



Guns on Campus: The Architecture and Momentum of State Policy Action



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INTRODUCTION & OVERVIEW ANALYSIS

The massacre that claimed the lives of 32 members of the Virginia Tech community in 2007 brought national focus on campus strategies to prevent and rapidly address mass violence. In the years following the Virginia Tech

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tragedy, institutional leaders implemented or revisited the processes by which suspicious behaviors are identified and reported, the strategies by which threats are assessed and incidents are handled, and the efforts upon which campus-wide strategies are reviewed and continuously improved (See Violence Prevention Sidebar) (Hephner-Labanc & Hemphill, 2015; Hemphill & Hephner-Labanc, 2010; Deisinger, Randazzo, O'Neill, & Savage, 2008). In addition, the

Virginia Tech Victims' Family Outreach Foundation has since created the 32 National Campus Safety Initiative (32 NCSI) to help higher education leaders identify strengths and areas for improvement on campus safety and violence prevention.

Amid efforts by campus leaders to build robust violence prevention and crisis response strategies, colleges and universities are mired in

a national pandemic of active shooter violence. In 2015, for instance, the Gun Violence Archive documented more than 320 mass shootings across the United States. As of October of the same year, 23 shootings took place on college and university campuses (Sanburn, 2015).

The national scourge of mass violence has fueled heavy debate by lawmakers about the appropriate course of policy

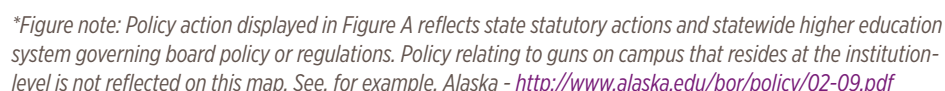
TABLE 1: States that Allow Guns on Campus by Legislation and Court Rulings, and States that Prohibit Guns on Campus by Legislation and Higher Education System-Level Policy

TOTAL		STATES
ALLOW	9	
Legislation	7	Arkansas, Idaho, Kansas, Mississippi, Texas, Utah, Wisconsin
Court Cases	2	Colorado, Oregon
PROHIBIT	21	
Legislation	19	California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, South Carolina, Tennessee, Washington, Wyoming
System	2	Missouri, South Dakota

Although policy proposals on firearms at the federal level are met by gridlock in the United States Congress, many states have taken action on whether to allow guns on college campuses either by state legislation or by higher education system policies. Currently, nine states¹ allow concealed carry permit holders to bring guns onto college and university campuses. In contrast, 21 states have effectively banned firearms on campuses. Table 1 identifies states that allow guns on campus by legislation or court rulings; Table 1 also highlights

The current legal and regulatory landscape governing firearms on campuses across the states reflects the end result of policy activity that has taken place during the past several years.

FIGURE A: National Overview of State Policy Addressing Presence of Guns on Postsecondary Institutions



(1) states that have permitted or are seeking to permit guns on campus by either state law or higher education system-level policy, or (2) states that have prohibited or are seeking to prohibit guns on campus by either state law or higher education system-level policy.

Table 2 highlights legislative activity by policy and bill status in the two primary categories for the 2015 legislative session. California was the only state to consider, and ultimately adopt, legislation banning guns on campus. In contrast, at least 15 states considered legislation allowing guns on campus; Texas was the only state to enact such a statute in 2015.

TABLE 2: Legislation Addressing Guns on Campus by Policy Area and Final Action (2015)

STATE	ALLOW	PROHIBIT
Arkansas	DIED	
California		ENACTED
Florida	DIED	
Georgia	DIED	
Indiana	DIED	
Montana	DIED	
Nevada	DIED	
Ohio	PENDING	
Oklahoma	DIED	
South Carolina	DIED	
South Dakota	DIED	
Tennessee	DIED	
Texas	ENACTED	
Virginia	DIED	
West Virginia	DIED	
Wyoming	DIED	
TOTAL	15	1

The sections that follow offer a detailed summary of state legislative action and higher education system policy decisions that have occurred in the two categories identified. Each section highlights general themes for enacted bills and provides detailed examples of state legislative activity. The theme analysis of the policy areas concludes with considerations designed to inform policymakers and campus leaders as they consider policy action and move toward the implementation of laws, rules, and regulations governing firearms on postsecondary campuses.

