

TO: All Police Officers

FROM: Lt. George Foss

CC: Chief Scott Folsom

DATE: September 13, 2010

SUBJ: Reference Guidelines for Handling Persons Openly
Displaying Weapons on Campus

The attached document is an internal procedural guideline and is not for public distribution. The document is for official use only.

Recently, the University General Counsel Office reviewed our current guidelines for handling persons openly displaying weapons on campus. As a result of their review and legal advice, our department is providing a revised copy of the written guidelines. Please destroy your current copy (dated: 6/16/10). The following sections were revised in the department guidelines:

Page 1: Goals (refer to bullet point # 2)

Page 2: Response Procedures- refer to:

- Section 2.b.- First Time Offenders (3rd paragraph)
- Section 2.c.- Repeat Offenders (entire section)

Page 3: Section 2.d.- Physical Arrest (first bullet point and "note" comment)

Page 10: Student Code (Section 1- refer to "except" portion)

Note that all the additions explicitly add the University discipline process to the possible sanctions.

There have been no changes to the enforcement action direction, but the guidelines do add referrals for conduct violations to the appropriate authority. Non affiliated persons are referred to general council so that the case may be reviewed for possible civil action or other legal process, if appropriate.

Attached is a revised copy of the guidelines. Please read and be familiar with the changes as listed above.

If you have questions, please contact Command.

UNIVERSITY OF UTAH
POLICE DEPARTMENT

REFERENCE GUIDELINES

FOR

HANLDING PERSONS OPENLY
DISPLAYING WEAPONS ON CAMPUS

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UNIVERSITY OF UTAH POLICE DEPARTMENT

Reference Guidelines for University of Utah Police Officers

“PERSONS OPENLY DISPLAYING WEAPONS ON CAMPUS”

Goal:

- This guide is designated to provide UUPD officers with a quick reference when responding to calls of persons displaying/openly carrying weapons in non-violent situations.
- The visible display of weapons on campus creates anxiety and fear within the campus community and disrupts the educational process. Therefore, the goal of these guidelines is take immediate action against persons who are not authorized to have weapons on campus and to encourage CWP holders to keep their weapons concealed from view.
- Officers should remain courteous and professional in all interactions.
- Do not engage yourself in a debate about the wisdom or legality of the law.
- The goal when responding to these incidents should be to keep the peace, identify persons responsible, warn them of violations and if appropriate, take enforcement action.
- If the display of a weapon occurs during a protest, rally or other event, remember that the right of assembly does not include the right to break other laws.

APPROVAL BODY: University of Utah Police Department: Administration
APPROVAL DATE: 9/13/10
GUIDELINES OWNER: University of Utah Police Department
REVISED DATES: 1/24/08, 9/28/09, 2/22/10, 6/24/10, 9/13/10

OPENLY DISPLAYING WEAPONS ON CAMPUS

Response Procedures from Chief Folsom

1. A police report shall be completed on **ALL** complaints of any person openly carrying or displaying a firearm on campus.
2. Determine if the subject has a valid Concealed Carry Permit
 - a) **If the person has no permit**, arrest for violation of 76-10-505.5 and/or any other applicable section.
 - b) **For first time offenders with a valid permit**, the officer will instruct the individual that displaying or revealing his or her weapon creates an intimidating environment and interferes with the peaceful activities of the campus. For first time offenders the officer will seek voluntary compliance by asking the individual to conceal his or her weapon.

If the individual will not voluntarily conceal the weapon, you will lawfully order the person to leave the campus. If the person refuses, the officer will issue a misdemeanor citation for: 76-8-703 Interfering or intending to interfere with activities-Failure to leave when ordered or any other applicable criminal statute. **Refer to pages 3-6 for other statutes.

In addition to above, the individual who refuses to conceal his/her weapon shall be referred to the appropriate University Office/Department for further disciplinary and/or other action:

- * Student to: Dean of Students Office
- * Staff Employee to: Human Resources
- * Faculty to: Cognizant Senior Vice President
- * Members of Public: Office of General Counsel

76-8-703. Interfering or intending to interfere with activities – Failure to leave when ordered.

