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Campus Carry in Georgia: Challenges & Recommendations

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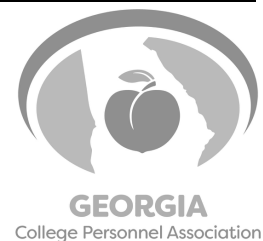
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The 2017 Georgia House Bill 280 states that, with limited exceptions, a properly licensed handgun owner can Concealed Carry on Georgia's public college and university campuses. Since its inception and because of the recent history of mass shootings, much controversy surrounds this law. The infancy of and controversy behind this law calls for further research into the subject. In this paper, we will offer a discussion of historical and environmental perspective, compliance with the law, risks and challenges, previous case analysis, and recommendations for Georgia Higher Education administrators. To lessen confusion and controversy surrounding the Campus Carry law in Georgia, administrators should consider implementing a committee to research the impact this law has on students, the institutions, and the state. Similarly, if the law is to remain in effect, mandatory safety trainings should be implemented on college and university campuses across the state.

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From April 2007 to April 2018, 320 people were shot on higher education institution campuses in the United States (Jones, 2018). Each time such tragedies occur, weapons on K-12, college, and university campuses become a more prominent topic in the national media and among all education stakeholders. Carrying firearms on school property is a highly controversial matter; because of this, much debate has occurred surrounding the nationwide discussion about Campus Carry legislation.

Firearm violence has significantly increased over time. According to Teeple, Thompson, and Price, “the number of premeditated incidents of violence involving victims affiliated with an institution of higher learning rose from 1 in the 1900s to 79 in the 1990s to 83 in the 2000s” (2012, p. 57). Tragic cases of firearm violence are too often seen, and many states have passed laws like Campus Carry in hopes of putting an end to these types of tragedies. For example, since the 2012 shooting at Sandy Hook Elementary School in which 26 children and adults were killed, many legislators across the U.S. have been pushing to pass laws for Concealed Carry of weapons on campuses (LaBanc & Hemphill, 2014). As of August 2018, 10 states have legislation that permit Concealed Carry of guns on college and university campuses: Arkansas, Colorado,

Georgia, Idaho, Kansas, Mississippi, Oregon, Texas, Utah, and Wisconsin (Guns on Campus: Overview, 2018). An additional 23 states have legislations that leave the decision of Campus Carry up to the institutions: Alabama, Alaska, Arizona, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, and West Virginia (Guns on Campus: Overview, 2018).

It is clear that many states are at odds on this issue. Even in the states that allow some form of Campus Carry—be it allowing guns on every public campus or allowing each institution to make their own decision in the matter—education stakeholders are divided. Some believe that allowing Concealed Carry on campuses will make them feel safer and may even help prevent situations like the Virginia Tech shooting. Students for Concealed Carry crafted a list of reasons that Campus Carry should be allowed, which include: legally-armed citizens have training, gun-free zones generally do not work, allowing Campus Carry will not increase risks to others, protection is deserved, and colleges cannot always protect students (Teeple, Thompson, & Price, 2012). Individuals in opposition to the law believe that having guns on campus would harm the academic environment and would not make

them feel safer on campus. Groups like Students for Gun Free Zones argue that shooters will not be deterred by those with concealed weapons. Concealed Carry permit holders are not always law-abiding, and people are not required to undergo law enforcement training before obtaining a permit (Tepple, Thompson, & Price, 2012). The perceptions surrounding this controversial topic are vastly different, making it difficult for lawmakers and campus administrators to determine the best course of action.

In order to further understand the purpose of Campus Carry, lawmakers and campus administrators need to fully analyze the topic at hand: The historical perspective, perceptions about guns on campus and how states handle those opinions, challenges of compliance and risks the legislation brings, and court cases surrounding the issue. Because of the infancy of this law in the state of Georgia, there is not yet much information or litigation surrounding it. However, we can examine other states outside of our jurisdiction to understand the benefits and drawbacks of Campus Carry. In this paper, we will offer an overview of the Campus Carry law including background, compliance, risks, and case analysis. Additionally, we will analyze how Campus Carry affects higher education in Georgia and offer recommendations to Georgia administrators.

