

QUESTIONS AND ANSWERS

(ACT 562 OF 2017 AND ACT 859 OF 2017: CAMPUS CARRY)

The University of Central Arkansas is committed to providing a safe environment for students, faculty, staff, and visitors while respecting the right of individuals who are concealed-carry licensees with the proper endorsement as permitted by Arkansas law. UCA is obligated to follow state laws and is not at liberty to enact policies or provisions that violate such laws. Any changes to the laws must come through the state legislative process. This document is intended to provide general information about the recent changes to Arkansas law involving carrying concealed handguns on college campuses.

Background

1. **What is Act 562 of 2017?** Act 562 (commonly referred to as House Bill 1249 or “Campus Carry”) allows a concealed-carry licensee with a newly created concealed-carry endorsement to carry a concealed handgun on the campus and in the buildings of a public university and various other places including state offices.
2. **What is Act 859 of 2017?** Act 859 prohibits a concealed-carry licensee from carrying a handgun in a public daycare facility or in firearm-sensitive areas at a “collegiate athletic event.”
3. **When do Act 562 of 2017 and Act 859 of 2017 become effective?** Acts 562 and 859 are effective beginning September 1, 2017. The Department of Arkansas State Police must promulgate rules to design a training program within 120 days of the effective date of the Act, September 1, 2017. Only concealed-carry licensees that have completed the additional training (to be determined by the Director of the Department of Arkansas State Police) and received a concealed-carry endorsement are eligible to carry a handgun on UCA property.
4. **Does the University of Central Arkansas have a firearms policy?** Yes, UCA policy still prohibits guns on campus except in limited circumstances authorized by law. Specifically, UCA Board Policies No. 507 and 707 address firearm possession, storage, and use by faculty, staff and students. The policies state, “[t]he possession, carrying, storage or use of any handgun or firearm of any type is prohibited (a) on the university, (b) in any building owned or controlled by the university, and (c) at any university event.” The policies’ provisions do not apply to “any certified law enforcement officer employed by the university police department, any other certified law enforcement officer, or any other possession authorized by law.”

5. **Is UCA's policy consistent with Act 562 of 2017?** Yes. The policy informs the UCA community that handguns or other firearms are prohibited on campus unless authorized by law. "Authorized by law" includes the concealed-carry endorsement created by Act 562 of 2017.

Eligibility to Carry

6. **Who is eligible to carry a handgun on UCA property?** Act 562 of 2017 does not allow everyone to carry a handgun on UCA property. Only concealed-carry licensees who have completed the additional training (to be determined by the Director of the Department of Arkansas State Police) and received a concealed-carry endorsement are eligible to carry a handgun on UCA property. A concealed-carry licensee must be twenty-one (21) years or older or eighteen (18) years of age and (a) currently a federally recognized commissioned or non-commissioned officer or an enlisted member on active duty in the United States Armed Forces, (b) in the National Guard or a reserve component of the United States Armed Forces, or (c) a former member of the United States Armed Forces that has been honorably discharged.
7. **Who may not carry a handgun on UCA property?** Individuals who do not have (1) a concealed-carry license and (2) a concealed-carry endorsement.
8. **Are concealed-carry licensees required to complete firearm training before carrying a handgun on UCA property?** Yes, Act 562 of 2017 requires a concealed-carry endorsement, which a concealed-carry licensee cannot obtain without first completing a training course approved by the Director of the Department of Arkansas State Police. The training shall consist of eight (8) hours with up to four (4) hours waived based on the licensee's prior training within the past ten (10) years. The Department of Arkansas State Police must promulgate rules to design a training program within 120 days of the effective date of the Act, September 1, 2017. The actual date upon which individuals will be able to carry a concealed handgun on campus will depend on when the Arkansas State Police completes this process.
9. **What types of weapons may eligible concealed-carry licensees carry?** Only handguns. Ark. Code Ann. § 5-73-301 defines a handgun as "any firearm, other than a fully automatic firearm, with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand."
10. **Can a person whose concealed-carry license was issued by another state carry a handgun onto UCA property?** No. The concealed-carry licensee must have a license and concealed-carry endorsement issued by the State of Arkansas.

