**Concealed Carry of Handguns by UPPS No. 01.04.45**

**License Holders on University Premises Issue No. 2**

**Effective Date: 02/22/2022**

**Next Review Date: 06/01/2025 (E3Y)**

**Sr. Reviewer: President’s Chief of Staff and Vice President**

**POLICY STATEMENT**

*Texas State University is committed to providing a safe environment for students, employees, and visitors.*

1. **SCOPE**
	1. The purpose of this policy is to set forth reasonable rules, regulations, and provisions regarding the carrying of concealed handguns by license holders on all Texas State University campuses and controlled premises.

01.02 Effective August 1, 2016, as authorized by [Texas Government Code Section 411.2031](https://www.legis.state.tx.us/tlodocs/84R/billtext/html/SB00011F.htm), individuals who hold a valid license to carry a handgun (license holder) are allowed to carry a concealed handgun on or about their person on the campus or on the premises located on the campus of a public institution of higher education. The law does not allow the institution of higher education to establish provisions that generally prohibit or have the effect of generally prohibiting the carrying of concealed handguns by license holders on the campus. However, it does state that the president or other chief executive officer shall establish reasonable 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.

01.03 Consistent with the legislative mandates contained in [Texas Government Code Section 411.2031](https://www.legis.state.tx.us/tlodocs/84R/billtext/html/SB00011F.htm) and [Texas Penal Code Section 46.03](https://statutes.capitol.texas.gov/Docs/PE/htm/PE.46.htm), effective August 1, 2016, Texas State allows individuals who hold a valid license to carry a concealed handgun on land and in buildings owned or leased by Texas State, subject to the reasonable rules, regulations, and other provisions regarding the carrying of concealed handguns by license holders as established by the president of Texas State and approved by The Texas State University System (TSUS) Board of Regents.

* 1. No person shall openly carry firearms or illegal weapons (as defined in [Texas Penal Code 46.05a](https://statutes.capitol.texas.gov/Docs/PE/pdf/PE.46.pdf)) or display a deadly weapon in a manner calculated to cause alarm (as prohibited by [Texas Penal Code Section 42.01](https://statutes.capitol.texas.gov/docs/PE/htm/PE.42.htm)) while on university property. Exceptions to this prohibition include persons commissioned as peace officers in the state of Texas and federal law enforcement personnel.
1. **DEFINITIONS**
	1. Handgun – any firearm that is designed, made, or adapted to be fired with one hand.
	2. Child or Minor – a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
	3. Campus – all land and buildings owned or leased by Texas State.

02.04 License To Carry – license issued by the state to carry a handgun on or about the license holder's person, subject to the licensing requirements and limitations set forth in [Texas Government Code Section 411.2031](https://www.legis.state.tx.us/tlodocs/84R/billtext/html/SB00011F.htm).

* 1. Gun-Free Zone – any part of the campus that has been designated, either permanently or temporarily, as an area where concealed carry of handguns is prohibited. Guns are not permitted in designated gun-free zones.
	2. Concealed Carry – the legal requirement that a license holder must carry a concealed handgun on or about the license holder’s person. For the purpose of these rules, the phrase “on or about the license holder’s person” is defined as carrying a handgun in a manner such that it must be close enough to the license holder that they can grasp it without materially changing position.
	3. Disciplinary Matters, Legal and Quasi-Judicial Matters, and Legal Compliance Matters – matters that may result in warnings, sensitive procedural actions, or significant actions regarding student, staff, or faculty status, evaluation, matriculation, or employment. These include, but are not limited to, meetings to discuss academic dishonesty, incivility in the classroom or in other university settings, faculty or staff grievances, grade appeals, mediations, evaluation conferences, and probation and suspension hearings.
1. **GUN-FREE ZONES AND EVENTS**
	1. Pursuant to and consistent with [Chapter 46 of the Texas Penal Code](https://statutes.capitol.texas.gov/Docs/PE/pdf/PE.46.pdf), weapons, including handguns, are prohibited in the following locations:
2. on the physical premises of a K-12 school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution; the Texas State campus, including but not limited to The Meadows Center for Water and the Environment and the Freeman Aquatic Building, as it routinely hosts K-12 students and, as such, these areas will be gun-free zones during any such events;
3. on the premises of a polling place on the day of an election or while voting is in progress. Premises designated as a polling location may change from time to time. Including by way of example, a portion of the third floor of the LBJ Student Center is a designated polling location and weapons are prohibited there during polling activities;
4. on the premises used for competitive sporting, NCAA, and University Interscholastic League (UIL) events; and
5. on premises when used for religious worship.
	1. Pursuant to [Texas Government Code Section 411.2031](https://www.legis.state.tx.us/tlodocs/84R/billtext/html/SB00011F.htm), the president or other chief executive officer of an institution of higher education in Texas shall establish reasonable 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. Texas State has designated the following areas as permanent gun-free zones and will display appropriate signage at such locations:
		1. Concealed carry is prohibited in premises providing services or events for minor children as described below:
6. Child Development Center (CDC);
7. Clinic for Autism Research Evaluation and Support (CARES);

3) Assessment and Counseling Clinic (ACC);