THEME ANALYSIS

POLICY CATEGORY: ALLOWING GUNS ON CAMPUS

State legislatures and higher education systems continue to debate the merits of allowing concealed weapons on public, postsecondary campuses. The first campus carry legislation was adopted by Utah in 2004, and legislation or court rulings² have since resulted in eight more states allowing gun owners to carry a firearm on a public college or university campus. Figure B maps the nine states that allow guns on campus by legislation or court rulings.

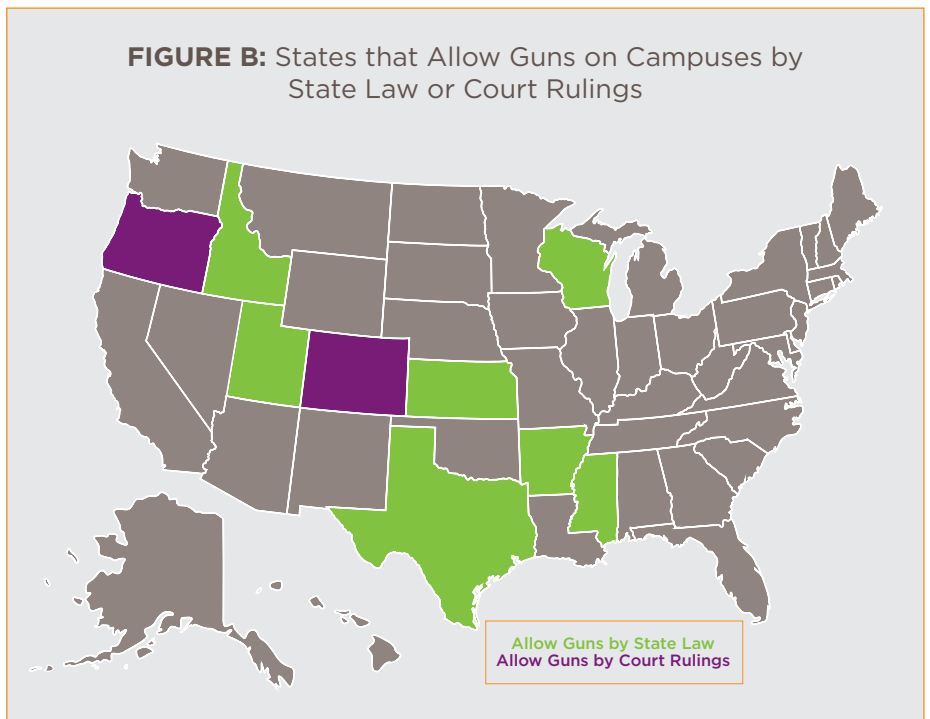
Of the states that allow guns on campuses, most set statutory parameters defining where firearms may be carried. For example, Wisconsin's law requires colleges and universities to allow individuals to carry concealed firearms on campus grounds. Institutions can prohibit firearms from campus buildings provided that signs are posted at every entrance explicitly stating

that weapons are not allowed (Wis. Stat. Ann. § 943.13, 947.01, 941.11). Idaho's law, passed in 2014, allows those with an "enhanced" permit to carry firearms onto Idaho's public colleges and universities. Under Idaho law, firearms are prohibited in residence halls and public entertainment facilities. During games and events, Idaho requires signage to be posted in public entertainment facilities to notify attendees of any restrictions on

the possession of firearms in the venue (Idaho Code§ 18-3309).

