



Board Meeting Date: May 12, 2016

Proposed Minute Order #: 21-16(c)

Proposed By: Ray Rushing, Vice Chancellor & Chief Legal Officer/General Counsel

Subject: Policy on Concealed Handguns

Background: In June, 2015 the State Legislature enacted Senate Bill No. 11 allowing the concealed carrying of handguns on higher education campuses by holders of handgun licenses, subject to certain exclusions and limitations, effective August 1, 2016. S.B. No. 11 requires the Chancellor and Board of Regents to establish rules, regulations and provisions to implement S.B. No. 11 and to identify the College's gun exclusion zones.

Justification: This new Statewide Operating Standard establishes the institution's policy on carrying concealed handguns on campus in compliance with S.B. No. 11.

Additional Information: Statewide Operating Standard (GA 1.6.10) establishes the policy, provides the requirements to support the policy and describes the processes for administration of the policy.

Fiscal Implications None

Attestation: This Minute Order is in compliance with all applicable laws and regulations to the best of my knowledge.

Attachment(s): None

Recommended Minute Order: "It is the policy of Texas State Technical College that Senate Bill No. 11, enacted in June 2015 allowing concealed carry of handguns, be implemented in accordance with certain rules, regulations and provisions established by the Chancellor and Board of Regents, and that the policy is to take effect August 1, 2016. Under this policy, License holders may carry concealed in any place not restricted."

Recommended By:

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Ray Rushing, Vice Chancellor & Chief Legal Officer/General Counsel



Board Meeting Date: May 12, 2016

Proposed Minute Order #: 22-16(c)

Proposed By: Ray Rushing, Vice Chancellor & Chief Legal Officer/General Counsel

Subject: Campus Carry Gun Exclusion Zones

Background: In June, 2015 the State Legislature enacted Senate Bill No. 11 allowing the concealed carrying of handguns on higher education campuses by holders of handgun licenses, subject to certain exclusions and limitations, effective August 1, 2016. S.B. No. 11 requires the Chancellor and Board of Regents to establish rules, regulations and provisions to implement S.B. No. 11 and to identify the College's gun exclusion zones.

Justification: This specific list of campus carry gun exclusion zones must be approved by the Board of Regents pursuant to S.B. 11.

Additional Information: This list must be presented to the Office of the Attorney General not more than ninety (90) days after approval by the Board of Regents.

Fiscal Implications: None

Attestation: This Minute Order is in compliance with all applicable laws and regulations to the best of my knowledge.

Attachment(s): Specific premises declared as Gun Exclusion Zones by location.

Recommended Minute Order: "Texas State Technical College adopts the Campus Carry Gun Exclusion Zones in compliance with Senate Bill 11 and in the interest of the well-being and safety of its students and employees."

Recommended By:

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Ray Rushing, Vice Chancellor & Chief Legal Officer/General Counsel

Campus Carry Gun Exclusion Zones

Specific Buildings by Site

Abilene

Abilene Main Campus (Co-located with Abilene Academy of Technology, Engineering, Math & Science) (K-12 facility prohibited by Texas Penal Code Ch. 46)

TSTC Aviation Maintenance facility/program at Dyess/Abilene Airport (FAA regulated)

Brownwood

None.

Breckenridge

None.

East Williamson County Higher Education Center

Temple College Police Office (Rm #A109) (Discretionary)

Fort Bend County

None.

Harlingen

Building A, Public Safety Building (EMT, Fire Academy, Police Academy, TSTC Police) located on Airport Drive (Discretionary)

Building SC, Student Center, (Student Medical Services Office only) (Discretionary)

Building R, Early College High School (ECHS) (K-12 facility prohibited by Texas Penal Code Ch. 46) located on Boxwood Street

Building ECC/HS, Early Childhood Center/Head Start (ECCHS) Building (K-12 facility prohibited by Texas Penal Code Ch. 46) located at intersection Dogwood and 28th Street

Building B, College Readiness & Advancement (Challenger Learning Center and Planetarium) (K-12 facility prohibited by Texas Penal Code Ch. 46)

Marshall

Campus Security Office/Building (Discretionary)

Early High School College (ECHS) North Building (K-12 facility prohibited by Texas Penal Code Ch. 46)

North Texas

TSTC Administrative Offices co-located with Red Oak Middle School (until they relocate to Main Campus Building) (K-12 facility prohibited by Texas Penal Code Ch. 46)

Sweetwater

Police Department Building (Discretionary)

Waco

Police Department Building (Discretionary)

Early High School College (ECHS) Building (K-12 facility prohibited by Texas Penal Code Ch. 46)

Challenger Academy (K-12 facility prohibited by Texas Penal Code Ch. 46)

Col. James T. Connally Aerospace Center (FAA Regulated)

All Locations

Any room or space where contracted testing is performed will be a gun free zone during the time period of the testing.

