

# Howard College Policy for Concealed Carry of Handguns on Campus

**PURPOSE:** This policy/procedure is intended to establish guidelines and procedures for the implementation of the state statute authorizing the concealed carry of handguns on the premises of Howard College. These rules and regulations were established by the president of Howard College in consultation with faculty, staff, and students and reviewed and approved by the Howard County Junior College District Board of Trustees.

This policy/procedure will become effective August 1, 2017 and is intended to be in conformity with the requirements of Texas Government Code Section 411.2031.

**REVIEW:** This policy/procedure will be reviewed in August of even numbered years by the Office of the President of Howard College.

## **POLICY/PROCEDURE**

### **1. Definitions**

- a. Campus – all land and buildings owned or leased by Howard College 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 College, individuals holding a valid Texas Concealed Handgun License (CHL) or the state designation for the same, License to Carry (LTC), will be allowed to carry their handgun, concealed on their person, on the campus of Howard College.

- b. Unless otherwise prohibited, concealed carry license holders may carry their handgun while in Howard College vehicles.
- c. Dual credit classrooms are considered college classes and therefore concealed carry is allowed.
- d. Color Guard firearms may be used on Howard College campuses for use in Color Guard related events.
- e. Pursuant to Texas Penal Code Sections 46.035 and 30.07, the open display of a handgun in plain view of another person on Howard College property is never allowed except by an authorized individual such as a peace officer while in the actual discharge of his/her duty.
- f. While Howard College 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 Howard College. Holders of such permits are bound by state and federal law and may face criminal or civil penalties for violation of those statutes.
- g. Authorized permit holders are not required to disclose their concealed carry license status to anyone other than a law enforcement officer. The College will not maintain a list of concealed carry license holders. This information is not a matter of public record. Howard College employees (other than a 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 College 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.” Similarly the Howard College President can authorize concealed carry in exclusionary zones by select campus personnel under special circumstances, as related to security and safety measures put in place by the College.
- 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 Howard College athletic events;
  - Where any UIL sanctioned competition is being held;
  - Where any Board of Trustees meeting is being held;
  - Any location dealing with Student Conduct or Discipline;
  - Where any other official governmental meeting or proceeding is being conducted;
  - and

- Where any official judicial proceeding is being conducted; and
  - Where polling is being conducted for local, state, or federal elections; and
  - Testing Centers or any other location where standardized tests are being administered.
- c. Additional exclusions are as follows:
- Any premise where professional counseling services are provided;
  - Any child care facility including Howard Cottage;
  - Any hospital premise used by Howard College for instructional purposes;
  - Designated laboratories;<sup>1</sup>
  - Any College 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 College 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 of Howard College 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 Administrative Dean’s office, the Faculty Senate, and Student Government Association, as well as representatives from the office of Human Resources, the Howard College District General Counsel, and the Howard College Facilities and Emergency Management personnel.
- f. Any premises on which a program, activity, or camp is conducted exclusively for minors may be excluded from concealed carry pursuant to 3(d) above.
- g. License holders should be aware of, and comply with, existing Federal or State statutes when carrying both on and off of Howard College campuses.

#### **4. College Housing**

- a. Handgun license holders residing in Howard College housing accommodations 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 College-approved gun safe installed in the license holder’s room.

- b. 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 College housing contract for specific provisions concerning possession of firearms in College housing.

**5. Information to the College Community**

Howard College 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 College's website, student and employee handbooks, and other publications.

<sup>1</sup> The College 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.

## Campus Carry – Frequently Asked Questions

### 1) What is Campus Carry?

- In 2015, Governor Greg Abbott signed into law Senate Bill 11 – Campus Carry. It allows licensed individuals to carry a concealed firearm (pistol) on public college and university campuses.

### 2) Who can get a license to carry?

- The License to Carry (formerly Concealed Handgun License) may be obtained from anyone 21 years of age or older provided they pass a state approved course on the laws and use of force as well as a marksmanship test and a background check. The Texas Department of Public Safety issues the license. There are limitations based on one's criminal record as to who qualifies for the license.

### 3) I keep hearing about open carry, what is it and how does it affect Campus Carry?

- Open Carry is a separate bill (House Bill 910) that was signed into law the same year as Campus Carry. They are two completely different things. Open carry is not allowed on campus.

### 4) Can Howard College opt out of the Campus Carry program?

- No. Only private institutions may opt out of the program.

### 5) What about dual credit? Can we declare our campus off limits because of dual credit students?

- No. The presence of dual credit students or other minors does not allow a college to opt out of the program if they are a state funded institution.

### 6) What about classrooms that have dual credit students?

- No. The only exception to this rule would be a class that is essentially a K-12 only class taught on our campus – an example would be Gifted and Talented testing.

### 7) What areas can be off limits then?

- Howard College has put together a committee to formulate policy for presentation to the Board of Trustees via Dr. Sparks. The committee, in accordance with guidance from the Texas Attorney General and the Texas Association of Community Colleges will determine what areas of campus will be off limits. One example of an off limits location would be Howard Cottage, due to the facility's purpose as a day care, per Texas statutes.

### 8) What about my classroom or office?

- The attorney general has already ruled that in general classrooms may not be designated off limits. There may be certain exceptions taken into consideration (classrooms with flammable materials for example). Offices typically follow the same rules. Most offices cannot be off limits, with certain exceptions possible, as determined by the college.
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**9) What if I work and hold my classes at St. Johns or another hospital?**

- Per state law, all hospitals are off limits to all license to carry individuals, this includes conceal carry and open carry, regardless of the college's presence at the hospital in question.

**10) Does this mean that our dental program on Big Spring is off limits?**

- No, Big Spring campus is not considered a hospital. The dental treatment area is therefore not off limits.

**11) What about sporting events on campus?**

- According to Texas statute Sec. 46.035 license holders may not carry a weapon on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

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**12) How will I know if one or more of my students is carrying a weapon?**

- Since campus carry is concealed carry only, you realistically should not see any weapons nor be aware of who is carrying.

**13) Can I ask my students who is carrying?**

- No. The attorney general has ruled that colleges, their staff and faculty may not ask individuals if they are carrying on campus. Only licensed police officers may do so, and only then during the performance of their duties.

**14) What do I do if I see a student openly carrying on campus?**

- Contact the extra duty officer on duty if there is one or an administrator – most likely the student is mistakenly open carrying.

**15) What if I can see a student's weapon under his jacket?**

- Contact the extra duty officer on duty if there is one or an administrator – most likely, the student is inadvertently revealing his conceal carry weapon.

**16) What about students living in the dorms?**

- Licensed students who live in the dorms are allowed to have a weapon per the attorney general. Howard College will publish a policy on the safe storage of those firearms for those dorm residents.

Comments or concerns may be sent to [campuscarry@howardcollege.edu](mailto:campuscarry@howardcollege.edu) for consideration.