If any person on the campus of a private or state institution of higher education or on any other facility owned by the institution or operated or controlled by the governing board of the institution, commits any act which interferes with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility with the intent to commit any such act, the chief administrative officer or officer or employee designated by him to maintain order on the campus or facility may direct a person to leave the campus or facility, and if the person fails so to do, he is guilty of a class C misdemeanor (k)

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- c) **Repeat Offenders**: For known repeat offenders with a valid permit (confirmed by checking UUPD police reports) the following actions will be taken:

The repeat offender will be instructed to conceal their weapon. If the individual will not voluntarily conceal his or her weapon, you will lawfully order the person to leave the campus. If the person refuses, the officer will issue a misdemeanor citation for: 76-8-703 (Interfering or intending to interfere with activities-Failure to leave when ordered) or any other applicable criminal statute.

All repeat offenders will be immediately referred to the appropriate University Office/Department as listed in "2.b." above.

d) **Physical arrest** should generally be reserved for:

- * Those who repeatedly refuse to conceal their weapon and/or to leave campus when instructed
- * Repeat offenders or
- * Situations where the arrest furthers the goal of keeping the peace or
- * In situations where the identification of the subject is uncertain or
- * Other criminal acts are occurring.

NOTE: If the officer is in question about arresting the person because of the on-scene events in progress, the officer will contact Command for instructions.

e) **If the complaining party/parties desire criminal charges to be filed** against a valid permit holder who, intentionally or unintentionally, displays a firearm, the officer will inform the offending party that there has been a complaint where the party desires criminal charges therefore this situation will be screened with the prosecuting attorney. The officer will obtain complete identification of all the parties which will be included in the police report.

f) **Seizing Weapon-** Weapons may be seized:

- 1) When necessary to protect public safety
- 2) Persons carrying a weapon openly or concealed on campus with no concealed weapon permit
- 3) As evidence of the crime if no other means of documentation are available.
Officers should use photos or video to document evidence when possible.

IMPORTANT NOTIFICATION: In all cases, the officer should satisfy themselves that the object is an actual firearm. As soon as practical, notify command of the incident. Command will notify University Public Relations and University General Counsel.

ENFORCEMENT LAWS:

76-10-505.5. Possession of a dangerous weapon, firearm, or sawed-off shotgun on or about school premises -- Penalties.

(1) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in Subsection 76-3-203.2(1).

(2) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.

(b) Possession of a firearm or sawed-off shotgun on or about school premises is a class A misdemeanor.

(3) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the possession is approved by the responsible school administrator;

(c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or

(d) the possession is:

(i) at the person's place of residence or on the person's property;

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students; or

(iii) at the person's place of business which is not located in the areas described in Subsection 76-3-203.2(1)(a)(i), (ii), or (iv).

(4) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises. (Amended by Chapter 203, 2003 General Session)

76-10-504. Carrying concealed dangerous weapon -- Penalties.

(1) Except as provided in Section **76-10-503** and in Subsections (2), (3), and (4), a person who carries a concealed dangerous weapon, as defined in Section **76-10-501**, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

(2) A person who carries a concealed dangerous weapon which is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

(3) A person who carries concealed a sawed-off shotgun or a sawed-off rifle is guilty of a 2nd degree felony.

(4) If the concealed firearm is used in the commission of a violent felony as defined in Section **76-3-203.5**, and the person is a party to the offense, the person is guilty of a second degree felony.

(5) Nothing in Subsection (1) or (2) shall prohibit a person engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23, Wildlife Resources Code of Utah, from carrying a concealed weapon or a concealed firearm with a barrel length of four inches or greater as long as the taking of wildlife does not occur:

(a) within the limits of a municipality in violation of that municipality's ordinances; or

(b) upon the highways of the state as defined in Section **41-6a-102**. (Amended by Chapter 362, 2009 General Session)

76-10-505. Carrying loaded firearm in vehicle or on street.