In Utah, the legislature statutorily limited the ability for higher education governing authorities to regulate firearms at public colleges and universities. Utah's law not only prohibits the state's Board of Regents from regulating firearms on college and university campuses, but also explicitly reserves that right for the legislature. However,

FIGURE B: States that Allow Guns on Campuses by State Law or Court Rulings



one provision in the statute provides exemption to the Utah legislature's strict authority to

FOURTEEN STATES INTRODUCED, BUT FAILED TO PASS, LEGISLATION TO ALLOW GUNS ON COLLEGE AND UNIVERSITY CAMPUSES.

regulate firearms on campus by requiring the Board of Regents to enforce limits on the presence of firearms in private hearing rooms that have been designated as "secure areas" (Utah Code Ann. 53B-3-103(2)(a)(ii)(A)(B)). In another move that granted regulatory latitude to Utah's higher education governing agency, Senate Bill 251 (2007) stipulated that the Board of Regents may authorize institutions to allow dormitory residents to request roommates who are not licensed to carry a concealed firearm (Utah Code Ann. 53B-3-103(2)(a)(ii)(B)).

2015 Legislative Summary: Allowing Guns on Campus

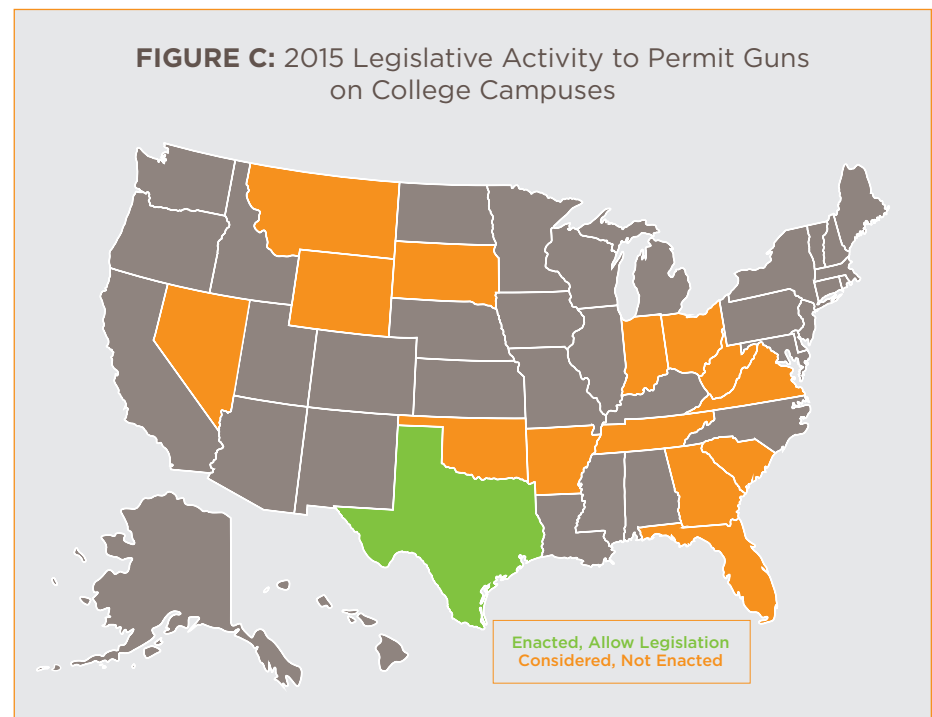
In the 2015 legislative session, at least 15 states considered

bills that, if enacted, would have granted legal protection for gun owners to carry firearms on college and university campuses. Figure C highlights 2015 state legislative activity to allow guns on campuses.

Fourteen states introduced, but failed to pass, legislation to allow guns on college and university campuses. In most of these states, legislative proposals failed

to progress out of an assigned committee for a vote. In three states – Montana, South Dakota, and Wyoming – legislation was defeated by a vote of the general assembly. In Montana, Senate Bill 143 narrowly lost in the House by a vote of 51 to 49. In South Dakota, House Bill 1206 died in the House by a vote of 48 to 20. Wyoming's House Bill 114 died in the Senate by a vote of 25 to 3.

