

## **Policy III.3000.A, CAMPUS CARRY**

### **Purpose**

The purpose of this policy is to comply with the requirements of Texas Senate Bill 11 (S.B. 11), which is generally referred to as the “campus carry” law, to allow the concealed carrying of handguns by license holders on the campuses of certain institutions. The policy grants permission for a valid Texas License to Carry holder (LTC) to generally carry a concealed handgun on campus. The policy also identifies certain campus locations and activities that a valid LTC holder may be excluded from carrying a handgun due to previously existing State of Texas Statutes or exclusion zones identified by the San Jacinto Community College District (College).

### **Policy**

The San Jacinto Community College District (College) is committed to providing a safe environment for students, employees, contractors, affiliates, and visitors, and to respecting the right of individuals licensed to carry a handgun in the state of Texas. Individuals licensed to carry may do so on campus except in locations and at activities prohibited by law or by this policy. The carrying of any handgun by an unlicensed person or the open carry of a handgun is not permitted in any place at the College.

1. Individuals who hold a valid Texas License to Carry a Handgun (LTC), including a valid Texas Concealed Handgun License, (“license holders”) may (1) carry a handgun on campus so long as the handgun is not in plain view, on or about their person at all times, and under their control (e.g., purse, backpack, bag, etc.) or (2) secure their handgun in a locked motor vehicle. The carrying of an unconcealed handgun on campus is restricted to authorized law enforcement officers and other persons who may be designated by appropriate law enforcement agencies.

All other weapons are strictly prohibited for students, faculty, staff, and visitors; their possession on campus is grounds for immediate action by law enforcement. See Section 46.05 of the Texas Penal Code for a list of weapons.

A license holder’s handgun must be concealed at all times. In compliance with Texas Penal Code §46.035(a-1), a license holder may not carry a partially or wholly visible handgun on campus premises or on any college driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. Anyone intentionally or knowingly displaying a handgun in plain view for others to see is in violation of Texas law.

A license holder must display his or her License to Carry when directed by a law enforcement officer in accordance with section 411.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he or she is a license holder in order to participate in any program or service offered by the College, except as required by law.

A license holder may not carry a handgun if he/she is intoxicated under Texas Penal Code 46.035(d).

2. It is the responsibility of license holders to carry their handguns on or about their person at all times. "About" the person means that a license holder may carry a holstered handgun in a backpack or handbag, but the backpack or handbag must be close enough that the license holder can grasp it without materially changing position. A license holder who carries a handgun on campus must carry it in a holster that completely covers the trigger and the entire trigger guard area. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.

The College does not provide storage for handguns.

The open carry of handguns is not permitted on college premises.

3. The College is often the site of Pre-K-12 (Pre-Kindergarten – Grade 12) school-sponsored activities, such as field trips. When a Pre-K-12 school-sponsored activity is conducted at a particular location, the carrying of concealed handguns is prohibited. A sign shall be posted that conforms to Texas Penal Code, Section 30.06 during these activities.

Upon a survey of the College campuses, areas identified as routinely hosting such school-sponsored activities shall be posted on the College's rules and regulations regarding campus carry.

4. Texas Penal Code §46.03(a) (2) excludes license holders of handguns from carrying a handgun on premises of a polling place on the day of an election or while early voting is in progress according to Policy 2-19. A sign shall be posted at any polling place located on campus from the commencement of early voting through Election Day that reads either "Polling Place" or "Vote Here." (See Electioneering Procedure VII.7000.A.a)
5. Texas Penal Code §46.035(b) (6) excludes license holders of handguns from carrying a handgun on the premises of a church, synagogue, or other established place of religious worship. A sign shall be posted that conforms to Section 30.06 of the Texas Penal Code.
6. Texas Penal Code §46.035(b)(2) excludes license holders of handguns from carrying a handgun where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event. Notice shall be given for all collegiate sporting events. If possible, for ticketed sporting events this notice should be given by means of a written communication on

the back of, or appended to, the ticket. Vendors and others who are permitted to enter the premises without a ticket shall be provided written notice through other means. A sign shall be posted that conforms to Texas Penal Code, Section 30.06.