About Campus Carry

A Historical Perspective

Guns and other weapons on American college and university campuses have not always been an issue. In fact, in the Colonial Era, young people were required to be armed for militia duty at all times, including students at college (Cramer, 2014). In particular, in 1784, Georgia required that any free man 16 years or older to be armed with a rifle musket, a shotgun, and cartridges for the weapons (Cramer, 2014). Therefore, in this era of American history, guns on campus were quite common and not at all opposed. However, as time progressed and students were no longer mandated by militia law to carry weapons, campus bans of firearms grew more popular. By the 1830s, several college campuses across the country prohibited deadly weapons of any sort. There seemed to be only one exception to this rule—in 1908, students at Connecticut Agricultural College could have a service rifle for ROTC purposes (Cramer, 2014). This rule likely extended to other campuses with ROTC programs. By the 1960s, an era in which there was much turmoil for students, 97% of higher education institutions had policies that prohibited guns and other weapons (Cramer, 2014). While many of these institutions likely had policies prohibiting deadly weapons before then, institutions that did not added similar policies to their arsenal.

From the 1960s to the early 2000s, most states and institutions agreed that deadly weapons should be banned on campus. The minds of many people changed in 1966 when a shooting happened at the University of Texas, where a gunman killed 16 people (Sanderson, Kupczynski, Mundy, & Gibson, 2018). People began to wonder if allowing Concealed Carry on campus would have helped stop this incident from occurring. This shift continued after the Columbine High School shooting in 1999, a mass shooting in which two high school students shot and killed 12 students, a teacher, and then subsequently committed suicide, and the Virginia Tech Massacre in 2007, an incident in which one student shot and killed 32 students, injured an additional 17 students, and then subsequently committed suicide (Columbine High School Shootings Fast Facts, 2019; Virginia Tech Shootings Fast Facts, 2019). Because of the Columbine massacre, in 2003, Colorado became the first state to allow Concealed Carry except in public official buildings and K-12 schools (Sanderson et. al., 2018). By 2013 and 2014, 33 states proposed legislation for Concealed Carry on campus (Sanderson et. al., 2018). While several of these laws did not pass, it did result in many states allowing Campus Carry. As previously stated, by 2018, 10 states now allow Concealed Carry of weapons on campus and

an additional 23 states allow individual institutions to decide about Campus Carry (Guns on Campus: Overview, 2018).

Perceptions and Reactions

There are differing opinions on Concealed Carry on college and university campuses; some argue that allowing Campus Carry would harm the academic environment and increase risks, while others argue that allowing Concealed Carry would offer greater protection for students, faculty, and staff. A study by Thompson, et. al. has shown that 94% of the public opposes Concealed Carry on college campuses (2013). However, people's opinions on the matter vastly differ depending on their gender, race, experiences, location, and much more.

Geographical location can have a significant impact on their feelings towards Campus Carry. For example, students in Washington (a state that lets each institution decide about Campus Carry) are three times more likely to report complete discomfort with concealed guns on campus than those in Texas (a state in which Concealed Carry is allowed at all institutions) (Cavanaugh, Bouffard, Wells, & Nobles, 2012). Similarly, those who opposed gun control are most likely male, white, from rural areas, and politically conservative (Thompson, et. al., 2013). This demonstrates that those from more politically conservative areas such as Texas

and other southern states are more likely to approve of Campus Carry than people from politically liberal locations such as Washington.