(1) Unless otherwise authorized by law, a person may not carry a loaded firearm:

(a) in or on a vehicle, unless:

(i) the vehicle is in the person's lawful possession; or

(ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;

(b) on a public street; or

(c) in a posted prohibited area.

(2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.

(3) Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle-loading rifle in a vehicle.

(4) A violation of this section is a class B misdemeanor. (Amended by Chapter 362, 2009 General Session)

76-9-106. Disrupting the operation of a school.

(1) A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a public or private school.

(2) For purposes of this section, "school property" includes property being used by a public or private school for a school function.

(3) Disrupting the operation of a school is a class B misdemeanor. (Enacted by Chapter 163, 1992 General Session)

76-6-206. Criminal trespass.

(1) As used in this section, "enter" means intrusion of the entire body.
(2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:

(a) the person enters or remains unlawfully on property and:

(i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;

(ii) intends to commit any crime, other than theft or a felony; or

(iii) is reckless as to whether his presence will cause fear for the safety of another;

(b) knowing the person's entry or presence is unlawful, the person enters or remains on property as to which notice against entering is given by:

(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;

(ii) fencing or other enclosure obviously designed to exclude intruders; or

(iii) posting of signs reasonably likely to come to the attention of intruders; or

(c) the person enters a condominium unit in violation of Subsection 57-8-7(7).

(3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was committed in a dwelling, in which event it is a class A misdemeanor.

(b) A violation of Subsection (2)(c) is an infraction.

(4) It is a defense to prosecution under this section that:

(a) the property was open to the public when the actor entered or remained; and

(b) the actor's conduct did not substantially interfere with the owner's use of the property.

76-9-102. Disorderly conduct.

(1) A person is guilty of disorderly conduct if:

(a) he refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

(i) engages in fighting or in violent, tumultuous, or threatening behavior;

(ii) makes unreasonable noises in a public place;

(iii) makes unreasonable noises in a private place which can be heard in a public place; or

(iv) obstructs vehicular or pedestrian traffic.

(2) "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(3) Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction. (Amended by Chapter 20, 1999 General Session)

76-8-703. Interfering or intending to interfere with activities -- Failure to leave when ordered.

If any person on the campus of a private or state institution of higher education or on any other facility owned by the institution or operated or controlled by the governing board of the institution, commits any act which interferes with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility with the intent to commit any such act, the chief administrative officer or officer or employee designated by him to maintain order on the campus or facility may direct a person to leave the campus or facility, and if the person fails so to do, he is guilty of a class C misdemeanor. (Enacted by Chapter 196, 1973 General Session)

76-8-704. Violation of rule or regulation of institution -- Failure to leave when ordered.

If a person enters upon the campus of a private or state institution of higher education or other facility owned or controlled by the governing board of the institution and violates any rule or regulation of the institution, the chief administrative officer or an officer or employee designated by him to maintain order on the campus or facility may inform the person of the regulation and its violation. If the person does not immediately cease and desist from violating the rule or regulation, the chief administrative officer, or officer or employee designated by him to maintain order on the campus or related facility, may direct the person to leave the campus or facility, and if the person fails so to do, he is guilty of a class C misdemeanor. (Enacted by Chapter 196, 1973 General Session)

76-8-705. Willful interference with lawful activities of students or faculty.

(1) If any person on the campus of a private or state institution of higher education or upon any other facility owned or controlled by the governing board of the institution, willfully denies to students, school officials, employees, or invitees:

- (a) Lawful freedom of movement,
- (b) Lawful use of the property or facilities, or
- (c) Lawful ingress or egress to the institution's physical facilities, that person is guilty of a class C misdemeanor.

