

## Handbook of Operating Procedures

### CONCEALED HANDGUNS AND OTHER WEAPONS ON CAMPUS

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#### A. Purpose

The purpose of this policy is to ensure compliance with Section 411.0231 of the Texas Government Code (also known as the “campus carry law”) while maintaining The University of Texas Rio Grande Valley’s commitment to providing a safe environment for its students, faculty, staff, and visitors.

#### B. Persons Affected

This policy applies to all individuals who may work, attend classes, conduct business, or visit any campus of The University of Texas Rio Grande Valley (UTRGV), including without limitation employees, faculty, trainees, students, patients, visitors, volunteers, contractors, commercial tenants, or vendors. This policy does not apply to peace officers as defined in Article 2.12 of the Texas Code of Criminal Procedure, and does not apply to military service members or officers, inspectors, or investigators employed by a federal agency who are carrying a weapon in the discharge of official duties.

#### C. Definitions

Campus -- means all buildings, land, or portions of buildings owned or leased by the Board of Regents of The University of Texas System for and on behalf of UTRGV, wherever located.

Concealed Handgun – a handgun, the presence of which is not openly discernable to the ordinary observation of a reasonable person.

Exclusion Zone – means the area(s) of any UTRGV campus where license holders may not carry a concealed handgun.

Handgun – any firearm that is designed, made, or adapted to be fired with one hand.

License Holder – any individual licensed to carry a handgun under Subchapter H, Chapter 411 of the Texas Government Code.

Store – means to take steps that a reasonable person would take to prevent access to a firearm, including without limitation to place a firearm in a locked container. For purposes of this policy, a firearm that is temporarily rendered inoperable by use of a trigger lock or other means is not stored.

Weapon – includes a firearm, explosive weapon, machine gun, short-barrel firearm, firearm silencer, knuckles, armor-piercing ammunition, zip gun, chemical dispensing device (other than a small chemical dispenser sold commercially for personal protection), tire deflation device, illegal knife, switchblade knife, or club.

Work area – means the place or places an individual performs assigned duties as an employee of UTRGV.

**D. Policy**

*1. Weapons, Open Carry of Handguns Prohibited*

- a. Except for license holders who may carry a concealed handgun or store their handguns in personal vehicles in compliance with this policy and applicable state and federal law, the possession of a weapon by an individual anywhere on any UTRGV campus is strictly prohibited. All persons, including license holders, are prohibited from openly carrying a handgun or other firearm on any UTRGV campus. The prohibition on weapons and the open carry of firearms includes any public driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area on any UTRGV campus.
- b. Reserve Officer Training or Color Guard firearms or weapons may be used on UTRGV campuses in connection with ROTC/Color Guard related programs, events, or activities.

*2. Permissible Carrying of a Concealed Handgun by a License Holder*

- a. License Holder Right to Carry a Concealed Handgun. Unless otherwise prohibited by law or this policy, a license holder may carry a concealed handgun while on any UTRGV campus (including public driveways, streets, sidewalks, or walkways, parking lots, parking garages, and other parking areas). License holders are expected to and must strictly comply with this policy and applicable law. While UTRGV will employ all reasonable means to delineate exclusion zones in accordance with Texas law, it is the responsibility of the license holder to know, understand, and follow this policy and applicable law while on any UTRGV campus.
- b. Concealed Handguns on or about Person. When carrying their concealed handguns on any UTRGV campus, license holders must carry their handguns on or about their person. For purposes of this policy and subject to the requirements of Texas law, “on or about their person” means close at hand and within such distance of the license holder so that, without materially changing position, the license holder can place his or her hand on the handgun.
- c. Intoxication. A license holder may not carry a concealed handgun while intoxicated.
- d. Display of a Handgun. Except as necessary to properly store a handgun, a license holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person (even if holstered) on any UTRGV campus, including public driveways, streets, sidewalks, or walkways, parking lots, parking garages, and other parking areas.
- e. Carrying of Concealed Handguns by Employees. An employee who is a license holder may carry a concealed handgun into his or her work area, unless prohibited under this policy, but is not authorized by UTRGV to use the handgun in the course and scope of performing

his or her duties. Any employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable for the injury or damage, and is not entitled to immunity under Section 411.208 of the Texas Government Code or any other immunity the individual may otherwise be entitled to as a UTRGV employee.

