

# Rules Regarding Concealed Carry on Campus

## 1) Introduction

On June 13, 2015, Governor Greg Abbott signed into law Texas Senate Bill No. 11 (S.B. 11) or what is commonly referred to as the “Campus Carry” law. Once signed into law, S.B. 11 amended Texas Government Code 411.2031 to allow individuals who are licensed to carry a handgun by the State of Texas to carry a concealed handgun on the campus of Texas public institutions of higher education. This also modified Texas Penal Code 46.035. Any weapons which were listed as prohibited or illegal weapons are still prohibited on the property of institutions of higher education. Individuals who do not possess a valid License to Carry a Handgun are still prohibited from carrying handguns on campus. S.B. 11 goes into effect for two (2) year institutions (colleges) on August 1, 2017.

A task force consisting of administrators, faculty, staff and students was formed and maintained to discuss and develop this Policy/Procedure, allowing all areas of the college community to provide input into the Conceal Carry Policy at Brazosport College. The task force followed the guidelines set forth in Subchapter H, Chapter 411 of the Government Code as a foundation for the development and maintenance of this policy in order to maintain the rights and privileges of all who utilize college resources. The task force developed a website, informational video, and survey tool that were shared with the campus community. Four forums were held in 2016 for students and the broader campus community to gather additional feedback from all stakeholders.

## 2) Policy

This Policy will establish rules, regulations and provisions pertaining to the carry of concealed handguns by license holders on the campus of Brazosport College (the “College”) as well as any properties owned, leased, or controlled by Brazosport College including any campuses that may be established in the future.

- a) In accordance with Government Code Section 411.2031 and Texas Penal Code 46.035, Brazosport College recognizes the right of individuals who possess a license to carry concealed handguns to carry a concealed handgun on campus property and in buildings whether owned or leased by Brazosport College, unless otherwise prohibited by this policy.
- b) This policy applies to all faculty members, staff, students and visitors of the College, except for the officers of Brazosport College Police Department, any law enforcement officers who are working for the College through a contract or other law enforcement officers as allowed by law, and those other individuals described within this policy that may be exempt. It is the primary responsibility of the Brazosport College Police Department to enforce this policy utilizing both policies established by the Board of Regents and State Law as appropriate.

## 3) Definitions

- a) Handgun – Any firearm that is designed, made, or adapted to be fired with one hand.
- b) Open Carry – Visible possession of a handgun in public

- c) Concealed Handgun – A Handgun that is not openly discernible to the ordinary observation of a reasonable person.
- d) Reveal – To intentionally or knowingly display a handgun, in whole or part, in plain view of another person in a public place.
- e) Gun Free Zone – An area of the Campus which may be all or part of a building or a room in which the possession of handguns are prohibited as provided in Campus Carry Appendix 1. Each restricted area requires that notice be given to license holders as specified under Texas Penal Code 30.06.
- f) License to Carry a Handgun – A License to Carry a Handgun issued by the Texas Department of Public Safety (TXDPS), under Texas Government Code 411, Subchapter H, including a valid conceal carry license issued by TXDPS.
- g) Disciplinary Action – Sanctions by the College, up to and including removal, probation, suspension, dismissal or termination for violation of codes of conduct or academic violations.
- h) Governmental Meeting – A “Open Meeting” with deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action; or that is conducted by the governmental body for which the governmental body is responsible as defined under chapter 551 of the Texas Government Code and the governmental entity provided notice as required by that chapter (Example: Board of Regents Meetings).
- i) On or about – Actual care, custody, control or management of a firearm under Texas Penal Code 1.07 (A) (39).

#### **4) Procedures:**

**Failure to comply with any of the following procedures may result in Disciplinary Action and/or criminal prosecution.**

A holder of a License to Carry may carry a concealed handgun on or about their person while on College property or in any buildings or properties owned, leased, rented, or otherwise under the control of Brazosport College except in areas that have been deemed Gun Free Zones under this policy. Handguns must be holstered and carried in a manner that would prevent accidental discharges. It is the responsibility of the License to Carry holder to conceal the handgun in a manner that does not allow it to be visible to another person in whole or part. Any person who does not have a valid License to Carry is prohibited from carrying a handgun on any portion of the college campus, its properties, or buildings whether it is concealed or not.

