

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES
Agenda Item Summary Sheet**

Name: Finance and Facilities Committee

Date: November 19, 2013

Title: Proposed Amendment to Board Policy 5.21 Possession or Carry of Firearms
(Second Reading)

Purpose (check one):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Proposed New Policy or Amendment to Existing Policy | <input type="checkbox"/> Approvals Required by Policy | <input type="checkbox"/> Other Approvals |
| <input type="checkbox"/> Monitoring / Compliance | <input type="checkbox"/> Information | |

Brief Description:

The primary proposed change is to allow any employee who is a licensed peace officer to carry a firearm in accordance with law while in work status as a MnSCU employee. This would change the current policy, which limits this authority to licensed peace officers employed by the system who are assigned related academic or public safety duties.

A second proposed change is to delete Part 8, which provides that colleges and universities are to adopt policies consistent with board policy. The deletion is recommended because it is redundant of authority under Board Policy 1A.1, which allows colleges and universities to adopt policies consistent with board policy and system procedure.

No changes are proposed to the policy's prohibition of students and employees from carrying firearms on system property.

The first reading of the proposed amendments to Board Policy 5.21 took place on October 23, 2013.

Scheduled Presenter(s): Laura M. King, Vice Chancellor – Chief Financial Officer
Gail Olson, Office of General Counsel

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

BOARD ACTION

**Proposed Amendment to Board Policy 5.21 Possession or Carry of Firearms –
Second Reading**

BACKGROUND

Board Policy 5.21, Possession or Carry of Firearms, was adopted by the Board of Trustees in June, 2003, and became effective July 18, 2003. The policy was developed after the adoption of Minnesota Statutes § 624.714, Minnesota Citizens' Personal Protection Act of 2003. The current policy is written in accordance with the provisions of that act. Board Policy 1A.1, Part 6, Minnesota State Colleges and Universities Organization and Administration, requires periodic review of all board policies. Staff undertook the review of Board Policy 5.21 over the past year.

PROPOSED CHANGES

The amendments reflect the following proposed policy changes (other proposed changes are stylistic or technical):

1. **Employees who are licensed peace officers.** The primary proposed change is to allow any employee who is a licensed peace officer to carry a firearm in accordance with law while in work status as a MnSCU employee. This would change the current policy, which limits this authority to licensed peace officers employed by the system who are assigned related academic or public safety duties. The new language also provides that federally authorized law enforcement officials (both federal and from other states) may carry firearms on system property, consistent with federal requirements. The new proposed language is reflected in Part 4, Subpart B.4; other changes are made to reflect that new provision.
2. **College and universities policies.** A second proposed change is to delete Part 8, which provides that colleges and universities are to adopt policies consistent with board policy. The deletion is recommended because it is redundant of authority under Board Policy 1A.1, which allows colleges and universities to adopt policies consistent with board policy and system procedure.

No changes are proposed to the policy's prohibition of students and employees from carrying firearms on system property. The policy does not prohibit the lawful possession or carry of firearms in a parking area or parking facility, in accordance with statute. Visitors are also prohibited from carrying firearms on system property unless they have a lawful permit to carry a firearm pursuant to state law.

REVIEW PROCESS

The proposed board policy revision was circulated in accordance with procedures to all presidents, employee representative groups, student associations and campus leadership groups. The policy review was discussed with the Leadership Council on several occasions. All comments received during the review process have been examined and responses sent. Most of the comments sought clarification of the current policy. No objections to the proposed change regarding licensed peace officers were received from employee or student representative groups. The first reading of the proposed amendment to Board Policy 5.21 took place on October 23, 2013.

RECOMMENDED COMMITTEE ACTION:

The Finance and Facilities Committee recommends the Board of Trustees adopt the following motion:

The Board of Trustees approves the changes to Board Policy 5.21 Possession or Carry of Firearms.

RECOMMENDED BOARD MOTION:

The Board of Trustees approves the changes to Board Policy 5.21 Possession or Carry of Firearms.



Minnesota State Colleges and Universities Board Policies Chapter 5 – Administration

3 **NOTE: Proposed new language is underlined; proposed deleted language is struck**
4 **through**

5 **5.21 Possession or Carry of Firearms**

6 Part 1. Purpose and Scope. The purpose of this policy is to establish restrictions on possession or
7 carry of firearms applicable to the Minnesota State Colleges and Universities System, in
8 accordance with the Minnesota Citizens' Personal Protection Act of 2003, Minnesota Statutes
9 section 624.714, and other applicable law ([see related documents below](#)).

10 Part 2. Definitions.

11 Subpart A. Employee. "Employee" means any individual employed by Minnesota State Colleges
12 and Universities, its colleges and universities and the system office, including student
13 employees.

14 Subpart B. Firearm. "Firearm" means a gun, whether loaded or unloaded, that discharges shot or
15 a projectile by means of an explosive, a gas or compressed air.

16 Subpart C. Pistol. "Pistol" means a weapon as defined in Minnesota Statutes section 624.712,
17 subd. 2 ([see related documents below](#)).

18 Subpart D. Student. "Student" means an individual who is:

- 19 1. registered to take or is taking one or more courses, classes, or seminars, credit or
20 noncredit, at any system college or university; or
21 2. between terms of a continuing course of study at the college or university, such as
22 summer break between spring and fall academic terms; or
23 3. expelled or suspended from enrollment as a student at the college or university,
24 during the pendency of any adjudication of the student disciplinary action.

