



University Senate TRANSMITTAL FORM

Senate Document #:	15-16-11
Title:	Consideration of a University of Maryland Weapons Policy
Presenter:	Erin Rooney-Eckel, Chair, Campus Affairs Committee
Date of SEC Review:	August 30, 2016
Date of Senate Review:	September 7, 2016
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
Statement of Issue:	<p>In summer 2015, the Senate Leadership identified a lack of information for University faculty and staff regarding possession of weapons on campus. The Senate Leadership agreed that the University should consider developing a weapons policy that clarifies existing laws to the campus community. In November 2015, the Senate Executive Committee charged the Campus Affairs Committee with reviewing state laws and University policies related to weapons and considering whether the University of Maryland should develop a policy on weapons for the campus.</p>
Relevant Policy # & URL:	Not Applicable.
Recommendation:	<p>The Campus Affairs Committee voted unanimously that the University should not develop a policy on use or possession of weapons at the University of Maryland. The committee affirms that the University follows the appropriate state laws related to these issues, and agrees that use or possession of weapons by students is adequately addressed by the <i>Code of Student Conduct</i>. The committee does not feel that creation of a University policy is appropriate at this time.</p>
Committee Work:	<p>The Campus Affairs Committee (CAC) began reviewing its charge in November 2015. It reviewed current University policies and procedures related to use and possession of weapons by students. The CAC also conducted research on relevant State of Maryland laws and policies at peer institutions, as well as at all University System of Maryland institutions.</p> <p>The CAC met with a representative from the University of</p>

	<p>Maryland Police Department (UMPD) as it began reviewing its charge. The UMPD had found that current University guidance to faculty, staff, and campus visitors related to possession of weapons was lacking. The representative from UMPD suggested a comprehensive policy, such as the policy in use at the University of Maryland Baltimore (UMB), may be useful to the UMD community. Currently, in lieu of policy, the UMPD rigorously enforces state law and does not authorize any campus community member outside of UMPD to carry a weapon, concealed or open, on campus.</p> <p>The CAC also met with a representative from the Office of General Counsel (OGC) during its review to discuss the various state laws related to weapons as well as policies at other USM institutions. The OGC noted that any policy developed to address the use or possession of weapons on campus would require constant monitoring of state law to ensure that the University's policy is not out of alignment. The CAC considered whether it may be more beneficial for the University System of Maryland (USM) to consider whether a weapons policy is needed and develop an appropriate policy for all USM institutions.</p> <p>As it considered the charge, the CAC found difficulty identifying a clear problem the charge seeks to address. The CAC agreed with the perspective that creating a policy may put the University at risk of being out of alignment with state law at a later date. Given that the UMPD is currently enforcing state law effectively and that there are few to no incidents or inquiries each year, the CAC felt that the protection provided by state law is currently adequate. In April 2016, the CAC determined that a weapons policy should not be developed at this time.</p>
Alternatives:	Not Applicable.
Risks:	There are no associated risks.
Financial Implications:	There are no financial implications.
Further Approval Required:	Not Applicable.

Senate Campus Affairs Committee

Report on Senate Document # 15-16-11

Consideration of a University of Maryland Weapons Policy

August 2016

2015-2016 Campus Affairs Committee Members

Erin Rooney-Eckel, Chair
Beth Douthirt Cohen, Ex-Officio Chief Diversity Officer Rep
Lori Ebihara, Ex-Officio Chair of the Coaches Council Rep
Barbara Gill, Ex-Officio Provost's Rep
Anne Martens, Ex-Officio VP Administration and Finance Rep
Mahesh Naidu, Ex-Officio GSG Rep
Julie Potter, Ex-Officio VP University Relations Rep
Patrick Ronk, Ex-Officio SGA Rep
John Zacker, Ex-Officio VP Student Affairs Rep
Sharon Epps, Faculty
Judith Gorski, Faculty
Lee Friedman, Faculty
Agisilaos Iliadis, Faculty
Elizabeth Warner, Faculty
Lance Yonkos, Faculty
Kevin McGann, Exempt Staff
Jeffrey Dunton, Non-Exempt Staff
Thomas Malone, Graduate Student
Jade Olson, Graduate Student
Ariel Bourne, Undergraduate Student
Rebecca Rosansky, Undergraduate Student

BACKGROUND

In summer 2015, the Senate Leadership identified a lack of information for University faculty and staff regarding possession of weapons on campus. The Senate Leadership agreed that the University should consider developing a weapons policy that clarifies existing laws to the campus community. In November 2015, the Senate Executive Committee charged the Campus Affairs Committee with reviewing state laws and University policies related to weapons and considering whether the University of Maryland should develop a policy on weapons for the campus (Appendix 1).

CURRENT PRACTICE

The University of Maryland *Code of Student Conduct* clearly prohibits the use or possession of weapons by students. In describing Prohibited Conduct under the *Code*, item 10(b) states that “Unauthorized on campus or illegal off campus use, possession, or storage of any weapon” is prohibited. The *Code* defines “weapon” as “any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length.” The *Code* applies to all students at the University, including both undergraduate and graduate students. In addition, the Department of Resident Life Rights and Responsibilities Residence Hall Rules, which apply to any student living in University housing, prohibit the possession or use of any weapon within University residence halls. There is no related policy for faculty, staff and visitors on campus.

