To: Board of Regents Chair Casey Lozar, Board of Regents, Commissioner Clayton Christian

Fr: Chris Palmer, Michael Brody, MUSFAR Representatives

RE: HB 102 Discussion 03/11/2021

MUSFAR representatives visited with the Board of Regents, representatives of OCHE, and academic officers of UM and MSU on March 11 2021 and presented our concerns and policy recommendations around implementation of HB 102 and campus safety. Chair Lozar requested that we submit a summary of our discussion and concerns. Those items discussed at the meeting are presented below. We continue to gather information and recommendations from the faculty on our campuses, and will communicate those at a later date.

MUSFAR urged OCHE and Regents to consider and challenge the constitutionality of HB 102.

Recognizing that OCHE and the Regents may choose not to challenge the law, and that any legal challenges may not be successful, MUSFAR urged OCHE and the Regents to review the law carefully and consider the following policy items as MUS implements the law. Each of these policy recommendations is made in the interest of the safety of MUS students, faculty and staff. Of particular concern to MUSFAR and the faculty we represent is that access to firearms be strictly limited to the owner of the weapon, as this is important to maintain security and to minimize the risk of suicides (the most important measure for suicide prevention is to prevent access to deadly means).

* MUS Policy should be developed and implemented system wide so as to avoid inconsistencies in policy and enforcement and to ensure that no individual MUS campus must implement and defend unique policies.
* The law refers to training requirements for those who wish to carry firearms on MUS campuses. MUSFAR recommends that this include training in specific MUS firearm policies, including the rights and restrictions. MUSFAR also recommends that this include training in suicide awareness and suicide prevention. If the law does not allow special training as a requirement to possess and carry a firearm on MUS campuses, MUSFAR recommends that the training described above be required of all MUS students and employees.
* Section 6 of HB 102 requires that a firearm must be maintained in a holster or case unless it removed in “self-defense.” Section 8 refers to “threat of bodily harm.” MUSFAR recommends that MUS policy provide a clear definition of what constitutes, and what does not constitute, a self-defense situation that might warrant removal of a firearm from its case or holster.
* Section 6 of HB 102, parts 2b and 2d, allow the MUS to require firearms to be in a holster or a case at all times unless removed in self-defense. MUSFAR recommends that the case or holster be defined as one that renders the firearm inaccessible and unusable to all but the owner. This should include either a physical or biometric locking mechanism rendering the firearm inoperable.
* Section 6 part 2e of HB 102 allows MUS to require that a firearm must be secured “with a locking device whenever the firearm is not in the possession of or under the immediate control of” the owner. MUSFAR recommends that this locking device be defined by MUS policy as a safe that prevents access to the firearm by anyone other than the owner. Further, the safest practice in this situation is to store the firearm separately from the ammunition, and we recommend that this also be written into MUS policy.
* Section 6 part 2g of HB 102 allows MUS to prohibit “the possession or storage of a firearm by any individual who has a history of adjudicated university system discipline arising out of the individual’s interpersonal violence or substance abuse.” MUSFAR recommends that it be clearly defined in MUS policy what constitutes such discipline, and that it include discipline for violations of any part of the MUS firearm policies.
* MUS firearm policy must not expect MUS faculty or staff to enforce any part of the policies. The policies should give clear instruction that if a faculty or staff member observes a violation of the policies they should remove themselves and others from the situation and report the violation to law enforcement. This would include immediate dismissal of classes should the violation be observed during instruction.

The meeting also included a discussion of the increased security costs associated with developing and implementing the recommended firearm policy and maintaining a safe working and learning environment on MUS campuses. MUSFAR recommended that OCHE and the Regents request additional state-allocated funding to cover these increased public safety costs.