

Georgia Campus Carry Bill – FACULTY and STAFF Guidance and Education

The below information is intended to provide guidance to TCSG colleges as we work to ensure that we are following the law. It is recognized that this is not an all exhaustive list of potential questions and points of clarification concerning the new changes to campus carry. Please consult your college Police Departments as well as the TCSG Office of Legal Services with any additional questions or concerns you may have.

- **Date of implementation** July 1, 2017
- **Break down elements of the statute** 16-11-127.1
 - ❖ Must be 21 or over (unless an active member of the military)
 - ❖ Applies to anyone on campus-- student, faculty, staff, contractor or visitor
 - ❖ Applies only to handguns (revolvers and pistols)
 - ❖ Must have valid Georgia Weapons Carry License (WCL) or a weapons carry license or permit from a reciprocal state provided that the license carrier is not a resident of GA. If they become a GA resident they should obtain a GA WCL (active military exception)
 - ❖ Locations authorized
 - In any building or on real property (buildings or land) owned or leased by the college unless specifically prohibited below
 - ❖ Locations prohibited
 - Any buildings or property used for athletic sporting events (while athletic event is occurring)
 - Student housing (includes fraternity and sorority houses)
 - Preschool or childcare spaces (defined as separated by electronic mechanism or human-staffed point of controlled access)
 - College and Career Academies
 - Classes w/ Move On When Ready (MOWR)/dual enrollment students (defined as the space or room being currently used for instruction of MOWR/dual enrollment students)
 - Faculty, staff or administrative offices
 - Rooms where disciplinary hearings are conducted

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- ❖ Must be concealed
 - Concealed defined—carried in such a fashion it does not ***actively solicit*** the ***attention*** of others... is not ***openly and intentionally*** displayed. ***Substantially*** covered by an article of clothing, or carried within a bag of nondescript nature.

Additional Points for Consideration:

- **It is incumbent upon the weapons carry license holder to know the law and follow it at all times.**
- It is the responsibility of the license holder/gun owner to ensure that they have received gun safety training on proper loading, use and carry (including concealed carry) of a firearm. Colleges (including their police or security departments) will not provide firearms training to anyone other than employed sworn police officers.
- It is fine to install a link to the law on your websites or in printed material. You may also post the law, however, if doing so, the law must be posted in its entirety without any additions or deletions or extra commentary.
- Colleges are encouraged to work with their campus police departments and security departments to provide education about campus carry to all employees and students during orientations or by other means.
- Remind students, faculty and staff, if a weapon carry license holder is found in violation the charge is a misdemeanor. If a non-carry license holder is found in violation, the charge is a felony.
- Colleges should continue providing the same Active Shooter training to all faculty, students and staff as has been given in recent years. This is an opportunity to remind everyone, that in the event of an active shooter type occurrence, police will respond with the intent of locating and stopping the threat. It is the responsibility of the licensed carrier to **clearly identify themselves and immediately obey all instructions given by law enforcement.**
- If applicable, colleges will identify themselves as having MOWR and/or dual enrollment on their campuses (in literature, in orientations and on

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websites). Colleges will not designate certain areas or classrooms as MOWR or dual enrollment as it is not practical to do so.

- For the purposes of determining if a class has any MOWR or dual enrollment students in it: Faculty should be aware of any MOWR or dual enrollment students in their class. Students may ask their fellow classmates if anyone is a dual enrollment or MOWR student, however, fellow students are **not required** to identify themselves as dual enrollment or MOWR.
- **No one, other than the legislature, can make any policy, rule or regulation concerning the possession or carrying of weapons.** Instructors may not require students who are carry license holders to identify themselves. Administrators may not require their employees to self-identify. Even asking individuals to voluntarily disclose if they hold a carry license should be avoided so as not to create the appearance of disparate treatment or creation of any regulations.
- Ensure that any signage posted on campuses displays correct language. Campuses are NOT “Weapons Free Zones” or areas where “No Weapons Allowed”. Campuses are considered School Safety Zones, where Weapons are Restricted, pursuant to O.C.G.A. 16-11-127.1.
- Faculty and Staff need to thoroughly understand what “concealed” means. Concealed defined—carried in such a fashion it does not **actively solicit** the **attention** of others... is not **openly and intentionally** displayed. **Substantially** covered by an article of clothing, or carried within a bag of nondescript nature
 - Example of substantially covered: Weapon covered by clothing and not visible during routine movement, however, the individual bends over to pick something up from the floor, their shirt or jacket rides up and the bottom of the gun and/or holster is visible temporarily until they sit upright or stand erect. Though the weapon might have been momentarily visible, it may still be considered to be substantially covered if *there was no intent to display it or solicit the attention of others.*

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Frequently Asked Questions:

1. Where can weapons be secured when not being carried on campus by permit holder? The gun owner's vehicle. Schools ***will not*** provide weapons storage facilities.
2. How will anyone know whether a class has MOWR or dual enrollment students in it? It is incumbent upon the licensed carrier to determine when these conditions exist and not violate the law. Faculty should be aware of any MOWR or dual enrollment students in their class. Students may ask their fellow classmates if anyone is a dual enrollment, MOWR, or high school student, however, fellow students are ***not required*** to identify themselves as dual enrollment or MOWR.
3. What is penalty for violation? See OGCA 16-11-127.1. If the violator has a valid carry license, on first offense, the penalty is a misdemeanor and a \$25 fine. If the violator does not have a carry license the charge is a felony.
4. Can law enforcement ask to see weapons carry license at any time? Law enforcement may not detain an individual for the sole purpose of asking if they have a WCL or requesting to view it.
5. Can others (e.g. faculty) ask a student to show a weapons carry license?
No
6. Can faculty ask for identity of all who are carrying weapons in classroom? No
7. Can the college designate additional "weapons free" areas? No, only those areas designated under the law apply.
8. Can mental health counselors, supervisors, health care workers, science lab managers (flammable items in use or storage), or any others draft policy banning firearms from their area, or have the right to ban if have specific concern about a student? No, but concerns should be reported to the appropriate college personnel
9. Must the permit be on your person while carrying? Yes

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10. Does it apply to any area where a student conduct hearing *may* or *has* occurred? It applies to any area where a student conduct hearing *is* occurring or will occur in the immediate future.
11. What happens when high school (or younger) students are on tours of the campus or in hallways or break areas? The law only applies to areas in current use for instruction of students who are dual enrollment or MOWR. Common areas where these students may be present are not covered.