FIGURE C: 2015 Legislative Activity to Permit Guns on College Campuses



In 2015, Texas was the only state that enacted legislation to allow concealed weapons on college campuses. Senate Bill 11, which takes effect in August 2016, prohibits institutions of higher education or private or independent institutions of higher education in the state

of Texas from adopting rules, regulations, or other provisions that prevent licensed gun owners from carrying handguns on campus (Tex. Gov. Code § 411.2031 (c)). However, the law provides limited discretion for institutions to establish rules and regulations that articulate

where handguns may be carried and how they should be stored (Tex. Gov. Code § 411.2031 (d)). Further, the law directs universities to consult with students, staff, and faculty regarding rules and regulations that account for each institution's unique environment as the

CONSIDERATIONS FOR CAMPUS AND POLICY LEADERS

State-level policy that permits the carrying of firearms within postsecondary settings has raised a number of issues on which policymakers and campus leadership should reflect as they move toward implementation or consideration of additional policy actions.

- Basic training in the safety and proper use of firearms is not a prerequisite to gun ownership in many states (United States Government Accountability Office, 2012), and campus leaders and policymakers need to be cognizant of the lack of training when designing policy to improve campus safety; it may not be appropriate to assume that individuals licensed to conceal and carry have participated in basic gun safety training.
- Gun licensure reciprocity agreements allow for gun owners to obtain a permit – including conceal and carry permits – in states where requirements may be less stringent than in their state of residency (USA Carry, 2015). The lack of rigor and consistency in state licensure requirements complicates campus-led efforts to promote campus safety. When designing and implementing policy in accordance with law that permits the presence of firearms on campus, higher education leaders must keep top of mind that students and other members of the campus and local community likely lack a consistent experience in training and/or other requirements to obtain the proper license to carry a firearm. In states where conceal and carry is (1) allowed on postsecondary campuses and (2) permit prerequisites are more rigorous than the national norm or geographically proximate states, state leaders may consider policy that requires gun owners wishing to carry a concealed weapon on campus to be authorized by the same state within which the postsecondary institutions is located.

state's campus carry law is fully implemented. The law stipulates that these rules and regulations may not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on campus (Tex. Gov. Code § 411.2031 (d-1)). In addition, the

bill allows licensed handgun owners to carry the firearm on a public university campus as long as the weapon is not visible and not taken into institutionally prohibited areas, such as dormitories (Tex. Gov. Code § 411.2031 (b)) and Tex. Penal Code § 46.035 (a-1)). Once adopted

by the institution, universities are required to widely distribute the adopted rules and regulations to students, staff, and faculty (Tex. Gov. Code § 411.2031 (d-3)).

- Policymakers and campus leaders need to keep top of mind the challenges conceal and carry laws enacted in postsecondary settings may present to police and other first-responders. The difficulty law enforcement faces in distinguishing a perpetrator from other armed, innocent bystanders may increase the potential for delayed response times, lead to inadvertent harm, and add complexity to the development and implementation of crisis response plans.
- The pivot toward allowing guns on campuses across many states has been made without sufficient evidence to answer a critically important question: Will concealed carry laws make members of the campus community safer? The possible negative, unintended consequences of allowing individuals to carry firearms on campus deserve careful consideration. Without crisis response training, for instance, it is worth considering whether licensed firearms carriers will be able to effectively intervene in the moment of unexpected violence.
- Social scientists have widely published on the “weapons effect,” which shows that the mere presence of a weapon actually increases feelings of anger in both aggressive and non-aggressive individuals (Berkowitz & LePage, 1967; Turner, Layton, & Simons, 1975; Hemenway, Vrinotis, & Miller, 2006; Blanchette, 2006; Carlson, Fee, & Reinke, 2009; Fox, Griggs, & Mouchlianitis, 2007). By enacting concealed carry laws that pertain to college and university campuses, lawmakers should be mindful of the potential for new incidents of violence that such a change might bring to campuses.

POLICY CATEGORY: PROHIBITING GUNS ON CAMPUS

In contrast to the position taken by concealed carry advocates, lawmakers across several states have sought to tighten restrictions on the acquisition or possession of firearms, or push for an outright ban on the presence of firearms on college and university campuses. At present, 21 states have policies in place that prohibit the possession of guns in college and university settings. Figure D provides an overview of the states that currently have such bans through legislation or system policy.