- f. Safeguarding of Handguns. License holders are responsible for safeguarding their handguns at all times, and must take all necessary precautions to ensure their handguns are secured in a manner that is most likely to prevent theft, loss, damage or misuse. License holders affiliated with UTRGV who fail to use reasonable care in securing their handguns are subject to disciplinary action, up to and including termination or non-renewal of appointment, dismissal from UTRGV, or termination of a business relationship. A license holder fails to use reasonable care when he or she does not exercise the care which a reasonable or prudent person would exercise in similar circumstances, or takes action which a reasonable or prudent person would not take. Examples of license holder failures to use reasonable care include without limitation:
    - i. Failing to keep or maintain backpack, purse, or other similar bag or carryall with a handgun on or about their person at all times while on any UTRGV campus;
    - ii. Failing to carry a handgun in a holder or holster that completely covers the trigger and trigger guard area;
    - iii. Failing to use a holder or holster which has sufficient tension or grip to retain it in the holder or holster even when subjected to unexpected jostling; or
    - iv. Failing to immediately report the loss or theft of their handgun on campus to the UTRGV Police Department.
3. *Requirement to Disclose License Holder Status*
- a. License holders are not required to disclose their status as a license holder to anyone other than a law enforcement officer. UTRGV employees, faculty, trainees, or students (other than a law enforcement officer) may not require individuals to disclose their license status.
  - b. UTRGV will not maintain a list of license holders, as this information is not considered public information.
4. *Handgun Storage*
- a. UTRGV will not provide handgun storage for license holders. Except for storing a handgun in a vehicle as permitted under Texas law or as otherwise permitted in Sections D.4 or E.2, license holders must not leave a handgun unattended anywhere on a UTRGV campus, regardless of whether stored in a locked container, desk drawer, cabinet, office, backpack, purse, or other similar bag or carryall.
  - b. License holders or resident staff domiciled in UTRGV residential facilities that permit the carrying and storage of handguns as discussed in Section E.2 below may store their

handguns in their private residential facility provided they provide, at their own expense, a gun safe meeting UTRGV specifications. Gun safes must be specifically designed for the safe and secure storage of handguns, must be locked at all times, and be physically attached to the residential area under the control of the resident. The manner by which to most effectively attach the handgun safe within the residence will be determined by the Office of Facilities.

- c. License holders who otherwise lawfully possess a handgun or ammunition will not violate this policy if the license holder transports or stores the handgun or ammunition in a locked, privately owned motor vehicle on any driveway, street, parking lot, parking garage, or parking area provided by or under the control of UTRGV. A license holder may not intentionally or knowingly display a handgun in plain view of another person except as necessary to properly store the handgun in a privately owned motor vehicle.

#### 5. *Authority to Designate Exclusion Zones*

Only the President of UTRGV has the authority to declare additional, specific premises or areas as exclusion zones. Except as provided in this policy, without the express written consent of the President, no UTRGV faculty member, employee, student, or faculty, employee, or student group may declare a specific premises or area as an exclusion zone.

#### 6. *Violations of Policy*

Any individual who violates this policy may be subject to disciplinary action, up to and including termination of employment or non-renewal of appointment, dismissal from an educational program, or termination of a business relationship, and may also be subject to criminal prosecution.

### **E. Exclusion Zones Where Concealed Handguns are Prohibited**

1. *Exclusion Zones.* A license holder is prohibited from carrying a concealed handgun onto a UTRGV campus premises or area where prohibited by law and or by this policy based on the nature of the premises or area, facilities, student population, event or activity, safety concerns, and uniqueness of the UTRGV campus environment. Concealed handguns are prohibited at the following designated locations:
  - a. Child-Care Facilities – locations where services to minors are provided, including the Counseling and Assessment and Preparation Clinic – Edinburg Campus; the Child Development Center – Edinburg Campus; and University Head Start Program, College of Education and P-16 Initiatives, Education Building – Edinburg Campus.
  - b. Patient Care Areas – locations where health care, counseling (including counseling provided by non-professional victim advocacy counselors or advocates), or mental health services are provided, including the John Austin Pena Primary Care and Substance Abuse Treatment Facility in Edinburg; the Health Services Clinics at the Edinburg and

Brownsville campuses; the Counseling Centers at the Edinburg and Brownsville campuses; and the Office of Victim Advocacy and Violence Prevention.

- c. UTRGV Mathematics and Science Academy (MSA) – concealed handguns are statutorily prohibited at discrete physical locations associated with the Math and Science Academy, a program for high school-aged students who are gifted in math and science. To the extent MSA students take UTRGV classes with UTRGV students in UTRGV classrooms, these students would be treated like UTRGV students. Discrete physical locations of the MSA include facilities on the Brownsville and Edinburg campuses.
- d. Laboratories – locations where the discharge of a handgun might cause significant harm, such as laboratories with dangerous chemicals, biologic, or explosive agents, and in areas with equipment incompatible with metallic objects (e.g., magnetic resonance imaging machines).
- e. Animal Care Areas and Vivaria – animal facilities in which protocols regulating ingress and egress create a risk that a concealed handgun will accidentally discharge, be contaminated, or be separated from a license holder, including the BNSB Building in Edinburg, the ERAHC (including its BSL-3 facility), and the Bio Medical Building Vivarium.
- f. Watercraft – concealed handguns are prohibited onboard all vessels and watercraft owned, leased or operated by UTRGV.
- g. By Contract – where state or federal law or contract, at the sole discretion of the state or federal government or organization with whom the contract is entered, requires exclusion of a handgun in a specific location and the exclusion does not generally prohibit or have the effect of prohibiting license holders from carrying concealed handguns on a UTRGV campus.
- h. Religious Worship – at a location used as a church, synagogue, or other established place of religious worship as prohibited under Section 46.035(b)(6) of the Texas Penal Code.
- i. Polling Place – at a location designated as a polling place on the day of a federal, state, or local election, including while early voting is in progress as set out in Section 46.03(a)(2) of the Texas Penal Code.
- j. University Police Department – in a non-public, secure portion of a University Police Department facility used to conduct official business as prohibited under Section 411.207(b) of the Texas Government Code.
- k. Intercollegiate/Athletic Events – at a location where a high school, collegiate, or professional sporting event or interscholastic event is taking place as prohibited under Section 46.035(b)(2) of the Texas Penal Code, or where a sports club or intramural athletic competition is taking place.