Because geography can have such a strong impact on opinions of Campus Carry, there are many ways in which states handle the issue of Campus Carry. Sixteen states completely prohibit firearms on campus. However, the other 33 states allow Concealed Carry of weapons on college and university campuses in some form. States such as Colorado and Utah, not only are pro-Campus Carry, they also have no restrictions and allow concealed weapons in every location on a college campus. Even states who are pro-Campus Carry may ban firearms in certain locations. For example, Kansas bans guns in buildings that have adequate security (Winn, 2017). Similarly, Wisconsin institutions can prohibit firearms in certain locations or at special events by posting signs (Teeple, Thompson, & Price, 2012). For some states, allowing guns on campus is not just a safety issue; for states in which hunting is common, firearms for the sport may be allowed on campus. For example, in 2014, the University of Alaska still allowed firearms on campus for students who hunt, though all weapons must be secured (Cramer, 2014).

In addition to location, other factors can contribute to someone's opinion toward Concealed Carry on campus. For example,

Shepperd, et. al. (2018) divide students, staff, and faculty into three groups: Protection Owners (those who own a gun for the purpose of self-defense), Non-Protection Owners (those who own a gun for non-protection reasons such as sport or collection), and Non-Owners (those who do not own a gun). They state that by dividing into these three groups, we can discuss the psychological need for safety; everyone has a deep desire and need for safety, but the way people view safety can vary, especially when in relation to guns. For example, 89.1% of Non-Owners and 81.4% of Non-Protection Owners stated that if guns were allowed on campus, they would feel unsafe having heated arguments, while only 35.8% of Protection Owners stated a similar feeling (Shepperd et. al., 2018). This may demonstrate that states in which Concealed Carry permits are more common or states that have more Protection Owners may choose to handle the Campus Carry issue differently than states with fewer Protection Owners.

Campus Carry in Georgia

Prior to Georgia's House Bill 280, license holders were allowed to keep weapons secured only in their motor vehicles. Now, the State of Georgia allows anyone who is properly licensed in the state to carry a handgun in a concealed manner on property

owned or leased by public colleges and universities, with limited exceptions (University System of Georgia, 2017). The law states restrictions for where handguns cannot be carried such as at sporting events, in classrooms with minors, and in administrative offices. Since the inception of the law, there have been both advocates for and against its necessity.

This change in law has presented many issues and topics of conversation for students, faculty and employees both with and without a license to carry. Although this law has many advantages for license holders and potential safety on campus, the disadvantages are just as important. We will explore the compliance, challenges, risks, and litigation surrounding Georgia's Campus Carry law in the coming sections

Compliance and Challenges

To accurately assess if there are compliance issues with the new Campus Carry law, there must be clarity about what the Campus Carry law entails, as well as clear expectations of what it means to be in compliance with the law. Clarity of the law would minimize confusion and avoidable incidents. Confusion about the Campus Carry law might stem from states having varying Campus Carry laws. Georgia's version of the law requires weapons be concealed, but some states do not require that weapons be concealed.

Confusion Surrounding the Law

Aspects of the law cause confusion for both individuals who want to exercise their right to Conceal Carry and individuals who want to ensure that license holders are complying with the law's restrictions. For example, at Southern Crescent Technical College in Griffin, Georgia, an instructor called the police when a student refused to conceal her weapon. The student disagreed with the responding officer about the restrictions of the Campus Carry law, and she was ultimately instructed to conceal her weapon in her car before returning to class (Stirgus & Prabhu, 2018). In this situation, the student was not in compliance with the Campus Carry law, and it was difficult to persuade her to conceal her weapon. This is an example of an avoidable incident that could have escalated because of misinterpretation and suggests that there should be education and training to ensure all stakeholders understand the rights and restrictions of the law.

When considering compliance with the law, we tend to focus on license holders complying with processes and procedures, but institutions also play a significant role. It is vital that institutions understand the boundaries established by law, and additionally implement rules, policies, and procedures that encourage adherence to the law. Administrators should be aware that Georgia state law grants license holders the ability to

carry handguns to public college and university classes (except those in which high school students are enrolled). Additionally, faculty members may not ask license holders to reveal that they are carrying concealed handguns or in any way discourage them from doing what they are legally allowed to do (University System of Georgia, 2017).