State Legislation

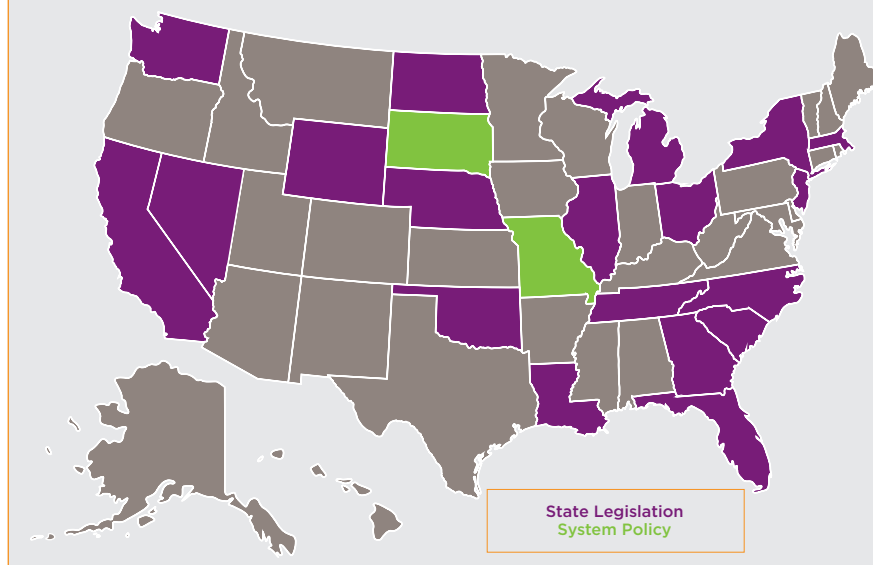
Nineteen states prohibit the possession of concealed weapons on the property of postsecondary institutions by state statute. The statutory language used across the 19 states is similar. For example, the legislation typically prohibits the possession of firearms, even if individuals hold a concealed carry weapons permit. South Carolina provides a good example of this language, making it unlawful for “anyone to carry

about the person any handgun, whether concealed or not” (S.C. Code Ann. § 16-23-420). In addition, legislation usually specifies where firearms are prohibited, often noting that campus grounds, classroom buildings, dormitories, and/or public event centers are to remain free from the presence of firearms. In statute, Illinois, for instance, clearly specifies where on postsecondary institution property firearms are prohibited, banning guns from common campus buildings such as a “classroom, laboratory ... artistic venue, athletic venue, entertainment

venue,” and also adding “any real property, including parking areas, sidewalks and common areas” under the control of an institution (430 ILCS 66/1).

Most states that prohibit concealed weapons on public campuses do so with some common exceptions, such as allowing campus safety officers and other approved individuals to continue carrying firearms. Washington’s policy, for example, prohibits the possession of a concealed firearm on college and university campuses, but allows exceptions for authorized university purposes, for

FIGURE D: States that Prohibit Guns on Campus
by State Law or System-level Policy



individuals with written approval from the university chief of police, or for persons designated by the university president (WAC 478-124-020). However, the statute does not clarify what constitutes an authorized university purpose or who is an appropriate designee by the university president.

Furthermore, some states create exemptions from campus firearm prohibitions by articulating

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the types of individuals who are allowed to carry a gun on the grounds of a college or university. For instance, Nevada prohibits firearms on “the property of the Nevada System of Higher Education” (NRS § 202.3673(3)(a)). Nevada law then clarifies that the prohibition does not apply to the possession of a weapon by a peace officer, a school security guard, or

an individual having written permission from the president of a branch or facility of the Nevada System of Higher Education (NRS § 202.265(3)).

2015 Legislative Summary: Prohibiting Guns on Campus

A single state – California – introduced legislation that prohibits the possession of guns on campus grounds. California Senate Bill 707, which passed the legislature and was signed into law, deleted an exemption that allowed a person holding a valid license to carry a concealed firearm to possess a weapon on a public postsecondary campus. In effect, the new law prohibits individuals with concealed weapon permits from carrying firearms on school grounds and college campuses. The law expands exemptions for individuals who are authorized to carry firearms, such as peace officers and security guards, from these prohibitions (Cal Penal Code § 626.9 and 30310).

Higher Education System-Level Policies

Two states have higher education system-level policies that prohibit concealed weapons on campus.

