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**References:**

## Concealed Handguns on Campus

### CONCEALED HANDGUNS ON CAMPUS

## PURPOSE

To ensure compliance with Section 411.2031 of the Texas Government Code (the "Campus Carry Law") which authorizes the carrying of Concealed Handguns by duly licensed holders on the Campus of The University of Texas Health Science Center at Tyler ("UTHSCT"), as described below.

## POLICY

UTHSCT respects the Federal and Texas Constitutions, both of which recognize Texas citizens' right to keep and bear arms and the Texas Legislature's power to regulate the wearing of Handguns. UTHSCT also recognizes its right under the Campus Carry Law to implement its own reasonable rules, regulations, and other provisions regarding the carriage on its premises of Concealed Handguns by holders of Concealed Handgun Licenses ("CHL Holders"). In seeking to fulfill its obligations under the Campus Carry Law to determine appropriate Exclusion Zones and permitted Concealed Handgun License Zones ("CHL Zones"), UTHSCT has strived to recognize CHL Holders' rights in the context of: (1) the nature of UTHSCT's faculty, student, administrator, patient, and patient family populations; (2) specific safety considerations; (3) the uniqueness of UTHSCT's Campus environment; (4) applicable laws and contractual obligations; (5) issues of practical implementation; and (6) ease of compliance and reasonable administration and enforcement. UTHSCT believes this policy respects the rights and interests of all stakeholders and achieves a fair and balanced approach to carrying of Concealed Handguns by CHL Holders on its Campus.

**THIS POLICY DOES NOT AUTHORIZE THE OPEN CARRY OF A HANDGUN ON UTHSCT'S CAMPUS, AND THE OPEN CARRYING OF A HANDGUN IS PROHIBITED ON UTHSCT'S CAMPUS.**

## SCOPE

All persons on UTHSCT's Campus.

### DEFINITIONS

**Campus:** The sum of all land and buildings leased or owned by the Board of Regents of The University of Texas System for and on behalf of UTHSCT.

**Campus Carry Law:** Section 411.2031 of the Texas Government Code, permitting the carrying of Concealed Handguns by duly licensed holders on UTHSCT's Campus in accordance with this policy.

Concealed Handgun: A Handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person (see **Texas Government Code Section 411.171**).

Concealed Handgun License (CHL): A valid and current Concealed Handgun license as defined by Subchapter H of the Texas Government Code ("License to Carry a Concealed Handgun").

Concealed Handgun License (CHL) Holder: Anyone appearing on UTHSCT's Campus with a valid, current CHL and a Concealed Handgun.

Concealed Handgun License (CHL) Zones: The areas on UTHSCT's Campus where CHL Holders may carry a Concealed Handgun.

Excluded Activities: Activities that are the bases of Exclusion Zones.

Exclusion Zones: The areas on UTHSCT's Campus where CHL Holders may not carry a Concealed Handgun.

Handgun: Any firearm that is designed, made, or adapted to be fired with one hand (see **Texas Penal Code, Section 46.01151**).

Premises: Consistent with Section 46.035(f)(3) of the Texas Penal Code, "Premises" means a building or a particular portion of a UTHSCT Campus building. For purposes of this policy and UTHSCT's Campus, a Premises comprises all of the contiguous space dedicated to a particular institutional function or activity and extends to the functional or physical boundary of that function or activity. A Premises may be a floor, departmental suite, hallway, walkway, throughway, sky bridge, laboratory, cafeteria, or any other space, depending on the circumstance.

