



# NEVADA SYSTEM OF HIGHER EDUCATION

## NSHE Arguments Against Concealed Weapons on Campus

- Nevada Law: The Nevada Constitution gives the Board of Regents the authority to “control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law.”
- Board of Regents v. Oakley, 97 Nev. 605, 608, (1981) that “. . . the legislature may not invade the constitutional powers of the Board through legislation which directly interferes with essential functions of the University.” And, the “. . . encroachment on constitutional functions cannot be justified in the guise of defining duties, . . .” King v. Board of Regents, supra, at 557-558.
- The statutory prohibition of weapons, including firearms on campus, is longstanding. The prohibition contributes to the welcoming and open nature of the NSHE institutions and promotes an atmosphere conducive to learning.
- Nevada law provides authority for NSHE to identify certain circumstances when weapons and/or concealed firearms may be permitted on its premises. This policy sets forth the circumstances and processes required to be followed for a person to obtain permission to carry a weapon or firearm on NSHE campuses. [Title 4, Chp. 1, Sec. 31]
- By not requiring a CCW permit holder to obtain permission from campus police or administrators, AB 148 interferes with an essential function of the Board of Regents which is to keep University/College campuses safe.
- A majority of the states either ban concealed firearms on campus or leave it to the colleges and universities to regulate.
- According to the Education Commission of the States (ECS), a National Conference of State Legislatures overview indicates that only seven states (Colorado, Idaho, Kansas, Mississippi, Oregon, Utah, and Wisconsin) allow concealed firearms on campus, 20 states ban carrying a concealed firearm on campus, and 23 states allow individual colleges and universities to regulate concealed firearms on campus.
- Of those seven states that allow CCW on campus, five recognize that there are sensitive places on campus that should remain weapon free:
  - ◊ ID – (Legislation) Concealed and open carry firearms are prohibited in dorms, public entertainment facilities and buildings with a capacity of over 1,000 individuals.
  - ◊ KS – (Legislation) Colleges and universities can prohibit concealed carry if a building has “adequate security measures,” and, governing boards of the institutions may still request an exemption to prohibit CCW for up to four years.
  - ◊ MS – (Legislation/Trustees Decision) Trustees voted to allow guns to be carried through campus, as long as the guns remained out of campus buildings.
  - ◊ OR – (Court Decision) Oregon’s State Board of Higher Education retained its authority to have internal policies for certain areas of campus, and adopted a new policy in 2012 that bans guns from classrooms, buildings, dormitories, and events.
  - ◊ WI – (Legislation) Campuses can prohibit weapons from campus buildings if signs are posted at every entrance explicitly stating that weapons are prohibited.
- Nevada would be in the minority of states, an extreme outlier, if AB 148 were to pass. Even AB 143 from the 2013 Legislative session recognized the exception for sensitive places on campus. AB 148 is overly broad.
- The BOR can adopt rules and regulations to prohibit alcohol on campus and prohibit smoking in dorms for the safety of students and others on higher education campuses but have no right to regulate firearms?
- Many in the NSHE community are opposed to AB 148: administrators, presidents, faculty, students. Their rights should not be ignored to favor a few.
- Guns on campuses would have a chilling effect on academic freedom, robust classroom discussions and already difficult faculty/student discussions on failing grades.
- It would also require more police presence at meetings or hearings that involve emotional volatility, such as disciplinary hearings and grade and financial aid appeal hearings.
- Campus law enforcement are unanimously opposed to AB 148. Their law enforcement concerns are legitimate.
- Allowing CCWs on campus would lead to operational uncertainties which will confuse campus life, school police and administrators.
- Reports of an individual with a gun on campus would immediately generate an aggressive response by our police officers who would seek to disarm the person *before* ascertaining whether or not they were licensed to carry the firearm.
- Are faculty, staff and students now required to inquire whether the person has a permit to carry concealed when they see someone with a gun? Is it fair to place the burden on them to determine if a person is a legal CCW holder or potential predator or both?