(2) If any person upon the campus of a private or state institution of higher education or upon any other facility owned or controlled by the governing board of the institution, willfully impedes the faculty or staff of the institution in the lawful performance of their duties, or willfully impedes a student of the institution in the lawful pursuit of his educational activities, that person is guilty of a class C misdemeanor.

(Enacted by Chapter 196, 1973 General Session)

76-8-507. False personal information to peace officer.

(1) A person commits a class C misdemeanor if, with intent of misleading a peace officer as to the person's identity, birth date, or place of residence, the person knowingly gives a false name, birth date, or address to a peace officer in the lawful discharge of the peace officer's official duties.

(2) A person commits a class A misdemeanor if, with the intent of leading a peace officer to believe that the person is another actual person, he gives the name, birth date, or address of another person to a peace officer acting in the lawful discharge of the peace officer's official duties.

(Amended by Chapter 42, 2002 General Session)

76-8-305. Interference with arresting officer.

A person is guilty of a class B misdemeanor if he has knowledge, or by the exercise of reasonable care should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of that person or another and interferes with the arrest or detention by:

- (1) use of force or any weapon;
- (2) the arrested person's refusal to perform any act required by lawful order:
 - (a) necessary to effect the arrest or detention; and
 - (b) made by a peace officer involved in the arrest or detention; or
- (3) the arrested person's or another person's refusal to refrain from performing any act that would impede the arrest or detention.

(Amended by Chapter 274, 1990 General Session)

76-9-103. Disrupting a meeting or procession.

(1) A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

(2) Disrupting a meeting or procession is a class B misdemeanor. (Enacted by Chapter 196, 1973 General Session)

76-9-104. Failure to disperse.

(1) A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.

(2) This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.

(3) Failure to disperse is a class C misdemeanor. (Enacted by Chapter 196, 1973 General Session)

DEFINITIONS

76-10-501. Definitions.

(2) (a) "**Concealed dangerous weapon**" means a dangerous weapon that is covered, hidden, or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.

(b) A dangerous weapon shall not be considered a concealed dangerous weapon if it is a firearm which is unloaded and is securely encased. (Amended by Chapter 111, 2001 General Session)

(9) (a) "**Firearm**" means a pistol, revolver, shotgun, sawed-off shotgun, rifle or sawed-off rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(b) As used in Sections **76-10-526** and **76-10-527**, "firearm" does not include an antique firearm.

76-1-601. Definitions.

5) "**Dangerous weapon**" means:

(a) any item capable of causing death or serious bodily injury; or

(b) a facsimile or representation of the item, if:

(i) the actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or

(ii) the actor represents to the victim verbally or in any other manner that he is in control of such an item. (Amended by Chapter 339, 2007 General Session)

76-3-203.2. Definitions -- Use of dangerous weapon in offenses committed on or about school premises -- Enhanced penalties.

(1) (a) As used in this section and Section **76-10-505.5**, "on or about school premises" means any of the following:

(i) in a public or private elementary, secondary, or on the grounds of any of those schools;

(ii) in a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions;

(iii) in those portions of any building, park, stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under Subsections

(1)(a)(i) and (ii);

(iv) in or on the grounds of a preschool or child-care facility; and

(v) within 1,000 feet of any structure, facility, or grounds included in Subsections (1)(a)(i), (ii), (iii), and (iv).

(b) As used in this section:

(i) "Dangerous weapon" has the same definition as in Section **76-1-601**.

(ii) "Educator" means any person who is employed by a public school district and who is required to hold a certificate issued by the State Board of Education in order to perform duties of employment.

(iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.

(2) Any person who, on or about school premises, commits any offense and uses or threatens to use a dangerous weapon, as defined in Section **76-1-601**, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

(3) (a) Any person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).

(b) As used in Subsection (3)(a), "offense" means:

(i) an offense under Title 76, Chapter 5, Offenses Against The Person; and

(ii) an offense under Title 76, Chapter 6, Part 3, Robbery.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits any offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of his employment, the enhanced penalty for a:

(a) class B misdemeanor is a class A misdemeanor;

(b) class A misdemeanor is a third degree felony;

(c) third degree felony is a second degree felony; or

(d) second degree felony is a first degree felony.

