



**Policy Number:** 3.007  
**Originating Office:** University Police Department  
**Responsible Executive:** Chief of Police  
**Date Issued:** 1/30/2023  
**Date Last Revised:**

# Dangerous Weapons and Firearms

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### I. REASON FOR THIS POLICY

This policy and its procedures set forth the provisions applicable to dangerous weapons and firearms on University premises.

### II. STATEMENT OF POLICY

It is the policy of the University that possession of firearms or other dangerous weapons and ammunition on University premises is prohibited unless authorized by the University President, or designee.

### III. DEFINITIONS

- Dangerous Weapons:** As defined by SDCL 22-1-2(10), any firearm, stun gun, knife or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm. This shall include, but is not limited to, any item designed to appear like those items mentioned in this policy such as a replica gun, paintball gun, air gun, bb gun, etc. Unauthorized knives shall include switchblade knives and fixed blade knives with a length of five (5) inches or greater unless solely used for kitchen preparation.
- Firearm:** As defined by SDCL 22-1-2(16), any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the term, gunpowder, includes any propellant that upon

oxidization emits heat and light and is commonly used in firearms cartridges.

#### IV. PROCEDURES

- A. It is the policy of the University that possession of firearms or other dangerous weapons and ammunition on University premises is prohibited unless authorized by the University President, or designee.
  1. For purposes of this policy, devices and materials which fall under the definition of dangerous weapon or firearm, yet are excluded from this policy include:
    - i. Those which are disabled from use as a weapon and are used only for
    - ii. display in a supervised manner in connection with official University
    - iii. programs including, but not limited to, drama and color guard, are
    - iv. permitted on University premises without prior authorization of the
    - v. University President, or designee;
    - vi. ii. Starting guns used at an athletic event;
    - vii. iii. Replica/stage firearms used for theatrical performances;
    - viii. iv. Pepper spray kept for personal defense; and
    - ix. v. Chemicals used for academic or research purposes purchased in accordance with University policies and procedures.
- B. Exceptions to the prohibition on individual possession of firearms, other dangerous weapons, or ammunition may only be granted on a case-by-case basis as determined by the University President, or designee. Requests for exception should be submitted in writing and must include proposed equipment, use, individuals, and a safety and storage plan and if an exception is granted, appropriate limitations shall be applied to protect the health and safety of the premises and its population.
- C. Limited possession and use of firearms, dangerous weapons, and ammunition is allowable by specific individuals under specific conditions:
  1. Law Enforcement Officers:
    - i. University Police Officers who are trained and authorized to carry authorized firearms, dangerous weapons, and ammunition and use them strictly within the bounds of the law, their training, and scope of duties.
    - ii. Certified law enforcement officials on University property may carry authorized firearms, dangerous weapons, and ammunition and use them strictly within the bounds of the law, their training, and scope of duties.
  2. Military Assistance or Occupancy:
    - i. In conditions designated by applicable legal authority, the U.S. military and other military officials may possess firearms,

dangerous weapons, and ammunition on campus during times of local, regional, or statewide crises, times of war, or other times identified by said legal authority.

3. Reserve Officer Training Corps (ROTC):
  - i. ROTC, acting in their ROTC capacity, may possess, securely store, remove, and use firearms and ammunition or other dangerous weapons in accordance with policy and procedure set forth by ROTC and federal guidelines in ROTC facilities.
  - ii. The University Police Department shall be advised in writing of any firearms and/or ammunition stored by ROTC on the USD campus.
- D. Lawful firearms may be stored with the University Police Department, by ROTC at ROTC facilities, or by an individual stored inside a privately-owned vehicle as set forth herein.
  1. Storage of Firearms with the University Police Department
    - i. A University employee, student, or visitor may check in a firearm with the University Police Department in compliance with University Police
    - ii. Department firearms storage policies. The University Police Department shall retain possession of the firearm until the University employee, student, or visitor who checked in the firearm signs documentation to retrieve it before leaving the University premises.
  2. Storage of Firearms in a Privately-Owned Vehicle
    - i. To the extent allowed by law, a University employee, student or visitor may retain their lawful firearm inside their locked vehicle on University premises only under the following conditions:
      - a. The firearm is unloaded;
      - b. Magazines are emptied;
      - c. Safety is not in the fire position, when applicable;
      - d. The firearm is inside a locked case designed for weapon storage and transport or gun lock has been applied;
      - e. The locked case/firearm with appropriate gun lock is out of sight from the exterior of the vehicle; and
      - f. Every door leading directly or indirectly to the cabin or trunk on the vehicle is locked.
  3. Firearms carried by individuals unauthorized to possess or use a firearm on University premises shall ensure the firearm is unloaded, inoperable, and in a case during conveyance to and from storage.
- E. The University will not be responsible for the theft of a firearm stolen from a privately owned vehicle. The owner of the vehicle, the firearm, or both may be responsible for any damages caused by the firearm or the operator of the firearm.
- F. The University will not be responsible for any personal property loss associated with one's possession of a firearm on the University premises.

- G. Individuals found violating this policy will be subject to sanctions. For University employees, this includes discipline up to and including termination. For University students, this includes discipline up to and including expulsion. Further, all persons, including employees, students, and visitors, may be permanently banned from the University or its premises. Due Process applicable to the application of discipline or sanction will be afforded in accordance with the status of the individual allegedly violating this policy. The University reserves the right to immediately revoke privileges allowed under this policy.
- H. Alleged violations of the law will be referred to the University Police Department and any employee or student who becomes aware of a violation of this policy is required to notify the University Police Department.

## V. RELATED DOCUMENTS, FORMS AND TOOLS

[South Dakota Board of Regents Policy 1.4.5](#)