

CAMPUS CARRY POLICY

July, 2016

University of Houston  Clear Lake

UHCL

The choice
is clear.



JUNE 13, 2015

On June 13, 2015, Governor Greg Abbott signed into law [Texas Senate Bill No. 11 \(S.B. 11\)](#), popularly known as the “campus carry” law.

S.B.11 amends [Texas Government Code §411.2031](#) to allow carrying of handguns by license holders on the campuses of certain institutions of higher education, including the University of Houston-Clear Lake.

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SENATE BILL 11

The Bill authorizes a license holder to carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

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SENATE BILL 11

Open carrying of handguns is still prohibited at ALL institutions of higher education.



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SENATE BILL 11

Takes effect August 1, 2016, but universities can take action to establish rules prior to that effective date.

The effective date of this law for a public junior college is August 1, 2017.

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SENATE BILL 11

States the president of an institution of higher education *shall* establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus or on specific premises located on the campus.

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The choice
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SENATE BILL 11

Requires universities to submit a report by Sept. 2 in even numbered years to legislative oversight committees describing its rules under this section.

Prevents universities or its officers from being held liable for damages caused by a person authorized to carry a concealed handgun.

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SENATE BILL 11

Prohibits a university from restricting the carrying of a handgun in a persons car if that person holds a concealed handgun license.

Requires that handgun prohibited areas, referred to as Exclusion Zones in the UHCL Campus Carry Policy, are designated by “notices” or “30.06 signs” which indicate that the carrying of a handgun within the area is prohibited.

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NO LONGER A CHL...



Texas CHL
(Concealed Handgun License)

is now called

Texas LTC
(License To Carry)

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LTC REQUIREMENTS

- LTC holders must meet state requirements regarding:
 - Age, criminal history, mental health, etc.
- Must successfully complete:
 - Background investigation and a required course of training.
- More information visit: <http://www.txdps.state.tx.us/rsd/chl/index.htm>

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LICENSE TO CARRY (LTC) STATISTICS

Let's look at the numbers regarding LTC.

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State of Texas

CATEGORY	RESULT
2015 Projected Texas Population*:	27,695,284
Total # of current LTC Holders**:	825,957
% of TX Citizens with LTC:	3%
Total # of Commissioned Police Officers in TX	82,000
Ratio of TX LTC holders to Commissioned TX PO's:	10 to 1

*Texas Department of State Health Services Website – 10/29/2015

**As of December 31, 2014; Texas Department of Public Safety Website – 10/29/2015

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UHCL Campus

CATEGORY	RESULT
Total # of UHCL Students*:	8,906
Total # of UHCL Faculty/Staff:	849
Total UHCL Population:	9,755
# of Students OVER 21 YOA*:	8,239
# of Students who are Military Veterans†:	496
# of UHCL Students Eligible for LTC Based on Age/Veteran Status‡:	8,735
POTENTIAL # UHCL Fac/Stf/Stu w/LTC compared to 3% of TX Citizens¥:	288
Ratio of UHCLPD Police Officers to POTENTIAL UHCL CHL Holders:	14 to 1

*Information obtained from the UHCL Office of Institutional Effectiveness website.

†ESTIMATE ONLY; based on benefits received by UHCL Office of Veteran Services. Military Veteran is a Protected Status.

‡Due to the inability to separate military veterans less than 21 YOA, this total potentially counts a veteran over 21 twice.

¥ Sum of all Faculty/Staff/Students; assumes ALL Faculty & Staff are over 21.

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2014 Criminal Convictions

LTC Holders vs. Texas Population

Total Convictions in Texas: 50,869

LTC Holder Convictions: 158

LTC Holder % of Total Convictions: **0.3106%**

While LTC Holders represent 3% of the population, they represented only 0.3% of total convictions.

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SENATE BILL 11

After consulting with students, staff, and faculty, the President and the Board of Regents have established rules regarding the carrying of concealed handguns by license holders on campus.

The University **MAY NOT** establish rules that generally prohibit license holders from carrying concealed handguns.

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Campus Carry

The adopted Campus Carry Policy for the University of Houston-Clear Lake Campus is published online at

[UHCL Campus Carry Policy](http://prtl.uhcl.edu/police/images/pdf-documents/uhcl-campus-carry-policy.pdf)

<http://prtl.uhcl.edu/police/images/pdf-documents/uhcl-campus-carry-policy.pdf>

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PURPOSE AND SCOPE

The purpose of this policy is to inform faculty, staff, students, and visitors of the rules regarding the carrying of concealed handguns on campus by those individuals licensed to carry a handgun and to address the health, safety, and welfare of the campus community.