25 Subpart E. System property. "System property" means the facilities and land owned, leased, or
26 under the primary control of Minnesota State Colleges and Universities, its Board of Trustees,
27 system office, colleges, and universities.

28 Subpart F. Visitor. "Visitor" means any person who is on system property, but does not include
29 (1) an employee of the Minnesota State Colleges and Universities acting in the course and scope
30 of their employment; or (2) a student, when that student is on system property.

31 Part 3. General. No person is permitted to carry or possess a firearm on system property except
32 as provided in this policy.

33 Subpart A. Employees.

34 1. Prohibition. Employees are prohibited from possessing or carrying a firearm
35 while acting in the course and scope of their employment, either on or off system
36 property, regardless of whether the employee has a permit to carry a firearm,
37 except as otherwise provided in this policy.

38 ~~2. Licensed peace officers. Subpart 3.A.1. does not apply to employees who are~~
39 ~~licensed peace officers under Minnesota Statutes section 626.84, subd.1(c) ([see](#)~~
40 ~~[related documents below](#)), when assigned by the college or university to public~~
41 ~~safety duties.~~

42 2. 3. Employee reporting responsibility. An employee with a reasonable basis for
43 believing an individual is in possession of or carrying a firearm in violation of this
44 policy has a responsibility to report the suspected act in a timely manner, unless doing
45 so would subject the employee or others to physical harm. Reports should be made to
46 the official designated in the applicable policy of the college, university or system
47 office. This policy shall not prohibit prompt notification to appropriate law
48 enforcement authorities when an immediate threat to personal safety exists.
49 Employees shall not make reports of a suspected violation knowing they are false or
50 in reckless disregard of the truth.

51 Subpart B. Students.

52 ~~1. Prohibition. Students are prohibited from possessing or carrying a firearm while~~
53 ~~on system property, regardless of whether the student has a permit to carry a~~
54 ~~firearm, except as otherwise provided in this policy.~~

55 ~~2. Licensed peace officers. This policy does not apply to students who are licensed~~
56 ~~peace officers under Minnesota Statutes section 626.84, subd.1(c) ([see related](#)~~
57 ~~[documents below](#)).~~

58 Subpart C. Visitors.

59 ~~1. Prohibition. Visitors are prohibited from possessing or carrying a firearm while on~~
60 ~~system property, except as otherwise provided in this policy.~~

61 ~~2. Licensed peace officers. This policy does not apply to visitors who are licensed~~
62 ~~peace officers under Minnesota Statutes section 626.84, subd.1(c) ([see related](#)~~
63 ~~[documents below](#)).~~

64 Part 4. Exceptions.

65 Subpart A. Parking areas. This policy does not prohibit the lawful possession or carry of firearms
66 in a parking area or parking facility.

67 Subpart B. Authorized uses. This policy does not prohibit:

- 68 1. Lawful possession or carry related to an academic use or use at a campus shooting
69 range, such as law enforcement programs, approved in writing by the college or
70 university president; or
71 2. Transport of an unloaded firearm directly between a parking area or parking
72 facility and the location authorized for its use, or transport of an unloaded firearm
73 directly between a parking area or parking facility and a storage facility provided
74 by the college or university.
75 3. Possession or carry of a pistol by a visitor who has a lawful permit to carry a
76 pistol pursuant to Minnesota Statutes section 624.714, subd. 1a ([see related](#)
77 [documents below](#)).
78 4. Possession or carry of a firearm by a licensed peace officer under Minnesota
79 Statutes section 626.84, subd.1(c) or by a qualified law enforcement officer
80 pursuant to 18 United States Code section 926B ([see related documents below](#)),
81 when possession or carry is otherwise authorized by law.

82 Nothing in this policy requires a college or university to provide storage facilities for employees'
83 or students' weapons.

84 Part 5. Storage in State Vehicles Prohibited. No vehicle owned, leased, or otherwise under the
85 control of the system shall be used to store or carry a firearm, except as authorized for purposes
86 under part 4.B.1.

87 Part 6. Violations. Violations of this policy by students or employees are misconduct subject to
88 discipline, up to and including expulsion or termination.

89 Part 7. Referral to Law Enforcement. Minnesota State Colleges and Universities may refer
90 suspected violations of law to appropriate law enforcement authorities, and provide access to
91 investigative or other data as permitted by law.

92 ~~Part 8. College and University Policies. Colleges, universities, and the system office shall adopt~~
93 ~~policies and procedures consistent with this policy.~~

94 Part 9. Effect. In the event any other system, college, university or system office policy or
95 procedure is found to be in conflict with this policy, the terms of this policy shall govern.

96

97 **Related Documents:**

98 To view any of the following related statutes, go to the Revisor's Web site
99 (<http://www.revisor.leg.state.mn.us/>). You can conduct a search from this site by typing in the
100 statute number.

- 101 • Minnesota Statute 624.714, Minnesota Citizens' Personal Protection Act of 2003

- 102 • Minnesota Statute 624.712, subd. 2, definitions
103 • Minnesota Statute 626.84, subd.1(c) licensed peace officers

104

105 **Policy History:**

106 Date of Adoption: 6/18/03,
107 Date of Implementation: 6/18/03,

108 Date & Subject of Revisions:

109 11/16/11 - Effective 1/1/12, the Board of Trustees amends all board policies to change the term
110 "Office of the Chancellor" to "system office," and to make necessary related grammatical
111 changes.

112 There is no additional HISTORY for policy 5.21.

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