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**Responsible Executive:** Chief of Police  
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# Dangerous Weapons and Firearms

## Policy Contents

I. REASON FOR THIS POLICY.....	1
II. STATEMENT OF POLICY .....	1
III. DEFINITIONS .....	2
IV. PROCEDURES.....	2
V. RELATED DOCUMENTS, FORMS AND TOOLS .....	4

### 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

- A. Dangerous weapons and firearms are prohibited within the boundaries of the University or while in any building or structure owned or leased by the Board of Regents or the University, unless specifically authorized by this policy or by the University President.
- B. The following are permitted, unless otherwise specified by this policy, within the boundaries of the University or while in any building or structure owned or leased by the Board of Regents or the University:
  1. Concealed pistols and compatible ammunition, by an individual holding an enhanced permit, a restricted enhanced permit, or a reciprocal permit issued in accordance with [SDCL 23-7](#);
  2. A stun gun; or
  3. Mace, pepper spray, or other chemical irritant.
- C. Each individual who possesses an item set forth in Section B.1 through B.3 shall, at all times, have that item in the individual's custody or control, and shall be wholly responsible for carrying, storing, and using the item in a safe manner and in accordance with the law, BOR policy, and institutional policy. When an individual not carrying or in possession of any item set forth in sections B.1 through B.3, the individual shall store the item in a locked case or safe. Individuals are responsible for the purchase and availability of the appropriate case or safe for weapons storage. Except in

those instances where necessary for self-defense or transferring to safe storage, or as otherwise provided in this policy, concealed pistols may not be openly displayed.

- D. Possession of items listed in B.1 through B.3 above may be restricted or prohibited in certain portions of buildings or structures on campus with approval of the President or their designee, so long as those restrictions conform with SD Board of Regents [Policy 1.4.5](#) and state law.
- E. The University will maintain an internal registry of locations approved for restricting items listed in B.1 through B.3 above, and the rationale for such restriction. The registry shall conform to the requirements of SD Board of Regents [Policy 1.4.5](#) and be reviewed and approved by the President. The University will make reasonable efforts to inform students and guests of restricted spaces through signage and other means.

### III. DEFINITIONS

- **Concealed Pistol:** For purposes of this policy, concealed pistol is defined by SDCL [22-1-2](#)(6) as “any firearm that is not totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed.”
- **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.
- **Stun Gun:** For purposes of this policy, stun gun is defined by [SDCL 22-1-2](#)(50) as “any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person.”

### IV. PROCEDURES

- A. 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:
  1. Those which are disabled from use as a weapon and are used only for
  2. display in a supervised manner in connection with official University
  3. programs including, but not limited to, drama and color guard, are
  4. permitted on University premises without prior authorization of the
  5. University President, or designee;

6. Starting guns used at an athletic event;
  7. Replica/stage firearms used for theatrical performances;
  8. Pepper spray kept for personal defense; and
  9. Chemicals used for academic or research purposes purchased in accordance with University policies and procedures.
- B. Other 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:
    - a. 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.
    - b. 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:
    - a. 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):
    - a. 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.
    - b. 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
    - a. A University employee, student, or visitor may check in a firearm with the University Police Department in compliance with University Police 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
  - a. 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:
    - i. The firearm is unloaded;
    - ii. Magazines are emptied;
    - iii. Safety is not in the fire position, when applicable;
    - iv. The firearm is inside a locked case designed for weapon storage and transport or gun lock has been applied;
    - v. The locked case/firearm with appropriate gun lock is out of sight from the exterior of the vehicle; and
    - vi. 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. If an individual discharges or witnesses the discharge of a Dangerous Weapon or Firearm, whether intentionally or inadvertently, the individual or witness should immediately report the discharge to University Police Department, in order for campus authorities to address potential health or safety issues impacting individuals or facilities resulting from the discharge. Injuries or immediate threats to life or safety should be reported to 911. Alleged violations of the law will be referred to the University Police Department and any employee or student who becomes aware of a violation is required to notify the University Police Department.

## V. RELATED DOCUMENTS, FORMS AND TOOLS

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

[South Dakota Codified Law 22-1-2](#)