

TITLE 8. EDUCATION

COLLEGE OF WILLIAM AND MARY

Final Regulation

REGISTRAR'S NOTICE: The College of William and Mary is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC115-20. Weapons on Campus (amending 8VAC115-20-10, 8VAC115-20-20, 8VAC115-20-30).**

Statutory Authority: § 23.1-1301 of the Code of Virginia.

Effective Date: June 7, 2018.

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Summary:

The amendments (i) refine the definition of "weapon," (ii) clarify the application of the regulation, and (iii) address possession of weapons inside all buildings controlled by the university, at outdoor locations where people congregate, and at events on property controlled by the university.

8VAC115-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Police officer" means 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, ~~Chapter 17 (§ 23-232~~ Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title ~~23~~ 23.1, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, or Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia or sworn federal law-enforcement officers.

"University property" means any property, ~~vehicle, or vessel~~ owned, leased, or controlled by the College of William & Mary in Virginia, including the Virginia Institute of Marine Science.

"Weapon" means any ~~firearm or any other weapon listed in § 18.2-308 A of the Code of Virginia~~ instrument of combat, or any object not designed as an instrument of combat but carried for the apparent purpose of inflicting or threatening bodily injury, including:

1. Firearms, including any pistol, revolver, rifle, shotgun, air-pistol, paintball gun, or other weapon designed or intended to propel a bullet, cartridge, or missile of any kind by action of an explosion of any combustible material;
2. Knives, including any dirk, bowie knife, switchblade knife, ballistic knife, butterfly knife, sword, machete, razor, spring stick, or other bladed weapon with a blade longer than four inches;
3. Razors or metal knuckles;
4. Blackjacks, foils, or hatchets;
5. Bows and arrows, crossbows, and slingshots;

6. Nun chakhas, including any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may also be known as a nun chuck, nunchaku, shuriken, or fighting chain;

7. Throwing stars, including any disc, of whatever configuration, having at least two points or pointed blades that is designed to be thrown or propelled and that may be known as an oriental dart;

8. Stun guns, including any device that emits a momentary or pulsed output that is electrical, audible, optical, or electromagnetic in nature and that is designed to temporarily incapacitate a person; or

9. Any explosive or incendiary device, including fireworks or other devices relying on any combination of explosives and combustibles to be set off to generate lights, smoke, or noise.

"Weapon" does not include (i) knives or razors commonly used for domestic or academic purposes or pen or folding knives with blades less than three inches in length; or (ii) mace, pepper spray, and other such items possessed, stored, or carried for use in accordance with the purpose intended by the original manufacturer.

8VAC115-20-20. Possession of weapons prohibited; exceptions.

A. Possession, storing, or carrying of any weapon by any person, ~~except a police officer or an individual authorized pursuant to university policy,~~ is prohibited on university property, whether in academic buildings, administrative buildings, student residence and student life buildings, or dining or athletic facilities, any university building or while attending an official university event, such as an athletic, academic, social, recreational, or educational event, or on vessels or in vehicles that are university property. This prohibition also applies to all events or activities on university property where people congregate in any public or outdoor areas.

B. This prohibition does not apply to:

1. A police officer on university property in an official capacity pursuant to a university request, mutual aid agreement, or on active duty and within the officer's jurisdiction.

2. A university employee possessing, storing, or carrying a weapon (i) as authorized or required by the terms of university employment; or (ii) as permitted by the Chief of the William & Mary Police Department or the chief's designee for good cause shown, which may contain conditions to maintain the safety of the university community. The chief's authority to grant such permission extends to persons who are neither students nor employees.

3. A student as authorized by the Dean of Students or the dean's designee for good cause shown. Requests for such authorization shall be evaluated on a case-by-case basis and may contain conditions to maintain the safety of the university community.

C. Entry upon ~~such~~ university property in violation of this prohibition is expressly forbidden. Persons violating this prohibition will be asked to remove the weapon immediately from university property. Failure to comply with this request may result in arrest for trespass. Members of the university community are also subject to disciplinary action.

8VAC115-20-30. Person lawfully in charge.

In addition to individuals authorized by university policy of job duties, College of William & Mary 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 prohibition.