



INSTITUTIONAL POLICY: PP-03

Category: Physical Plant
Subject: Campus Use and Restrictions, Including Deadly Weapons
Effective Date: July 1, 2024
Updated: N/A

PP 03-1. Authority

W. Va. Code § 18B-1-6

PP 03-2. Scope

This policy applies to all individuals while on the West Virginia School of Osteopathic Medicine (“WVSOM”) campus and on any other property owned or controlled by WVSOM. This policy sets forth limitations on dangerous weapons; forms of transportation, including bicycles, rollerblades, skateboards, scooters, and hoverboards; drones or other remote controlled aerial devices; tobacco and electronic/vapor cigarettes; fuel and open flame devices; pets, service animals, and miniature horses; concessions; and advertising on WVSOM property, and sets forth sanctions for those individuals who violate this policy.

PP 03-3. Purpose

The purpose of this policy is to provide for the safety and welfare of all individuals on WVSOM property. As the primary purpose of WVSOM is to educate students, this policy regulates certain conduct that may be distracting and detrimental to the maintenance of a safe educational environment.

PP 03-4. Deadly Weapons, Dangerous Objects, and West Virginia Campus Self-Defense Act (Campus Carry)

4.1 Definitions

- 4.1.1 “Adequate Security Measures” means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any pistols or revolvers into the area, including, but not limited to, metal detectors, metal detector wands, or any other equipment used for similar purposes to ensure that pistols or revolvers are not carried in those areas by members of the public.
- 4.1.2 “Concealed” means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried. For purposes of this policy, the weapon is also considered concealed while the weapon is in a motor vehicle if located in a storage area in or on the motor vehicle.

- 4.1.3 “Dangerous Object” means any object or device which is designed to cause harm or unnecessarily risks the safety of another person. This includes fireworks or other explosives, conducted energy devices (stun gun or Taser), air-powered rifles, imitation weapons without appropriate safety markings.
- 4.1.4 “Deadly weapon” means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use.
- (i) The term “Deadly Weapon” includes, but is not limited to, firearms, blackjacks, gravity/switchblade or other knives, metallic or false knuckles, nunchaku, pistols, revolvers, as defined in the West Virginia Code, or other deadly weapons of like kind or character which may be easily concealed on or about the person.
 - (ii) The term “Deadly Weapon” does not include a pocketknife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports, or other recreational uses, or a knife designed for use as a tool or household implement, unless the item is knowingly used or intended to be used to produce serious bodily injury or death.
 - (iii) The term “Deadly Weapon” includes explosive, chemical, biological, and radiological materials.
 - (iv) The term “Deadly Weapon” does not include any item or material owned or used by WVSOM, intended for educational use, including academic or research, and used solely for that purpose.
 - (v) The term “Deadly Weapon” or “Dangerous Object” does not include pepper spray when used by any person solely for self-defense purposes.
- 4.1.5 “High Hazardous and Animal Laboratories” means laboratories with:
- (i) Greater than 55 gallons of Class I flammable liquids and/or significant quantities of acids, bases, organics, pyrophorics, peroxides, bio-hazardous materials, extremely toxic materials, or pyrophoric or toxic gases classified NFPA 704 Category 3 or higher;
 - (ii) Hazardous gases with K-size or larger cylinders containing corrosive, reactive, flammable, toxic, and/or oxidizer gases classified NFPA 704 Category 2 or higher;
 - (iii) MRI and/or NMR equipment capable of generating significant magnetic fields with field strength of at least 5 gauss is measured outside the equipment or 5 gauss line typically at least 3 feet and as much as 20 feet from equipment;
 - (iv) Large cylinders of acetylene; or
 - (v) Animal research laboratory spaces in locations not accessible to the public or generally accessible to students and employees.
- 4.1.6 “License” means a current and valid license, lawfully issued by the State of West Virginia pursuant to West Virginia Code § 61-7-4, License to carry deadly weapons; how obtained; West Virginia Code § 61-7-4a, Provisional license to carry deadly weapons; how obtained; or a current and valid license or permit recognized under

West Virginia Code § 61-7-6a, Reciprocity and recognition; out-of-state concealed handgun permits.