For the purposes of this paper, only those states with system-level policies were analyzed. In other states, university systems and higher education boards may create regulations banning weapons on campus while still giving institutions the final authority and autonomy to allow or prohibit firearms.³

Missouri and South Dakota have system-level policies that prohibit concealed weapons on campuses. In these two states, the final authority to regulate firearms on campus is designated to the system-level higher education governing organization. According to University of Missouri administrative regulations, for instance, “the possession of and discharge of firearms, weapons and explosives on University property ... is prohibited” (Mo. Code Regs. Ann. tit. 6, § 250-4.010(10)). Further, South Dakota Board of Regents policy prohibits concealed firearms in buildings and on the grounds of colleges and universities (SDBOR Policy 3:4). In 2015, however, South Dakota House Bill 1206 was introduced and, if enacted, would have allowed guns on campuses. The bill, which died, would have

forbid the South Dakota Board of Regents and any public postsecondary institution from having rules that restrict any right or privilege to carry or possess a concealed handgun for anyone who is at least 21 years old and is otherwise in compliance with all other laws relative to the possession or use of firearms. The bill also specified that public institutions would retain control of firearm carry or storage policies in any dormitory

or other housing areas on the public university campus.

Exceptions to Banning Guns on Campus

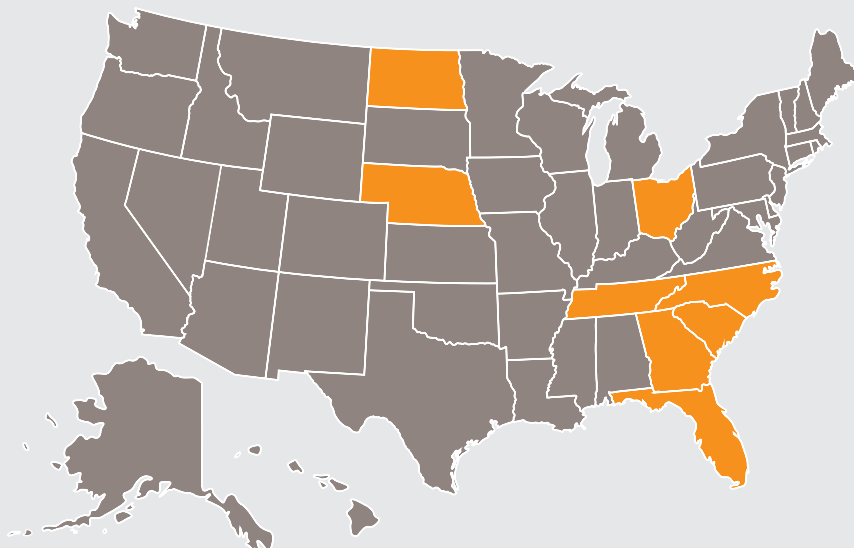
Of the 21 states that prohibit guns on campuses, at least eight states have policies in place that allow firearms to be stored in a locked vehicle parked on the institution's premises. Figure E highlights the states that allow firearms to be stored in a locked vehicle on the institution's

premises, but that otherwise prohibit guns on the campus.⁴

Ohio is straightforward in its delineation of areas where concealed handguns are prohibited on campus, articulating in its state code that such firearms are not authorized on “any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle” (Ohio Rev. Code Ann. § 2923.126(B)(5)).

In Tennessee, it is prohibited to possess or carry, whether openly or concealed, any firearm not used solely for instructional or school-sanctioned ceremonial purposes on a college or university campus. Tennessee's law allows non-student adults to possess a firearm in a locked vehicle while the vehicle is on school property (Tenn. Code. Ann 39-17-1300(C)1).

FIGURE E: States that Prohibit Concealed Weapons on College Campuses but Allow Storage in Locked Vehicles



CONSIDERATIONS FOR CAMPUS AND POLICY LEADERS

State-level policy that restricts or prohibits the carrying of firearms within postsecondary settings has raised a number of issues on which policymakers and campus leadership should reflect as they move toward implementation or consideration of additional policy actions.

