a temporary basis (Temporary Adequate Security Measures). In these cases, such adequate security measures are subject to approval by the President and the Board of Trustees.

A. Temporary Adequate Security Measures

Facilities and buildings on the College campus and its reporting units may be designated as subject to temporary adequate security measures. Designation of facilities and buildings subject to temporary adequate security measures shall be determined by the President upon review of a

written application form submitted to the Department of Public Safety and receipt of a recommendation for approval by the requesting College department or unit. Department applications will only be considered when received from chairs of academic departments or members of administration.

Campus organizations, including student organizations may submit to the Department of Public Safety an application completed by the group's official representative or College advisor. Any non-College organization conducting an event in campus venues must have a temporary adequate security measures application completed by the appropriate representative of the College organization affiliated with the event, or by the President. The application will then be forwarded to the Department of Public Safety for review.

B. Application Process for Temporary Adequate Security Measures

The designation of facility or building for temporary adequate security measures, for a finite period will be based on College Policy and Procedure, and may include any or all of the following criteria:

- 1.The population present in the space (human or animal).
- 2.The vulnerability of the population present.
- 3.The intended activities or use of the space (e.g. academic, research, athletic, administrative).
- 4.The presence of chemicals, biological agents, explosive compounds, compressed gasses, or other hazardous material(s).
- 5.The location of data, materials or artifacts which are irreplaceable or replacement of which would be cost prohibitive

Each application for temporary adequate security measures ([Application link](#)) shall include:

- 1.Sponsoring unit information, including responsible administrator.
- 2.Rationale for establishing temporary adequate security measures.
- 3.Scheduled timing for pre-event, event, and post-event secured coverage.
- 4.Timeline required for installation and removal of equipment and signage.

An application for designation for temporary adequate security measures must be received by the Department of Public Safety not less than four (4) weeks prior to the intended implementation of the adequate security measures. Review by the Department of Public Safety will occur in a timely manner so as to allow response for implementation, application amendment, or appeal if the application is denied. The Department of Public Safety will review all such applications and forward them with recommendation as to approval or denial to the President or his/her designee for decision.

A denied application may be appealed to the President or his/her designee. The President has ultimate authority to determine whether any location should be subject to adequate

security measures as well as the longevity of temporary adequate security measures at the College.

All, temporary adequate security measures will be reported to the President or his/her designee in order to ensure compliance in requiring the College's annual security report to include information regarding all instances in which adequate security measures were implemented on an as needed, temporary basis during the prior year and the reasons therefor.

C. Signage

Designated facilities and buildings with adequate security measures will have appropriate signage clearly and conspicuously designating such areas.

D. Screening Process for Restricted Access Entrances

At the discretion and upon the approval of the President (or, if authorized by the Board of Trustees), and in accordance with the PFFPA, persons who are not employees of Cowley College may be granted access through a restricted access entrance upon issuance of keys or access per the College's Visitor Policy and/or Procedures. Such criteria shall be in accordance with the PFFPA.

E. Notice

Notice of and reference to this procedure for weapons possession policy shall be made available to all members of Cowley College as well as in housing contracts. To the extent adequate security measures are used to prohibit concealed carry into venues that require tickets for admission, the tickets shall state that concealed carry will be prohibited at that event.

IV. Conceal Carry Expectations/Restrictions

A. Safety Measures

Since July 1, 2017, an individual who lawfully possesses a concealed handgun on any campus where concealed carry is allowed shall at all times have that handgun in the individual's possession and control, and shall either keep it on his/her person with safety mechanism, if any, engaged, or stored 1) at the individual's residence, or 2) in his or her vehicle. If stored in a vehicle on campus, the handgun must be secured and concealed from view. For any dormitory that does not have adequate security measures, each resident who lawfully possesses a handgun on campus and elects to store the handgun in the room to which he or she is assigned when not carrying it on the individual's 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.

Each individual who lawfully possesses a handgun on any of the College's campuses on which concealed carry is allowed shall at all times have that handgun in the person's custody and control and shall be wholly and solely responsible for carrying, storing and using the handgun in a safe manner and in accordance with the law, and College policy. This responsibility shall include the obligation at all times to keep it secure and concealed from view when not in use for purposes provided by law.

Any person who accepts the responsibility to carry a gun in their suitable and specifically designed to do so backpack, purse, etc. must have it within their reach at all times. If a person sets their backpacks, purse, etc. down and walks away to do a lab experiment or take a test, this is a violation of College Policy and Procedure. Any person who chooses to carry concealed must have the weapon in their control at all times unless it is being securely stored in their residence or vehicle. Faculty members can restrict personal items such as backpacks, purses, etc. into areas such as lab areas or testing rooms in order to prevent accidents and/or cheating but cannot restrict these areas only for the purpose of preventing carry conceal.