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PURPOSE AND SCOPE

Only a licensed person may carry weapons designated under Subchapter H of Chapter 411 of the Government Code; any other weapons are expressly prohibited.

Individuals who do not possess a valid license to carry a handgun currently are and will continue to be **prohibited** from carrying handguns on campus.

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POLICY

This policy is designed to be compliant with [S.B. 11](#) and to address the health, safety, and welfare of the campus community.

The policy was written after ample consideration of input from campus constituencies regarding a number of factors, including the nature of the student population, specific safety considerations, and the uniqueness of the campus environment.

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APPLICABILITY

This policy applies to all students, faculty, staff, and visitors of the University, except for law enforcement officers commissioned by the Texas Commission on Law Enforcement.

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DEFINITIONS

- Handgun: Any firearm that is designed, made, or adapted to be fired with one hand.
- Open Carry: Visible possession of a handgun in public.
- Concealed Handgun: A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- Exclusion Zone: An area of campus, building, or room in which the possession of handguns is prohibited as provided in Campus Carry Appendix 1. Each area restriction requires that notice be given to license holders as specified under [Texas Penal Code §30.06](#).
- Substantial Harm: A serious injury or death to a person or persons, or destruction of valuable property.

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DEFINITIONS

- License to Carry a Handgun: A License to Carry a Handgun (LTC) issued by the Texas Department of Public Safety (TXDPS), under [Texas Government Code Chapter 411](#), Subchapter H.
 - Also includes valid Concealed Handgun Licenses issued by the TXDPS, as well as licenses from other states, the validity of which is recognized by the State of Texas.
- Disciplinary Action: Sanctions by the University, up to and including removal, probation, suspension, dismissal, and termination.
- Retention Holster: A holster with at least one retention feature or device.
- Grievance: Pursuant to University policies and procedures, a formal expression of disagreement or dissatisfaction with employee-related, residential, academic, or instructional matters.
- Significant Risk: A high probability of harm, not just a slightly increased, speculative, or remote risk.

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SUPPORTING POLICY INFORMATION

The primary responsibility for enforcement of this policy lies with UHCLPD.

Disputes, concerns, or reports of policy violation should be communicated immediately to UHCLPD, which will enforce both Texas law and UHCL policy as appropriate.

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BE AWARE

LTC holders must intentionally reveal the handgun in plain view to be considered a violation of UHCL Campus Carry Policy or a potential criminal offense.

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IF YOU SEE A HANDGUN ON CAMPUS:

- **Do not confront the individual(s)!**
 - Be a good witness
 - Avoid escalating the situation
- **Contact UHCLPD immediately!**
 - 911 or 281-283-2222

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WHAT THE POLICE NEED TO KNOW

- When reporting a crime/suspicious person we need the following:
 - Specific location(s)
 - Type of incident
 - Description of person(s) / suspect(s) / vehicle / weapon
 - Think TOP DOWN: race/gender/clothing/other unique attributes
 - Example: I was at the SERC building when a white male threatened me. He had a long blond ponytail, was carrying a blue backpack, wearing a black short sleeve shirt, khaki shorts, and white tennis shoes. He left walking southbound on Cullen.
 - If safe to do so, take a photo with your cell phone

Remember, WE CAN'T HELP IF WE DON'T KNOW

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PROCEDURES

Failure to comply with any of the following procedures may result in Disciplinary Action.

- A holder of an LTC may carry a concealed handgun on or about his or her person on the University of Houston-Clear Lake campus and in buildings, including UHCL Pearland and UHCL TMC, except in Exclusion Zones.
- Handguns must be carried in a retention holster that covers the trigger.
- It is the responsibility of the holder of the LTC to conceal any handgun so that it is not partially or wholly visible to another person.
- Persons who do not hold a valid LTC are **prohibited** from carrying a concealed weapon on campus or in buildings.

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WHAT YOU SHOULD SEE



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YOU SHOULD NOT SEE THIS



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PROCEDURES

Faculty and Staff

- Faculty and staff **may not** store handguns overnight on University property.
- Moreover, if an employee uses a University leased or owned vehicle, temporary storage in a locked compartment of the vehicle that restricts access by others is permissible.
- Unless an employee is required to carry a firearm as part of the employee's specific job duties, any possession or use of a firearm by the employee is not considered to be within the scope of employment with the University.
- As such, any employee who chooses to use a firearm is acting in the employee's individual capacity and not as an agent of the University.