License holders also play a role in compliance. They must understand the meaning of concealing their weapons so they do not unintentionally alarm or harm others in the campus community surrounding them. Concealed Carry means to carry your weapon in a discreet manner that so it is not a distraction or perceived as a threat (Wrigley, 2017). Confusion around this could be mitigated if public institutions in Georgia provided comprehensive training prior to allowing license holders to carry their concealed weapons on campus. In some states, public colleges and universities reserve the right to implement additional rules and requirements for license holders to adhere to in an effort to keep their campuses safer. However, House Bill 280 states that public colleges and universities in Georgia must comply with the law without exception, so institutions cannot implement their own requirements.

Another source of confusion with the law is the prohibited locations of Concealed Carry. House Bill 280 states that “guns are

not allowed in buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses, faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted” (University System of Georgia, 2017, p.2). These restrictions create issues of compliance. For example, many buildings have both classrooms and administrative offices; it would be cumbersome for an individual to identify which buildings they can or cannot Conceal Carry in. Ultimately, license holders are responsible for knowing where they can and cannot carry concealed weapons. This leads to the following considerations: 1) Where can weapons be stored? 2) Will institutions provide storage?

Detection and Punishment of Violations

Administrators tasked with compliance must also consider how to detect Concealed Carry in prohibited locations. Faculty and staff should be knowledgeable of the locations where Concealed Carrying is permitted. Some institutions have implemented tools like panic buttons to alert the authorities of a problem if needed. Some faculty have voiced the Campus Carry law discriminates against them because they cannot protect themselves as weapons are prohibited in offices on campus (Bodenheimer, 2018). Students who live on campus may also feel that their

rights being revoked, because Concealed Carry is prohibited in residence halls.

Punishment, or lack thereof, for offenders of these restrictions is another challenge that the Campus Carry law presents. As addressed in House Bill 280, people who carry handguns in an open manner or in a building, property, room, or space in violation of the law are guilty of a misdemeanor (University System of Georgia, 2017). If it is the individual's first offense, they are punished with a \$25.00 fine with no confinement. The tensions surrounding the law suggests the need for harsher punishment. With the amount of surety license holders place on the advantages of Campus Carry, providing greater level of punishment may deter people from breaking the law.

Accidents and Other Considerations

Campus Carry supporters frequently minimize the risk of accidental shootings, pointing out their scarcity and argue that proper training can mitigate any dangers (Students for Concealed Carry, n.d.). But several accidents have occurred over the years at schools with Campus Carry. For example, in January 2012, a student at Weber State University in Utah accidentally discharged a handgun in his pocket, which wounded his leg (Defilippis & Hughes, 2015). A similar incident took place in Georgia following the passing of House Bill 280. In October 2019,

a student at the University of Georgia accidentally shot himself in the leg while carrying a concealed weapon (Sicurella, 2019).

Accidents are not the only concern when weapons are on campus. There have been several reported incidents where disagreements escalated to fatal encounters. For example, when a fight at Northern Arizona University escalated, a student opened fire on the participants of the fight. As a result, he killed one student and injured three others (Defilippis & Hughes, 2015). Studies have shown that college students who are likely to open-carry are predisposed to impulsive and aggressive behavior (Defilippis & Hughes, 2015). This is a security risk because students may be a dangerous population with which to give permission (Defilippis & Hughes, 2015).

Case Analysis

The Campus Carry law garnered much controversy as it was being considered in the Georgia government. After it was signed, a group of Georgia professors sued the former governor, secretary of state, and attorney general hoping to have it overturned. In the suit, they claim that the law infringes on the University System of Georgia's ability to set its own policies, which is an unconstitutional violation of the separation of powers. The professors are concerned that their academic freedom is at risk, and some have

even avoided controversial conversations in class because of their fear of students with concealed weapons reacting (Prabhu, 2019; Stirgus, 2017). This case is currently being considered by the Georgia Court of Appeals.