COMMITTEE WORK

The Campus Affairs Committee (CAC) began reviewing its charge in November 2015. It reviewed current University policies and procedures related to use and possession of weapons by students. The CAC also conducted research on relevant State of Maryland laws and policies at peer institutions, as well as at all University System of Maryland institutions. The CAC met with representatives from the University of Maryland Police Department (UMPD) and the Office of General Counsel (OGC).

State of Maryland Laws Related to Weapons

During its review, the CAC consulted with the OGC in order to better understand the legal framework surrounding the use, possession, and/or storage of weapons within the State of Maryland.

The Annotated Code of Maryland, Criminal Law Article, Section 4-203¹ provides that a person may not “wear, carry, or knowingly transport a handgun, whether concealed or open, on or about the person” unless they meet certain exceptions set forth in 4-203(b), including being a member of law enforcement or having an authorized carry permit from the State of Maryland. The section also provides that a person may not “wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State” unless they meet the same exceptions set forth in 4-203(b). The section further provides that a person may not wear or carry a handgun on their person or within a vehicle “while on public school property in the State” (unless the same exceptions are met), or with the deliberate purpose of injuring or killing another person. In addition, various state statutes prohibit wearing, carrying, or transporting other weapons in the same manner.

¹ The Annotated Code of Maryland, Criminal Law Article, Section 4-203(i-iv):
<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gcr§ion=4-203&ext=html&session=2015RS>

The CAC also found that the Code of Maryland Regulations (COMAR) in 04.05.01.03 Subsection B² states that except for official purposes or authorized personnel, individuals on state property may not carry firearms or other dangerous or deadly weapons. However, it is unclear whether property owned by the University of Maryland would be considered under this regulation, and no case law exists to clarify this question.

Proposed Legislation in the Maryland General Assembly

In February 2016, a bill entitled Weapon-Free Higher Education Zones (SB0906 / HB1002)³ was proposed in the Maryland General Assembly, which proposed revising existing State law to clarify that the possession of firearms, knives, or deadly weapons is prohibited on the property of public institutions of higher education within the State of Maryland. The proposed bill included exceptions for law enforcement, organized activities with educational purposes, and those with written invitation from the president of an institution to engage in historical demonstrations. The proposed legislation was not approved in the 2016 session. However, the CAC believes it is very likely that the bill will be reintroduced in future years.

Peer Institution Research

In its charge, the SEC asked the CAC to conduct peer institution research. The committee conducted research to consider whether there are policies in place; whether weapons are specifically prohibited in peer policies; the definitions of weapons; special language on replica weapons; and any specific exceptions to the policy that the committee should consider. Information was available for all peer institutions, though some institutions only have policies or procedures related to students.

In reviewing information on Big 10 institutions, the CAC found seven institutions with policies affecting faculty and staff, including the University of Michigan, University of Minnesota, Northwestern University, Penn State, and Purdue University. Policies at the University of Illinois at Urbana-Champaign and University of Wisconsin are codified into state law. Other Big 10 institutions have policies applying specifically to students, but not faculty and/or staff; such policies exist at the University of Iowa, Michigan State University, Ohio State University, and Rutgers University. Many policies at Big 10 institutions include specific exceptions, such as for law enforcement, authorized use by student organizations or club sports teams, use for educational purposes, or for employees with job duties related to weapons. In addition, some institutions have specific provisions related to replica weapons.

The CAC's charge referenced an existing policy at University of Maryland Baltimore (UMB), and the CAC found that other USM institutions have policies as well. Like UMD, Coppin State University, Frostburg State University, Salisbury University, University of Baltimore, University of Maryland Baltimore County, University of Maryland Eastern Shore, and University of Maryland University College have policies specific to students only. However, Bowie State University, Towson University, and UMB all have policies that apply to faculty and staff. Towson University's policy is very detailed, and it includes an exhaustive list of prohibited weapons; groups and purposes that are granted an exception to the policy (including sworn peace officers, those carrying OC spray for self-defense, and University-sponsored classes where weapons are used for instructional purposes); and information for groups that may request an exception through the University Police (such as members of the ROTC, groups using weapons as theatrical props, off-duty police, and Campus Recreation Services sponsored events). The

² Code of Maryland Regulations COMAR04.05.01.03 Subsection B
<http://www.dsd.state.md.us/comar/comarhtml/04/04.05.01.03.htm>

³ State Bill 0906, Weapon-Free Higher Education Zone
<http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=sb0906&tab=subject3&ys=2016RS>

policy at the University of Maryland Baltimore also creates a process for requesting an exception through the Chief of Police.

Throughout its consideration of peer research, the CAC could find no information as to why policies at peer institutions were put in place. The variety of details and exceptions found within peer institution policies suggests that the policies reflect the specific culture and needs of each institution.

