

COMMENTS RECEIVED REGARDING BOG FINANCE & ADMINISTRATION RULE 5.14 AND TALENT & CULTURE RULE 3.5

Comment No.	Date Received	Proposed Rule	Comment	Determination Made
1	2/26/24	BOG Talent & Culture Rule 3.5 – Employee Leave	12.1 Jury Duty - currently it is limited to cover jury duty in WV but there are many employees that work remotely or in bordering states that may be called for jury duty. I recommend the leave policy be adjusted to cover any jury duty requirements. Thank you for your consideration.	It was determined that no modification to WVU BOG Talent & Culture Rule 3.5 was needed in response to this comment.
2	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>An exception should be made so that deadly weapons (concealed or not) are prohibited from all classrooms during periods of instruction.</p> <p>It is absurd that deadly weapons are prohibited from campus safety buildings where the police who occupy those buildings carry weapons, and are trained in their use, yet they would be permitted in a classroom.</p> <p>Equally absurd is the prohibition of concealed weapons from the state capital while those working there promote having them carried by college students in classroom settings.</p>	The Campus Self-defense Act does not allow for a classroom exception; thus, it was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment.
3	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	I support this rule	It was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment
4	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	If allowable by the new law, WVU should have the option to not allow weapon storage in residence halls. There are numerous other locations on all three campuses that can be utilized that are safer, still convenient to students, and where storage can be provided more cost effectively than in a residence hall.	Campus Self-defense Act requires institutions “shall provide either” safes or secure locations for storage available for on-campus residents. W. Va. Code § 18B-4-5b(d); thus, it was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment.

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5	2/26/24	BOG Talent & Culture Rule 3.5 – Employee Leave	<p>Could there be some elaboration on the reason for the change to this:</p> <p>Section 5.8 – Modifies the language to provide that disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be handled on a case by- case basis.</p> <p>It seems like this change to a more vague usage could be used to deny or restrict employees' ability to deal with a disability of this nature. It also raises concerns, particularly in light of what is happening to abortion access and childbirth in our state, about what rights and how they will be afforded to people dealing with these different circumstances.</p>	It was determined that no modification to WVU BOG Talent & Culture Rule 3.5 was needed in response to this comment.
6	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>Section 2.3 should include the prohibition of deadly weapons (including licensed concealed carry weapons) in areas that are encircled by prohibited areas that are already outlined in this section. For instance, in Health Sciences, there are whole wings that are patient-care areas (where a weapon would be prohibited), but then a single hallway with faculty offices (also a prohibited area). Under the current guidelines, the hallway that connects these two prohibited areas is legally a place where a person could carry a weapon. However, given the person can not have their weapon in the other adjacent areas, it makes no sense to allow a weapon in the connecting hallways.</p>	Campus Self-defense Act does not specifically permit such a prohibition. However, the practical effect is clear and therefore will likely be addressed through enforcement or FAQ's, i.e., individuals are not permitted to carry through prohibited areas. Thus, it was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment.
7	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>Rule 2.3.12.2(1)(b) "make available an appropriate safe that may be installed in a resident's room;" contradicts the parent rule 2.3.12.2 which does not provide exception for carrying weapons in resident's rooms or the hallways and passages leading to these rooms.</p> <p>Related to this, how is the issue of a weapon being held in a shared residence room being dealt with by the rules? In such circumstance it is reasonable to assume that the weapon will not be concealed at all times.</p> <p>I understand that the above is a consequence of the way the law was written. However the provision for providing safe storage within a residence room is not a requirement. It is an alternative to the option of having shared storage in the residence hall. I propose two possible solutions:</p> <p>1. Eliminate the option for storing weapons in the residence room and provide adequate shared storage (delete rule 2.3.12.2(1)(b))</p>	The definition of concealed allows for storage in cars and other storage areas but a change should be made to allow for further flexibility in implementing the residence hall protocol that have been designated to the President. The BOG Rule needs to be flexible in case administrative needs arise that require a change to the manner of storage in residence halls. Thus, a change was made to clarify that if safes are permitted, a resident will be allowed to have in their room for storage purposes.