TEXAS STATE TECHNICAL COLLEGE
STATEWIDE OPERATING STANDARD

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|------------------------|--|---------------------------------|
| No. GA 1.6.10 | Page 1 of 4 | Effective Date: 08/01/16 |
| DIVISION: | General Administration | |
| SUBJECT: | Concealed Handguns | |
| AUTHORITY: | Minute Order #21-16 | |
| PROPOSED BY: | Ray Rushing | |
| TITLE: | Vice Chancellor & Chief Legal Officer/General Counsel | Date: 08/01/16 |
| RECOMMENDED BY: | <i>Original Signed by Ray Rushing</i> | |
| TITLE: | Vice Chancellor & Chief Legal Officer/General Counsel | Date: 08/01/16 |
| APPROVED BY: | <i>Original Signed by Mike Reeser</i> | |
| TITLE: | Chancellor | Date: 08/01/16 |

STATUS: Approved by BoR 05/12/16

HISTORICAL STATUS: Approved by VCs 04/29/16
Proposed 04/2016

POLICY

It is the policy of Texas State Technical College that Senate Bill No. 11, enacted in June 2015 allowing concealed carry of handguns, be implemented in accordance with certain rules, regulations and provisions established by the Chancellor and Board of Regents, and that the policy is to take effect August 1, 2016. Under this policy, License holders may carry concealed in any place not restricted.

PERTINENT INFORMATION

This SOS implements Senate Bill No. 11 and provides guidance to all affected persons.

Senate Bill No. 11 authorizes the carrying of concealed handguns on the campuses of public institutions of higher education, including TSTC, with certain exceptions.

Senate Bill No. 11 also authorizes the chief executive officers of such public higher education institutions to “establish measurable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution.”

Each geographic TSTC site presents unique circumstances which shall be analyzed individually by TSTC.

Notice of specific gun exclusion zones shall be posted with Penal Code 30.06 signs or other applicably prescribed signs at each exclusion zone in compliance with State law.

Desired gun exclusion zones, including temporary postings for Pre-K through 12 activities to be held at a TSTC site, may be requested via the provided form to be routed through the appropriate provost.

The Campus Carry Exclusion Form must provide information on the requested area, the reason for the request, and the time frame.

This policy will be published in the Student Handbook, the Employee Handbook, applicable Class Syllabi, New Student and New Employee Orientations, and the TSTC website.

DELEGATION OF AUTHORITY

The Chancellor and his designees, if any, are delegated the authority for compliance and implementation of this Statewide Operating Standard.

OPERATING REQUIREMENTS

1. Open Carry:

Open carry of handguns is not allowed on any TSTC campus or premises.

2. Concealed Handguns:

As of August 1, 2016, holders of valid handgun licenses issued by the Texas Department of Public Safety are authorized to possess concealed handguns on any TSTC campus or premises, except as provided below. All handguns must be concealed at all times, unless the handgun is displayed under circumstances in which the person “would have been justified in the use of force or deadly force” under the law. Prior to August 1, 2016, both concealed and open carry handguns are prohibited on campus.

A license holder commits a crime (Class A Misdemeanor) if he or she “carries a partially or wholly visible handgun. . . and knowingly or intentionally displays the handgun in plain view of another person” on TSTC premises, including driveways, streets, sidewalks, parking lots or similar areas, unless displayed under circumstances justifying the use of force on deadly force.

3. State Vehicles:

Employees who legally possess a valid License to Carry (LTC) may possess a handgun in a TSTC vehicle. Those not legally possessing a valid LTC may not possess a handgun in a TSTC vehicle.

4. Statutory Exceptions Not Allowing Concealed or Open Carry:

At the following locations possession of a handgun is prohibited:

- (a) On the physical premises of a K-12 school or educational institution, any grounds or building on which an activity sponsored by a K-12 school or educational institution is being conducted, or a passenger transportation vehicle of a K-12 school or educational institution, whether said school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution (Early College High School);
- (b) On the premises of a polling place on the day of an election or while early voting is in progress;
- (c) On the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
- (d) In or into a secured area of an airport, such as the TSTC Aerospace Building in Waco and in FAA-controlled areas;
- (e) On the premises of a church, synagogue, or other established place of religious worship;
- (f) On the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the Business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;
- (g) On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;
- (h) On the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing facility administration, as appropriate; and
- (i) At a properly noticed hearing or meeting of a governmental entity required to post its meetings subject to the Open Meetings Act.

It is also a criminal offense for an intoxicated person to possess a handgun.

5. Designated Gun Exclusion Zones:

- (a) Areas in use for pre-school children and minor education programs not otherwise statutorily excluded (e.g. Early Childhood Centers, Head Start Programs, Early College High School Campuses and EEOC);
- (b) Challenger Projects and Challenger Operations Buildings;
- (c) TSTC Police Departments and Emergency Responder Offices and Buildings;
- (d) Student Medical Care and Counseling locations which are affiliated with hospitals licensed under Chapters 241 or 242 Health and Safety Code;
- (e) Temporary locations where pre-kindergarten through 12th grade students participate in school-related or interscholastic events and programs.

6. Campus Residences:

TSTC student housing shall not be named Gun Exclusion Zones but may be subject to certain safe storage rules, which the College may establish and enforce.

PERFORMANCE STANDARDS

- 1. All incidents involving handguns are promptly reported to the TSTC Police Department or, where there is no TSTC Police Department, to the appropriate law enforcement agency.
- 2. All reported incidents are promptly investigated, appropriately dealt with and reported to Governance, Risk and Compliance.
- 3. This SOS is reviewed on an annual basis and revised as needed.