



TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

**AGENDA BOOK
Teleconference Meeting**

April 18, 2016

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

April 18, 2016

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman
Mrs. Debbie Montford, Vice Chairman
Mr. Larry K. Anders
Mr. John D. Esparza
Mr. L. Frederick "Rick" Francis
Mr. Ron Hammonds
Mr. Christopher M. Huckabee
Mr. Tim Lancaster
Ms. Victoria Messer, Student-Regent
Mr. John D. Steinmetz

Standing Committees:

Academic, Clinical and Student Affairs:
Tim Lancaster (Chair); Rick Francis; John Esparza; Victoria Messer

Audit:
John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities:
Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration:
Rick Francis (Chair); Larry Anders; Tim Lancaster

AGENDA

**Board of Regents Meeting
Special Called Teleconference Meeting
Lubbock, Texas**

April 18, 2016

Abbreviated Agenda with Approximate Times*

Monday, April 18, 2016

Meeting of the Board

- | | |
|---------|---|
| 3:00 pm | Call to Order of Meeting of the Board <ul style="list-style-type: none">• Committee of the Whole<ul style="list-style-type: none">○ Consideration of item #1• Chairman Announcements Location: Board Room (201), Second Floor,
Administration Building, Akron and Broadway Avenues,
Lubbock, Texas |
| 3:30 pm | Adjournment |

*For general information. The times listed are estimates, with periodic recesses. The meeting of the Board will begin no earlier than 3:00 pm on Monday, April 18, 2016 in the Board Room (201), Second Floor, Administration Building, Akron and Broadway Avenues, Lubbock, Texas. The meeting is expected to adjourn at approximately 3:30 pm; however, if needed, the meeting may continue beyond 3:30 pm until completed. The full board agenda is detailed on page iii. The agenda is detailed behind the appropriate divider tab.

**Board of Regents Meeting
Special Called Teleconference Meeting**

April 18, 2016

Agenda

Monday, April 18, 2016

**Board Room (201), Second Floor, Administration Building,
Akron and Broadway Avenues,
Lubbock, Texas**

Meeting of the Board

- I. Meeting of the Board—Call to Order; convene into Open Session of the Board**Chairman Long
- II. Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
 - A. Committee of the Whole.....Chairman Long

	<u>Page</u>
	CW
1. ASU, TTU, TTUHSC, TTUHSC El Paso, and TTUSA: Review operating policies for the concealed carry of handguns on campus	2
 - B. Chairman’s AnnouncementsChairman Long
- III. Adjourn**Chairman Long



**MEETING OF THE
BOARD**

Meeting of the Board
Monday, April 18, 2016

Time: 3:00 pm

Place: Board Room (201), Second Floor, Administration Building, Akron and Broadway Avenues, Lubbock, Texas

Agenda

- I. **Meeting of the Board—Call to Order; convene into Open Session of the Board**Chairman Long
- II. **Open Session:** The Board will continue in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:
 - A. Committee of the Whole.....Chairman Long

	<u>Page</u>
	CW
1. ASU, TTU, TTUHSC, TTUHSC El Paso, and TTUSA: Review operating policies for the concealed carry of handguns on campus	2
 - B. Chairman’s AnnouncementsChairman Long
- III. **Adjourn**Chairman Long

1. **ASU, TTU, TTUHSC, TTUHSC El Paso, and TTUSA: Review operating policies for the concealed carry of handguns on campus.**

Presenter: Chancellor Robert Duncan

Presentation Time: 10 minutes

Board review required by: Section 411.2031(d-2), *Texas Government Code*

RECOMMENDATION

The chancellor concurs with the recommendations of the respective presidents of Angelo State University, Texas Tech University, Texas Tech University Health Sciences Center, and Texas Tech University Health Sciences Center at El Paso that the Board review, without further modification, the implementation of the proposed operating policies of the respective institutions adopted pursuant to Section 411.2031(d) and (d-1), *Texas Government Code*.