Every handgun carried by an individual into any College building in which concealed carry is allowed 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 un-cocked position through the use of a strap or by other means. Handguns with an external safety must be carried with the safety in the "on" position. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty cylinder.

Nothing in this policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.

No person shall use the fact or possibility that he or she is carrying a concealed weapon with the intent to intimidate another person except in defense of self or others.

The implementing procedures of Cowley's campuses shall include detailed provisions regarding how and where to report suspected violations of this policy, how faculty, staff and students shall be notified of the laws and policies pertaining to concealed carry on campus.

B. Federal and State Restrictions on Firearms

The following state and federal laws apply to possession and use of firearms, including the carry of concealed handguns.

- Kansas law states that the only type of firearm that an individual can carry while concealed is a handgun;
- An individual in possession of a concealed handgun 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 an unlawful user of and addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802) (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 or has been subjected 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(a)) or convicted in any court of a crime punishable by imprisonment for a term exceeding one year (18 U.S.C. 922(g)(1));
- Automatic firearms and sawed off shotguns 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));
- 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. 21-6308a and 21-6308(a)(1)(A));
- A firearm cannot be carried by a person who is a fugitive from justice (18 U.S.C. § 922(g)(2));
- A firearm cannot be carried by an individual who is an illegal alien (18 U.S.C. § 922(g)(5)(A));
- A firearm cannot be carried by an individual who has been discharged from the Armed Forces under dishonorable conditions (18 U.S.C. § 922(g)(6));
- A firearm cannot be carried by an individual who has renounced his or her United States citizenship (18 U.S.C. § 922(g)(7));
- A firearm cannot be carried by an individual who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner (18 U.S.C. § 922(g)(8)); and
- A firearm cannot be carried by an individual who has been convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(g)(9)).

Open Carry Prohibited

Except as otherwise specifically provided in the procedures above, open carry of any firearm in any College owned or leased facility is prohibited. Each entrance to each building and facility on each campus shall be conspicuously posted with appropriate signs indicating that openly carrying a firearm into that building or facility is prohibited. Additional signs may be posted as appropriate.

Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in this procedure, it shall be a violation of Kansas Law and Cowley College's policy to openly display any concealed carry handgun while on campus.

Regardless whether an individual is otherwise lawfully eligible to carry a concealed handgun, it shall be a violation of Cowley policy to commit any of the following offenses on Cowley campuses:

- Possess a firearm under the influence of alcohol or drugs, as defined by K.S.A. 21-6332, and amendments thereto;
- discharge a firearm in violation of K.S.A. 21-6308, and amendments thereto;
- discharge a firearm within or into the corporate limits of any city in violation of K.S.A. 21-6308a; or
- otherwise possess, store, transport, trade, sell, or in any other way use a firearm in violation of any applicable law, including the Restrictions on Firearms specified above.

V. Safeguarding and Storage

A. Safeguarding Concealed Handguns

Each individual who lawfully possesses a handgun on campus shall be wholly and solely responsible for carrying, storing, and using the handgun in a safe manner and in accordance with the law, these Procedures, and the College Firearms Policy. This responsibility includes the obligation to be in control of the handgun at all times and to keep it secure and concealed from view when not in use for purposes provided by law.

Every handgun carried by an individual 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 un-cocked position through the use of a strap or by other means. Handguns with an external safety must be carried with the safety in the "on" position. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling. Semiautomatic handguns must be carried without a chambered round of ammunition. Revolvers must be carried with the hammer resting on an empty cylinder.

Nothing in these Procedures or the College Policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.

B. Approved Handgun Storage

Cowley College campuses will not provide handgun storage devices. Handguns may be stored in an individual's privately-owned motor vehicle when the vehicle is locked and the handgun is stored in a location within the vehicle that is not visible outside the vehicle. The College assumes no responsibility for loss or theft of concealed handguns stored in individuals' vehicles.

C. Prohibited Storage

It is prohibited for any person to store a handgun: (1) in any College classroom, lab, office, or facility, (2) in any College housing facility unless properly secured in a storage device that meets minimum industry standards for safe-keeping of handguns; (3) in any College locker or secured storage device that is not specifically provided for handgun storage; (3) in a purse, handbag, backpack, fanny pack, briefcase or similar location that is not within the carrier's custody and immediate and uninterrupted control; (4) in a motor vehicle that is unlocked or when the handgun is visible from outside the vehicle; (5) any other location and under any circumstances except as permitted by these Procedures and by state and federal law.

