

UW-PARKSIDE FIREARMS AND DANGEROUS WEAPONS POLICY

Policy No: 85

Purpose: Defines restrictions for firearms and dangerous weapons on UW-Parkside property and in connection with UW-Parkside activities.

Authority: 2011 Wisconsin Act 35

Wisconsin Statutes §§ 175.60, 943.13, 947.01, 948.605

Wisconsin Administrative Code Section UWS 18.10(3)

Financial Administration, Carrying Weapons or Firearms at University of Wisconsin Institutions (G51) <http://www.wisconsin.edu/fadmin/gapp/gapp51.htm>

Date: Original effective November 1, 2011. Policy shall be reviewed one year after adoption.

I. Background

The Wisconsin Administrative Code at UWS 18.10(3) prohibits a person from carrying, possessing, or using any dangerous weapon on university lands or in university buildings or facilities, unless it is for law enforcement purposes or the person receives written approval of the Chancellor. Chapter 18 permits police to confiscate and remove dangerous weapons from university lands.

On July 8, 2011, Governor Walker signed 2011 Wisconsin Act 35 into law. Effective November 1, 2011, it is lawful in the State of Wisconsin for licensed individuals to be armed with a concealed weapon, or to carry particular weapons in an open or concealed manner, as long as there is no indication of a criminal or malicious intent. However, this law provides certain exemptions for colleges and universities that are implemented further in this policy.

II. Definitions

A. Concealed Carry Weapon or CCW is a weapon that a Licensee may carry in a concealed fashion, except as prohibited in certain locations as detailed in this policy. CCWs are: a handgun, electric weapon, a knife other than a switchblade knife, or a billy club. (Wis. Stat. 175.60(1)(j))

B. Dangerous Weapon means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon as defined in Wis. Stat. 941.295(1c)(a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. (Wis. Stat. 939.22(10))

C. Firearm means a weapon that acts by force of gunpowder. (Wis. Stat. 167.31(1)(c))

D. Licensee means an individual holding a valid license to carry a concealed carry weapon or CCW issued in Wisconsin, or an individual who is not a resident of Wisconsin, who is 21 years or over and who holds a valid license to carry a concealed weapon in another state.

(Wis. Stat. 175.60(1))

E. Special event means an event that is open to the public for a duration of not more than 3 weeks, and either has designated entrances to or from the event that are locked when the event is closed or requires an admission. (Wis. Stat. 943.13(1e)(h))

III. Statement of Policy

UW-Parkside is committed to maintaining a safe campus environment and to ensuring that it acts to the extent possible to shield its students and employees from harm, including from firearms and other dangerous weapons on university property and in connection with university activities and events.

It is the intent of UW-Parkside and the purpose of this policy to prohibit firearms and dangerous weapons in university buildings and on university grounds, and in connection with university activities and events, to the maximum extent required and/or permissible under the law. This policy provides additional details about implementation of the applicable laws at UW-Parkside.

IV. Prohibited Behavior at UW-Parkside

A. No Firearms or Dangerous Weapons in UW-Parkside Buildings

Individuals are prohibited from carrying firearms and dangerous weapons into buildings or portions of buildings that are owned, occupied, or controlled by UW-Parkside. UW-Parkside shall place signs in prominent places near all of the entrances to UW-Parkside buildings notifying the UW-Parkside community and visitors of this ban. This ban on firearms and dangerous weapons inside UW-Parkside buildings applies equally to Licensees. This ban does not apply to firearms or dangerous weapons carried solely within motor vehicles in UW-Parkside parking lots.

B. No Firearms or Dangerous Weapons by Employees

Employees of UW-Parkside, including student employees, are prohibited from carrying firearms or other dangerous weapons while engaged in any employment activity on behalf of UW-Parkside, whether on or off campus. This ban does not apply to firearms or other dangerous weapons carried solely in the employee's own motor vehicle.

D. No Firearms or Dangerous Weapons in Residence Halls

No individual may possess firearms or any other dangerous weapons in the university owned or managed residence halls.

