



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

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 Operating Policy and Procedure (HSC OP) is to establish clear regulations regarding the carrying of concealed handguns by license holders, on or about their person, on the campus of Texas Tech University Health Sciences Center (TTUHSC) or on premises located on the campus of the institution.

REVIEW: This HSC OP will be reviewed by October 1 of every odd numbered year (ONY) by the Chief of Police, the Vice President for Facilities and Safety Services, the Office of General Counsel, and the Assistant Provost for Student Affairs, with recommendations for revision presented to the President.

POLICY/PROCEDURE:

General Consideration

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

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

1. Definitions:

- a. **Campus** - all land and buildings owned or leased by TTUHSC, as lessee.
- b. **Premises** – a building or portion of a building.
- c. **Handgun license holder** - is an individual licensed to carry a handgun under Texas Government Code Chapter 411, Subchapter H. 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.
- d. **Concealed handgun** - a handgun not openly discernable to the ordinary observation of a reasonable person.
- e. **Designated research laboratories** – This includes any laboratory, room or storage area wherein there are 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, additionally, any labs using or storing biohazardous agents or toxins. The term also includes animal research facilities that are dedicated to animal housing and use and any laboratory for which federal law, licensing agreements, or a contractual research agreement precludes the presence of firearms.

- f. **Designated medical service areas** – This includes clinics, which are premises where patients receive health care services and mental health services from a licensed/certified health care professional.

2. **Statutory Allowance:**

- a. As authorized by Sec. 411.2031 of the Government Code, license holders (individuals licensed to carry a handgun) are allowed (except where reasonably prohibited by university rules) to carry on their person a concealed handgun on TTUHSC premises/campuses without violating state law.
- b. ROTC/Color Guard – Firearms may be used on TTUHSC campuses for use in ROTC and Color Guard related events.
- c. As authorized by Sec. 411.2031, Government Code, only the university president may establish concealed carry restricted areas. This excludes any individual, 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 campus is never allowed except by an authorized individual, such as a peace officer, while in the actual discharge of his or her 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 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. **License to Carry 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 license to carry holders. This information is not a matter of public record. TTUHSC employees (other than peace officers) may not, under any circumstances, require students or employees to disclose their license to carry 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 handgun license holder who needs to enter a restricted area is responsible for storing his or her 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 (Example: a peace officer) while in the actual discharge of the individual's official duties.

- a. Designated medical service areas;
- b. Where any Board of Regents meeting is being held;
- c. Where any other official governmental meeting or judicial proceeding is being conducted;

- d. Campus locations where student and/or employee disciplinary hearings are being conducted;
- e. Other areas temporarily posted as allowed by Penal Code Sections 30.06, 46.03 and 46.035; and
- f. Designated research laboratories.¹

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 Campus Carry Committee will be established. The committee will be charged with investigating requests for exclusions and making recommendations 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:**

Regulation regarding the carrying of concealed handguns by license holders on all premises and campuses leased by TTUHSC, as lessee, will be determined on a case-by-case basis.

8. **Signage:**

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

9. **Rights to Change:**

TTUHSC reserves the rights to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice, at the sole discretion of the university president.

Attachment A: Request for Exclusion of Campus Carry

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