

HB 1311

House Judiciary

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Chair Klemin and Committee Members: my name is Katie Fitzsimmons and I serve as the Director of Student Affairs for the North Dakota University System. I am representing the System Office but not the State Board of Higher Education, as the SBHE has not met since this bill was introduced, in opposition to HB 1311. The bill would allow an individual holding a valid class 1 or class 2 firearm and dangerous weapons license to possess a firearm or dangerous weapon functionally everywhere except in a school, at a school-sponsored athletic or sporting event, in a church or place of worship, or in a portion of a publicly owned or operated building used as a court. The unexcluded areas would include our eleven colleges and universities, as they are publicly owned and operated buildings. I would like to focus on three issues in my testimony today: current State Board Policy regarding firearms, the definitions of public gatherings and schools in NDCC, and our campus police departments and crime rates.

Under current law, NDUS institutions are classified as “public gatherings,” where the possession of firearms and dangerous weapons is restricted. As a result, the State Board of Higher Education enacted State Board Policy 916.1 to be in compliance with state law, which prohibits the possession of firearms and dangerous weapons in campus buildings owned or operated by the State Board of Higher Education. However, recognizing that there may be necessary exceptions to this general rule, Policy 916.1 authorizes the Chancellor or institution president to permit a qualifying individual to store a firearm or dangerous weapon in a campus residence provided that certain requirements are met. Additionally, most of our campuses provide secure weapon storage options for our students. At this time, this policy works well for our students, faculty, and staff and the System Office has received few complaints as to its functioning. As a result, the System Office sees no benefit, and many potential drawbacks, to expanding firearm possession on our campuses.

This bill addresses the ambiguity of the definition of a “public gathering”, which is a great move in transparency and understanding for not only the public, but for all legislators and state entities. As stated in NDCC 62.1-02-05, “public gathering” means an athletic or sporting

event, a school, a church or other place of worship, and a publicly owned or operated building.” According to our legal counsel, the North Dakota University System lands in the bucket of publicly owned or operated buildings, but not in the definition of a school. I think we are all pretty clear on what a school is, what a church or place of worship is, what an athletic or sporting event is, but when it comes to lumping publicly owned and operated buildings into one category, things can get a bit hairy.

Our campuses are places where students of all ages go to learn, live, eat, workout, perform, practice, research, and compete. Students sleep on the property, faculty and staff work all hours, we have campus police and security to respond to emergencies, and our campuses have cafeterias, swimming pools, and theaters while boasting classrooms, labs, and libraries. Most of these spaces are open to the public. When you compare the happenings of a campus to that of a courthouse, a K-12 school, or a state office building, it is plain to see that we are a different animal. Therefore, the North Dakota University System finds it prudent to distinguish us from other publicly owned and operated buildings. What is allowable in Memorial Hall of the Capitol building looks very different than what is allowable in the lounge of a residence hall or at a ping pong table in a student union.

To my third point, like all of the excellent law enforcement officers in the state of North Dakota, NDUS campus police officers do a remarkable job at the often thankless task of keeping our campus communities safe. These officers get to know the students, faculty, and staff and are familiar with the physical environment and the flow of life on campus. This allows campus police officers to intervene and deescalate situations, often before they become dangerous. The North Dakota University System would like to leave the enforcement of law and order in the hands of the trained professionals. Furthermore, our campus police interface with the public community members that are present on our campuses on a daily basis. Adding the complicated factor of having armed visitors on our campuses could pose additional challenges to our campus police and security teams. Which brings me to the discussion of how each of our campuses have different levels of policing and security. While NDSU and UND have robust police departments with sworn officers, some of our campuses have unarmed part-time security staff that lock the doors at night. For state statute to broadly administer new public safety implications for all of our campuses is not equitable. To make things equitable after a sweeping update, there is usually a new cost to North Dakota taxpayers or a marked disparity on our campuses. If a new weapons possession consideration

were to pass, the North Dakota University System would respectfully request that campuses and the State Board make determinations for what is best for each unique campus.

And finally, while the North Dakota University System understands that criminal behavior is not predictable, historically speaking, we experience very little violent crime on our campuses and thus, our students report feeling safe. In fact, 97% of UND students report feeling safe on campus. Which stands to reason that many students, faculty, and staff, do not feel the need to be armed and why some of our campuses do not have a need for a full police force. Here is a comparison of the crime rates on our campuses compared to the state of North Dakota:

	NDUS 2019	Per 100,000	ND 2019	Per 100,000
Robbery	0	0	176	23.09
Burglary	15	34.09	2429	318.74
Motor Vehicle theft	6	13.63	1681	220.58
Rape	6	13.63	426	55.90
Weapons violations	2	4.54	609	79.91

<https://crimestats.nd.gov/public/View/disview.aspx?ReportId=3> and 2020 Annual Campus Safety Reports

As you can see, our campuses experience rates of crime that are miniscule compared to some of the statewide rates. Though in saying such a thing, I do not intend to downplay the impact of the crimes simply because it happened less frequently, my note is that our campuses are safer than what the rest of North Dakotan might experience in their communities.

Currently, State Board Policy prohibits firearms and dangerous weapons from campus buildings, and the State Board has not yet weighed in on this bill or any others pertaining to firearms, but the upcoming Board meetings will likely include discussion of these issues.

On behalf of the System Office, I respectfully request a Do Not Pass on HB 1311 or for the committee to consider an amendment to carve out the campuses and/or the State Board of Higher Education from the public gatherings designation in order to allow them/it to make and enforce their own policies regarding firearm possession on campus. We would be happy to work with the committee on alternative language. I thank you for your time and stand ready to answer your questions to the best of my ability. Thank you.