

**ADMINISTRATIVE PROCEDURE 3530 WEAPONS ON CAMPUS**

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or in any facility of the District except as detailed below. The prohibition of firearms on at any college in the district, at any district/college center, at district office, or in any district facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm.

Any person who believes that he/she may properly possess a firearm or other weapon on campus or other facility of the District must promptly notify the Peralta Police Services and obtain written permission from the Peralta Police Services to possess a firearm or other weapon on campus. Kitchen knives are restricted to food services use under the direct supervision of employees and shall remain in food services facilities or with a food service event.

Bringing or possessing any firearms, ammunition, explosives, air guns, slingshots, firecrackers, fireworks, cherry bombs, metal knuckles, billy clubs, dirks, daggers, ice picks, or knife having blade longer than 5 inches upon the grounds is prohibited, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

Weapons are prohibited on any District campus or in any facility of the District, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by District Personnel, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

**I. Applicability**

- A. These procedures apply to all employees and students of the Peralta Community College District; associates of the District; respective contractors; and guests
- B. These procedures apply to any and all District property, including all campuses, administrative facilities, parking areas, grounds and other publicly-accessible areas, and at all events and activities occurring on District property.
- C. These procedures are not applicable to online students unless such a student possesses or uses a weapon (1) while [s]he is physically present on a District campus or at a District-located event or, (2) in violation of federal, state or local law.

**II. Definitions**

- A. "District" may include all colleges within the District, and all administrative, maintenance and other District-owned and/or controlled facilities, lots or open spaces.
- B. "Weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed
  - 1. Weapons may include, but are not limited to any offensive weapon; firearms of any kind such as pistols, revolvers, or other guns; BB or pellet guns, knives such as daggers, razors, stilettos, switchblade knives or knives with a blade exceeding five inches in length, tasers, stun guns, or other portable devices directing an electric current that are designed to

- immobilize a person; explosives or incendiaries such as bombs, grenades, or fireworks, poison gas; or simulations of any such items (devices that appear to be real such as a realistic toy, replica, paint-ball gun, etc.).
2. A weapon may also include an object of any sort whatsoever which is used in such a manner as to indicate that the person using the object intends to inflict death or serious injury upon another person, or which is threatened to be used in such a manner, and which, when so used, is capable of inflicting death upon a human being.
- C. "Possession" means that the person has actual physical control of the weapon because it is on or in the person's body, or in an item of personal property belonging to the person (including, but not limited to, a bookbag, backpack, briefcase, or purse), or in a space individually assigned to the person. "Possession" also means that the person knows, or should know, of the presence of a weapon within a vehicle which the person owns or operates and that the person has the ability or right, either alone or with any other person, to maintain control of the weapon.

### III. Personnel

- A. The Vice Chancellor of General Services is responsible for implementing and overseeing these procedures. Peralta Police Services, under contract to the Peralta Community College District, is responsible for the management and enforcement of these procedures.
- B. Authorized Personnel for all approvals noted herein are:
  1. Chancellor.
  2. Vice Chancellor of General Services.
  3. The Captain of Peralta Police Services
  4. The Lieutenant of Peralta Police Services
- C. College President of an impacted campus will participate in decision-making as appropriate.

### IV. Operating Procedures

- A. District Authorized Personnel designated in section III.B above shall work together to develop and implement operating procedures for the safe use, storage and control of firearms and other weapons that may be necessary and appropriate for instructional aids in relevant educational programs and to further the implementation of this policy through more specific procedures.

### V. Incident Response

- A. Any person who observes a student, faculty, staff, or visitor violating this Policy shall immediately inform any or all of the College President's office, if on a campus, Peralta Police, Chancellor's office and Vice Chancellor for General Services.
- B. Alleged violations of this policy will be promptly investigated.
- C. Policy violations will result in appropriate disciplinary action and may result in referral to law enforcement.