VI. Handgun Discharge/Intimidation of Others

Individuals who carry concealed handguns are liable for any and all damage, injury, liability, loss, cost, or expense, directly or indirectly resulting from or arising out of discharge of their handgun or violation of these Procedures or the Weapons Policy. The discharge of a weapon intentionally or unintentionally are grounds for disciplinary action and criminal prosecution. The intentional exposure of a weapon are also grounds for disciplinary sanctions and criminal prosecution.

No person shall use the fact or possibility that he or she is carrying a concealed weapon to intimidate another person, except unless done so in defense of self or others.

VII. Violation of Policy

Violation of the College Weapons Policy, local ordinances, state statutes or federal regulations will be handled within the framework of current Cowley policies and procedures. An unintentional exposure does not necessarily constitute a violation. If the intent was not to

reveal or uncover a concealed weapon, it shall not be considered a violation under these circumstances.

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 College who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable College 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.

College faculty, staff, and students are encouraged to report suspected violations of the concealed carry law and this procedure to the Department of Campus Security and Public Safety immediately. Cowley Public Safety officers will investigate and determine if the display or possession of the firearm is a violation of law or College policy.

The determination of which sanction(s), if any, that will be imposed following a determination that the College Weapons Policy or these Procedures has been violated will be handled on a case by case basis. Sanctions up to and including expulsion or termination from the College may be imposed.

VIII. Reporting

A. Reporting Suspected Policy/Procedure Violations

If any person believes that an individual has violated the College Weapons Policy or these Procedures, he or she should immediately report the violation by calling 9-1-1 (for immediate threats) or the Department of Public Safety at (620) 441-5599.

B. 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 these Procedures for the investigation of a suspected policy violation, with appropriate sanctions being assessed upon determination that a false report was made.

C. Reporting Lost or Stolen Handguns

An individual whose concealed handgun is lost or stolen on campus must immediately report the loss or theft to the Department of Public Safety at (620) 442-5599.

CONTACT:

Department of Campus Security and Public Safety
109 S Third Street
Arkansas City, Kansas 67005
security@cowley.edu

Cowley President
125 S Second Street
Arkansas City, Kansas 67005
Dennis.rittle@cowley.edu

DEFINITIONS:

The term **“weapons”** includes, but is not limited to:

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. all BB guns, pellet guns, air/CO2 guns, or any device, such as a Taser, which is designed to discharge electric darts or other similar projectiles; however, a personal self-defense stun gun that does not fit within the preceding definition shall not be considered a weapon for the purposes of this policy;
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 nun chucks 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.

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.

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.

The term **“adequate security measures”** means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any weapons into a College building or public area of a College building, including but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building or public area of the building by members of the public.

The term **“building”** means a building owned or leased by Cowley College.

The term **“campus”** means any building or grounds owned by Cowley College and any building or grounds leased by Cowley College for College use.

The term **“restricted access entrance”** means a restricted access entrance to a building or area of a building that requires a key, keycard, code or similar device to allow entry to authorized personnel through the restricted access entrance.

The term **“open carry”** means carrying a firearm visible to others.

The term **“public area”** means any portion of a College building that is open to and accessible by the public or which is otherwise designated as a public area.

The term **“concealed”** means a legally qualified person keeps weapon, typically a handgun, hidden on their body or in their vehicle. If a person chooses the responsibility of carrying a concealed weapon, there is the obligation at all times to keep it secure and concealed from view when not in use for purposes provided by law. If a person chooses to carry concealed, he/she must at all times have the handgun in their immediate and uninterrupted custody and control and shall be wholly and solely responsible for carrying, storing and using the handgun in a safe manner and in accordance with the law, and College policy.

The term **“intentional exposure”** means a person has brandished a weapon and is no longer concealing or attempting to conceal it. When the actions and reasonably perceived actions of a person are to reveal a concealed weapon for any purposes other than transferring the weapon to secure storage or to their person, on in the case of self-defense, it is unlawful to expose or brandish a weapon, whether or not it was directed at another or not.

The term **“Illegal Discharge”** means any time a firearm is shot, either intentionally or unintentionally, at another person or otherwise, it is considered unlawful. The only exception to this would be in the case of self-defense. An outside investigating law enforcement agency will make the determination if the discharge was justified or not.