The chancellor also proposes that, pursuant to Section 02.02, *Regents' Rules*, Texas Tech University System Administration be subject to the provisions of the operating policy of Texas Tech University relating to the concealed carry of handguns.

Further, it is proposed that the Board will not require subsequent review of any non-substantive changes required for detailed implementation of these policies.

[NOTE: *The Operating Policy regarding handguns on campus for each institution is included as a supplemental handout to your agenda.*]

BACKGROUND INFORMATION

The 84th Regular Session of the Texas Legislature in 2015 enacted Senate Bill 11, codified as Section 411.2031, *Texas Government Code*.

This statute provides that the holder of a license to carry a handgun may carry a concealed handgun on or about the license holder's person while within certain premises of a campus of a public institution of higher education.

This authorization may be limited, however, by reasonable rules and regulations that have been adopted by the institution in accordance with Section 411.2031(d) and (d-1). Any such rules must be adopted by the president of the institution after consultation with students, staff and faculty of the institution and after taking into account the nature of the student populations, specific safety considerations, and the uniqueness of the campus environment.

The proposed operating policies of the institutions of the Texas Tech University System are provided in the attachments to this agenda item. These policies reflect the recommendations of the respective presidents after each institution engaged in extensive consultation with students, staff and faculty through

representative committees, with these committees having used various tools such as forums, surveys and website solicitation of input.

Per Section 411.2031(d-2), *Texas Government Code*, the Board is required to review the proposed institutional policies. The Board, by a vote of not less than two-thirds of the Board, may amend the proposed policies in whole or in part. Absent such amendment by the Board, the presidents are authorized to implement the policies as proposed.

ATTACHMENTS

ATTACHMENT

1

ASU OP on Concealed Carry of Handguns on Campus



Angelo State University Operating Policy and Procedure

OP XX.XX Concealed Carry of Handguns on Campus

DATE: Effective August 01, 2016

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

REVIEW: This policy will be reviewed annually in March by the office of the PVPAA in consultation with a committee established by this policy. Any suggested changes will be forwarded to the president for approval and submission to the Board of Regents.

POLICY/PROCEDURE:

1. General Provisions:

- a. Subject to 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 Angelo State University and on premises leased by Angelo State University as lessee.
- b. With few exceptions, permit holders must be a Texas resident, 21 years of age, not have a criminal record of a felony conviction or conviction of certain classes of misdemeanors, and meet other requirements listed in the statute (V.T.C.A., Texas Government Code § 411.172). Further, permit holders will have completed education and proficiency requirements and pass a background check performed by the Texas Department of Public Safety. Additional information can be found on the Department's website at <http://www.txdps.state.tx.us/rsd/chl/index.htm>.
- 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 Angelo State University property is never allowed except by an authorized individual, such as a peace officer, while in the actual discharge of their duty.

- d. It is the responsibility of the permit holder to know, understand, and follow those laws while on the campus of Angelo State University. Holders of such permits are bound by state law and may face criminal or civil penalties for violation of those statutes.
- e. These rules and regulations for ASU contain no provisions intended to generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on their person on the campus. V.T.C.A., Government Code § 411.209, prohibits such and creates a potential civil liability for any state agency which, by signage, overstates its prohibitions.
- f. Permit holders will not be required to register or declare their status to University officials. Holding of a valid CHL or LTC permit shall not prejudice an individual in any manner on the campus of Angelo State University. However, as allowed by state statute, permit holders may be required, for cause, to show proof of permit if requested by any duly sworn peace officer including Angelo State University Police.