- l.* Programs or Camps for Minors – locations where programs or camps for children under the age of 18 sponsored, facilitated, or coordinated by UTRGV.
  - m.* Disciplinary, Grievance, or Similar Hearings – locations in which a formal hearing is being conducted in accordance with established procedures (except for hearings involving commissioned peace officers under the policies of The University of Texas System Police). Written notice conforming to Texas Penal Code Section 30.06 must be provided in letters or emails notifying individuals of the hearing.
- 2. Residential Facilities, Exclusion Zones, and Storage of Handguns*
- a.* Concealed handguns *are prohibited* in areas of UTRGV residential facilities that do not provide sufficient space solely under a resident’s control to permit the safe storage of a handgun (such as dormitories designed for shared living in the same room), including Unity Hall, Heritage Hall, and Troxell Hall in Edinburg; and double-occupancy rooms designed for shared living at the Casa Bella Apartments in Brownsville.
  - b.* Concealed handguns *are permitted* in areas of UTRGV residential facilities that allow for sufficient space solely under a resident’s control to permit the safe storage of handguns, including single private rooms at the Casa Bella Apartments in Brownsville and at the Village Apartments in Edinburg.
  - c.* A license holder who resides in a UTRGV residential facility may carry a concealed handgun into the facility and may store the weapon in his or her private residential room, except when the facility hosts summer camps attended by minors. A license holder who brings a concealed handgun into a UTRGV residential facility pursuant to this policy must carry the handgun on his or her person at all times or store the handgun in his or her private residential room.
  - d.* A license holder who is a resident in a UTRGV residential facility may not intentionally or knowingly display a handgun in plain view of another person in campus housing except as necessary to properly store the handgun in his or her private residential room.
  - e.* Residents in residential facilities permitting concealed handguns are required to provide their own handgun safe meeting or exceeding UTRGV specifications at their own expense, and to abide by any other safety requirements established as a condition of living in UTRGV residential facilities. License holders who reside in residential facilities where safe storage is allowed or who are staff whose employment responsibilities require them to reside in university housing must store their handguns either in a locked, privately owned or leased motor vehicle or in a gun safe that meets the requirements determined by UTRGV. Resident license holders are also responsible for ensuring that their guests comply with all rules and regulations.
- 3. Additional Designation of Exclusion Zones.* In order to promote campus safety, the President may prohibit the carrying of concealed handguns at other campus locations from time to

time. Any prohibition will be based on specific safety considerations, the nature of the student population, and the uniqueness of the campus environment.

**F. Communication**

1. UTRGV will provide notice at all locations or activities where concealed handguns are prohibited under this policy and may post notice where handguns are expressly prohibited but where notice is not required to be posted by law. The language of the notice, which is set out in Section 30.06 of the Texas Penal Code, shall not be altered in any way unless revised by state law.
2. Any individual who, without authorization, tampers with, defaces, modifies or removes a notice provided under this policy is subject to disciplinary action or termination of a business relationship, and may be subject to criminal prosecution.
3. UTRGV will widely distribute this policy and all related rules, regulations, and procedures to person affected by this policy, including publishing this policy and related rules, regulations, and procedures on UTRGV's internet and intranet sites.

**G. Reporting to Texas Legislature**

UTRGV will prepare a report for the Texas Legislature describing the campus rules adopted to regulate the carrying of concealed handguns on campus and the reasons for the rules no later than September 1, 2016 and every even-numbered year thereafter. This report will be submitted to The University of Texas System prior to submission to the Texas Legislature.

**H. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), or Coordinating Board Rules**

Texas Government Code, Chapter 411  
Texas Labor Code, Chapter 52  
Texas Penal Code, Chapter 30  
Texas Penal Code, Chapter 46  
Texas Code of Criminal Procedure, Article 2.12

**I. Dates Reviewed or Amended**

Reviewed and amended (non-substantive: updated responsible executive) - May 2, 2022.