## PROCEDURE

1. 1. 1. Policy Permissions and Violations
2. Subject to a CHL's Holder's acceptance of and compliance with this policy and UTHSCT's rules and regulations, CHL Holders may carry Concealed Handguns in accordance with their CHL in CHL Zones on UTHSCT's Campus.
3. CHL Holders are prohibited from carrying Concealed Handguns in Exclusion Zones on UTHSCT's Campus. Furthermore, neither CHL Holders nor any other person may carry any other weapon as described in Texas Penal Code, Section 46.01 onto UTHSCT's Campus.
4. CHL Holders must abide by and comply with all CHL rules in Texas Government Code, **Chapter 411**, and all UTHSCT rules, regulations, and policies while carrying a properly licensed Concealed Handgun
5. The mere possession of a properly Concealed Handgun by a CHL Holder in CHL Zones on UTHSCT's Campus is not a violation of UTHSCT's **Disciplinary Action policies** or the **Violence in the Workplace policy**. However, a violation of this policy by a faculty or staff member, trainee, student, volunteer, or other member of UTHSCT's workforce may constitute a violation of institutional policy regarding conditions of employment and standards of conduct, subjecting the workforce member to disciplinary action, up to and including termination.
6. CHL Holders are prohibited from engaging in, and may not engage in direct, conditional, or veiled threats, as defined in UTHSCT's **Violence in the Workplace policy**, involving the CHL Holder's Concealed Handgun. This may include, but is not limited to, overt or implicit references by a CHL Holder to the CHL Holder's Concealed Handgun in a way so as to intentionally or

knowingly incite fear or concern in any other person. Such conduct may result in immediate termination per **Section 8.0** of this policy.

7. Except for storing a Handgun in a vehicle as permitted by state law, CHL Holders must keep their Concealed Handguns on or about their persons at all times. For purposes of this policy and subject to the requirements of Texas law, "on or about one's person" means close at hand and within such distance of the CHL Holder so that, without materially changing his/her position, the CHL Holder could get his/her hand on it. Except for storing a Handgun in a vehicle as permitted by state law, CHL Holders are prohibited from leaving and must not leave the CHL Holder's Concealed Handgun unattended anywhere on UTHSCT's Campus, regardless of whether stored in a desk drawer, cabinet, purse, handbag, backpack, fanny pack, briefcase, or otherwise.

8. CHL Holders are responsible for safeguarding their Concealed Handguns at all times and must take all necessary precautions to ensure their Concealed Handguns are secured in a manner that is most likely to prevent theft, loss, damage, or misuse.

CHL Holders are liable for any and all damage, injury, liability, loss, cost, or expense, directly or indirectly resulting from or arising out of an accidental or inadvertent discharge of their Concealed Handgun or their violation of this policy.

9. UTHSCT does not provide storage (e.g., lockers) or holding services for CHL Holders.

10. A CHL Holder whose Concealed Handgun is lost or stolen on UTHSCT's Campus must immediately report the loss or theft to the UTHSCT Police Department ("UPD").

11. In accordance with Texas Law, CHL Holders may secure their Concealed Handguns safely in their vehicles. UTHSCT assumes no responsibility for loss or theft of Concealed Handguns from CHL Holders' vehicles on UTHSCT's Campus.

1. 1. CHL Zones and Exclusion Zones

2. In accordance with the Campus Carry Law, the President must designate Exclusion Zones for UTHSCT's Campus and in doing so must consider:

A. The nature of UTHSCT's faculty, staff, student, administrator, patient, and patient family populations.

B. Specific safety considerations.

C. The uniqueness of UTHSCT's Campus environment.

1. In addition to considering the factors mandated by the Campus Carry Law, the President should also consider the following factors:

A. Applicable laws and contractual obligations pertinent to UTHSCT.

B. Issues of practical implementation.

C. Ease of compliance and reasonableness of administration and enforcement.

- The President may not create Exclusion Zones that generally prohibit or have the effect of generally prohibiting CHL Holders from lawfully carrying Concealed Handguns on UTHSCT's Campus.
- A CHL Zone may be coterminous with a Premises.
- If justified using the criteria in **Section 2.1** and **Section 2.2**, an Exclusion Zone may be coterminous with a Premises.
- The President has designated the following areas on UTHSCT's Campus as Exclusion Zones:

A. Areas for which state or federal law, licensing requirements, or contracts require exclusion exclusively at the discretion of the state or federal government, or in which Handguns are prohibited by an accrediting authority.