Law Enforcement

11. **Which law-enforcement agency should eligible concealed-carry licensees contact to indicate their intent to carry a handgun on UCA property?** Act 562 of 2017 does not require concealed-carry licensees with the endorsement to notify a law-enforcement agency prior to carrying a handgun on UCA property.
12. **What will UCA do to ensure the safety of everyone on campus?** The University is always thinking of the safety of the campus. The UCA Police Department has done an excellent job in keeping our campus safe and will continue to do so. Law enforcement always operates under the assumption that someone on the campus may have a gun illegally. That assumption does not change.
- The University will do its best to continue to facilitate ongoing conversations about campus safety, listen to concerns, and share information. The safety of the campus is of utmost importance, and the University will continue to take all measures to ensure our community members are as safe as possible
13. **May UCA Police Officer ask an individual to display his/her concealed-carry license?** Yes. Ark. Code Ann. § 5-73-315(b)(2) requires a licensee to display his/her license if asked by law enforcement, which includes a traffic-stop situation.
14. **Do the UCA Police Officers have the right to disarm an individual?** Yes. The law-enforcement officer may disarm an individual if he/she reasonably believes a safety risk exists.
15. **Will students, faculty, and staff members who have a concealed-carry license with the additional endorsement be required to register with the UCA Police Department?** No.

Manner of Carrying and Storage

16. **Do handguns have to be concealed when carried on UCA property?** Yes. Concealed-carry licensees shall not carry a handgun openly or in any other manner in which the handgun is visible to ordinary observation by a reasonable person or in public view.
17. **What if someone gets a glimpse of my handgun?** Concealed-carry licensees who have otherwise complied with Act 562 of 2017 generally will not be found to have violated the policy if they inadvertently allow another person to see their handgun (e.g., a concealed-carry licensee's coat opens in the act of raising their

arm to ask a question and a handgun is seen). Purposely showing another person one's handgun violates the law.

18. **Can an employee or student store a handgun on University property?** The only place that a concealed-carry licensee can store a handgun while on University property is in a locked and unattended motor vehicle on a publicly owned and maintained parking lot of the university. A concealed-carry licensee cannot:

- **Store a handgun in a university or college-operated student dormitory or residence hall.** Act 562 of 2017 prohibits “[t]he storage of handguns in a university or college-operated student dormitory or residence hall.” A residence hall is any University-owned or operated housing including university-owned fraternity or sorority housing.
- **Store a handgun in a locked office or desk drawer. When I leave my office, am I allowed to leave my handgun in my purse in a locked desk drawer?** No. You are required to keep it with you at all times, which means that the handgun must be on the concealed-carry licensee’s person or in close proximity (as to be readily ascertainable without materially changing positions).

You should secure the handgun in your motor vehicle and store it in compliance with Ark. Code Ann. § 5-73-306 if you are entering a location on University property where carrying it is prohibited.

- **Store a handgun in a book bag or purse. Is it okay to leave my bag or purse containing a handgun unattended while I use the restroom, complete a lab, or complete some other task?** No. You are required to keep it with you at all times, unless you are entering a location on University property where carrying it is prohibited. In that case, you should secure the handgun in your motor vehicle and store it in compliance with Ark. Code Ann. § 5-73-306.

Locations

19. **May concealed-carry licensees carry a handgun**

- a. **on all campuses, institutions, and other public universities across the state?** Yes, if, prior to carrying the handgun, the concealed-carry licensee obtains the concealed-carry endorsement.
- b. **in a UCA vehicle?** Yes, if, prior to carrying the handgun, the licensee obtains the concealed-carry endorsement. However, concealed-carry licensees should keep in mind that they are not

allowed to leave a handgun in a UCA vehicle. As a result, concealed-carry licensees who are using a UCA vehicle to travel to a location at which firearms are prohibited (e.g., a K-12 school) should not carry a handgun with them in the vehicle unless they have a plan to store the firearm outside the UCA vehicle (e.g., with law enforcement).

