

EXHIBIT 5  
DATE 3/10/15  
SB 143

## Public Safety and Security

### Firearms on University of Idaho Property

On March 12, 2014, The State of Idaho passed SB 1254 into law. This law permits qualified retired law enforcement officers and individuals who have obtained an Idaho "enhanced" concealed weapon license (authorized license holder) to possess a concealed firearm on public college and university property; with the exception of carrying within student dormitories or residence halls and at public entertainment/sporting facilities with a seating capacity of greater than 1,000. The law took effect July 1, 2014.

The following Questions and Answers (Q&A) were developed to address questions about the law and related policy, and to further clarify how the law and policy work for the UI Community. For questions regarding firearms on University of Idaho property, contact the Office of Public Safety and Security at 885-2254; e-mail: campus-security@uidaho.edu.

#### Questions on Concealed Carry of a Firearm for UI Students, Faculty & Staff

**Q 1. May I ask a person who is carrying (or suspected of carrying) a concealed firearm on University property if he or she is an authorized permit holder?**

A - Anyone is permitted to ask, but the individual asked is not required to reply unless asked by a law enforcement officer in their official capacity and with sufficient cause.

**Q 2. If I see someone carrying a firearm on University property, should I call the police?**

A - Yes, the safest course of action is to call the Police Department by dialing 911. They will respond and make contact with the individual to determine if that person is an authorized license holder and is legitimately carrying a firearm.

**Q 3. What responsibility does an authorized license holder have to keep his or her firearm absolutely concealed? Are they violating the terms of their license if someone gets a glimpse of their firearm?**

A - A person with a concealed license must take reasonable measures to conceal the firearm. A person taking a gun out of concealment or otherwise displaying/brandishing it, would be violating Board of Regents and University policy. Inadvertent brief displays of a license holder's firearm will be addressed on a case by case basis; for example, if, one time, a person's coat opens in the act of raising his or her arm to ask a question and a gun can be seen, it is not a violation. However, if a firearm is seen on University property, even due to an inadvertent brief display, law enforcement should be called to verify whether the firearm holder has the proper license.

**Q 4. May a student who legally possesses a concealed firearm be excluded from the classroom?**

A - No. An authorized license holder carrying a firearm is not violating University policy or Idaho Law.

**Q 5. May faculty ask students to report whether or not they are authorized license holders?**

A - Faculty may not, under any circumstances, require or otherwise coerce students into disclosing their concealed carry license status or pressure them to answer questions about concealed carry.

**Q 6. May a supervisor request a list of employees who are authorized license holders?**

A - No. License holders are not required to disclose their status to anyone other than law enforcement. This information is not a matter of public record.

**Q 7. Are there certain University properties where, due to the nature of the work and/or workspace, an authorized license holder would be prohibited from carrying a concealed firearm (e.g. lab with flammable chemicals, daycare center, treatment facility like the Counseling and Testing Center or the Student Health Center)?**

A - No. There are no "carve outs" under the statute that apply to UI property, other than student dormitories and residence halls and at public entertainment/sporting facilities with a seating capacity greater than 1,000.

**Q 8. Are there any circumstances under which a supervisor may tell authorized license holders that they cannot bring a concealed firearm into the office?**

A - No. There are no circumstances under which issuing this kind of directive would be permitted.

**Q 9. May authorized license holders bring a firearm to a concert, athletic event or performance?**

A - Yes and No. If the facility (arena, stadium, amphitheater, auditorium, theater or similar venue) has a seating capacity greater than 1,000 persons, then individuals with a license may not bring a firearm into the facility. This

provision of the law excludes authorized license holders from carrying a firearm in the ASUI Kibbie Dome Complex, Memorial Gym, and the Student Union Building (SUB). Authorized license holders may carry a concealed firearm to all venues that have a seating capacity below 1,000.

Q 10. Can the University prohibit authorized license holders from bringing a firearm on University sponsored field trips?

A - The University continues to have the authority to prohibit firearms on University field trips with the following exception arising from the new law and policy: Those with the proper Idaho enhanced concealed carry license must be allowed to carry concealed firearms on University field trips, provided they follow the University policy that the firearms remain concealed and on or about their person at all times. One caveat to this would be a field trip to property or a facility which has other laws limiting firearms (certain federal buildings/property, K-12 schools, courthouses). If the other laws restrict firearms, or if the property owner or facility separately bars firearms, then those laws or restrictions will have precedence. The burden of determining what laws apply on other properties or facilities lies with the license holder. To avoid unnecessary issues, University field trip organizers should make participants aware of firearm restrictions at field trip locations that prohibit firearms.

Q 11. Are authorized license holders allowed to store a firearm on University property?

A - Yes. The University of Idaho offers firearm storage on the Moscow campus; this is the only authorized location for storing a firearm on University property (with the exception of ROTC). For more information about storing firearms, contact the Office of Public Safety & Security, (208) 885-2254.

Q 12. Are authorized license holders allowed to store a firearm within a secure container inside a locked vehicle parked on University property?

A - No. University policy requires authorized license holders to keep firearms concealed and within their control on or about their person at all times. University policy prohibits firearm storage inside vehicles on University property.

Q 13. May someone who holds a concealed weapons license or permit from another state carry on University property?

A - No. The only licenses or permits that are valid for concealed carry on University property are the Idaho Enhanced Concealed Weapons License under I.C. § 18-3302K and the Idaho Retired Law Enforcement Officer License under I.C. § 18-3302H. A person carrying a concealed firearm on campus with only another state's license or permit would be in violation of University Policy.

Q 14. Does the new statute prohibit open carry of firearms on University property?

A - Yes. The law specifically allows the University to continue to prohibit open carry of firearms on University property. Open carry of firearms on University property is a violation of the Board of Regents and University policy.

Q 15. Are authorized license holders allowed to possess or store firearms in married student housing?

A - No. Any building located on University property to house persons residing on campus as students is considered a "student dormitory or residence hall" under the law, and possession or storage of firearms in married student housing is prohibited.

## Suggested Syllabus Language Addressing Concealed Carry of Firearms

The Office of General Counsel suggests the following language which faculty may use in a syllabus to address the new law:

**The University of Idaho bans firearms from its property with only limited exceptions. One exception applies to persons who hold a valid Idaho enhanced concealed carry license, provided those firearms remain concealed at all times. If an enhanced concealed carry license holder's firearm is displayed, other than in necessary self-defense, it is a violation of University policy. Please contact local law enforcement (call 911) to report firearms on University property.**

University of Idaho leadership remains committed to maintaining a safe work, living and learning environment on campus. We will not tolerate any threatening use of firearms or any other weapons. While authorized license holders may have familiarity and be at ease carrying a loaded firearm, we ask that they be aware that many people are not familiar with handguns and are uncomfortable in their presence.