



TEXAS TECH UNIVERSITY™

## Operating Policy and Procedure

### **OP 10.22: Concealed Carry of Handguns on Campus**

**DATE:** May 23, 2016

**PURPOSE:** This Operating Policy and Procedure (OP) is intended to establish guidelines and procedures for the implementation of the state statute authorizing the concealed carry of handguns on the premises of Texas Tech University. These rules and regulations were established by the president of Texas Tech University in consultation with faculty, staff, and students and reviewed by the Texas Tech University System Board of Regents.

This Operating Policy will become effective August 1, 2016 and is intended to be in conformity with the requirements of Texas Government Code Section 411.2031.

**REVIEW:** This OP will be reviewed in August of even numbered years by the vice provost for undergraduate education and student affairs, the Office of General Counsel, and the Office of the President.

## **POLICY/PROCEDURE**

### **1. Definitions**

- a. Campus – all land and buildings owned or leased by TTU as lessee.
- b. Premises – a building or portion of a building.
- c. Handgun license holder – an individual licensed to carry a concealed handgun under Subchapter H, Chapter 411 of the Texas Government Code (“Chapter 411”). Generally, such an eligible individual must be at least 21 years of age, not have a criminal record as defined by the code, and meet certain education and proficiency requirements. Chapter 411 contains some exceptions to the age requirement (e.g., ex-military personnel).
- d. Concealed handgun – a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- e. Designated research laboratories – any laboratory, room, or storage area where chemical(s) with a National Fire Protection Association (NFPA) label that lists a particular chemical(s) as a 3 or higher in any category of flammability, instability, or health hazard or is listed as radioactive in the special hazard category and, in addition, any labs using or storing biohazardous agents or toxins. The term also includes any laboratory for which federal law, licensing agreements, or a contractual research agreement precludes the presence of firearms.

- f. Exclusionary zone – any premise in which the carry of a concealed handgun is prohibited by virtue of Texas statute or these rules.

## 2. General Provisions

- a. Subject to applicable Texas or federal laws and rules adopted by the university, individuals holding a valid Texas Concealed Handgun License (CHL) or the new state designation for the same, License to Carry (LTC), will be allowed to carry their handgun, concealed on their person, on the campus of Texas Tech University.
- b. ROTC/Color Guard firearms may be used on TTU campuses for use in ROTC and Color Guard related events.
- c. Pursuant to Texas Penal Code Sections 46.035 and 30.07, the open display of a handgun in plain view of another person on Texas Tech University property is never allowed except by an authorized individual such as a peace officer while in the actual discharge of his/her duty.
- d. While Texas Tech University will employ all reasonable means to delineate exclusionary zones by signage in accord with Texas statutory law, it is the responsibility of the permit holder to know, understand, and follow these rules and applicable laws while on the campus of Texas Tech University. Holders of such permits are bound by state and federal law and may face criminal or civil penalties for violation of those statutes.
- e. Authorized permit holders are not required to disclose their concealed carry license status to anyone other than a law enforcement officer. The university will not maintain a list of concealed carry license holders. This information is not a matter of public record. Texas Tech University employees (other than law enforcement officer) may not, under any circumstances, require students or employees to disclose their concealed carry license status.

## 3. Specific Exclusions to Concealed Carry of a Handgun

- a. Exclusionary zone – The university president is the only person with the authority to declare a specific premise or venue as an exclusionary zone. Therefore, except as provided herein, without the express written consent of the president, no faculty member, staff member, student, or student group may exclude a specific premise or venue as “off limits.”
- b. Exclusion by law – Texas statutes outside of Texas Government Code Section 411.2031 separately provide exclusions of certain premises or events, which provisions are hereby incorporated. Under such laws, concealed carry is prohibited from the following premises or locations:
  - Where a high school, collegiate, or professional sporting event or interscholastic event is taking place, including TTU athletic events;
  - Where any UIL sanctioned competition is being held;
  - Where any Board of Regents meeting is being held;
  - Office of Student Conduct;
  - Where any other official governmental meeting or judicial proceeding is being conducted; and
  - Where polling is being conducted for local, state, or federal elections.

- c. Additional exclusions are as follows:
- Student Recreation Center;
  - Kent R. Hance Chapel;
  - Any premise where professional counseling services are provided, including:
    - Family Counseling Center,
    - Burkhart Autism Center,
    - Student Wellness Center,
    - Psychology Counseling Center,
    - Child Development Research Center,
    - Center for Study of Addiction and Recovery,
  - Designated research laboratories;<sup>1</sup>
  - Any university event where alcohol is being served by an organization under Texas Alcoholic Beverage Commission rules and regulations;
  - Performance venues and locations during ticketed events on a case-by-case basis if a temporary designation is obtained from the president pursuant to 3(d) below.
- d. Other specific premises or venues may be declared “off limits” by the university president. Adoption of exclusion for a premise or venue must be reasonably justified. The requestor must provide evidence that a concealed handgun on that particular premise or venue creates some special danger. Requests for exclusion must be provided in writing to the Office of the President at least 90 days prior to the date of the event.
- e. To assist in the process of approving exclusions, a standing committee titled the Campus Carry Committee will be established. The committee will be charged with investigating requests for exclusions and making a recommendation to the president concerning the request. The chair and members of this committee will be appointed by the president and will include representatives from the Office of the Provost, the Faculty Senate, Staff Senate, and Student Government Association, as well as representatives from the Office of Student Affairs, the Office of Human Resources, the Texas Tech University System Office of General Counsel, and the Texas Tech University Police Department.
- f. Any premises on which a program, activity, or camp is conducted for minors are excluded from concealed carry.

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<sup>1</sup> The university president, after review of specific uses of individual laboratories, may, on a limited basis, exempt some laboratories for which the president has determined that the risks of the presence of a handgun is de minimis in comparison to significant logistical challenges presented by declaring such laboratory as an exclusionary zone.

#### 4. **University Housing**

- a. The premises of all TTU residence halls shall be posted as an exclusionary zone except as provided in section 4.b.
- b. Handgun license holders residing in individually assigned rooms in suite-style and apartment-style TTU housing accommodations, specifically Carpenter/Wells, Murray, Talkington, and West Village Residence Hall, will be allowed to possess handguns on the premise provided that:
  - (1) such possession is in compliance at all times with Texas statutory law and these rules; and
  - (2) the license holder stores his/her handgun(s) in a university-approved gun safe installed in the license holder's room.
- c. Students who are assigned to dorm rooms where a firearm is stored and who are concerned about their wellbeing may request a transfer to another room. Please refer to the university housing contract for specific provisions concerning possession of firearms in university housing.

#### 5. **Information to the University Community**

Texas Tech University will widely distribute these rules and regulations and offer educational information regarding these rules and safety procedures to the students, staff, and faculty through the university's website, student and employee handbooks, and other publications.