

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION  
Policy and Procedures Manual

SUBJECT: PHYSICAL PLANT

Policy 1006 – Firearms, Security and Law Enforcement Operations

**Adopted: November 18, 1999; Revised: May 25, 2012; Revised: May 26, 2021**

Board policy:

~~A. The president, chancellor or dean of each campus of the Montana University System shall have general control and direction of the police or security department of his or her campus in accordance with the policies of the Board of Regents of Higher Education. A campus may contract with private security companies for the provision of security services.~~

~~B. Except as provided in subsection C, only the following may carry firearms on or at any campus of the Montana University System:~~

- ~~1. those persons who are acting in the capacity of police or security department officers and who:
 
  - ~~a. have successfully completed the basic course in law enforcement conducted by the Montana Law Enforcement Academy or an equivalent course conducted by another state agency and recognized as such by the Crime Control Division of the Montana Department of Justice; or;~~
  - ~~b. have passed the state approved equivalency examination administered by the Montana Law Enforcement Academy; and~~~~
- ~~2. those persons who are employees of a contracted private security company and who are registered to carry firearms pursuant to Title 37, Chapter 60, MCA.~~

~~C. Each campus may establish regulations governing the transportation and storage of firearms on campus.~~

**A. Applicability.** This policy applies to all members of the MUS community including students, employees, affiliates, contractors, vendors and visitors.

**B. Eligibility.** A person who 18 years of age or older is eligible to possess a firearm under state or federal law and who meets the minimum safety and training requirements in 45-8-321(3) may possess a firearm on a MUS campus and in campus housing unless otherwise prohibited by state or federal law or this policy.

**C. Certification Process.** In order to establish that a person meets the minimum safety and training required to possess a firearm a person must provide documentation, to the entity designated by the campus president, of:

(1) A valid Montana concealed weapons permit or a valid permit of another state having reciprocity with Montana;

(2) If the person does not possess a valid Montana concealed weapons permit or permit of another state having reciprocity with Montana, they must provide:

(a) Certification of:

(i) completion of a hunter education or safety course approved or conducted by the department of fish, wildlife, and parks or a similar agency of another state;

(ii) completion of a firearms safety or training course approved or conducted by the department of fish, wildlife, and parks, a similar agency of another state, a national firearms association, a law enforcement agency, an institution of higher education, or an organization that uses instructors certified by a national firearms association;

(iii) completion of a law enforcement firearms safety or training course offered to or required of public or private law enforcement personnel and conducted or approved by a law enforcement agency;

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(iv) completion of a license from another state to carry a firearm, concealed or otherwise, that is granted by that state upon completion of a course described in subsections (b)(i) through (b)(iii); or

(v) evidence of military service, during which the person was found to be qualified to operate firearms, including handguns.

(3) A person living in campus housing must also complete a Campus Life Safety course offered by the MUS.

(4) Certification under this part may be denied to a person who has a history of adjudicated university system discipline arising out of the individual's interpersonal violence or substance abuse.

(5) A person must complete the certification process set forth in this section in order to be eligible to be carry a firearm on a MUS campus.

**D. Campus Housing.** (1) Residents in campus housing will complete a residency form indicating whether they intend to store a firearm in their housing unit and whether they give express consent to be assigned a roommate who intends to possess a firearm within their housing unit. Residents must be notified if they are assigned to a roommate who is certified to possess a firearm pursuant to section C of this policy. A resident who wishes to withdraw their consent must notify campus housing in writing and campus housing will make alternative housing arrangements within a reasonable time after receiving written notice.

**E. Restricted Areas.**

(1) Possession of a firearm is not allowed in the following areas:

(a) any event on campus where campus authorities have authorized alcohol to be served and consumed; or

(b) any event on campus open to the public with controlled access and armed security on site.

(2) The campus may restrict carrying of a firearm in the following areas:

(a) campus child care centers;

(b) activities or events on campus serving k-12 youth groups, including in campus housing for overnight activities or events;

(c) any health care facility where licensed health care professionals or individual under their supervision receive patients;

(d) high hazard research areas, laboratories or studios where the presence of high hazard materials or operations creates a significant risk of catastrophic harm due to a negligent discharge, for example, BioSafety Level 3 laboratories, animal care/use facilities, and areas having high magnetic fields, such as MRI research facilities; or

(e) research areas and laboratories in which research subjects are high risk (e.g., subjects with diagnosed psychological disorders, subjects diagnosed with Post-Traumatic Stress Disorder), or where the integrity of psychological research could be compromised.