7. The concealed carry of handguns shall be prohibited in areas for which state or federal law, licensing requirements, or contracts require exclusion at the exclusive discretion of the state or federal government, or are required by a campus accrediting authority. Where appropriate, signage must conform to the overriding federal or state law requirements. Otherwise, notice conforming to Texas Penal Code §30.06 must be provided.
8. The concealed carry of handguns shall be prohibited in patient-care areas, including those in which professional mental health and counseling services are provided. A sign shall be posted that conforms to Texas Penal Code, Section 30.06.
9. The concealed carry of handguns shall be prohibited in areas in which formal hearings are being conducted pursuant to Code of Student Conduct (Student Handbook); Academic Hearings; Veterans Appeal Hearings; Financial Aid Appeal Hearings; Employee Hearings; and Employee Grievances. A sign shall be posted that conforms to Texas Penal Code, Section 30.06.
10. The concealed carry of handguns shall be prohibited in areas where the discharge of a firearm might cause great harm, such as laboratories with extremely dangerous chemicals, biologic agents, explosive agents, critical infrastructure, and areas with equipment that is incompatible with metallic objects, such as magnetic resonance imaging machines. A sign shall be posted that conforms to Texas Penal Code, Section 30.06.
11. The campus is often the site of campus programs for minors. When a campus program for minors is conducted at a particular location, the carrying of concealed handguns is prohibited. Additionally, counselors, staff, and volunteers who work in a campus program for minors must, as a condition of their participation, agree not to carry a concealed handgun on the grounds or in buildings where the program is conducted. Parents of attendees must also agree, as a condition of their child's participation, not to carry a concealed handgun on the grounds or in buildings where the program is conducted. A sign shall be posted that conforms to Texas Penal Code, Section 30.06.

This policy does not apply to College course-based academic service learning or research approved by the Institutional Review Board ("IRB").

12. The College shall amend the Code of Student Conduct, Faculty Handbook, and San Jacinto Policy and Procedure Manual to provide that causing the accidental or intentional showing of a firearm or the accidental discharge of a firearm is conduct subject to disciplinary action.
13. Exclusion zones created by Texas Penal Code §§46.03 and 46.035 as well as by the rules and regulations enacted under S.B. 11 may sometimes comprise only a portion of a building. In some instances it may not be feasible to exclude concealed handguns only from the designated exclusion zones. The following factors and principles shall govern the implementation of these rules and regulations in those buildings in which some, but not all parts are designated as exclusion zones.

Governing factors:

- The percentage of assignable space or rooms in a building that are designated as exclusion zones.
- The extent to which the area (or areas) designated as exclusion zones are segregated from other areas of the building.
- The extent to which use of the building, and hence its status as an exclusion zone, varies from day-to-day or week-to-week.

Governing principles:

- If a small number of rooms or a small fraction of assignable space in a building is subject to exclusion, only the rooms or areas that qualify for exclusion should be excluded.
  - If 85% or more of the total building in terms of number of rooms or assignable space is subject to exclusion, or if the excludable space is not segregated from other space, then as a matter of practicality, the whole building may be excluded.
  - Appropriate signage shall be posted that conforms to Texas Penal Code, Section 30.06.
14. The College shall develop training materials particular to San Jacinto College on how to respond to an active shooter situation. These shall be incorporated in the active shooter training, and all faculty and staff shall be required to complete this module. All students are encouraged to complete training on how to respond to an active shooter situation.
  15. The College shall develop and post in a prominent place a detailed Campus Carry FAQ.
  16. The College shall develop materials that educate and inform current and prospective San Jacinto College students about campus carry and how it is being implemented.
  17. To the extent possible, areas within gun-exclusion zones should be made available on a scheduled basis to faculty and staff. These spaces can be used for conferences that faculty or staff would prefer to conduct in a gun-exclusion zone.
  18. The following factors and principles shall govern the implementation of exclusions or allowances for Graduation ceremonies.

Governing factors:

- Off-campus location shall follow the venue's rules and regulations in regards to the permitted carrying of firearms.
  - On-campus location shall follow the use of the building and/or exclusion zone criteria set forth herein.
19. The Campus Safety and Security Council, appointed by the Chancellor, shall be established and tasked, at a minimum, with the following responsibilities:
    - (1) Support the consistent implementation of these policies;
    - (2) Provide a review process for recommendations to the Chancellor; and

- (3) Compile, maintain, and provide a periodic review of the premises where license holders are prohibited from carrying a handgun.

A student, or a member of the faculty or staff of the College may appeal a decision regarding the implementation of a policy or procedure contained herein to the Campus Safety and Security Council for consideration. A further appeal of the decision of the Campus Safety and Security Council may be submitted to the Vice Chancellor of Fiscal Affairs for consideration. The Vice Chancellor of Fiscal Affairs may choose to make a final decision or submit the appeal to the Chancellor for consideration. The Chancellor may approve, reject, or modify the decision in question, or may submit the issue to the Campus Safety and Security Council for reconsideration. The decision of the Chancellor to approve, reject, or modify a decision is final.