- c. **in a UCA classroom?** Yes, if, prior to carrying the handgun, the licensee obtains the concealed-carry endorsement.
- d. **in a UCA laboratory?** Yes, if, prior to carrying the handgun, the licensee obtains the concealed-carry endorsement. Concealed-carry licensees who carry a handgun should also be mindful that they are not immune from personal liability with respect to use or carrying of the handgun.
- e. **in a UCA office that is located on property that UCA is leasing from another entity?** Yes, if, prior to carrying the handgun, the licensee obtains the concealed-carry endorsement. Act 562 of 2017 explicitly addresses property leased by the University.
- f. **at a UCA meeting held on property that UCA is renting from a private property owner (e.g., hotel conference room)?** Yes, unless the private property owner has prohibited the carrying of firearms on the property.

Example: A UCA employee, while acting within the course and scope of UCA employment, attends a UCA-organized meeting being held in a hotel conference room in Little Rock, Arkansas. The employee shall not carry a handgun if the hotel has posted a notice prohibiting firearms on its property.
- g. **in the UCA child study center?** No. Act 859 prohibits a concealed-carry licensee from carrying a handgun in a public daycare facility.

20. May a full-time faculty member carry a handgun while they are teaching a course? Yes, if the faculty member has a (1) a concealed carry license and (2) a concealed-carry endorsement.

21. May a concealed-carry licensee carry a handgun in a public daycare facility? No. Act 859 prohibits a concealed-carry licensee with the endorsement from carrying in a "public daycare facility," including the UCA Child Study Center.

22. May a concealed-carry licensee carry a handgun to a “collegiate athletic event?” Act 859 prohibits a concealed-carry licensee with the concealed-carry endorsement from carrying in a posted firearm-sensitive area located at a “collegiate athletic event.” A “collegiate athletic event” means “a sporting or athletic contest, event, or practice of an individual or team of individuals sponsored by, funded by, represented by, or associated with a public or private university, college, community college competes against themselves or another individual or team of individuals.”

UCA may submit a security plan to the Department of the Arkansas State Police for designation of certain areas as a firearm-sensitive area. Upon approval, UCA shall post notifications at all firearm-sensitive areas that possession of a concealed handgun is prohibited.

23. Is a security plan submitted to the Director of the Department of the Arkansas State Police subject to public disclosure? No. Act 859 exempts a security plan from public disclosure under the Freedom of Information Act of 1967.

24. What if I am unsure whether I can carry a handgun at a certain time or location? Concealed-carry licensees are expected to know the law relating to carrying of a concealed weapon.

Exemption Regarding Grievance and Disciplinary Hearings

25. Are concealed-carry licensees with the proper endorsement prohibited from carrying a handgun in a meeting about a grievance or disciplinary matters, and if so, what meeting does that cover? A concealed-carry licensee may not carry a concealed handgun to a documented grievance or disciplinary procedure of UCA if at least 24-hours’ notice is given to the participants, notice is posted on the doors of the location of the meeting that a concealed weapon is prohibited, and the area of the building prohibited is no larger than necessary to complete the grievance or disciplinary matter. The official meeting cannot last more than nine (9) hours.

26. If a concealed-carry licensee is asked to attend a disciplinary meeting, what should the concealed-carry licensee do with his/her handgun? If the concealed-carry licensee knew or reasonably should know that a grievance or disciplinary matter will be discussed and a timely notice is posted, then he or she should take the handgun to his/her motor vehicle and store it in compliance with Ark. Code Ann. § 5-73-306.

27. **If a concealed-carry licensee is asked to attend a meeting and an unanticipated disciplinary matter arises during the meeting, what should the concealed-carry license do with his/her handgun?** A concealed-carry licensee is only prohibited from carrying a handgun to a grievance or disciplinary procedure of UCA if at least 24-hours' notice is given to the participants, notice is posted on the doors of the location of the meeting that a concealed weapon is prohibited, and the area of the building prohibited is no larger than necessary to complete the grievance or disciplinary matter. The official meeting cannot last more than nine (9) hours.

Immunities and Risk

28. **Are employees who carry a handgun pursuant to a concealed-carry license with the proper endorsement considered within the scope of their employment?** No, the decision to carry a concealed handgun is a personal choice made by the employee and not a requirement of UCA.