2. Specific Exclusions to Concealed Carry of a Handgun

- a. As provided for in state statute, the University president is the only person with the authority to declare a specific premise or venue as “off limits” for concealed carry. Therefore, 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. Texas statutes identify seven categories of venues where concealed carry is prohibited. For Angelo State University, facilities that fall under those categories include the following:
 - (1) The Junell Center-Stephens Arena, when sporting events are being conducted.
 - (2) LeGrand Stadium at 1st Community Credit Union Field, when sporting events are being conducted.
 - (3) Mayer Field, when sporting events are being conducted.
 - (4) Foster Field at 1st Community Credit Union Stadium, when sporting events are being conducted.
 - (5) The ASU Soccer Field, when sporting events are being conducted.
 - (6) Premises where any NCAA sanctioned competition is being held.
 - (7) Premises where any UIL sanctioned competition is being held.
 - (8) Premises where any Board of Regents meeting is being held.
 - (9) Premises where any other official governmental meeting is being held.

- (10) Premises where polling is being conducted for local, state or federal elections.
 - (11) The University Counseling Center.
 - (12) The University Health Clinic operated by Shannon Hospital.
- c. In addition to the above venues, input from faculty, staff, and students has resulted in the following premises, venues or events being declared as off limits to concealed carry:
- (1) 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.¹
 - (2) Any laboratory for which federal law, licensing agreements or a contractual research agreement precluded the presence of firearms.
 - (3) Any university event where alcohol is being served by an organization under Texas Alcoholic Beverage Commission rules and regulations.
 - (4) University commencement ceremonies.
 - (5) Any premises in which a program, activity or camp is conducted for minors.
- d. Per Texas Penal Code Sections 46.035 and 30.07, the open display of a handgun in plain view of another person on Angelo State University property is never allowed except by an authorized individual, such as a peace officer, while in the actual discharge of their duty.
- e. 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. That justification must rest on something other than assumptions or bias regarding handgun license holders. Justification will be based on some higher standard. 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 one month prior to the date of the event.
- f. To assist in the process of approving exclusions, a standing committee entitled the Campus Carry Committee will be established. The committee

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.

will be charged with investigating requests for exclusions and making a recommendation to the president concerning the request. This committee will be chaired by the provost and vice president for academic affairs and will consist of the presidents of Faculty Senate, Staff Senate, and Student Government Association, a faculty member appointed by the PVPAA, the vice president of student affairs and enrollment management, the director of human resources, the university general counsel, and the chief of police for Angelo State University.

3. Handguns in University Housing

- a. Angelo State University requires that students living in university residential facilities who possess a valid CHL or LTC and who possess a handgun in that facility must secure, at the permit holder's expense, the firearm in such a manner that it is not readily available to anyone except the permit holder.
- b. The method by which it is secured must provide some sort of locking mechanism that cannot be breached without excessive force. Examples include approved gun safes, cable locking mechanisms, or other devices which could reasonably be construed to prevent access to the firearm by anyone other than the owner.
- c. Students who are assigned to dorm rooms where a firearm is stored and 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.

4. Notification of Permit Holders of Premises Designated as Off Limits

- a. At any campus location that is off limits to concealed carry, notice will be given by signage meeting the requirements of V.T.C.A., Penal Code § 30.06. In order to provide the effective notice required by the campus carry legislation, signs will be conspicuously posted and visible to the public, will be displayed in English and Spanish, and be printed in block letters of one inch or more on a contrasting background. The content of the sign will contain verbiage prescribed by law.
- b. A premise or venue that is "off limits" at all times will have 30.06 signs permanently affixed in conspicuous locations and at intervals prescribed by law.
- c. Events or venues that are "off limits" due to exclusion by statute (i.e. sporting events, school competitions, government meetings) will be so designated by portable 30.06 signs placed in conspicuous locations and at intervals prescribed by law.

- d. Event planners will need to take into account the need for such signage and notify ASU Special Events Facilities/Services office, Room 200, Houston Harte University Center at least two weeks prior to the event.
- e. Angelo State 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.

DRAFT

ATTACHMENT

2

TTU OP on Concealed Carry of Handguns on Campus



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP XX.XX: Concealed Carry of Handguns on Campus

DATE: Effective August 01, 2016

PURPOSE: This Operating Policy 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.