E. No Firearms or Dangerous Weapons in UW-Parkside Vehicles

No individual may possess firearms or any other dangerous weapons in UW-Parkside owned or operated vehicles or shuttles. UW-Parkside shall place signs in prominent places in UW-Parkside vehicles as appropriate to notify the campus community of this ban.

F. No Firearms or Dangerous Weapons at UW-Parkside Special Events

No individual may possess firearms or any other dangerous weapons at UW-Parkside special events (see definition above), except in vehicles driven or parked in a parking lot in connection with the event. UW-Parkside shall place signs in prominent places at UW-Parkside events notifying the campus community of this ban.

G. Exemptions to Prohibited Behavior

The above bans on firearms and dangerous weapons do not apply to sworn law enforcement personnel. In addition, from time to time, the Chancellor may grant exemptions under unique, limited circumstances (e.g., if an unloaded firearm is required as part of an artistic performance or if a firearm or weapon is required in a laboratory by a research project). Persons seeking such an exemption should first consult with the UW-Parkside Police Chief, who shall refer the request for an exemption along with the Chief's recommendation to the Chancellor. Such an exemption must be obtained from the Chancellor in writing, in advance.

V. Enforcement

Any individual who observes a violator's refusal to adhere to this policy and UWS 18.08 should report the violator to the UW-Parkside Police Department. This policy may be enforced through citations issued by the UW-Parkside Police Department, as applicable, through non-academic misconduct sanctions with respect to students, through cancellation of contracts such as housing contracts with students, and/or through appropriate disciplinary processes applying to employees.

Wisconsin's Concealed Carry Law becomes effective on November 1, 2011. The guidance offered in this document does not alter current laws, regulations, and/or policies addressing the possession of weapons on campus before the Concealed Carry Law's effective date.

See Appendix A for further clarification and FAQs.

APPENDIX A

Q1: What is the difference between firearms, guns, dangerous weapons, and concealed carry weapons?

“Firearm” is defined as a weapon that acts by force of gunpowder. “Gun” is the same as firearm.

“Dangerous weapon” is defined as any firearm, whether loaded or unloaded, any device designed as a weapon and capable of producing death or great bodily harm, any ligature or other instrumentality used on the throat, neck, nose or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

“Concealed Carry Weapons” or “CCWs” are those weapons that a Licensee may carry in a concealed fashion, except as prohibited in certain locations. CCWs include: a handgun, electric weapon, a knife other than a switchblade knife, or a billy club. UW-Parkside’s use of different terms in the UW-Parkside Policy on Firearms and Dangerous Weapons is intentional.

Q2: Who is a concealed carry licensee or “Licensee”?

A “Licensee” is an individual holding a valid license to carry a concealed carry weapon issued in Wisconsin, or an individual who is not a resident of Wisconsin, who is 21 years or over and who holds a valid license to carry a concealed carry weapon in another state.

Q3: What weapons are Licensee’s permitted to carry?

A Licensee is permitted to carry a handgun, electric weapon, a knife other than a switchblade knife, or a billy club.

Q4: Where are firearms (guns) prohibited?

Firearms are prohibited in UW-Parkside buildings, or portions of buildings owned, occupied, or controlled by UW-Parkside, including residence halls, and at special events (see Q11 below). Firearms are also prohibited outside of UW-Parkside buildings on all UW-Parkside grounds, except for a handgun carried in a concealed manner by a Licensee, and except in personal vehicles. All employees, including those who are Licensees, are barred from carrying firearms while in the course of performing duties for UW-Parkside, on or off campus, except in personal vehicles.

Q5: Where are dangerous weapons prohibited?

Dangerous weapons are prohibited in UW-Parkside buildings, or portions of buildings owned, occupied, or controlled by UW-Parkside, including residence halls, and at special events (see response to Q11 below). Dangerous weapons are also prohibited outside UW-Parkside buildings on UW-Parkside grounds, except for CCWs that are carried in a concealed manner by a Licensee, and except in personal vehicles. All employees, including those who are Licensees, are barred from carrying dangerous weapons while in the course of performing duties for UW-Parkside, on or off campus, except in personal vehicles.