- Colleges and universities often share space with non-institutional entities. In addition, campus and non-campus boundaries may be unclearly defined. As such, institutional leaders may face challenges to implement policy that adds specificity to the spaces where firearms may be banned or permitted. Policymakers should ensure that laws do not undermine the unique institutional characteristics that college and university leaders must navigate to not only comply with law, but also establish the best course of action to promote the safety and well-being of the communities they serve. Policymakers should consider and consult with campus and systems-level leadership to ensure a consistent and clear understanding of what criteria should be applied to define campus boundaries or spaces that are shared with non-institutional entities.
- Institutional leaders should communicate with state leaders about the strategies that are currently in place to promote campus safety and to identify any concerns that an increased presence of firearms might pose to the campus community. Informing state leaders and the public about the strategies, programs, and resources that are in place at the institution can help inform stakeholders about the work that the campus community has underway to promote safety on campus. Further, documenting and sharing progress in the continuous improvement of violence prevention strategies, as well as threat assessment and crisis response protocols, can help inform dialogue with state leaders.

CLOSING THOUGHTS

Though numerous states currently prohibit guns on campus, the architecture and momentum of new policy represents a shift in the opposite direction. Of course, a pattern by itself does not equate a trend. However, elected leaders across the United States continue to debate the merits of extending concealed carry laws onto college and university campuses (Call, 2015; Nethers, 2015; Florida House of Representatives, 2016; Ohio General Assembly, 2016). And the institutional leaders who have seen the enactment

of campus carry laws in their states must strategize to not only comply with law, but also promote safety amidst change brought on by the presence of firearms.

Expanding the presence of guns in the spaces where members of the higher education community live, learn, and work is not without implications for institutional policy and practice. And statutory bans of firearms on campus may create other challenges or complexities for institutional leaders who,

for example, serve colleges or universities that share space with non-institutional venues or entities. Developments that define or refine the contours of campus gun laws prompt thoughtful deliberation for leaders in higher education and state policy. To this end, we hope the analysis and discussion in this issue brief supports meaningful dialogue on a critically important policy issue that affects the safety and well-being of our campus communities.

¹Texas' law takes effect August 2016.

² The Colorado Supreme Court ruled that the University of Colorado violated the state's concealed carry law. The Oregon Court of Appeals overturned the Oregon University System's ban of concealed weapons on campuses.

³See, for example, Alaska - <http://www.alaska.edu/bor/policy/02-09.pdf>.

⁴For the purposes of this paper, states with provisions that allow students to store firearms in a locked vehicle were included only if the state also prohibits guns on college and university campuses. Thus, vehicle provisions in states that allow guns on campuses or in states that allow institutions to decide on firearm regulations were excluded.

AT A GLANCE: OVERVIEW OF VIOLENCE PREVENTION AND INCIDENT RESPONSE STRATEGIES

Threat Assessment and Behavioral Intervention Teams are designed to identify individuals who may be at risk for harm to themselves or others. These teams coordinate to provide the support that may be needed by these individuals and work to minimize potential threats of harm. Threat assessment and behavioral intervention teams are composed of higher education professionals across campus and functional areas and meet regularly to maintain a proactive approach to the safety and well-being of individuals and the campus community at large.

Mental health support services are available at many colleges and universities to nurture students who may be experiencing mental illness or other issues while on campus.

Crisis response protocols are a comprehensive set of strategies and actions developed and routinely reviewed by campus professionals in the event of violence or other incidents that pose a safety threat to the institutional community. These protocols are developed to support a timely and effective response to crises, should they occur on campus.

Bystander intervention programs are designed to allow members of the campus community to report suspicious behaviors, often anonymously or confidentially, to campus or local peace officers to promote timely intervention of possible threats without putting the bystander in harm's way. Often, a telephone hotline or website is provided to the community in the event that suspicious behavior or activity is observed by the bystander.

Technology, particularly smartphones or other mobile devices, offers an important resource to promote real-time reporting and emergency notifications that help keep the campus community safe in the event of suspicious behaviors or incidents of violence.

Memoranda of Understanding with local law enforcement are often used by campuses that lack sworn law enforcement officers, or by institutions that share space and/or law enforcement responsibilities with the local community.