The only exception is UCA Police Officers who are required to carry a concealed handgun as part of their job description.

29. **Are employees who carry a handgun pursuant to a concealed-carry license with the proper endorsement entitled to worker's compensation benefits for injuries arising from his or her own negligent acts in possessing or using a concealed handgun?** No. Act 562 of 2017 explicitly prohibits coverage.
30. **Are concealed-carry licensees who carry a handgun pursuant to a concealed-carry license with the proper endorsement immune from personal liability with respect to possession or use of a concealed handgun?** No. Act 562 of 2017 explicitly excludes immunity.

Interactions with Concealed-Carry Licensees

31. **May individual faculty or staff members post signage that prohibits handguns in their offices or tell/ask a concealed-carry licensee not to bring a handgun into the office?** No. Act 562 of 2017 allows a concealed-carry licensee with the proper endorsement to carry a handgun in the buildings or on the grounds of UCA. An office, regardless of whether it is assigned to a particular person, is part of the buildings and grounds of UCA.
32. **May individual faculty post signage that prohibits handguns in the classrooms, tell/ask a concealed-carry licensee not to bring a handgun into the classroom, or advise in the syllabus that a handgun should not be brought into the classroom?** No. Act 562 of 2017 allows a concealed-carry

licensee with the proper endorsement to carry a handgun in the buildings or on the grounds of UCA. The mere act of carrying a concealed handgun (with a license and the endorsement) is not in and of itself a disruption of class activity or other university operations.

- 33. May a supervisor request a list of concealed-carry licensees who have obtained the concealed-carry endorsement to carry a handgun?** No. The identity of concealed-carry licensees is confidential under Arkansas law.
- 34. May a concealed-carry licensee disclose to another person that he/she is carrying a handgun?** Concealed-carry licensees should use good judgment and discretion in sharing or publicizing such information, keeping in mind their responsibilities for concealing the weapon. Concealed-carry licensees should also be mindful that UCA will not tolerate any threatening use of concealed-carry weapons. Threatening another person may be a violation of UCA's handbooks (faculty, staff, and student as applicable) and may be a crime.
- 35. What should I do if a concealed-carry licensee tells me that they are carrying a handgun?** It does not violate UCA policy for a concealed-carry licensee to tell another person that he or she is carrying a handgun. However, you may contact the UCA Police Department if you are concerned that the concealed-carry licensee is violating the law or UCA's policies on firearms. The UCA Police Department will review whether that individual is eligible to carry a handgun on UCA property, and if not, take appropriate action.
- 36. What should I do if I am concerned that someone is violating UCA's policy on firearms?** Please contact the UCA Police Department. The UCA Police Department will review whether the individual is eligible to carry a handgun on UCA property and take appropriate action if necessary. Emergencies should be reported to law enforcement by calling 911.
- 37. What if someone falsely reports that a handgun was not concealed or that someone is violating UCA's policy on firearms?** Filing a false report with a law enforcement agency is a criminal offense under Ark. Code Ann. § 5-54-122.
- 38. What is the penalty for individuals who bring a concealed handgun to UCA without being properly licensed or carry a concealed handgun into a prohibited area?** There are criminal penalties for violating the campus-carry law. Violations of the campus-carry law may, for employees, result in a disciplinary action, up to and including termination, and for students, result in a disciplinary action, up to and including dismissal from the University.

39. What should I do if I suspect or know there is an active shooter on campus? Follow the directions that have been provided by UCA Police during active shooter training. Avoid, deny, and defend if you are present where a shooter is active. Report the situation to law enforcement by calling 911.

Other Questions

40. How are concealed-carry permits obtained? The Department of Arkansas State Police administers the concealed-carry license. Visit <http://asp.arkansas.gov/services-and-programs/detail/concealed-handgun-licensing> for more information.

41. Who is eligible to obtain a concealed-carry permit? The Department of Arkansas State Police administers the concealed-carry license. Visit <http://asp.arkansas.gov/services-and-programs/detail/concealed-handgun-licensing> for more information.

Additional questions? Feel free to contact Warren Readnour, General Counsel, or anyone in the Office of General Counsel at the University.