Florida Gulf Coast University Board of Trustees
September 21, 2010

SUBJECT: Regulation: FGCU-PR9.005 Possession of Firearms and Weapons on University Property

PROPOSED BOARD ACTION

Approve amendments to FGCU-PR9.005, Possession of Firearms and Weapons on University Property

BACKGROUND INFORMATION

In accordance with the Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees, as adopted July 21, 2005, the Florida Gulf Coast University Board of Trustees is required to approve the promulgation of any University regulations or changes to existing regulations. The University has reviewed Regulation: FGCU-PR9.005, Possession of Firearms and Weapons on University Property, and proposes changes to the regulations. An executive summary of the proposed changes to the regulation text is enclosed.

The proposed changes are supported by FGCU Police Chief Steven Moore, Director of Public Safety and University Police Department.

Supporting Documentation Included: (1) Executive Summary of Proposed Changes, and (2) Notice and Text of Regulation FGCU-PR9.005

Prepared by: Director of Public Safety Chief Steven Moore

Legal Review by: General Counsel Vee Leonard (August 3, 2010)

Submitted by: Vice President for Administrative Services and Finance Joe Shepard
Executive Summary
Proposed Changes to Regulation FGCU-PR9,
Possession of Firearms and Weapons

FGCU-PR9.005, Possession of Firearms and Weapons

- Clarify scope to include all persons and all property under the control of the University
- Include language prohibiting possession of firearms within parked vehicles.
- Creating paragraph C. providing for weapons and additional items to be prohibited by law or regulation. Excepting common pocket knives and work tools.
- Creating paragraph D. providing for exceptions to the policy and providing a procedure to obtain permission.
- Creating paragraph E. providing possible consequences for violation of this policy.
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION
August 5, 2010

REGULATION TITLE:
Possession of Firearms and Weapons on University Property

REGULATION NO.:
FGCU-PR9.005

SUMMARY:
This regulation updates the current regulation prohibiting the possession of firearms or weapons on University property except for certain items in certain circumstances.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
Sections 790.01, 790.06 and 790.115 Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Chief Steven Moore, University Police

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Dr. Joseph Shepard, Vice President of Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; 239.590.7466 (Phone), 239.590.7470 (Facsimile); 10501 FGCU Blvd. S, Fort Myers, FL 33965-6565.

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE AUGUST 20, 2010 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: AUGUST 5, 2010
REGULATION: FGCU-PR9.005
Possession of Firearms and Weapons
On University Property

Effective Date of Regulation: 8/2/98

A. (1) Scope: SCOPE

This regulation applies to all students, faculty, staff, invitees and guests of persons on Florida Gulf Coast University. property or property under the control of the University.

(2) Possession of Firearms on University Property:

B. (a) POSSESSION OF FIREARMS ON UNIVERSITY PROPERTY

1. The possession of firearms, fireworks of any description, explosives, chemical weapons, or any lethal weapon other than a common pocket knife with a blade length of no more than three (3) inches, a firearm is prohibited on University property or property under the control of the University. Personal chemical protection devices with 10% or less active ingredients are exempt from this rule. The University specifically waives the exception provided for in Section 790.115(2)(a)3., Florida Statutes, thereby prohibiting possession of firearms within vehicles parked on campus.

2. (b) Sworn peace officers who are required by their employment to be armed, and are in uniform, are exempt from this regulation.

3. (c) Persons possessing concealed weapon permits are NOT exempt from must comply with this regulation and may not possess a firearm or other weapon on University property or other weapon on property under the control of the University property except as permitted by Section 790.06(12), ESIFlorida Statutes.

C. (3) Any student POSSESSION OF WEAPONS ON UNIVERSITY PROPERTY

The possession of any weapon is prohibited on University property or employee found property under the control of the University. Additional items prohibited by law or regulation include: fireworks, explosives, chemical weapons or devices, bb guns, pellet guns, and air soft/paintball guns or weapons except that a person may possess a common pocket knife, legitimate tools appropriately used in authorized work on campus, and certain other weapons as defined in this policy.
D. EXCEPTIONS

Notwithstanding the above, the following are permitted:

1. A weapon or firearm to be displayed or used in any of the academic programs of the University, after permission is obtained from the Office of the Provost and the Chief of Police.

2. A self-defense chemical spray may be carried.

3. A person licensed to carry a concealed weapons, and who is affiliated with the University as a student, employee, or faculty, may carry a non-dart firing stun gun for defensive purposes.

E. VIOLATION OF REGULATION

A student found to be in violation of this rule shall may be subject to discipline under Regulation FGCU-PR4.003 and/or the Student Code of Conduct and may be subject to arrest and prosecution under Section 790.06(12), F.S. An employee found to be in violation of this regulation shall be subject to discipline under Regulation FGCU-PR5.016 or the Collective Bargaining Agreement, as applicable, and may be subject to arrest and prosecution. Any other person found to be in violation of this rule shall may be subject to arrest and prosecution under Section 790.06(12), F.S.