(5) The enhanced penalty for a first degree felony offense of a convicted person:

(a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and

(b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8 except for an offense committed under Subsection (3) that does not involve a firearm.

(6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).

(7) In cases where an offense is enhanced pursuant to Subsection (4)(a), (b), (c), or (d), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.

(8) The sentencing enhancement described in this section does not apply if:

(a) the offense for which the person is being sentenced is:

(i) a grievous sexual offense;

(ii) child kidnapping, Section 76-5-301.1;

(iii) aggravated kidnapping, Section 76-5-302; or

(iv) forcible sexual abuse, Section 76-5-404; and

(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced. (Amended by Chapter 339, 2007 General Session)

OTHER REFERENCE LAWS:

77-7-2. Arrest by peace officers.

A peace officer may make an arrest under authority of a warrant or may, without warrant, arrest a person:

(1) (a) for any public offense committed or attempted in the presence of any peace officer; and

(b) as used in this Subsection (1), "presence" includes all of the physical senses or any device that enhances the acuity, sensitivity, or range of any physical sense, or records the observations of any of the physical senses;

(2) *when the peace officer has reasonable cause to believe a felony or a class A misdemeanor has been committed and has reasonable cause to believe that the person arrested has committed it;*

(3) when the peace officer has reasonable cause to believe the person has committed a public offense, and there is reasonable cause for believing the person may:

(a) flee or conceal himself to avoid arrest;

(b) destroy or conceal evidence of the commission of the offense; or

(c) injure another person or damage property belonging to another person; or

(4) when the peace officer has reasonable cause to believe the person has committed the offense of failure to disclose identity under Section 76-8-301.5.

OTHER REFERENCE LAWS:

77-7-15. Authority of peace officer to stop and question suspect -- Grounds.

A peace officer may stop any person in a public place when he has a reasonable suspicion to believe he has committed or is in the act of committing or is attempting to commit a public offense and may demand his name, address and an explanation of his actions. (Enacted by Chapter 15, 1980 General Session)

77-7-16. Authority of peace officer to frisk suspect for dangerous weapon -- Grounds.

A peace officer who has stopped a person temporarily for questioning may frisk the person for a dangerous weapon if he reasonably believes he or any other person is in danger

77-7-17 Authority of peace officer to take possession of weapons.

A peace officer who finds a dangerous weapon pursuant to a frisk may take and keep it until the completion of the questioning, at which time he shall either return it if lawfully possessed, or arrest such person. (Enacted by Chapter 15, 1980 General Session)

University Policy 1-003: Firearms on Campus (Interim Policy)

1. Purpose
 1. To set forth the University's Policy on firearms on campus and to provide that violation of this Policy subjects faculty, staff and students to internal University disciplinary processes.
2. Definitions
 1. None
3. Policy
 1. The University of Utah enforces state law regulating firearms on campus. This enforcement occurs in two ways. First, University police will investigate and take appropriate action, up to and including referral for criminal prosecution, when violations occur. Second, the University will consider any violation of state law regulating firearms to be a violation of University Policy. Accordingly, such a violation is subject to disciplinary action under University disciplinary policies applicable to faculty, students, and staff.
4. Rules, Procedures, Guidelines, Forms and Related Resources
 1. Rules *[reserved]*
 2. Procedures *[reserved]*
 3. Guidelines *[reserved]*
 4. Forms *[reserved]*
 5. Other related resource materials *[reserved]*
5. References
 1. State Law
 1. 76-10-500 Uniform Law (Right to bear arms in Utah)
 2. 76-10-501 Definitions.
 3. 76-10-505.5 Possession of a dangerous weapon, firearm, or sawed off shotgun on or about school premises -- Penalties.
 4. 76-3-203.2 Definitions -- Use of dangerous weapon in offenses committed on or about school premises -- Enhanced penalties.
 2. Exceptions
 1. 53-5-704 Division duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal Procedure.
 2. 53-5-705 Temporary permit to carry concealed firearm -- Denial, suspension, or revocation -- Appeal.
 3. 76-10-511 Possession of loaded weapon at residence authorized.
 4. 76-10-523 Persons exempt from weapons laws.
 3. University of Utah Policies
 1. Policy 5-310 Violence in the Workplace and Academic Environment
 2. Policy 5-111 Corrective Action and Termination Policy for Staff Employees
 3. Policy 6-400 Code of Student Rights and Responsibilities
 4. Policy 6-316 Code of Faculty Rights and Responsibilities