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Appendix A: Guns on Campus Policies: State Legislation

STATE	POLICY	YEAR	ALLOWS	PROHIBITS
Arkansas	<u>Ark. Code. Ann § 5-73-322</u>	2013	X	
California	<u>Cal Penal Code § 626.9 and 30310</u>	2015		X
Florida	<u>Fla. Stat. § 790.06</u>	2010		X
Georgia	<u>Ga. Code Ann. § 16-11-127.1</u>	2010		X
Idaho	<u>Idaho Code § 18-3309</u>	2014	X	
Illinois	<u>430 ILCS 66/1</u>	2013		X
Kansas	<u>K.S.A. 2012 Supp. 75-7c10</u>	2013	X	
Kentucky	<u>Ky. Rev. Stat. Ann. § 237.115</u>	2011		
Louisiana	<u>La. Rev. Stat. §§ 14:95.2</u>	2011		X
Massachusetts	<u>Mass. Gen. Laws ch. 269, § 10(j)</u>	2012		X
Michigan	<u>MCL § 28.425o</u>	2012		X
Mississippi	<u>Miss. Code Ann. § 97-37-7</u>	2011	X	
Nebraska	<u>Neb. Rev. Stat. Ann. § 28-1204.04</u>	2009		X
Nevada	<u>Nev. Rev. Stat. Ann. § 202.3673</u>	2013		X
New Jersey	<u>N.J. Stat. Ann. § 2C:39-5</u>	2013		X
New Mexico	<u>N.M. Stat. Ann. § 30-7-2.4</u>	2009		X
New York	<u>N.Y. Penal Law §§ 265.01A</u>	2012		X
North Carolina	<u>N.C. Gen. Stat. § 14-269.2</u>	2014		X
North Dakota	<u>N.D.C.C 62.1-02-05</u>	2012		X
Ohio	<u>Ohio Rev. Code Ann. § 2923.126</u>	2008		X
South Carolina	<u>S.C. Code Ann. § 16-23-420</u>	2009		X
Tennessee	<u>Tenn. Code Ann. § 39-17-1309</u>	2012		X
Texas	<u>Tex. Gov. Code § 411.2031</u>	2015	X	
Utah	<u>Utah Code Ann. 53B-3-103</u>	2014	X	
Wisconsin	<u>Wis. Stats. 943.13</u>	2011	X	
Wyoming	<u>Wyo. Stat. Ann. § 6-8-104(t)</u>	2011		X

Appendix B: Guns on Campus Policies: System Policies

STATE	POLICY	ALLOWS	PROHIBITS
Missouri	<u>Mo. Code Regs. Ann. Tit 6 § 250-4.010</u>		X
South Dakota	<u>SDBOR Policy 3:4</u>		X

Appendix C: Guns on Campus Policies: Court Cases

STATE	POLICY	YEAR	ALLOWS	PROHIBITS
Colorado	<u>No. 10SC344</u>	2012	X	
Oregon	<u>ORS 183.400</u>	2011	X	

Appendix D: Guns on Campus Policies: Legislation Introduced in 2015

STATE	POLICY	STATUS	ALLOWS	PROHIBITS
Arkansas	<u>HB 1077</u>	Died	X	
California	<u>SB 707</u>	Enacted		X
Florida	<u>SB 68</u>	Died	X	
Georgia	<u>HB 544</u>	Died	X	
Indiana	<u>HB 1143</u>	Died	X	
Montana	<u>SB 143</u>	Died	X	
Nevada	<u>AB 148</u>	Died	X	
Ohio	<u>HB 48</u>	Pending	X	
Oklahoma	<u>SB 718</u>	Died	X	
South Carolina	<u>SB 88</u>	Died	X	
South Dakota	<u>HB 1206</u>	Died	X	
Tennessee	<u>HB 320</u>	Died	X	
Texas	<u>SB 11</u>	Enacted	X	
Virginia	<u>HB 1389</u>	Died	X	
West Virginia	<u>HB 2446</u>	Died	X	
Wyoming	<u>HB 114</u>	Died	X	