(3) A campus may establish a limited number of secure hearing rooms where firearms and ammunition are restricted as needed to conduct hearings or disciplinary proceedings. The restriction of firearms, ammunition, or dangerous weapons in the secure hearing room is in effect only during the time the room is in use for hearings or disciplinary proceedings and for a reasonable time before and after.

(4) The owner of private property, including a tenant or lessee, may expressly prohibit firearms.

**F. Rules and Restrictions Governing Firearm Possession.**

(1) A person who has established eligibility to possess a weapon pursuant to section 2 must secure the firearm with a locking device whenever the firearm is not in the possession of the person.

(2) Any firearm carried pursuant to this part should be kept concealed on or about the eligible person at all times.

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(3) A person may not:

(a) discharge a firearm on or within campus or campus housing unless the discharge is done in self-defense;

(b) remove a firearm from a gun case or holster while on campus unless the removal is done in self-defense or within the domicile of the lawful possessor of the firearm;

(c) point a firearm at another person unless the lawful possessor is acting in self-defense; or

(d) carry a firearm outside of a domicile on campus unless the firearm is within a case or holster.

(3) Consistent with State of Montana MOM policy, a person may not carry a concealed firearm without a valid permit issued pursuant 45-8-321 or recognized pursuant to 45-8-329 or open carry a firearm in a state building in areas where classes are taught.

**G. Penalty for Violation.**

(1) Violation of this policy may constitute a criminal offense and be referred to campus police or a local law enforcement agency for investigation and prosecution.

(2) A student who violates the terms of this policy will be subject to disciplinary action pursuant to the student code of conduct up to and including expulsion.

(3) An employee who violates the terms of this policy will be subject to employee discipline up to and including termination.

**H. Enforcement.**

(1) Any person who observes a violation of this policy should report it to campus law enforcement or the entity designated by the President.

(2) Faculty and staff are not responsible for enforcement of this policy.

**I. Liability.** A person who carries a firearm pursuant to this policy is solely responsible for any injury or property damage involving the firearm. The MUS is not liable for any wrongful or negligent act or omission related to actions of a person who carries a firearm.

**J. Security and Law Enforcement Operations.** The president, chancellor or dean of each campus of the Montana University System shall have general control and direction of the police or security department of his or her campus in accordance with the policies of the Board of Regents of Higher Education. A campus may contract with private security companies for the provision of security services.

**K. Definitions.**

**(1) Campus Housing** means Montana University System campus-owned or -leased buildings or facilities for the purpose of student, employee, or affiliate residence. A unit in campus housing may be a single room or multi-room space.

**(2) Gun Case** means a covering made for the purpose of protecting a gun, that is generally hard-sided or made of cloth or leather that may be locked and sometimes including a handle for carrying the gun when it is not being used. Backpacks, duffel bags, purses or similar items are not gun cases under this policy.

**(3) Holster** means a holder made for a firearm attached to the body by a belt or shoulder harness. A holster must completely cover the trigger and the entire trigger guard area and have sufficient tension or grip on the handgun to retain it, even when subjected to unexpected jostling.

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**(4) Locking Device** means a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

**(5) Roommate** means residents assigned or approved (e.g. the spouse of a student) to live in the same campus housing unit by the university residence life or housing office.

**(6) Resident** means a person residing for any length in campus housing. The term includes individuals on campus for non-MUS events like summer youth camps, athletic events, or other community events utilizing campus housing.

**(7) Self Defense** as defined by Montana law means the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

History:

Item 7-002-R0175, Authorization for Presidents to Appoint Security Personnel, January 16, 1975 as revised September 14, 1981, June 28, 1982, September 14, 1984, August 2, 1991, and November 18, 1999 (Item 104-103-R0999). Revised May 25, 2012 (Item 155-105-R0512).

Cross reference:

See also Section 702.3, Appointment, Campus personnel.