Because this law is in its infancy in the state of Georgia, there is not yet much litigation around it. Other states have passed similar laws in preceding years that have already been challenged and considered by the judicial system. In order to consider how the challenges to the Georgia law may progress, we can look at an example from the state of Texas. In the following sections, we will summarize the background and issue of the Texas case, discuss the ruling of the court, and analyze the case as it related to Georgia Campus Carry.

Issue

In 2015, Texas became the eighth state to allow Concealed Carry on college campuses (Beggan, 2017). This law was challenged by three University of Texas at Austin professors in July 2016, who claimed that the presence of guns in classrooms violates freedom of speech (Jaschik, 2018). They also claimed that the law violated both the second amendment in that the “firearm usage is not sufficiently ‘well-regulated’” (Glass v. Paxton, 2018, p. 4). Finally, they claimed it violated equal protection of the fourteenth amendment because the university “lacks a rational

basis for determining where students can and cannot concealed-carry handguns” (Glass v. Paxton, 2018, p. 4). The case was originally dismissed by the district court for not providing sufficient proof that the law violated freedom of speech.

The case was appealed to the Fifth Circuit Court of Appeals in 2018 to consider two issues. First, the plaintiff challenged the district court’s dismissal of the First Amendment claim. Additionally, the plaintiff requested that the court reverse the lower court’s ruling on the second and fourteenth amendment claims and remand the district court to consider them because they did not offer any rationale (Glass v. Paxton, 2018).

Rule and Analysis

In 2018, a panel of judges ruled to affirm the district court’s finding. The court dismissed the claim because the plaintiffs did not offer evidence to prove that freedom of speech was or could be violated. Constitutionally, plaintiffs must “establish standing to sue” (Glass v. Paxton, 2018, p. 5). The second and fourteenth amendment claims were dismissed for the same reason: the plaintiffs failed to prove that their rights were violated by the law (Glass v. Paxton, 2018).

In analyzing this case, it seems the court is not only well within its power to make such a ruling, but also thoroughly considered

the case. The panel of judges based their decision on precedents set by many former cases. For example, they cite *Moore v. Bryant*, *Clapper v. Amnesty International USA*, and *Susan B. Anthony List v. Driehaus* in determining that the plaintiff lacks standing in the first amendment claim (*Glass v. Paxton*, 2018). Additionally, the court offered a fair analysis of the plaintiff's claims. Instead of considering the issue of guns on campus as right or wrong, the court focused on determining if the claims had standing. One could argue that the court did not correctly decide that her first amendment claim had standing, because there are examples of injury from the law in Georgia. The Georgia Campus Carry law has only been in effect for a short time, but professors claim that they have avoided controversial topics in class for fear of a student with a concealed gun reacting (Stirgus, 2017). The court offers a fair counterpoint to this though: this is a self-imposed injury, which does not constitute as standing. Finally, the court offered a ruling on the remaining claims even when they could have returned it to the lower court. The judges acted in due diligence in ruling on this case.

Applications for Georgia Campus Carry Case

The *Glass v. Paxton* case can be used as a litmus test for the Georgia challenge to Campus Carry. The cases are similar in the both

are brought by professors who are concerned about safety and academic freedom. The cases also share the burden of establishing standing. This is what ultimately led to the affirmation of the lower court's decision in *Glass v. Paxton*. The Georgia case will also have to prove that injury is either actual or imminent for the case to not be dismissed. The notable difference is the claim. While Glass's claims are based on violations of individuals' rights, the plaintiffs of the Georgia case argue that the law violates the separation of powers. Perhaps the Georgia professors took note of the case in Texas and chose a different claim in hopes of being more successful.