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In other words...

- An employee w/a LTC may carry a concealed handgun into his or her work space, unless the location is prohibited by law or policy.
- An employee **is not** authorized to use weapon in course or scope of duties.
 - Carrying is a **personal decision** & is not on behalf of the University.
- The employee accepts **personal liability** for any injury or damage resulting from the use of their handgun.

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PROCEDURES

- Alcohol: Possessing a weapon on campus while intoxicated is prohibited.
- Off-Campus Travel: University-led groups travelling off campus may exclude handguns to fulfill legal or contractual obligations or to allow a group to travel in a gun-restricted area.

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PROCEDURES

- Open Carry: The carrying of an unconcealed handgun on campus is restricted to authorized members of the UHCLPD, other law enforcement officers, and other persons who may be designated by appropriate law enforcement authorities.
- Intentional Reveal: Intentionally revealing a handgun on campus is prohibited. Any such incident will be grounds for Disciplinary Action.

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PROCEDURES

- Inquiry of LTC or Carrying Status by University Employees: Employees of the University, with the exception of members of UHCLPD, shall not inquire as to whether any person is carrying a concealed weapon or possesses an LTC.

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PROCEDURES

- Verbal Reference to Firearms or Other Weapons: The declaration of handgun possession or LTC status may be considered a threat under some circumstances. See [UHCL Workplace Violence Policy](#) for more information about responses to threats.

http://prtl.uhcl.edu/portal/page/portal/PRV/FORMS_POLICY_PROCEDURES/FACULTY_HANDBOOK/8_12_workplace_violence

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PROCEDURES

- Weapon Discharge: The discharge of a weapon intentionally or unintentionally anywhere on campus by any person may be grounds for Disciplinary Action.

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PROCEDURES

- Other Weapons: All other weapons are strictly prohibited for students, faculty, staff, and visitors, including long guns, knives with blades longer than 5.5 inches, brass knuckles, clubs, and explosives. Their possession on campus is grounds for immediate Disciplinary Action.

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PROCEDURES

- Storage Facilities: Secure storage areas will not be provided by the university. Handguns may be stored in privately owned or leased vehicles if the vehicle is under the sole control of the driver and the handgun is in a locked compartment.

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PROCEDURES

Exclusion Zones

- Establishment of Exclusion Zones: The UHCL Police Department will suggest amendments to the list of exclusion zones, including recommendations to add or remove areas from the exclusion list. These recommendations will be taken to the Vice President for Administration and Finance, who will determine whether a building or area should be added to or removed from an exclusion zone and a recommendation will be made to the President for the final approval.

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PROCEDURES

Exclusion Zones

- The application must contain the exact zone to be excluded, a rationale for the exclusion based on the exclusion zone criteria, and a plan for where required signs are to be placed.
- If an exclusion is sought based on the “assigned employee office” criteria in section L.7. of this policy, the application must include a complete description of the Significant Risk of Substantial Harm due to a negligent discharge.

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PROCEDURES

Exclusion Zones

- The application also must specify the alternate location where meetings may take place that are not subject to an exclusion.
- The President may modify the proposal on the basis of feasibility of implementation.

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PROCEDURES

Exclusion Zones

- A sample exclusion zone application is included in Appendix 2 of the UHCL Campus Carry Policy.

- [UHCL Exclusion Zone Application](http://prtl.uhcl.edu/police/images/pdf-documents/appendix2-handgun-exclusion-zone-request-form.pdf)

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PROCEDURES

Exclusion Zones

- These recommendations will be taken to the Vice President for Administration and Finance, who will determine whether a building or area should be added to or removed from the list.

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PROCEDURES

Exclusion Zones - Criteria

Criteria for Establishment of Exclusion Zones: In order to establish the proper exclusion zones, the University consulted with its students, staff, and faculty regarding the nature of the student population, as well as the specific safety considerations and uniqueness of the campus environment, including but not limited to, mental health counseling, health-related clinical facilities, grievances, and disciplinary hearings (including allegations under Title IX of the Education Amendments of 1972, etc.), sporting and interscholastic events, places of religious worship, day care facilities and schools, campus programs for minors, university housing, and polling places.