- 4.1.7 “Pistol” means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- 4.1.8 “Revolver” means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- 4.1.9 “WVSOM Campus” means all areas, including buildings, that are under custodial possession of the WVSOM Board of Governors and within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to, WVSOM’s educational purposes. It does not include areas rented, leased, or under an exclusive agreement for the full-time occupancy and use of a private entity.
- 4.1.10 “WVSOM Property” means any areas or locations, including those areas located off-campus, under the control, supervision, or custody of the WVSOM Board of Governors.

4.2 Conduct Prohibited

- 4.2.1 Except as specifically provided for by this policy or by law, Deadly Weapons and Dangerous Objects are prohibited on WVSOM Property.
- 4.2.2 As required by the Campus Self-Defense Act, Section 4.2.1 above does not apply to and WVSOM must allow a person holding a License to carry a Concealed Deadly Weapon and who is carrying a Concealed Pistol or Revolver on WVSOM Campus, except as set forth in Section 4.2.3 below.
- 4.2.3 Consistent with both the Campus Self-Defense Act and the West Virginia Business Liability Protection Act, all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in the following locations:
 - (i) In the secure area of any building used by WVSOM Police or other law-enforcement agency on WVSOM Property.
 - (ii) In an area that has Adequate Security Measures to ensure that Pistols or Revolvers are not to be carried by the public into the area. Any such area designated by WVSOM under this exception will provide reasonable notice to the public and campus community.
 - (iii) In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held.
 - (iv) At a primary or secondary education school-sponsored function being held in a specific location on WVSOM Property that is rented, leased, or under the exclusive use of the W. Va. Department of Education, the W. Va. Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.
 - (v) At a private function that is being held in a specific location on WVSOM Property that is rented, leased, or under exclusive use of an entity for the actual

period of time the function is occurring. Any such function designated by an entity under this exception will provide reasonable notice to the attendees.

- (vi) In any WVSOM Property where possession of a firearm is prohibited by state or federal law.
- (vii) In specifically designated areas in which patient-care or mental health counseling is being provided. WVSOM shall provide reasonable notice to the public and campus community about what areas are designated under this exception
- (viii) In High Hazardous and Animal Laboratories. WVSOM shall provide reasonable notice to the public and campus community about what areas are designated under this exception.

4.3 The prohibitions and exceptions set forth in Section 4.2 shall not apply to the following individuals, while acting in their official capacity:

- 4.3.1 Law enforcement officers or law enforcement officials; West Virginia Division of Corrections employees; members of the United States armed forces, reserve, or the National Guard; a federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; any justice of the Supreme Court of Appeals of West Virginia; circuit judge; any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia; any family court judge; any magistrate; any prosecuting attorney; any assistant prosecuting attorney; or any investigator duly appointed by a prosecuting attorney; and individuals required to possess the items prohibited by this policy in order to participate in undertakings sanctioned by WVSOM which include academic/research programs and historical items;
- 4.3.2 Individuals who have obtained advanced, express, written permission from the WVSOM President to possess the item(s) prohibited by this policy; or
- 4.3.3 Consistent with the West Virginia Business Liability Protection Act, the prohibitions of this policy do not apply to legally owned firearms lawfully possessed, out of view, locked inside or locked to a motor vehicle in a parking lot when an individual is lawfully allowed to be present in an area.

4.4 Violations

- 4.4.1 Any WVSOM employee or student who fails to abide by the requirements within this policy shall be subject to appropriate disciplinary action, including warning, suspension, termination, expulsion, or other disciplinary action as may be appropriate.
- 4.4.2 Any other person who fails to abide by the requirements of this policy shall be subject to appropriate action, including a request to leave campus or temporarily relinquish the prohibited item and, if they fail to do so, referral for any appropriate criminal action and/or issuance of a trespass notice.
- 4.4.3 Importantly, a holder of a License or any other person not expressly authorized to do so by this policy shall not carry a Pistol or Revolver (or any other firearm or Deadly Weapon), which is partially or wholly visible, or intentionally or knowingly display in plain view of another person in a way or manner to cause, or threaten, a breach of

the peace, regardless of whether the firearm is holstered. Anyone who violates this prohibition may, in addition to any applicable criminal charges, be subject to discipline.

- 4.4.4 Although conduct may not violate this policy, it may still be prohibited by WVSOM under a different policy or standard of behavior. Accordingly, in such cases, WVSOM reserves the ability to take any necessary action.