1. Speech-Language-Hearing and Physical Therapy Clinics; and
2. locations used for Pre-K through grade 12 summer activities and camps on the San Marcos campus and the Round Rock campus during summer sessions including, but not limited to, the following locations: residence halls used for summer camps, the Music Building on the San Marcos campus, and the Avery Building on Round Rock campus during summer sessions.
	* 1. Concealed carry is prohibited in facilities providing health services, as follows:
3. Student Health Center – San Marcos campus; and
4. Student Health Center – Round Rock campus.
	* 1. Concealed carry is prohibited in premises used for disciplinary matters, legal compliance, counseling, and accredited testing locations as follows:
5. fifth floor of the LBJ Student Center, including the Texas State Counseling Center;
6. Student Health Center and Counseling Center, Room 116, Nursing Building on Round Rock campus;
7. premises when used for disciplinary matters, legal and quasi-judicial matters, and legal compliance*.* Any designated gun-free zones for these purposes are identified with appropriate signage; and
8. premises when used to administer a test where accreditation standards require that the test be administered in a gun-free location.
	* 1. Concealed carry is prohibited in premises used for official residence or governmental events as follows:
9. president’s house and surrounding grounds on San Marcos campus;
10. locations when used for governmental meetings on San Marcos campus and Round Rock campus; and
11. designated polling locations.
	1. No person, department, college, or administrative unit may make or enforce any policy or rule limiting or prohibiting the carrying of firearms, except by obtaining an exception, as delineated in Section 03.04.
	2. When the nature of a particular academic setting or other campus activity would create safety concerns relative to the presence of a concealed handgun, a university representative may request the addition of a temporary gun-free zone by submitting a [Request for Temporary Gun-Free Zone](https://www.txstate.edu/effective/UPPS/upps-01-04-45-att1.html) to the provost and executive vice president for Academic Affairs or other appropriate member of the President’s Cabinet. The President’s Cabinet member may make a recommendation to the president, who exercises final approval with no appeal.
12. **PROCEDURES FOR UNIVERSITY GUN-FREE ZONE NOTICE AND SIGNAGE**

04.01 The President’s Office will cause the president’s [rules](https://www.txstate.edu/campuscarry) regarding the carrying of concealed handguns by license holders on Texas State campuses, as approved by the TSUS Board of Regents, to be prominently posted on the university website. Said rules will contain specific notice of all gun-free zones.

04.02 Signage that is clearly visible, noting that the site in question is a permanent or a temporary gun-free zone, shall be placed in conspicuous areas.

* + 1. Notice that is given on a card, document, or sign must contain the following language:

*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.*

*En conformidad con la Sección 30.06, Código Penal (violación por el titular de la licencia con una pistola oculta), una persona con licencia bajo el Subcapitulo H, Capitulo 411, Código de Gobierno (ley de licencias arma de mano), no puede entrar en esta propiedad con una pistola oculta.*

* + 1. Permanent and temporary gun-free zone signs must meet these minimum standards:

1) include the above italicized language in both English and Spanish;

2) use contrasting colors, block letters, at least one inch in height; and

3) be displayed in a conspicuous manner clearly visible to the public.

1. **HANDGUN STORAGE**
	1. The university will not provide storage for handguns. It is the responsibility of the license holder to store their handgun safely and securely.
	2. By Texas statute ([Government Code Section 411.2032](https://law.onecle.com/texas/government/411.2032.html)), the university may not prohibit or restrict storage or transportation of a firearm or ammunition in a locked, privately owned, or leased motor vehicle by a person, including a student enrolled at that institution, who holds a valid license to carry a handgun under this subchapter and lawfully possesses the firearm or ammunition:

a. on a street or driveway located on the campus of the institution; or

b. in a parking lot, parking garage, or other parking area located on the campus of the institution.

**06. ENFORCEMENT PROCEDURES**

06.01 Violations of this policy must be reported to the University Police Department (UPD). Based on UPD’s findings, students, faculty, and staff may be referred for disciplinary action pursuant to subsections a., b., and c.:

* + 1. Students found in violation of this policy or state handgun laws shall be reported to Student Justice in the Dean of Students Office for appropriate disciplinary action. Disciplinary procedures and penalties will follow the guidelines outlined in the [Code of Student Conduct](https://studenthandbook.txstate.edu/rules-and-policies.html).
		2. Faculty and staff found in violation of this policy shall be reported to their supervisors for appropriate disciplinary action. These actions could include sanctions ranging from reprimand, suspension with or without pay, or termination.
		3. Contractors and subcontractors found in violation of this policy or state handgun licensing laws shall be reported to the department administering the contract for appropriate sanctions.

**07. REVIEWERS OF THIS UPPS**

07.01 Reviewers of this UPPS include the following:

Position Date

President’s Chief of Staff June 1 E3Y

and Vice President

Provost and Executive Vice June 1 E3Y

President for Academic Affairs

Vice President for Student Success June 1 E3Y

Chair, Faculty Senate June 1 E3Y

Chair, Staff Council June 1 E3Y

Director, University Police Department June 1 E3Y

**08. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from date of this document until superseded.

President’s Chief of Staff and Vice President; senior reviewer of this UPPS

President