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PROCEDURES

Exclusion Zones - Criteria

The University also analyzed statutes under Texas and Federal law to determine, by analogy, which areas on campus would be proper exclusion zones. Accordingly, criteria for establishment of an exclusion zone may include, but is not limited to, the following:

1. Existing state and federal laws prohibiting weapons in certain areas.
 - a. Campus areas used for day care and school activities, including areas frequently used by minor children. Texas Penal Code §46.03(a)(1).
 - b. Health care facilities similar to hospitals used for patient care, counseling and mental health services. Texas Penal code §46.035(b)(4).
 - c. Areas used for sporting or interscholastic events. Texas Penal Code §46.035(b)(2).
 - d. Established places of religious worship. Texas Penal Code § 46.035(b)(6).
 - e. Polling places. Texas Penal Code §46.03(a)(2).

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PROCEDURES (continued)

Exclusion Zones - Criteria

2. Laboratory areas where dangerous material and equipment are present.
3. University-owned or rented vehicles used to transport students other than University shuttles.
4. Spaces used for discussions of grievances or disciplinary hearings. (These exclusions may be permanent or temporary based on usage of the spaces).
5. Areas containing critical university infrastructure.
6. Areas where contractual or licensing obligations require the exclusion of firearms.
7. Assigned employee offices for which the employee has demonstrated that the carrying of a concealed handgun by a license holder in the office presents a significant risk of substantial harm due to a negligent discharge of the handgun, and the president or designee has approved the employee's request that the office be designated as an area where licensed concealed carry of a handgun is not permitted.
8. Other areas prohibited by state or federal law.

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PROCEDURES

Exclusion Zones

All buildings were reviewed regarding Exclusion Zones under the UHCL Campus Carry policy. These buildings are located at:

- UHCL Campus
- UHCL Pearland Campus
- UHCL Texas Medical Center Campus

A complete list of Campus Carry Exclusion Zones is located in Appendix 1 of the UHCL Campus Carry Policy.

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PROCEDURES

- Reporting Violations of this Policy: Any violations of this policy should be reported to UHCLPD. UHCLPD shall maintain a list of all handgun-related incidents and provide an annual report to the President.
- Reporting to Texas Legislature: In even numbered years by September 1, the University will submit a copy of its policy along with the justification used for development of the policy.

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Effective Notice

- The UH Office of General Counsel is working with the Harris County District Attorney's Office to determine the best possible way to provide notice of UHCL Exclusion Zones.
- Once a final determination is made, it will be shared with the entire UHCL Community.
- ALL notices must be placed in a manner that is **clearly visible to the public**.

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Frequently Asked Questions

To find answers to some of the most common questions associated with campus carry please visit the Frequently Asked Questions page at:

[UHCL Campus Carry Frequently Asked Questions](http://prtl.uhcl.edu/police/campus-carry-information)

<http://prtl.uhcl.edu/police/campus-carry-information>

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Training

- New Hire and Student Orientation
- Crime Prevention and Safety Courses
 - Active Shooter Response
 - Medical Emergency
 - Weather Related Emergency
 - Rape Aggression Defense
 - Residential and Office Security
 - Many other safety related topics

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Seeking more...

- Was your question not listed?
- Do you still have concerns?
- Would you like to schedule a training class?
- Please contact

UHCLPD

policechief@uhcl.edu

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REFERENCES

- [Texas Government Code Chapter 411, Subchapter H](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03)
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03>
- [Texas Penal Code § 30.06](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm#30.06)
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm#30.06>
- [Texas Penal Code § 46.03](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03)
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03>
- [Texas Penal Code § 46.035](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035)
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035>
- [Texas Senate Bill No. 11 \(S.B. 11\)](http://www.capitol.state.tx.us/tlodocs/84R/billtext/pdf/SB00011I.pdf)
<http://www.capitol.state.tx.us/tlodocs/84R/billtext/pdf/SB00011I.pdf>
- [UHCL Campus Carry Policy](https://employees.uhcl.edu/police/images/pdf-documents/uhcl-campus-carry-policy.pdf)
<https://employees.uhcl.edu/police/images/pdf-documents/uhcl-campus-carry-policy.pdf>
- [UHCL Campus Carry Exclusion Zone Request Form](http://prt1.uhcl.edu/police/images/pdf-documents/appendix2-handgun-exclusion-zone-request-form.pdf)
<http://prt1.uhcl.edu/police/images/pdf-documents/appendix2-handgun-exclusion-zone-request-form.pdf>

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