B. Childcare facilities and pediatric-activity areas.

C. Areas analogous to state law requirements that prohibit Concealed Handguns, including:

- Police and correctional facilities.
- Chapels, synagogues, prayer rooms, and other areas designated for worship, spiritual reflection, or meditation on UTHSCT's Campus.
- Pediatric school areas and areas in which sponsored activities are conducted for persons under 18 years of age who are not enrolled at UTHSCT.

D. Areas where discharge of a Concealed Handgun might cause widespread harm or catastrophic results, such as laboratories with extremely dangerous chemicals, biologic agents, or explosive agents, or equipment that is incompatible with metallic objects such as magnetic resonance imagining machines.

E. Animal care areas and vivaria in which protocols increase the risk of discharge or contamination of a Concealed Handgun, or its unanticipated separation from the CHL Holder. For open-air primate enclosures, the Exclusion Zone extends at least five (5) feet from the enclosure.

F. The specific Campus locations enumerated on **EXHIBIT A** attached to this policy and incorporated herein for all purposes.

1. Deemed Exclusion Zones:

A. When, either within a Premises or between two Premises, an Exclusion Zone is adjacent to a CHL Zone, the President may deem the adjacent CHL Zone also to be an Exclusion Zone for practicability and to ensure ease of compliance, and reasonable administration and enforcement, including those situations in which:

- Ingress and egress by CHL Holders between the Exclusion Zone and the CHL Zone is impracticable (e.g., the CHL Holder could not reasonably move to a CHL Zone without moving through an Exclusion Zone in violation of this policy and the law); and
- Ingress and egress between the Exclusion Zone and the CHL Zone may not reasonably be clearly demarcated per **Section 2.8** of this policy.

A. The President or his designee may deem CHL Zones to be Exclusion Zones for the period of time that the CHL Zone hosts Excluded Activities listed in **Section 3.0** of this policy. For example, an event in UTHSCT Campus CHL Zones that includes pediatric patients is an Exclusion Zone during the event. During this period, the signage required by **Section 2.8** of this policy will be erected in the deemed Exclusion Zone for the duration of the excluded period.

B. If a significant fraction of the functional space of a building is excluded for reasons consistent with this policy, the President may exclude the entire building to ensure ease of compliance and reasonable administration and enforcement.

1. Exclusion Zones will be demarcated with legally-sufficient signage, per Texas Penal Code, **Section 30.06**.

2. The Chief of UPD will maintain a complete and up-to-date listing of CHL Zones and Exclusion Zones.

A. The listing may include the President's justification(s) for each Exclusion Zone.

B. The Chief of UPD will make the listing available to the public upon reasonable request.

1. Excluded Activities (Not Premises-Specific)

Irrespective of where they are on UTHSCT's Campus, CHL Holders may not carry Concealed Handguns while engaged in the following Excluded Activities:

2. Handling extremely dangerous chemicals, biologic agents, flammable or explosive agents, or equipment that is incompatible with metallic objects.
3. Handling laboratory animals.
4. Attending events on UTHSCT's Campus at which alcoholic beverages are served.
5. Attending any meeting related to proceedings made necessary by or in connection with UTHSCT's **Grievance Policies & Procedures** , Appeal **Process policy**, or any institutional policy related to a formal conflict resolution processes as well as a Hearing Tribunal or related meeting scheduled as part of a formal dispute resolution process.
6. Attending or participating in a ticketed sporting event on UTHSCT's Campus.

1. Institutional Vehicles

2. Subject to Section 4.2 below, vehicles owned or leased by UTHSCT that are used for passenger transportation are considered CHL Zones.
3. Vehicles owned or leased by UTHSCT being utilized for the following purposes are considered Exclusion Zones for the duration of time that the vehicle is being used for such purposes:
  - A. The vehicle is being used to transport extremely dangerous chemicals, biologic agents, flammable or explosive agents, or equipment that is incompatible with metallic objects.
  - B. The vehicle is being used for health care-related activities, such as mobile mammography, blood donations, or to provide health screenings.
  - C. The vehicle is being used for childcare, school, or pediatric activities or purposes.