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			2. Apply rule 2.3.12.2(1)(b) only to residence rooms that have direct outside access not passing through common spaces. In case of multiple occupants require confirmation that the occupants of the room do not feel threatened by the presence of a weapon.	
8	2/26/24	BOG Talent & Culture Rule 3.5 – Employee Leave	It is disappointing to see the Board of Governors take it upon themselves to redefine the English language in service of radical, leftist political ideas. Human beings are male or female. The appropriate pronouns for male and female individuals are his/her, not their. By making these changes, the Board violates its mandate by picking sides in a valid civil debate.	It was determined that no modification to WVU BOG Talent & Culture Rule 3.5 was needed in response to this comment.
9	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	Upon reading, this rule is reasonable and should be approved without further changes.	It was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment
10	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>In section 2.4, the policy states it is not applicable to "members of the armed forces of the United States or the W. Va. National Guard." Does this apply to member of Armed Forces/WVNG acting in an official capacity with assigned weapons or to all members of the military carrying their own personal weapon? I ask because very few members of the military routinely carry a weapon and those that do are often required the weapon be assigned to them for a specific duty.</p> <p>According to federal law, the only members who can carry on military bases are on-duty members of the Military Police, thus it would not make sense to grant rights at WVU's campuses to members of the Armed Forces based on their service when they do not retain those same rights during their service. As such, unless carrying by a member of the military is in conjunction to their service similar to a LEO, members of the military and/or the WVNG should not be exempt from restrictions that other students must adhere to.</p>	A reference was added to W. Va. Code § 61-7-14(c) in a footnote, which notes that the provisions of the W. Va. Business Liability Act do not apply to that specific list of individuals while acting in his or her official capacity but note that is already stated in the Rule. However, after further review, some additional persons working within their official capacity should be added to the Rule to be consistent with law and have been added in Section 2.4.

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11	2/26/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	School shootings have been an epidemic that have plagued our country for a long time. Just as recently as a few years ago, UVA experienced a school shooting and Virginia Tech experienced one as well. High schools are not the only public educational institutions that can have this tragedy strike them. Michigan State also experienced a deadly shooting event. Allowing people to concealed carry on campus can only increase the probability these events will happen. Many students who attend this campus will not feel comfortable attending here if this policy gets approved, including myself. It could also deter potential students from attending, and the university needs an increased attendance rate right now with budget cuts. Allowing for concealed carry on the university ground will ultimately hurt the student population. This policy should not be approved for those reasons.	It was determined that no substantive modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment. However, a change was made to Section 2.2 to make clear that the exceptions are required by the Campus Self-defense Act.
12	2/28/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<ol style="list-style-type: none"> 1. There should be a provision that allows someone to carry a taser on campus legally. 2. We need to require the creation of a culture of gun safety. WVU needs to promote information about never using a gun while intoxicated, following all applicable laws, responsible gun ownership, and suicide prevention. 3. Please indicate the minimum age for being allowed a concealed carry permit on campus. Is it 18 or 21? 	Unlike pepper spray, a conducted electrical device (Taser or stun gun), is not expressly permitted for self-defense under W. Va. Code § 61-7-2(5). Accordingly, no change is warranted for that prohibition. However, additional precision is needed in defining a dangerous object and deadly weapons and therefore edits were made to Sections 5.3 and 5.4.
13	2/28/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>Section 2.3.3. I can see this section being abused by the University depending on if it is overused (i.e., used at too many buildings/locations). Also, this seems like it would be costly to set up these security measures when the U. is trying to save money. Finally, it seems to defeat the spirit of the Act, which is to allow for self protection of an individual while on U. property.</p> <p>Section 2.3.6 I think this needs expanded to make it clear that a U. employee in their own private office would be allowed to have their gun in their own office.</p> <p>Section 2.3.12 I think many would agree this section needs revised. Right now, this section would seemingly make it hard for a student with a permit to keep their gun in their dorm room, even going so far as to single them out by lumping them together in a section of a dorm. Or, charging them some so called "reasonable" fee to keep their gun with them in some elaborate secure section of a room. A student with a gun should be able to have any room and a small portable safe provided with a very small fee, for their gun.</p>	Footnote 9 cites the provision of the Campus Self-defense Act that says the WVU may not prohibit someone from carrying in their own office under that subsection. That said, some additional clarity on the Sole Occupancy exception is helpful to ensure that employees understand that, consistent with the plain language of the Campus Self-defense Act, that specific exception does not permit the University to prohibit all employees from carrying a concealed pistol or revolver in their office.