### VI. Violations

- A. Any person who violates this Administrative Procedure may be subject to:
  1. An order to leave the immediate premises or property owned or controlled by the District

2. Arrest for criminal trespass if a previous order to leave the immediate premises or property owned or controlled by the District is refused or disobeyed;
  3. Disciplinary proceedings, up to and including expulsion or termination, if the person is a student, employee, faculty member, or administrator.
  4. Prosecution by local, state, or federal authorities if the person is suspected of and/or in violation of local, state or federal law.
- B. Any vendor or contractor who violates the provisions of this policy shall be subject to the termination of his/her business relationship with the System Office and/or affected technical college, as well as possible criminal prosecution.
- C. If an individual believes he/ she is not responsible for an alleged violation of the Weapons on Campus policy, appeal may be made to the chancellor or designee within ten (10) business days of receipt of the violation notification from the District.
- D. Failure to appeal in writing within the scheduled time period will result in ratification of the violation.

#### VIII Notification

- A. Signage shall be publicly posted at each site that firearms, weapons, and unlawful explosive compounds are prohibited at each college campus, administrative building and other District-owned and controlled property or site.
- B. All employees, students, volunteers, visitors, vendors, and contractors must be informed of the following:
1. Legal implications of prohibiting firearms, weapons, and unlawful explosive compounds on District property or at District sanctioned functions.
  2. Possible penalties associated with violations of this policy.
  3. Reporting procedures to notify appropriate law enforcement agencies of a potential violation.

#### IX. Exceptions

- A. All requests for exception to this Policy must be made in writing to chancellor or designee prior to the requesting individual entering a District property in possession of a weapon.
- B. Statements must substantiate that requesting individual:
1. Is a current federal, state or local law enforcement officer or other person who is required by law to carry a weapon, member of the armed forces, campus public safety officer, or person required to carry a weapon by law or official rules of conduct applicable to such person
  2. Agrees to abide by all policies, procedures and instructions of the District with respect to the possession or use of weapons.
- C. Statement shall identify the specific weapon(s) to be carried.
- D. Authorizing Official, after verifying that request includes required information and gathering any additional information deemed appropriate, shall determine whether (and if so, to what extent) to grant the request.
- E. Determination shall be communicated in writing and considered final.

- F. Permission granted under this Policy shall be confirmed through a written and signed Agreement stating that grantee has read and understands this Policy; understands that the weapon is not to be visible or used, except to the extent required by applicable laws, regulations or rules of conduct; agrees to (a) follow all applicable laws, (b) take all appropriate precautions to secure the weapon, avoid injury or disruption to members of the District community, affiliated entities or unaffiliated third parties, and (c) unconditionally agrees to indemnify and hold harmless the District, its affiliates, respective trustees, employees, agents and representatives against any losses, liabilities and related expenses (including, but not limited to, reasonable attorney fees) that may be incurred in connection with such person's possession or use of a weapon, whether or not such possession or use is determined to be negligent or in violation of this Policy or any applicable law, regulation or rule of conduct.
  - G. A person receiving such authorization, which shall only apply to the specific weapon(s) identified in the granted request, shall promptly notify chancellor or designee in writing of (a) any loss or theft of the weapon or (b) any material change in the facts or circumstances upon which permission was granted.
  - H. Upon granting or revoking permission under this Policy, grantee shall immediately furnish written notice to the appropriate District Personnel for the campus or site at which the person to whom permission has been granted will be located.
  - I. Except as otherwise set forth in writing by this procedure, permission granted under this Policy:
    - 1. Shall be effective only for the specific time period for which it is granted unless renewed in writing
    - 2. May be revoked at any time, in writing
    - 3. Shall terminate automatically when the person to whom permission has been granted leaves the District, College or is suspended for any reason.
  - J. Granting of permission applicable to a stated term does not guarantee that this Policy shall not be revised or that permission will remain in effect for the remainder of that term or for any subsequent terms.
- X. Violations
- A. Any student or employee found to be in possession of a firearm or other weapon in violation of this policy is subject to immediate dismissal, termination, and/or prosecution in accordance with applicable statutes.
  - B. Any other person in violation of this policy is, in addition to being subject to criminal prosecution under applicable statutes, subject to immediate expulsion from institutional facilities and prohibition against reentry.

Approved by the Chancellor: July 26, 2012

Revised and approved by the Chancellor: September 28, 2016