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** – is 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 does contain some exceptions to the age requirement (e.g., ex-military personnel) which exceptions are hereby incorporated.
- d. **Concealed handgun** – means 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 their 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. 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. 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. 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 as follows:
 - The premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place. This would include TTU athletic events.
 - Premises where any UIL sanctioned competition is being held.
 - Premises where any Board of Regents meeting is being held.
 - The location of student Judicial Services.
 - Premises where any other official governmental meeting or judicial proceeding is being conducted.
 - Premises where polling is being conducted for local, state or federal elections.
- c. Additional exclusions:
 - Student Recreation Center
 - Kent 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.¹
 - Any university event where alcohol is being served by an organization under Texas Alcoholic Beverage Commission rules and regulations.
 - Performance venues & 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 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 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 Office of General Counsel of the System and the Texas Tech University Police Department.
- f. Any premises in which a program, activity or camp is conducted for minors.

4. **University Housing**

- a. The premises of all TTU residence halls shall be posted as an exclusionary zone except as provided in subparagraph 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:
- (1) That such possession is in compliance, at all times, with Texas statutory law and these rules; and
 - (2) The license holder shall store handguns 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 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**

- a. 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.

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.

ATTACHMENT

3

**TTUHSC OP on Regulations for the carrying of concealed
handguns by license holders**



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: .??, **Regulations for the carrying of concealed handguns by license holders**

DATE: Effective August 01, 2016

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 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 and the executive vice president for finance and administration with recommendations for revision presented to the president by November 1.

POLICY/PROCEDURE:

General Consideration

As a health related educational institution, TTUHSC 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 is committed to the following principles for our campus environment:

1. TTUHSC will comply with all necessary laws and regulatory requirements regarding safety and security on our 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;
3. TTUHSC will communicate our 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. 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. License to Carry a Handgun (LTC) is the new state designation which replaces the designation of Concealed Handgun License (CHL). Individuals who hold a valid CHL may continue to carry with a valid existing license.

- d. **Concealed handgun** - a handgun carried by a licensed handgun holder (CHL or LTC) in a concealed manner.
- 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. **Designated medical service areas** – This includes clinics, which are premises in which 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, Government Code, and effective August 1, 2016, handgun license holders (CHL or LTC) 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, with approval of the Board of Regents, 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 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 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 law enforcement officer) 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 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 (Example: a peace officer) while in the actual discharge of their official duties.

- a. Designated medical service areas
- b. Other areas temporarily posted as allowed by Penal Code Sections 30.06, 46.03 and 46.035
- c. 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 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:

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

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 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, Texas Tech University Health Science Center 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.

DRAFT

ATTACHMENT

4

**TTUHSC El Paso OP on Regulations for the carrying of concealed
handguns by license holders**



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO
Operating Policy and Procedure

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

DATE: Effective August 01, 2016

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 and Assistant Vice President of Administration or designee with recommendations for revision presented to the president by November 1.

POLICY/PROCEDURE:

General Consideration

As a health related educational institution, TTUHSC ELP 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 ELP is committed to the following principles for our campus environment:

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

1. Definitions:

- a. **Campus** - all land and buildings owned or leased by TTUHSC ELP, 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** - means 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. **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 ELP campuses for use in ROTC and Color Guard related events.
- c. As authorized by Sec. 411.2031, Government Code, only the university president, with review by 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 ELP 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 ELP 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 ELP 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 (Example: a peace officer) while in the actual discharge of their official duties.

- a. Designated research laboratories¹
- 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

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.

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 by TTUHSC ELP, as lessee, will be determined on a case by case basis consistent with the requirements of Texas law.

8. Signage:

As authorized under Texas Penal Code Section 30.06, TTUHSC ELP 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, Texas Tech University Health Science Center El Paso 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. Intentional violation of posted signs will constitute a violation of state law and university policy.