Q6: Can students bring firearms or dangerous weapons to class?

No, as long as the class is held in a building owned, occupied, or controlled by UW-Parkside.

Q7: Can instructors or faculty bring firearms or dangerous weapons to class?

No. UW-Parkside employees are subject to the same bans on firearms and dangerous weapons that apply to all other individuals in UW-Parkside buildings. In addition, employees are barred from carrying firearms and dangerous weapons while in the course of performing duties for UW-Parkside, on or off campus, except that any individual may store firearms or dangerous weapons in their personal vehicles.

Q8: Can student residents or visitors or employees bring firearms or dangerous weapons into the residence halls?

No. Student residents, visitors, and employees may not bring firearms or dangerous weapons into residence halls that are owned, occupied, or controlled by UW-Parkside. Violations can result in contract terminations or other discipline.

Q9: Can employees or students have firearms or dangerous weapons in their vehicles?

Under Wisconsin law, UW-Parkside does not ban firearms or dangerous weapons in vehicles.

Q10: Can employees, students, or visitors possess firearms or dangerous weapons in UW-Parkside owned or operated vehicles?

No. Employees, students and visitors may not possess firearms or dangerous weapons in any UW-Parkside owned or operated vehicle, including in housing, parking, and other shuttles.

Q11: Can employees, students, or visitors bring firearms or dangerous weapons to UW-Parkside special events?

No, except in vehicles driven or parked in a parking facility. A “special event” is an event that is open to the public for a duration of not more than 3 weeks, and either has designated entrances to or from the event that are locked when the event is closed or requires an admission.

Q12: If I need to bring a firearm or dangerous weapon into a campus building for a specific UW-Parkside purpose (e.g. a theatre event involving use of an unloaded weapon, or a research project), can I get special permission to do so?

Special requests should be directed to the UW-Parkside Police Chief, who will forward the request along with his or her recommendation to the Chancellor. Such permission must be obtained from the Chancellor in writing and in advance.

Q13: Do the prohibitions apply to law enforcement?

No. Sworn law enforcement officers, including UW-Parkside police officers, are exempt from the prohibitions.

Q14: Can I get special permission to bring a firearm or dangerous weapon to UW-Parkside if I am licensed and have had appropriate training?

No. Exceptions will not be made on this basis.

Q15: Will signs be posted explaining the prohibitions?

Yes. Prior to the effective date of the new law, UW-Parkside will conspicuously post signs stating the prohibitions at the entrances to all UW-Parkside buildings, as well as on the grounds.

Q16: Are stun guns or Tasers permitted on campus?

Stun guns and Tasers are both electric weapons that are considered to be within the definition of “dangerous weapons”. They are thus prohibited in UW-Parkside buildings, or portions of buildings owned, occupied, or controlled by UW-Parkside, including residence halls, and at special events (see response to Q11 above). They also are prohibited outside UW-Parkside buildings on UW-Parkside grounds except when carried in a concealed manner by a Licensee, and except in personal vehicles. All employees, including those who are Licensees, are barred from carrying stun guns and Tasers while in the course of performing duties for UW-Parkside, on or off campus, except in personal vehicles. Law enforcement is not subject to the prohibitions on electric weapons.

Q17: Is pepper spray permitted on campus?

Pepper spray that is lawful in Wisconsin is not considered to be a dangerous weapon. As long as it is not misused, it may be carried on campus by employees, students, and visitors. For more information about lawful pepper spray in Wisconsin, see the information published by Wisconsin’s Bureau of Consumer Protection at:

<http://ww2.wisconsin.gov/san/agency/upload/doa/consumer/pepsp157.pdf>.

Q18: If I have a CCW permit can I open carry on the campus property?

No, a CCW permit does not provide for open carry on campus property. Open carry would be in violation of Wisconsin Administrative Code UWS 18.10(3), which prohibits a person from carrying, possessing, or using any dangerous weapon on university lands or in university buildings or facilities, unless it is for law enforcement purposes or the person received written approval of the Chancellor.

Q19: What should I do if a person enters an area with a weapon where it is prohibited?

Immediately contact university police.

October 31, 2011