5.0 UTHSCT Campus Land (External to Buildings)

Areas outside UTHSCT buildings but still on its Campus are deemed Exclusion Zones when the areas are utilized for activities that are Excluded Activities listed in **Section 3.0** of this policy. For example, an area on UTHSCT's Campus used for a picnic or event involving pediatric patients is an Exclusion Zone for the duration of the picnic or event.

1. Communication

2. UTHSCT will widely distribute this policy and all related rules, regulations, and procedures to its faculty, staff, volunteers, trainees, students, and other members of its workforce, and shall prominently publish this policy and all related rules, regulations, and procedures on its internet and intranet sites.
3. UTHSCT's UPD and Departments of Public Affairs, Human Resources, and Institutional Compliance shall be responsible for ensuing communication of this policy and all related rules, regulations, and procedures, as required by the Campus Carry Law.
  1. Campus Carry Reporting
  2. Reports to the President:

On or about July 1 of each year, UPD will prepare and deliver to the President a report on UTHSCT's

compliance with the Campus Carry Law, the implementation of this policy, and all incidents during the past year involving a Concealed Handgun.

3. From time to time, and based upon the implementation of this policy or any incidents involving a Concealed Handgun, UPD shall make recommendations to the President in regard to any changes that may be necessary, appropriate, or desirable to this policy, the Exclusion Zones, Excluded Activities, CHL Zones, or the rules and regulations hereunder.

4. President's Report to the Texas Legislature:

Not later than July 1 of each even-numbered year, UPD will prepare for the President's review and approval a report on UTHSCT's compliance with the Campus Carry Law. The report will:

- A. Describe UTHSCT's rules, regulations, and policies regarding the carrying of Concealed Handguns on its Campus; and
- B. Explain the reasons why UTHSCT has established these rules, regulations, and policies.

4. Once approved by the President, the President shall send the report to The UT System's Office of General Counsel for review not later than August 1 of each even-numbered year.

5. The President must submit the report to the Texas Legislature not later than September 1 of each even numbered year.

- Policy Violations and Disciplinary Action

- If any person believes that a CHL Holder has violated this policy, he/she should immediately report the violation by calling 903 877-5297. The caller should provide the following information, as applicable and available:

- A. Description of the perceived violation;
- B. Name(s) of individual(s) involved in the incident;
- C. Name(s) of any witnesses;
- D. Date, time, and location of the incident; and
- E. Factual circumstances surrounding the incident.

- A violation by a CHL Holder of this policy that involves the CHL Holder's Concealed Handgun may be considered a Policy Violation ("a confirmed incident of Violence or Threat of Violence") under the **Violence in the Workplace policy** and may result in immediate removal from UTHSCT's Campus or referral to UPD, as appropriate, and may result in disciplinary action for such person, up to and including termination.

- Loss of a CHL Holder's Concealed Handgun on UTHSCT's Campus will be considered a violation of **Section 1.6** of this policy, and if the CHL Holder is a faculty or staff member, trainee, student, volunteer, or other member of UTHSCT's workforce, may result in disciplinary action for such person, up to and including termination.

## ATTACHMENTS/REFERENCES

### EXHIBIT A, Exclusion Zones Specific to UTHSCT Campus

Texas Government Code, Chapter 411.

Texas Government Code, Section 411.171.

Texas Penal Code, Section 30.06.

Texas Penal Code, Section 46.01.

Texas Penal Code, Section 46.01(5).

Texas Penal Code, Section 46.035(f)(3).

**Attachments:**

[image1.png](#)

[image2.png](#)

	<b>Committee</b>	<b>Approver</b>	<b>Date</b>
		Robert Cromley: Chief Of Police	04/2016
	Office of Legal Affairs	Terry Witter: VP, Legal Affairs/ChiefLegalOf	04/2016
	Executive Cabinet	Carol Davis: Executive Assistant, Senior	04/2016

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