S.B. 11 does not require colleges to provide handgun storage for License to Carry holders. No handgun storage will be provided by Brazosport College. Lockers, cabinets, desks, closets and furnishings are property of Brazosport College and shall not be used to store a handgun. License to Carry holders have sole responsibility to secure their firearms in a manner compliant with the law. Should a CHL holder learn of a need to go to a gun-free zone, the CHL holder may lock the handgun in his or her vehicle or make other off-campus arrangements.

Any employee who is not required to carry a firearm as part of their specific assigned duties with the College, but who carries a concealed weapon as a License to Carry holder, is considered to be outside the scope of the duties and responsibilities of their employment with the College. Therefore, any employee who chooses to carry or use a firearm is acting in the employee's own accord and not as an agent or representative of the College.

The concealed handgun policies of Brazosport College and guest locations apply and must be adhered to by all persons who enter or use college property.

The following circumstances are prohibited or illegal:

- a) The possession of a weapon on campus while intoxicated.
- b) The possession of a weapon on campus in a designated Gun Free Zone under this policy.
- c) The carrying of a handgun while traveling in a College owned or leased vehicle on a College sponsored trip is prohibited.
- d) The carrying of a handgun on campus in an unconcealed manner, also known as "Open Carry," is prohibited. Authorized members of the Brazosport College Police Department, other law enforcement officers and other persons designated appropriate by law enforcement authorities are exempt.
- e) Intentionally revealing a handgun on campus is prohibited and subject to Disciplinary Action and/or criminal prosecution.
- f) With the exception of authorized Brazosport College Police Department personnel, no College employee should inquire whether or not a person is carrying a concealed weapon or whether the person possesses a License to Carry.
- g) It may be considered a threat under some circumstances if a person states they are a conceal carry person or they possess a License to Carry in an attempt to intimidate another.
- h) Discharging a weapon on campus whether intentional or unintentional, other than in defense of one's self or others, could be grounds for Disciplinary Action.
- i) Violating the illegal weapon and other weapons prohibitions of Chapter 46 of the Texas Penal Code.

## **5) Gun Free Zones**

This portion of the Policy clarifies the areas on Brazosport College Campus or properties owned, leased or rented by Brazosport College, which are deemed Gun Free Zones and thus the carrying of a concealed handgun inside the defined locations is prohibited by this policy. Any further mention of properties owned, leased or rented by Brazosport College in this policy/procedure will be referred to as "campus" unless otherwise stated.

There are two types of Gun Free Zones under this policy. One is of a permanent nature and the second is temporary. A permanent Gun Free Zone is one that meets the requirements of a Gun Free Zone on a constant, daily basis. A temporary Gun Free Zone is a building, room, or area used for a short period of time, which meets the requirements of a Gun Free Zone only periodically when a specific event occurs so as to make it a Gun Free Zone for that period of time.

Appendix 1 – Pertains to Permanent Gun Free Zones.

Appendix 2 – Pertains to Temporary Gun Free Zones.

**6) Signage for Gun Free Zones:**

All areas deemed Gun Free Zones or Temporary Gun Free Zones must have written notice conspicuously placed at the entrance and must be clearly visible giving notice that the premise is a Prohibited Conceal Carry location or Gun Free Zone. Written notice must be given as to where those with License to Carry may not carry handguns. Notice for the Gun Free Zone must be given on a card, document or sign that contains the language exactly as specified in Section 30.06 of the Texas Penal Code:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

When signage is posted to declare an area or room a Gun Free Zone, the sign must meet the minimum statutory requirements:

- Must include the above listed language in both English and Spanish;
- Constructed in contrasting colors with at least 1” block lettering; and
- Be displayed in a conspicuous manner clearly visible to the public.

**7) Request for a Gun Free Zones:**

A written request may be made to the President for a gun free zone at a special event as allowed by the Texas Penal Code, including Texas Penal Code §46.035(b)(2), relating to high school, collegiate, or professional sporting event or interscholastic event, and §46.035(c), relating to open meetings of a governmental entity. The written request shall be presented to the Office of the President at least twenty (20) business days before the event. A form for such requests is attached as Appendix 3.