- During an active shooter situation established police response tactics call for the neutralization or elimination of the threat. Responding officers always look for *anyone* with a firearm in their hands or on their person. During these scenarios *anyone* with a weapon could very likely be shot including the CCW holder who may be acting as a Good Samaritan.
- CCW training (8 hours) does not train permit holders in how to engage and neutralize an actual active shooter. The premise that an elementary trained individual could successfully thwart an attack by an armed assailant is flawed, as anyone who has ever shot a gun or gone hunting knows. It is more likely that individual would pose an additional danger to other students in the area or himself.
- According to the US Department of Justice, Bureau of Justice Statistics National Crime Victimization Survey, between 1995-2013, females aged 18 – 24 had the highest rate of rape and sexual assault victimizations compared to females in all other age groups. Within this age group for victims identified as students versus nonstudents data shows that:
  - ◊ The rate of rape and sexual assault was 1.2 times higher for nonstudents than for students enrolled in a college, university, trade school, or vocational school.
  - ◊ For both students and nonstudents, about 70% of rape and sexual assault victimizations occurred either at the victim's home or the home of another known person.
  - ◊ 51% of student rape and sexual assault victimizations occurred while the victim was away from home pursuing leisure activities or traveling to or from other place/ shopping or errands (not while attending school or traveling to school).
  - ◊ For both college students and nonstudents, the offender was known to the victim in about 80% of the incidents.
  - ◊ For student victims, offenders were more likely to be friends or acquaintances (50%) than intimate partners (24%). *Special Report, "Rape and Sexual Assault Victimization Among College-Age Females, 1995-2013," December 2014.*
- What the data does tell us is that sexual assaults do not predominantly occur on college campuses and a majority of them are committed by someone known to the victim. And often times, alcohol and intoxication are involved with both parties partaking. In this situation, the chances that a victim would be within reach of a gun, or of rational mind to use it would be low.
- Gun rights advocates have co-opted the important discussion about preventing violence to women and children and re-defined it to suit their agenda. AB 148 is a perfect example of how those tone deaf to the issue of preventing violence against women and children continue to distort the policy discussion to suit their needs instead of the needs of the women and children many of us have been fighting to protect.
- To obtain a CCW permit under Nevada law you have to be 21 years of age. Of the total students attending NSHE institutions, 36.4% are under 21 years of age (34,373); and pre-school age children (483), elementary school children (681) and high school students (2,896) attend programs or classes on NSHE campuses. AB 148 does not help to protect these students. Instead, it gives predators an additional tool to use to prey upon them.
- The 2013 National Survey on Drug Use and Health indicates that college students aged 18 to 22 who were enrolled full time in college were more likely than their peers who were not enrolled full time (i.e., part-time college students and persons not currently enrolled in college) to report current, binge, or heavy drinking.
  - ◊ Among full-time college students, 59.4 percent were current drinkers, 39.0 percent were binge drinkers, and 12.7 percent were heavy drinkers.
  - ◊ About four out of five college students drink alcohol.
  - ◊ Each year an estimated 599,000 students are unintentionally injured under the influence of alcohol.
  - ◊ Each year an estimated 696,000 students are assaulted by another student who has been drinking and 97,000 students are victims of alcohol-related sexual assault or date rape.
- On NSHE campuses there is a zero tolerance for underage drinking. Yet we all know alcohol finds its way into the hands of underage drinkers. And, alcoholic beverages are sold during university athletic events and at parties in campus venues for those of legal age. The combination of alcohol, individuals carrying firearms, and binge drinking can be potentially lethal.
  - ◊ In 2014, UNR Police cited or arrested over 260 students for alcohol incidents.
- The allowance of concealed weapons on campus without any limitations would increase the potential for accidental discharges of these weapons with resulting injuries and fatalities on campus.
- Campus requests for CCW permits have been de minimus for the last three years. It is a solution in search of a problem.
- How would dorm students safely store their weapons? Would they leave them unattended in their rooms? What if their dorm partner objected to the weapon? Would the university be obligated to provide storage or change the dorm room occupants? Would CCW permit holders be able to bring loaded firearms to university sponsored/hosted events where political candidates or office holders are in attendance or speaking? What about controversial speakers, student/staff disciplinary or human resources hearings?
- The regulation of firearms on campuses is an important function of our campus safety policies and best left to the discretion of the Board of Regents as recognized under current law and best practice across the country.