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14	2/28/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>1) The fact that Concealed Pistols and Revolvers are allowed in classrooms and administrative buildings, scares me as a campus employee and spouse of a faculty member. I'm concerned with lack of building safety (ex. lack of cameras, lack of swipe locks, lack of visible staff with so many staff members working fully remote).</p> <p>2) I am especially concerned with, 2.3.12.2 that would contemplate an in-room storage safe within the residence hall. I have a problem, as a Mountaineer parent, with my son's roommate being able to carry a weapon to their shared space. I thought 2.3.12 designates that they would ONLY be allowed in residence halls in the lounges, dining areas and study areas. 2.3.12.2 could potentially move them into the individual rooms and hallways. I'm concerned that residence hall staff and students will become lax about checking weapons in/out.</p> <p>2) 2.3.6 indicates that Concealed Pistols and Revolvers are prohibited in 'Sole Occupancy Offices', but the occupant must designate that that they are prohibited. If they are prohibited, they are prohibited, period. Why must a sign be posted, if they are already prohibited?</p> <p>WVU should not be allowing students to carry weapons on campus!</p>	<p>See response to Comment #13. It has been made clear that it is up to the individual employee about whether the sole occupancy exception applies to their office and not every sole occupancy office is prohibited.</p>
15	2/29/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	<p>The rule needs to clarify the use of tasers and similar self-defense tools on campus.</p> <p>The way I am interpreting Section 5: Definitions, it sounds as if dangerous objects could be carried so long as they are not “used in a manner which could or does result in an act of violence or a threat of violence against another person.” Additionally, they could be used for self-defense.</p> <p>If lethal weapons have been deemed necessary by the legislature for campus safety, it is incongruous to say that one may not carry a taser. While a concealed carry permit should not be necessary to carry a taser, would that allow one to carry this non-lethal item?</p> <p>1. “Dangerous Object” means any object or device which can be used to cause harm or unnecessarily risks the safety of another person and includes any item with a lawful purpose (such as, scissors, baseball bat, paintball gun) used in a manner which could or does result in an act of violence or a threat of violence against another person, except when used for self-defense.</p> <p>1. This includes fireworks or other explosives, tasers, air-powered rifles, imitation weapons without appropriate safety markings.</p>	<p>See Response to Comment #12. Clarifications to the definitions is necessary. Accordingly, Sections 5.3 and 5.4 have been modified.</p>

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16	3/1/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	According to CNN, there have been 13 school shootings in 2024 (as of 02/21/24). In 8 weeks thirteen schools in the United States have gone through the trauma of gun violence in their halls. I am an instructor at this institution, but I will have a hard time recommending students to attend my class. I do not feel safe, given the proposed policy, and I will not endorse an environment where students will feel unsafe.	It was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment due to the requirements of the Campus Self-defense Act.
17	3/6/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	I view this as a positive change for the University but have a consideration for areas of campus not under exclusion to the policy but have a safety hazard associated with its workers being that they may work in a shop with hazardous explosive materials or work in a manner such as crawling in tight spaces, under vehicles or work in manners where a IWB holster may let a firearm slip. For those areas that may wish to provide safes for their workers to safely store their firearm on sight or in office while performing these tasks we need a specification on the safes. Such as what material the safe should be made out of (Metal) and what kind of lock it should possess (biometric, combination, digital, etc.). Should this safe be secured to a surface (bolt to floor/wall, chain/cable around desk, etc.). The rule should also state that only the owner of the firearm should have sole access to that safe while their property is in it, no shared combinations, spaces etc, (maybe like a hotel safe where you choose the code when you close it and it resets after opening). Thanks for your consideration.	It was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment due to the requirements of the Campus Self-defense Act.
18	3/19/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	Senate Bill 10, while well intended, is unlikely to deter a determined shooter. An open campus simply has too many access points - unless the institution plans to restrict entry to specific areas and use TSA level equipment and procedures at those locations. If that is the case, the legislature should fund those precautions. So the steps being taken are less effective before the trigger is pulled and take affect mostly after the gun smoke clears.	It was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment as WVU must comply with the West Virginia Campus Self-defense Act.
19	3/22/24	BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	I find the idea that persons can carry concealed weapons on a college campus appalling. I will no longer feel safe on the WVU campus.	It was determined that no modification to WVU BOG Finance & Administration Rule 5.14 was needed in response to this comment as WVU must comply with the West Virginia Campus Self-defense Act.

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		BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act		<p>After further review and consideration, some additional precision was needed to clarify that the W. Va. Campus Self-defense Act expressly applies to WVU's campus and not every area under the Board's control, such as areas off-campus. Thus, consistent with both the Campus Self-defense Act and 34 C.F.R. § 668.46(a), a definition of "WVU Campus" was added to Section 5, the definition of WVU Property was revised, and appropriate changes were made to Sections 1.2 and 2.2.</p>