Consultation with UMPD

The CAC met with a representative of UMPD as it began reviewing its charge. The CAC learned that the UMPD assisted the Senate Leadership in conducting research on this topic earlier in the year and found that current University guidance is lacking in this area. UMPD supports a University policy that illuminates the State of Maryland's weapons laws. Through its research, UMPD found the policy at UMB to be useful and felt such a thorough explanation of policy may be beneficial for the UMD community as well. The UMB policy explicitly defines the term "weapon" and provides specific instructions for gaining an exception to the policy. Currently, the UMPD rigorously enforces state law and does not authorize any campus community member outside of UMPD to carry a weapon, concealed or open, on campus.

Consultation with OGC

The CAC also met with a representative of the OGC to gain a legal perspective on the charge. The CAC and OGC discussed the various state laws related to weapons as well as policies at other USM institutions. The representative suggested that any policy related to weapons would require constant monitoring of state law to ensure alignment of the policy with the law with the State of Maryland. Since the potential for being out of alignment with state law involves risk for the University, the OGC suggested that it would be best for any decision related to the creation of a weapons policy to come from the University System of Maryland (USM), which could develop a policy that would apply to all USM institutions.

The CAC and OGC discussed the lack of information for faculty, staff, and visitors. The OGC agreed that there is nothing preventing the University from providing information to its community on what is and is not allowed by state law, though there is no legal obligation for the University to communicate state law to its community members. The CAC agreed that communication from the University would likely have more of an impact than the creation of a policy.

Committee Deliberation

As it considered the charge, the CAC found difficulty identifying a clear problem the charge seeks to address. Through its discussions with UMPD and OGC and its review of statistics within Annual Safety Reports regarding weapons violations, the CAC learned that there are very few incidents related to weapons each year, as well as very few inquiries related to the ability to carry a weapon on campus. Most incidents involving weapons occur off-campus and typically involve students in a domestic or housing dispute.

The CAC agreed with the perspective that creating a policy may put the University at risk of being out of alignment with state law at a later date. Given that the UMPD is currently enforcing state law effectively and that there are few to no incidents or inquiries each year, the CAC felt that the protection provided by state law and UMPD practices are currently adequate.

After due consideration of the issues involved in the charge, on April 27, 2016, the CAC determined that a weapons policy should not be developed at this time.

RECOMMENDATION

After much deliberation, in April 2016, the Campus Affairs Committee voted unanimously that the University should not develop a policy on use or possession of weapons at the University of Maryland. The committee affirms that the University follows the appropriate state laws related to these issues, and agrees that use or possession of weapons by students is adequately addressed by the *Code of Student Conduct*. The committee does not feel that creation of a University policy is appropriate at this time.


APPENDICES

Appendix 1 – Senate Executive Committee Charge on Consideration of a University of Maryland Weapons Policy

APPENDIX 1 - SENATE EXECUTIVE COMMITTEE CHARGE ON CONSIDERATION
OF A UNIVERSITY OF MARYLAND WEAPONS POLICY



**University Senate
CHARGE**

Date:	November 4, 2015
To:	Erin Rooney-Eckel Chair, Campus Affairs Committee
From:	Willie Brown Chair, University Senate 
Subject:	Consideration of a University of Maryland Weapons Policy
Senate Document #:	15-16-11
Deadline:	March 25, 2016

The Senate Executive Committee (SEC) requests that the Campus Affairs Committee consider whether the University of Maryland should develop a weapons policy.

Specifically, we ask that you:

1. Review Maryland Criminal Law, Section 4-203.
<http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gcr§ion=4-203&ext=html&session=2015RS&tab=subject5>
2. Review the University of Maryland Baltimore Policy Prohibiting Weapons (Section XI – 2.00[A]). <http://cf.umaryland.edu/umpolicies/usmpolicyInfo.cfm?polid=368>
3. Review the University of Maryland Code of Student Conduct (V-1.00[B]).
<http://president.umd.edu/policies/2014-V-100b.html>
4. Review the Department of Resident Life's Rights and Responsibilities Residence Hall Rules (<http://reslife.umd.edu/rights/codes/rhrules/>).
5. Review weapons policies at peer, Big 10, and University System of Maryland institutions.
6. Consult with a representative from the University of Maryland Department of Public Safety regarding Maryland State Law with regards to weapons.
7. Consider whether a weapons policy should be established for the University of Maryland.
8. If appropriate, develop a weapons policy considering the following:

- a. Whether the definition of weapons should align with the definition noted in the Code of Student Conduct;
 - b. How legitimate uses of replicas of weapons on campus should be included in policy language (e.g. performing arts, ROTC etc.); and
 - c. Whether existing relevant University policies should include reference to the new weapons policy (e.g. Code of Student Conduct).
9. Consult with the University's Office of General Counsel on any recommended policy language.

We ask that you submit your report and recommendations to the Senate Office no later than March 25, 2016. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, 301-405-5804 or reka@umd.edu.