Contacts: Policy Owner: Vice President/General Counsel, 801-585-7002 & Policy Officer: General Counsel, 801-585-7002

Policy 6-400: Code of Student Rights and Responsibilities (“Student Code”)

Section III: Student Behavior

1. Standards of Behavior: # 7- Possession or use on University premises or at University activities of any firearm or other dangerous weapon, incendiary device, explosive or chemical, except as expressly permitted by law or otherwise expressly authorized by the University.

Weapons on Campus (Reference: Department of Public Safety web-page)

Are Firearms Allowed on Campus?

Persons with valid concealed weapons permits may lawfully carry a concealed weapon on the University Campus. The University of Utah enforces state law regulating firearms on campus. Those who need to carry weapons on campus should become thoroughly familiar with University Policy 1-003: Firearms on Campus.


What Should I Do If I Notice Someone Carrying a Weapon?

Because there are persons who carry concealed weapons on campus, it is very possible that you may see a weapon on a person. In such conditions, you are encouraged to call the University Police, give a description of the individual, and location. You may remain anonymous. A police officer will be dispatched to locate and contact the person to confirm that they are lawfully carrying the weapon.

MEMORANDUM

DATE: April 13, 2010

TO: Scott D. Folsom
Director, Public Safety

FROM: Michael K. Young 

SUBJECT: Weapons Carried Openly on Campus

It is clear to me that having weapons in plain sight on this campus creates a fearful and intimidating campus environment. Such an environment is antithetical to the educational process and interferes with the peaceful conduct of activities on campus.

Since the tragedies of Virginia Tech and other campus shooting incidents, many faculty, staff and students have expressed to me great concern about the issue of guns on campus. The open display of weapons on campus causes anxiety and fear that disrupt the educational process. Most members of the campus community have expressed the view that guns have no place in the classroom or on the campus. Every time a weapon is openly displayed on the campus (other than in the possession of a police officer), the University invariably receives calls from persons concerned about the presence of the weapon and the person carrying the weapon.

As you know, concealed weapons permit holders may carry a concealed weapon on this campus. However, Utah statutes do not permit anyone to open carry on campus, regardless of whether the person has a concealed carry permit.

The law permits me (and those I designate) to address conduct on campus that interferes with or obstructs the educational process and the peaceful conduct of activities on the campus. You should apply this law to any individual who is observed with a weapon on campus. Please instruct the individual that revealing his or her weapon creates an intimidating environment and interferes with the peaceful activities of the campus. In the first instance, you should seek voluntary compliance by asking the individual to conceal his or her weapon. However, if the individual will not voluntarily conceal his or her weapon, you should take whatever action is necessary and appropriate to remove the individual from the campus. Thereafter, I would like you to report the non-compliant individual to the appropriate authority, including the Dean of Students (for a student), Human Resources (for staff), a cognizant Senior Vice President (for faculty), or to the Office of General Counsel (for a non-member of the campus community). These offices will take further action against the individual under our University policies and rules.

MKY/lm

cc: A. Lorris Betz, Sr. Vice President for Health Sciences
David W. Pershing, Sr. Vice President for Academic Affairs
John K. Morris, Vice President and General Counsel
Barbara H. Snyder, Vice President for Student Affairs
Loretta F. Harper, Chief Human Resources Officer