### Appendix 1 (Permanent Gun Free Zones)

Building Name/Activity	Room (s)	Reason for Exclusion	Relevant Laws or Regulations
Bill & Julia May Children's Center		Per Texas Administrative Code, Rule 746.3707, weapons are prohibited on the premises of a child-care center unless carried by law enforcement officials who are trained and certified to carry a firearm on duty	Texas Penal Code §46.03(a)(1); Texas Penal Code Title 7 Chapter 30; §30.06 and §30.07; Texas Administrative Code Rule 746.3707
Sadler Health/Science Complex	HS.200A; HS.203; HS.219;	The discharge of a firearm in areas, such as storage rooms with a large volume of flammable and combustible chemicals, or explosive agents, could cause great harm	
BCPC Welding Technologies Lab		The discharge of a firearm in areas, such as laboratories with flammable and combustible chemicals, or explosive agents, could cause great harm	
Freeport LNG Craft Academy	L.106 L.210	The discharge of a firearm in areas, such as laboratories with flammable and combustible chemicals, or explosive agents, could cause great harm	
Boiler Room	D.117	The discharge of a firearm in this area, with flammable and combustible chemicals, or explosive agents, could cause great harm; the Boiler Room is critical infrastructure	
Assessment Center and Learning Services where Assessments* are Administered	E.129A; E.129D;	All exams administered in these venues require that students store belongings while testing. Brazosport College does not provide storage for handguns.	

\*Specific assessments include, but are not limited, to the Texas Commission on Law Enforcement (TCOLE); Texas Success Initiative (TSI); Texas High School Equivalency Exams (GED, HiSET, etc.); Test of Essential Academic Skills (TEAS); Comprehensive Predictor; American College Testing (ACT) assessments; College Level Exam Program (CLEP);

## Appendix 2 (Temporary Gun Free Zones)

Building/Activity Name	Room (s)	Reason for Exclusion	Relevant Laws or Regulations
Seidule Theater – Children’s Theater Camp during the months of May and June		Campus facility exclusively used for theater camp for minor children during the months of May and June	
UIL Events	Varies. Could include The Clarion for UIL Choral Competitions	Texas Penal Code prohibits guns on the premises where a high school interscholastic event is taking place	Texas Penal Code §46.035(b)(2)
Board of Regents Meetings	Varies. Could include CLC.104 or CLC.105	Any room(s) used by a Government entity for open meetings	Texas Government Code 551; Texas Penal Code §46.035
Formal Hearings for Violations of Student/Faculty/Staff Conduct or Academics	C.207	Formal hearings involve adjudicatory processes that can include individual and/or group meetings, hearings, mediations, quasi-judicial proceedings and appellate proceedings.	Texas Penal Code §46.03 and §46.035
Assessment Center and Learning Services where Assessments* are Administered	Varies. Could include CLC.106; E.130; E.134; E.136; E.137; E.138; E.139; Gator Hall or the Gymnasium	All exams administered in these venues require that students store belongings while testing. Brazosport College will not provide storage for handguns.	
Events where the President approves a special request for a gun free zone as allowed by the Texas Penal Code, including Texas Penal Code §46.035(b)(2) and (c).	Varies. Could be the Dow Academic Center, The Clarion, the Corporate Learning Center, Gymnasium, or other locations on campus.	A written request may be made to the President for a gun free zone at a special event. An example may be a high school prom held on campus. The written request shall be presented to the Office of the President at least twenty (20) business days before the event.	Texas Penal Code §46.035b (2) High school, collegiate, or professional sporting event or interscholastic event and (c) open meeting of governmental entity.

\*Specific assessments include the following Texas Commission on Law Enforcement (TCOLE); Texas Success Initiative (TSI); Texas High School Equivalency Exams (GED, HiSET, etc.); Test of Essential Academic Skills (TEAS); Comprehensive Predictor; American College Testing (ACT) assessments; College Level Exam Program (CLEP);

# Appendix 3

## Request for Temporary Gun Free Zone

A written request may be made to the President for a gun free zone at a special event as allowed by the Texas Penal Code, including Texas Penal Code §46.035(b)(2), relating to high school, collegiate, or professional sporting event or interscholastic event, and §46.035 (c), relating to open meetings of a governmental entity. **The written request shall be presented to the Office of the President at least twenty (20) business days before the event.**

Date of Event: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell: \_\_\_\_\_

Department: \_\_\_\_\_

Building/area requested as Temporary Gun Free Zone:  
\_\_\_\_\_

Type of event: \_\_\_\_\_

- 1) Minors (under 18 years of age) Present: Y or N If "Yes" How many: \_\_\_\_\_
- 2) Area to be used for Grievances/disciplinary proceedings: Y or N
- 3) Other - \_\_\_\_\_

Reason for request:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved: Yes or No

\_\_\_\_\_  
Requestor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
President or President's Designee

\_\_\_\_\_  
Date