

University Regulation Concerning Weapons on Campus

Interim

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Authority: Chancellor

History: Chancellor approved for Faculty Manual April 1995; Revised by Faculty Welfare Committee April 22, 2011 for Faculty Manual; Chancellor approved March 28, 2011; Updated and approved as Interim Regulation September 23, 2013.

Related Policies: [Student Code of Conduct](#)

Additional Resources: [N.C. Gen. Stat. \A714-269.2](#)

[Session Law 2013-369, House Bill 937](#)

[ECU Faculty Manual, Part XI](#)

[Student Resident Handbook](#)

[SPA/CSS Handbook](#)

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1. Introduction

1.1 All university constituents, including students, faculty, staff, and visitors, should respect the institutional mission and help to ensure that a safe and secure environment, which is conducive to learning, is present

at all times. Therefore, each constituent should respect and obey the following rules and regulations pertaining to weapons on university property.

1.2 This policy does not apply to an individual's legal right to possess or own a weapon off campus.

1.3 Any member of the university community who violates North Carolina General Statute 14-269.2, Weapons on Campus or other educational property, may be subject both to prosecution and punishment in accordance with state criminal law and criminal procedures and to disciplinary proceedings by the university.

2. Weapons on Campus or Other Educational Property

2.1. G.S. 14-269.2 makes it unlawful and, in some circumstances, felonious conduct for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property.

2.2. The statute makes it a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework or any sharp pointed or edged instrument except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and maintenance on educational property.

2.3. The statute does not apply to:

2.3.1. A weapon used solely for educational or school-sanctioned ceremonial purposes or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

2.3.2. Armed forces personnel, officers and soldiers of the militia and national guard, law enforcement personnel, any private police employed by an educational institution, when acting in the discharge of the official duties, and armed armored car or courier service guards or hospital or health care facility guards acting in the discharge of the guards duties and with the permission of the University.

2.3.3. A person who has a concealed handgun permit issued in accordance with Article 54B of this Chapter, has a concealed handgun permit considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S. 14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by the University. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

2.3.4. An employee of the University who resides on the campus of the institution at which the person is employed when the employee's residence is a detached, single-family dwelling in which only the employee and the employee's immediate family reside, the weapon is a handgun and it is possessed in accordance with appropriate statutory criteria.

2.4. The director of the ECU Police Department is responsible for authorizing weapons on campus that meet either 2.3.1. or 2.3.2.

3. Penalties

3.1. Double Jeopardy. It is not double jeopardy for both the criminal law enforcement authorities and the university to proceed against and punish a person for the same specified conduct.

3.1.1. The university will initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interest of the university.

3.1.2. A resident student should also understand that he or she may be removed from the residence hall for violating the housing contract regulation pertaining to the possession or use of a weapon in the residence halls (see Sec. IV A.3. East Carolina University Campus Living Contract).

3.2. Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees. These safeguards are found in the East Carolina University Faculty Manual, the Board of Governors policies applicable to employees exempt from the State

Personnel Act, the policies and procedures of the East Carolina University Student Judicial System, and by the regulations of the State Personnel System.

3.3. Unless one of the exceptions enumerated in section 2.3, above, applies, the penalties to be imposed by the university may range from written warnings to expulsions from enrollment and discharges from employment. All mitigating and aggravating circumstances associated with an incident involving weapons, including threatening to use a weapon, will be taken into account when considering an appropriate penalty. However, the following penalties shall be established for the particular offenses described:

3.3.1. Persons who possess or use a gun, rifle, pistol, or other firearm of any kind or powerful explosive* will be suspended for a period of not less than one year (student), or discharged (faculty member, administrator, or other employee). For a second offense, the student will be expelled.

3.3.2. Persons who possess or use a BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp pointed or edged instrument except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and maintenance, will be suspended from enrollment for a minimum period of at least one semester or its equivalent (student), or discharged (faculty member, administrator, or other employee). For a second offense, any student will be expelled.

3.4. In certain instances, established penalties may be reduced due to mitigating circumstances. The established penalty, however, may not be reduced if the violation involves use of a weapon in a manner where bodily harm or injury occurs or where the weapon was involved in another violation of university regulations. In cases where the penalty is reduced, the person should expect some penalty which may include probation, counseling, community service, or loss of certain privileges. A subsequent violation of this policy will result in a progressively more severe penalty, which includes suspension or expulsion of students and discharge of a faculty member, administrator, or other employee.

* This list is not intended to be inclusive of all items that would be considered weapons and, therefore, prohibited by the university.