

BLACK HILLS STATE UNIVERSITY
Policy and Procedures Manual

SUBJECT: Dangerous Weapons and Firearms

NUMBER: 9:2

Office: Public Safety

Source: [SDBOR Policy 1:25](#); [SDCL 22-1-2\(10\)](#) & [\(16\)](#)

1. Purpose

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

2. Definitions

- a. Dangerous Weapon: 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.
- b. 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 policy, the term gunpowder, includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges.

3. Policy

- 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.

- i. 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 display in a supervised manner in connection with official University programs including, but not limited to, drama and color guard, are permitted on University premises without prior authorization of the University President, or designee;
 - 2. Starting guns used at an athletic event; and
 - 3. 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 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 condition:
 - i. Law Enforcement Officers:
 - 1. Certified law enforcement officials when acting in a law enforcement capacity 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.
 - ii. Military Assistance or Occupancy:
 - 1. 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.

iii. Reserve Officer Training Corps (ROTC)

1. ROTC, acting in their ROTC capacity, may possess, securely store, remove, and use firearms and ammunition in accordance with policy and procedure set forth by ROTC and Homeland Security in ROTC facilities.
 2. Firearms and ammunition will be stored securely in accordance with policy and procedure set forth by ROTC and Homeland Security.
- d. Lawful firearms may be stored with the University Public Safety Office, or by an individual stored inside a privately-owned vehicle as set forth herein.
- e. The University will not be responsible for 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.
- i. For University employees, this includes discipline up to and including termination.
 - ii. For University students, this includes discipline up to and including expulsion.
 - iii. 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 criminal violations of the law will be referred to the Spearfish Police Department and any employee or student who becomes aware of a violation of

this policy is required to notify Public Safety, Resident Life, their supervisor, or law enforcement.

4. Procedures

a. Storage of Firearms

i. Storage of Firearms with the University Public Safety Department

1. A University employee, student, or visitor may check in a firearm with the University Public Safety Department in compliance with their firearms storage policies. The Public Safety 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.

ii. Storage of Firearms in a Privately Owned Vehicle

1. 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. Clips and/or magazines are emptied;
- c. Safety is not in the fire position, when applicable;
- d. The firearm is stored out of sight from the exterior of the vehicle; and
- e. Every door leading directly or indirectly to the cabin or trunk on the vehicle is locked.

- iii. Firearms carried by individuals unauthorized to possess or use a firearm on University premises shall ensure the firearms are unloaded, inoperable, and in a case during conveyance to and from storage.

5. Responsible Administrator

The Director of Public Safety, successor, or designee is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy and its procedures.

SOURCE: Adopted by President on 10/27/2021. Reviewed 2023.07.24