4.5 Delegation

- 4.5.1 The WVSOM Board of Governors delegates to the President and his/her designee the authority to adopt internal procedures to effectuate the implementation of this policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this policy.

PP 03-5. Forms of Transportation: Bicycles, Rollerblades, Skateboards, Scooters, and Hoverboards

- 5.1 WVSOM recognizes that individuals may use a variety of means of transportation on campus. Therefore, WVSOM must impose limitations on the use of certain forms of transportation for the safety and well-being of the campus community and its visitors and to avoid unnecessary damage to state property.
- 5.2 All individuals using bicycles, rollerblades, skateboards, scooters, and hoverboards on the WVSOM campus or on any other property owned or controlled by WVSOM must do so in a manner that is safe for the operator, safe for all others on the WVSOM property, and does not damage the WVSOM property.
- 5.3 Individuals are prohibited from engaging in tricks (e.g., sliding, grinding, jumps) that involve any WVSOM property (e.g., stairs, steps, railings, benches, entrances to buildings). Loitering or “sessioning” on any WVSOM property for the purpose of attempting tricks or stunts is not permitted.
- 5.4 Individuals are prohibited from using bicycles, rollerblades, skateboards, scooters, and hoverboards in any WVSOM building for any reason.

PP 03-6. Drones

The operation of drones or any remote controlled aerial device on WVSOM property is strictly prohibited without the advanced, express, written permission of the WVSOM President or the Vice President for Finance and Facilities.

PP 03-7. Tobacco and Electronic/Vapor Cigarettes

The use of tobacco in any form or any electronic/vapor cigarettes on the WVSOM campus and on any other property owned or controlled by WVSOM is prohibited.

PP 03-8. Fuel and Open Flame Devices

- 8.1 Open flame devices include, but are not limited to, candles (e.g., tea lights, votive, incense burners or similar devices), sparklers, incense, flammable gel in cans or other containers, pyrotechnic devices, smoke foggers, torches, butane burners, or any other flame-producing device.
- 8.2 Fuel and open flame devices are not permitted in any buildings owned or controlled by WVSOM, including offices, storage areas, and classrooms, except as follows:
 - 8.2.1 The proper and safe handling of equipment or fuel associated with an open flame device officially performed during a sanctioned academic session with a WVSOM faculty member present, including teaching labs that traditionally use flames such as chemistry and science labs. Such academic sessions and teaching labs must use safe practices and have quick access to fire extinguishers and fire alarms.
 - 8.2.2 Campus sanctioned functions where food service personnel are acting under safe and normal operational procedures to warm food in a function room or prepare food on an authorized grill outside of the building. Food service operations using portable cooking equipment to keep food warm are permitted within the industry guidelines; however, the flammable gel (e.g., sterno) or other warming devices must be placed on a non-combustible surface and the flame cannot be allowed close to combustible materials. Kitchen and food service operations should be conducted within the designed rooms for food service having operable exhaust hoods and automatic fire extinguishing systems.
 - 8.2.3 Authorized traditional ceremonial practices. If a ceremony is approved by the Vice President for Academic Affairs and Dean or designee and supervised by a WVSOM faculty member or administrator, candles may be permitted for ceremonial purposes with the advanced, written approval of the Safety Compliance Officer and Security Coordinator. A fire extinguisher should be located within or immediately outside the room used for the ceremony and safety precautions must be reviewed by the employee coordinating the ceremonial event prior to the event. The open flame device cannot be left unattended and must be extinguished as soon as possible. After extinguishing the device, the identified faculty member or manager is responsible for assuring that no heat source is maintained from the open flame device before leaving the room. Where possible, battery operated candles are preferred.
 - 8.2.4 Open flame candles for use on tables or decorative devices at special events are discouraged. Battery operated candles are preferred. The Events Coordinator and the Safety Compliance Officer and Security Manager may grant an exception if the user group can demonstrate that the candles will be on noncombustible bases and the candle flame will be protected.
 - 8.2.5 Welding and soldering for building maintenance and repair by qualified personnel is permitted with the approval of the Facilities Director or designee and when in compliance with OSHA, NFPA, and State Fire Codes. Fire extinguishers must be present at work site.