We can look to the precedent set in *University of Utah v. Shurleff* to determine how the difference in claim will affect the Georgia challenge. In this case, the state attorney general stated that the policy of the University of Utah to prohibit guns on campus violated state law. The university argued that the state constitution granted autonomy to the university. This is similar to the plaintiff's claim in the Georgia case, in that they claim that the University System of Georgia has autonomy to decide on Campus Carry outside of state law under the separation of powers. In the Utah case, the court found that the autonomy granted to the university did not limit the power of the legislature to exercise "general control and supervision" (as

cited in Kaplin & Lee, 2014). This case offers precedent to the Georgia Court of Appeals, since it was determined that the state is the ultimate authority. There may be differences in the Georgia constitution, however, that require more consideration.

Conclusion: Recommendations for Georgia Administrators

As Georgia administrators in public colleges and universities continue to adjust to the Campus Carry law, it is vital to investigate, research, assess risks, and implement changes that adhere to the law, provide evidence of the necessity of the law, and keep campuses safe. "By simply reviewing the extant literature, it appears as if support for allowing the concealed carrying of weapons on campuses lacks sufficient legal standing and necessary empirical evidence" (Acheson & Arrigo, 2016, p.125). Statistically, the number of school shootings has not been significantly impacted since the passing of this bill (Angelis, Benz, & Gillham, 2017). Considering how new the bill is, the impact is yet to be seen.

In order to gain a better understanding of all the ramifications of the law, it could be beneficial to have a committee dedicated to researching and evaluating concerns surrounding Campus Carry issues. Administrators and lawmakers must implement ways to

address those concerns because administrators, university employees, and students are faced with the potential consequences of all the legal proceedings that may come. Faculty and staff can provide updated information of campus carry requirements on their website or in their syllabus. Administrators could also facilitate the installation of signage and reminders outlining the obligations of license holders. It is up to these individuals who study and work in the institutions daily to voice their opinions and be heard by state officials in hopes of filling in the gaps of this law.

Additionally, on behalf of the university, it would be beneficial to implement some type of mandatory safety course for the students who choose to carry. For example, Georgia Tech has implemented a safety course taught by law enforcement officers to discuss gun safety. Similarly, Georgia Southern University houses the Shooting Sports Education Center, which offers a gun safety course to teach proper use of a firearm (Whitehead, 2017). Another point to consider is that some trained officials have found it difficult to gauge when the use of a firearm is necessary, which would be an even more difficult decision for an untrained license holder. It would be incredibly beneficial for students to have assessments that present difficult scenarios and how to effectively de-escalate situations while being armed and unarmed.

A couple of suggestions for encounters with active shooters have been: “Alert, Lockdown, Inform, Counter, and Evacuate” (ALICE); “Civilian Response to Active Shooter Events” (CRASE); and “Run. Hide. Fight.” in order to create a greater sense of safety and well-being for the students, faculty, and staff of the university (Policy development, 2017). These courses are not mandatory, but they are a good starting point. It is unlikely that this could be mandated by public colleges and universities in Georgia unless it is something that is required by law.

However, these types of training are important, because *Glass v. Paxton*—in addition to other recent court cases— shows that challenges will progress. *Glass v. Paxton* demonstrates that the Georgia case is unlikely to be successful in overturning Campus Carry. The burden rests on the plaintiff to show standing and subsequently prove the claims of the suit. This is no easy task, especially considering that precedent is on the side of the state. Not only that, but the

Georgia case is unique in that the individuals are sued and not the offices of the Governor, Secretary of State, and Attorney General. The plaintiffs will need to prove that Governor Nathan Deal, Governor Brian Kemp, and Attorney General Chris Carr were working as individuals and not in the role of the office in order for the court to even consider the claim that the law violates the separation of powers (Prabhu, 2019). It is unlikely that the Georgia professors will be successful in their quest to overturn the law, but higher education professionals nationwide await the decision. If the law is going to be difficult to overturn, it is imperative that students, faculty, and staff adapt to the status quo and prepare themselves with the proper knowledge, safety techniques, and level of responsibility that comes with the passing of this law. Ultimately, there are considerations no matter what your position is on Campus Carry; we should all be working together to ensure a safe environment that is conducive to learning and productivity.

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