Mark R. Hamilton, President
Phone: (907) 450-8000
Fax: (907) 450-8012
EMAIL: sypres@alaska.edu

UNIVERSITY of ALASKA
Many Traditions One Alaska

202 Butrovich Building
910 Yukon Drive
P.O. Box 755000
Fairbanks, AK 99775-5000

Mr. George Hines, President
SCCC Alaska Chapter

via e-mail February 8, 2010

Response from President Hamilton to Students for Concealed Carry on Campus

I am writing in response to your email message to the Board of Regents on behalf of Alaska Students for Concealed Carry on Campus. Your message discusses Board of Regents Policy and University Regulation regarding firearms on campus. It states in part:

> In short, while we are sure that those who created the current policy years ago had the safety and best interests of the university community at heart, we believe both law and fact have overtaken it. While emotions on the topic are strong, we believe the time has come to look dispassionately at the issue and bring university policy in line with the wishes and values of the community it ultimately exists to serve, as reflected by current Alaska state law.
>
> We will wait for what we believe is an appropriate amount of time for a response to our letter. In the event that none shall be forthcoming, we will test the legality of UA gun ban by forcing authorities to respond to citizens of Alaska and UA students as they exercise their right to carry a legal firearm on campus.

First, let me point out that the Board of Regents consists of men and women drawn from across the State of Alaska. They are each nominated by the governor and confirmed by the legislature. I suspect you know my background as a career military officer. Neither the Board of Regents as a group nor I have an emotional aversion to firearms.

In 1995 the Board of Regents and University administration adopted reasonable rules regarding firearms. University rules permit supervised activities involving firearms on University premises. Campus residents also may possess firearms, though students are required to use secure storage. Generally firearms may be transported to approved activities or storage. Concealed handguns are not permitted on University property, or in office, classroom or meeting space controlled and posted by the University. There is one area where University Regulation is not consistent with state law. I will be amending Regulation 02.09.020 to eliminate the prohibition on possession or storage of firearms in private vehicles.

Violations of these rules result in administrative, not criminal, penalties. Campus police enforce criminal law, not Regents' Policy or University Regulation, and respond to allegations of weapons misconduct as defined by state or federal law. It is possible that if a student or member of the public refused a lawful direction to leave campus, that person could be arrested for trespass. (Please note that a lawful direction to leave campus need not be based on a criminal violation, as your email suggests.) As you acknowledge, trespass and arrest is a rare event, and rarer still when it is related solely to firearm possession.

The Board of Regents has both constitutional and statutory authority to govern the University. The Board must govern in accordance with law. Your letter states that current Board Policy and University Regulation "deny a statutory right of law-abiding adult students in a public institution." However, there is no statutory right to have weapons on campus. It is true that simply bringing firearms on campus is not a crime under federal or Alaska law. However, that does not mean that it is a right that must be permitted.

The state and federal constitutions do protect the right to keep and bear arms. However, like every other constitutional right, that right has limits and is subject to reasonable regulation. You briefly note that the Alaska Legislature has made possession of a firearm a crime in certain locations. It is also a crime for certain people. It is worth taking a closer look at those prohibitions and how they compare to the University setting. Criminalized conduct includes:

- Concealed carry for people under 21;
- In residences, without the express permission of an adult resident;
- In places where intoxicating liquor is served;
- In child care facilities;
- In court system facilities;
- In domestic violence/sexual assault shelters;
  In schools from pre-school through secondary school.

University campuses are complex places. They have many of the features of the places where our legislature has chosen to criminalize firearm possession. Universities include residences occupied by young adults where living space is limited and shared. Youthful residents in this setting may disregard security, feel unable to insist that firearms not be present, or that they be handled safely. Many of our students are under 21, and may not carry concealed weapons legally. Liquor may be served in pubs and is present in dormitories, legally and illegally. Both UAA and UAF have child care facilities. K-12 students are frequently on campus on field trips or more formal, sometimes residential enrichment and college prep programs. Universities are schools and workplaces where responsible and irresponsible, healthy and troubled students and employees live and work side by side. Disciplinary and academic issues are adjudicated on a daily basis. Classrooms and workplaces range from completely benign to laboratories containing explosive and hazardous materials. You suggest that the University's position is unreasonable. However, despite the presence of numerous students under 21, and the University's similarity to locations in which the legislature has criminalized possession of firearms, the University has responded reasonably rather than seeking criminalization.

An unstated assumption in your position is that responsible adults will carry firearms safely on campus just as they might in their homes or on public streets. However, you are fully responsible for what occurs in your home, which is not a gathering place for thousands of people on a daily basis. No one is responsible for what happens on public streets. By contrast, the University has a responsibility to maintain a safe work and learning environment. We do not have the ability to judge who will handle weapons responsibly and who will not. If carrying firearms on campus becomes an affirmative right, how does the University respond if we suspect mental instability or irresponsibility in an employee or student? When an affirmative right is created it generally cannot be removed without due process and cause.

While you do not raise the issue, I have heard and considered the arguments that in an active shooter situation, armed staff or students could save lives. Law enforcement professionals generally do not support this argument, and the University's position is consistent with law enforcement training and on-the-ground realities:

> In a shooting incident police must assume that anyone who is armed is the shooter – this may delay identification of the real shooter and/or result in needless deaths or injuries among armed civilians;
> Shooting situations are incredibly stressful and chaotic – untrained but armed civilians may respond unpredictably, resulting in harm to themselves or others, or may be misidentified as the shooter by other responders, trained and untrained.
> While mass campus violence is exceedingly rare, individual conflicts resulting in some level of violence are much more common. Delay in access to firearms provides time for an otherwise rational person to calm down.

Your letter is a thoughtful and sincere expression of your opinion on the appropriate policy for handling firearms on the UA campuses and I've tried to be as thoughtful in my response. I understand the principle you are addressing, and I also know it's important to see issues through an alternate lens to be sure the principle itself isn't being distorted. I look forward to discussing these matters with you in more detail. My office will contact you to make an appointment. If after our discussion you remain convinced that Regents' Policy should be changed, I urge you not to violate policy and attempt a confrontation between armed students and University officials. Rather than needlessly putting people at risk, you may petition the Board of Regents, as you have done, and may appear before the Board during public testimony portions of meetings. If you believe Board policy or implementing regulations remain illegal, you may challenge them in court, or seek a legislative solution. This is the appropriate approach in this situation.

Sincerely,

Mark R. Hamilton
President