- 8.2.6 Gas barbecue grills are permitted but only outdoors and at least three feet from the structure and away from combustible materials. Propane gas containers must be maintained in proper condition, stored in proper protective cabinets, and are not allowed inside the campus buildings.
- 8.2.7 Fuel or open flame devices may be permitted in other circumstances if the building or area is specifically designed for such devices or advance, written permission is granted by the Safety Compliance Officer, Security Coordinator, or Events Coordinator.
- 8.3 Approved fuel and open flame devices must be transported, stored, and maintained in appropriate fire safe containers.

PP 03-9. Pets, Service Animals, and Miniature Horses

- 9.1 Pets. No pets of any kind are permitted in WVSOM campus buildings or any other buildings owned or controlled by WVSOM.
- 9.2 Service Animals
 - 9.2.1 “Service animal,” under the Americans with Disabilities Act (ADA) and consistent with West Virginia Code § 5-15-3, means a dog or other animal that is individually trained to do work or perform tasks for a person with a disability. The work or task a service animal has been trained to provide must be directly related to the person’s disability. Service animals are working animals, not pets. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
 - 9.2.2 Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
 - 9.2.3 A service animal is permitted to accompany a person with a disability in all areas of a WVSOM facility that is normally open to the public, with the following exceptions:
 - (i) If the service animal’s presence may compromise a sterile environment or creates legitimate safety concerns;
 - (ii) If the service animal is out of control and the handler does not take effective action to control it; or
 - (iii) If the service animal is not housebroken.
 - 9.2.4 When it is not obvious what service an animal provides, limited inquiries by WVSOM staff are permitted to determine (i) whether the animal is a service animal required because of a disability and (ii) what work or task the animal has been trained to perform. WVSOM staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

9.3 Miniature Horses.

- 9.3.1 In some circumstances, WVSOM will make reasonable modifications to this Section 9 to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- 9.3.2 In determining whether reasonable modifications can be made to allow a miniature horse into a specific WVSOM facility, WVSOM shall consider (i) the type, size, and weight of the miniature horse and whether the facility can accommodate these features; (ii) whether the handler has sufficient control of the miniature horse; (iii) whether the miniature horse is housebroken; and (iv) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- 9.3.3 If WVSOM determines reasonable modifications can be made for a specific request, the requirements for service animals under Section 9.2 will apply to the miniature horse.

PP 03-10. Concessions

- 10.1 All solicitation and selling on the WVSOM campus and on any other property owned or controlled by WVSOM is prohibited, unless performed by organized groups connected with and recognized by WVSOM. Such activity must have the advanced approval of the WVSOM President.
- 10.2 Food and other concessions sponsored by off-campus individuals or organizations using WVSOM facilities for non-WVSOM sponsored events are prohibited.

PP 03-11. Advertising

- 11.1 In the interest of encouraging a free flow of information and exchange of ideas, notices, or advertisements of interest to the campus community may be posted on or about WVSOM campus facilities on a limited basis, as permitted by this section, with the approval of the President. Notices for events sponsored by student organizations shall be submitted for approval in advance to the Office of Student Affairs.
- 11.2 The posting of political campaign signs or advertisements for special interest groups or individuals on the WVSOM campus or on any other property owned or controlled by WVSOM is prohibited unless the same shall be a part of a scheduled event or program sponsored by WVSOM and approved in advance by the WVSOM President.
- 11.3 All approved signs, posters, and notices are to be placed on bulletin boards only. Advertisements placed elsewhere on campus shall be removed by an administrator, the building supervisor, or any employee so authorized by the President. Exceptions may be granted for WVSOM sponsored events.
- 11.4 The sponsor shall be responsible for the removal of all signs, posters, and notices immediately after the event.

PP 03-12. Sanctions

- 12.1 Any individual who fails to comply with this policy will be subject to administrative action, up to and including expulsion, termination of employment, or removal from the WVSOM campus or other property owned or controlled by WVSOM. Persons not authorized under this policy who fail to comply with this policy may be considered trespassers and asked to leave the premises.
- 12.2 WVSOM security may confiscate any item or equipment prohibited by this policy or that is used in a manner not permitted by this policy.
- 12.3 Individuals who violate this policy will be responsible for any damage or injury to persons or property, including WVSOM property, and may be subject to criminal or civil liability.

PP 03-13. Implementation of Policy

This policy will be implemented using applicable WVSOM policies and procedures, and WVSOM faculty, staff, and student handbooks.