



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSC OP: 10.30 Regulations for the carrying of concealed handguns by license holders

PURPOSE: The purpose of this Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to establish clear regulations regarding the carrying of concealed handguns by license holders, on or about their person, on the campus of TTUHSC ELP or on premises located on the campus of the institution.

REVIEW: This HSCEP OP will be reviewed by October 1 of every odd numbered year (ONY) by the Chief of Police and the Chief Operating Officer or designee with recommendations for revision presented to the president by November 1.

POLICY/PROCEDURE:

General Consideration

As a health related educational institution, TTUHSC El Paso facilitates a complex composition of activities which includes education, patient care, research, and community engagement. As such, our campuses must accommodate the unique needs of diverse stakeholders which includes patients, learners of all types, faculty, staff, contractors, and visitors. Within the context of our unique and complex composition, TTUHSC El Paso is committed to the following principles for our campus environment:

1. TTUHSC El Paso will comply with all necessary laws and regulatory requirements regarding safety and security on our campuses;
2. Within reasonable effort, TTUHSC El Paso will create an environment in which all stakeholders can conduct their business with a sense of personal and collective safety and security;
3. TTUHSC El Paso will communicate our safety policies to stakeholders through all appropriate means.

1. Definitions:

- a. **Campus** - All land and buildings owned or leased by TTUHSC El Paso, as lessee.
- b. **Premises** – A building or portion of a building.
- c. **Handgun license holder** - is an individual licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code. 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.
- d. **Concealed handgun** – A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- e. **Designated research areas** – 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. **Designated medical service area** – This includes clinics, which are premises in which patients receive health care services and mental health services from a licensed health care professional.

2. Statutory Allowance

- a. As authorized by Sec. 411.2031, Government Code, and effective August 1, 2016, handgun license holders are allowed, (except where reasonably prohibited by university rules), to carry on their person a concealed handgun on TTUHSC ELP premises/campuses without violating state law.
- b. ROTC/Color Guard. Firearms may be used on TTUHSC El Paso campuses for use in ROTC and Color Guard related events.
- c. As authorized by Sec. 411.2031, Government Code, only the university president, with approval of the Board of Regents, may establish concealed carry restricted areas. This excludes any individual, or group or faction within the university from formulating personalized rules for regulating or excluding handguns.

3. General prohibition

- a. **Open display of a handgun.** Per Penal Code Sections 46.035 and 30.07, the open display of a handgun in plain view of another person on a TTUHSC El Paso campus is never allowed except by an authorized individual, such as a peace officer, while in the actual discharge of their duty. The unlawful display of a handgun may subject the individual to corrective and disciplinary actions as prescribed by state and local laws, and may subject the individual to disciplinary action by the university.
- b. **Discharge of a weapon.** The discharge, whether intentional or unintentional, of a firearm on a TTUHSC El Paso campus is strictly prohibited unless such discharge occurs under the circumstances allowable by law. The discharge of a handgun may subject the individual to corrective and disciplinary actions as prescribed by state and local laws, and may subject the individual to disciplinary action by the university.
- c. **Concealed Carry License Status.** Authorized permit holders are not required to disclose their 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. TTUHSC El Paso employees (other than law enforcement officer) may not, under any circumstances, require students or employees to disclose their concealed carry license status.

4. Responsibility of handgun license holder

It is the responsibility of a handgun license holder to be knowledgeable of the applicable laws and procedures governing the possession of concealed handguns. As such, the burden of responsibility for possessing and/or properly storing a concealed handgun rests with the handgun license holder who must mitigate circumstances whereby a handgun may be

misused or the possession of which would violate any law, regulation, or university policy. A CHL (or LTC) licensee who needs to enter a restricted area is responsible for storing their weapon in a personally owned, secure, handgun storage device.

5. Restricted Areas

As allowed by Sec. 411.2031, Government Code, and under the authority of the university president, the following areas have been designated as restricted areas in which the possession of a concealed handgun is prohibited except by an authorized individual (i.e. a peace officer) while in the actual discharge of their official duties.

- a. Designated research areas¹
- b. Designated medical service areas
- c. Other areas temporarily posted as allowed by Penal Code Sections 46.03 and 46.035

6. Presidential determinations

- a. 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. 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.
- c. To assist in the process of approving exclusions, a standing committee entitled 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 faculty, staff, and student groups as well as individuals charged with campus safety responsibilities.

7. Leased space/property

Except as specifically provided herein, regulation regarding the carrying of concealed handguns by license holders on all premises and or campuses leased from or by TTUHSC El Paso will be determined on a case by case basis consistent with the requirement of Texas law.

¹ 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 minimus in comparison to significant logistical challenges presented by declaring such laboratory as an exclusionary zone.

8. Signage:

As authorized under Texas Penal Code Section 30.06, TTUHSC El Paso will post signs regarding the portion of the premises where license holders may not carry a concealed handgun (i.e. the restricted areas). In addition, TTUHSC El Paso will widely distribute these rules and regulations, and offer education 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. Intentional violation of posted signs will constitute a violation of state law and university policy.