Additional policies or exclusion areas not provided for in this policy will not be the subject of or considered as a matter of appeal. In accordance with Texas Government Code, Section [411.2031](#), the Chancellor is authorized to enact reasonable rules and regulations regarding the concealed carry of handguns on campus.

20. Not later than September 1 of each even-numbered year, the College shall submit a report to the Texas Legislature and to the standing committees of the Legislature with jurisdiction over the implementation of these policies that:

- (1) Describes the rules and regulations adopted by the College regarding the carrying of concealed handguns on its campuses; and
- (2) Outlines the reasons the College established the provisions adopted.

### **Definitions**

**Campus:** All land and buildings owned or leased by the San Jacinto Community College District.

**Campus program for minors:** Such programs as defined as providing oversight and training for camps and programs involving minors held on College premises or operated by the College which have recreational, athletic, religious, or educational activities for the campers. This includes all camps or programs covered by Texas Education Code, Chapter 51, Section 51.976, as well as any day camp, activity, or University Interscholastic League (“UIL”) event sponsored by the College.

**College:** The San Jacinto Community College District and also referenced as San Jacinto College.

**Concealed Carry:** The Texas Department of Public Safety defines a concealed handgun as a handgun not openly discernable to the ordinary observation of a reasonable person.

**Employee:** A full-time or part-time employee of the San Jacinto Community College District as defined by Human Resources policy and procedure.

**Exclusion Zones:** An area of a campus, building, or room where the possession of a handgun is prohibited by current Texas statute; or an area of a campus, building, or room designated and approved by the Strategic Leadership Team (SLT) and Board of Trustees in which the possession of a handgun is prohibited.

**Handgun:** A handgun is any firearm that is designed, made, or adapted to be fired with one hand.

**License to Carry Holder:** A person licensed to carry a concealed handgun under Chapter 411 of the Texas Government Code.

**"On or about their person":** Means a person licensed to carry a handgun must carry a handgun in a manner that the handgun is close enough to the license holder that he or she can reach it without materially changing position.

**Patient-Care Areas:** An area, including research areas, that involves the treatment or evaluation of a medical or mental health condition of a patient by a licensed health care provider or under the supervision or direction of a licensed health care provider and that results in a formal record of treatment.

**Pre-K-12 School-Sponsored activities:** Such activities are defined as tours, demonstrations, field trips, events, clubs, camps, clinics, programs, etc., held on College property that are authorized by a Pre-K-12 school district or individual school(s) as a curricular, co-curricular, or interscholastic activity and are managed or supervised in part by the district or school, or district or school employee.

**Student:** a currently enrolled student of the San Jacinto Community College District as defined by instruction policy and procedure.

### **Authority**

The Board of Trustees is authorized by the State of Texas to govern San Jacinto Community College District through the Texas State Constitution and Texas Education Code Chapter 130. College policy functions within the context of and is subject to compliance with laws, statutes, and regulations executed at federal, state, and local levels. The Board delegates authority to the Chancellor to develop policies for the Board's consideration at its request or on the Chancellor's initiative and delegates to the Chancellor the authority to develop, adopt, and implement procedures. To the extent that any policy is inconsistent with state or federal law, the state or federal law shall prevail. The Texas Government Code Section 411.2031 authorizes the Chancellor to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus or on premises located on the campus of the San Jacinto College.

### **Applicability**

Peace Officers employed by the San Jacinto College Police Department or other law enforcement agencies are exempt from this policy. This policy applies to all other employees, students, contractors, affiliates, and visitors to the College, unless stated otherwise by the policy.

### **Sanctions**

Sanctions for violating a policy, unless stated otherwise by the policy, will be commensurate with the severity and/or frequency of the violation and will be administered according to human resources and student disciplinary policy or other applicable policy. Sanctions for violating state or federal laws shall be determined by the appropriate state or federal agency having jurisdiction.

### **Exclusions**

The Chancellor has the authority to sign into effect, waive, or temporarily alter any policy necessary to address an emergency or temporary situation without utilizing the procedures

outlined in this policy. The Board shall review any temporary exclusions at the next regularly scheduled meeting of the Board. To become permanent, any changes made under this exclusion shall begin the policy review process defined by procedure at the next regularly scheduled meeting of the Board.

**Interpretation**

The authority to interpret this policy and all policies resides with the Board of Trustees. The Board delegates the day-to-day interpretation of policy to the Chancellor or his/her designee.

**Procedures**

Procedure III.3000.A.a, Campus Carry

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Date of Board Approval	September 10, 2018
Effective Date	September 11, 2018
Primary Owner	Vice Chancellor, Fiscal Affairs
Secondary Owner	Chief of Police

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