

Policy 1105
Prohibition of Weapons

Date of Current Revision: January 2023
Responsible Officer: Chief of Police

1. PURPOSE

This policy provides rules and regulations concerning the possession of weapons on campus and in all facilities and locations owned or operated by James Madison University (the university) in an effort to provide a safe and secure learning and working environment for its students, employees, and visitors.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The university has adopted regulations (8VAC45-10-10) regarding the possession of weapons on campus, in accord with Code of Virginia §18.2-308A and The Law Enforcement Officer's Safety Act of the 208th Congress of the United States (2004).

3. DEFINITIONS

Controlled Space

For the purposes of this policy, controlled spaces are defined as any buildings or indoor areas owned or controlled by the university, and any outdoor areas owned or controlled by the university that have limitations on use or access (e.g., practice fields, stadiums, farm, tennis courts, gated lots, etc.). Physical areas of campus open to the public (i.e., streets, lawns, green spaces, walkways, public parking lots) with no limitations on access are not controlled spaces under this policy.

Law Enforcement Officer

Law enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Article 3 (§ 23-1-809 et seq.) of Chapter 8 of Title 23, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, and Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia and sworn federal law-enforcement officers.

Qualified Retired Law Enforcement Officer

A law enforcement officer who retired in good standing and participates in yearly training in accordance with Code of Virginia §18.2-308.016 and The Law Enforcement Officer's Safety Act of the 208th Congress of the United States (2004).

Weapons

Defined as any weapon as described in Code of Virginia §18.2-308A. This definition also refers to:

- any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, sling bow, spring stick, metal knuckles, or blackjack;
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain or any similar name;
- any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or any weapon of like kind as those enumerated in this subsection.

4. APPLICABILITY

This policy applies to all university faculty, staff, students, affiliates, and contracted service representatives, as well as all visitors attending events (whether or not requiring a ticket) or entering buildings or controlled spaces on campus and to all property owned, leased, operated, or controlled by the university.

5. POLICY

5.1 Possession or carrying of any weapon by any person, except a law enforcement officer and qualified retired law enforcement officer, is prohibited on university property in any buildings or any outdoor areas to which access is restricted to members of the university community and invited guests, or while attending any university events or university-sanctioned events. Entry upon the aforementioned university property in violation of this prohibition is expressly forbidden.

5.2 No faculty or staff member, student, affiliate, or contracted service representative shall carry, maintain, or store a weapon, concealed or otherwise, on any property owned, leased, or controlled by the university, except as provided herein. No visitor shall carry, maintain or store a weapon, concealed or otherwise, in any controlled space owned, leased, or controlled by the university or at any university event. Items that are used as weapons on property owned or operated by the university, whether or not they fit the definition above, will also subject the user to discipline or removal.

6. PROCEDURES

6.1 Prop Weapons and Facsimiles

Any item that appears to be a weapon and that is utilized for any purpose on university property must be reported to and approved by the University Police Department prior to being used in any activity. Examples include, but are not limited to, paint ball guns; props used in plays; props or weapons used in class presentations; and Military Science (ROTC) combat military exercises on campus.

6.2 Storage and Related Procedures

Students and employees residing in university housing may store no more than two weapons and limited amounts of ammunition with the university police station during the academic year for hunting purposes. A Firearms and Ammunitions Storage Record form must be completed, which provides all requested information for each stored weapon and ammunition type, every time a weapon is added or removed from the University Police Department. Weapons and

ammunition that are to be used by a student, faculty, or staff member for hunting may be registered and stored before and during the appropriate hunting season. Weapons used for hunting must be checked and removed from campus by the end of the academic year.

Similarly, weapons (unloaded, disabled and facsimile) used for demonstration and educational purposes are to be stored at the university police station until time of class or demonstration, then removed from campus as soon as possible. All such weapons are to be carried or transported in hard or soft case enclosures.

6.3 Reporting Violations

- a. Employees and students are required to report violations to the University Police Department if they become aware of violations.
- b. All members of the university community are encouraged to report violations of this policy to the police or the University Police Department on campus.

6.4 Enforcement

University police officers are lawfully in charge for the purposes of forbidding entry upon or remaining upon university property while possessing or carrying weapons in violation of this policy and applicable law.

6.5 Noncompliance Investigations

Allegations of noncompliance with this policy and applicable law shall be investigated by the University Police Department (UPD). Upon determining that noncompliance occurred, the UPD will:

- a. take appropriate law enforcement action; and
- b. report resultant findings to the appropriate vice president for administrative handling.

7. RESPONSIBILITIES

It is the responsibility of vice presidents, associate/assistant vice presidents, academic deans, academic unit heads, directors, managers, and supervisors to ensure that the provisions of this policy are reviewed with employees and students in their areas.

It is the responsibility of each student, employee, contracted service representative, affiliate, and visitor to comply with this policy.

It is the responsibility of each vice president, associate/assistant vice president, academic dean, academic unit head, director, manager, and supervisor to enforce the provisions of this policy in their area of accountability and to report infractions to the University Police Department.

It is the responsibility of the chief of police to ensure that the University Police Department investigates matters of noncompliance, takes appropriate action, and reports resultant findings to the appropriate vice president. It is the responsibility of the chief of police to provide and maintain a safe and secure weapons locker and related record keeping for the purposes of legitimate weapons storage.

It is the responsibility of the chief of police and/or designated officials to properly inspect and certify stage prop, facsimile, disabled and/or academic demonstration weapons as unable to discharge a

projectile or otherwise disarm and unload such weapons upon petition by employees, students, and invited lecturers and guests of the university.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with [Policy 1109](#) - Records Management.

8. SANCTIONS

Regarding employees of JMU and affiliates, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment or revoking of affiliate access.

Regarding students, sanctions will be commensurate with the severity and/or frequency of the offense and may include suspension or expulsion.

Regarding visitors, sanctions will be commensurate with the severity and/or frequency of the offense and may include issuance of a no trespass order.

Regarding contractors, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of the contract for breach and forfeiture of eligibility to contract in the future with the university.

Regarding affiliates, sanctions will be commensurate with the severity and/or frequency of the offense and may include revocation of all privileges and status, and issuance of a no trespass order.

9. EXCLUSIONS

This policy does not apply to law enforcement officials or qualified retired law enforcement officials in accordance with The Law Enforcement Officer's Safety Act of the 208th Congress of the United States (2004) duly authorized to carry such weapons. Also excepted are military drills, honor guards and color guards utilizing facsimile or functionally disabled weapons, and archery classes, team practice and competition utilizing target bows and arrows.

The terms and conditions of the university housing contract may establish additional restrictions on weapons for students living on campus.

This policy does not apply to single-family houses owned by the university and rented to individuals who work for the university and their families. Renters of these houses are not prohibited by this policy from possessing legal weapons on the rental property, but they are still bound by the prohibition on possessing or carrying them on other university property.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the chief of police.

Previous version: December 2020

Approved by the president: July 2009