

WEAPONS: CARRY OF CONCEALED HANDGUNS

CHFA
(LOCAL)

CARRY OF
CONCEALED
HANDGUNS

Senate Bill 11 (SB 11) of the 84th Texas Legislature permits individuals holding concealed handgun licenses to carry their weapons onto the campus and into the general buildings of the publicly governed institutions of higher education in Texas. The fundamental goals of this policy are to ensure compliance with the spirit and letter of SB 11 in a manner consistent with other relevant laws, and to ensure the continuation of the current calm, constructive and positive social and intellectual environment that characterizes the Galveston College District. Any weapons which were previously listed as prohibited are still prohibited on the property of institutions of higher education. Individuals who do not possess a valid License to Carry are still prohibited from carrying handguns on campus. The effective date of this policy is August 1, 2017.

RULES AND
REGULATIONS

The following are rules, regulations and provisions pertaining to the carry of concealed handguns by licensed holders on the campus of Galveston College as well as any properties owned, leased, or controlled by Galveston College, including any campuses established in the future.

1. In accordance with Government Code Section 411.0231 and Texas Penal Code 46.035, Galveston College recognizes the right of individuals licensed to carry concealed handguns to do so on campus property, and in buildings whether owned or leased by Galveston College (and by extension vehicles owned or leased by the College), unless otherwise prohibited by Galveston College policy.

2. Texas Law mandates that individuals who are 21 years of age or older or who are otherwise exempt by law, and who currently possess a concealed handgun license (LTC) from the State of Texas or an approved reciprocating state, may legally carry a concealed handgun on or about their person.

3. This policy applies to all faculty, staff, students and visitors of the College, except for Campus Police

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officers, and all subjects described within this document who may be exempt. It is the responsibility of Campus Police to enforce this policy.

DEFINITIONS

a) *Handgun* – Any firearm that is designed, manufactured, made 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 display a handgun, in whole or part, in plain view of another person in a public place. Texas Penal Code 46.035.

e) *Gun Free Zone (GFZ)* – An area of the campus in which the possession of handguns are prohibited. Each restricted area requires that notice be given to license holders as specified under Texas Penal Code 30.06.

f) *License to Carry (LTC)* – A license to carry a handgun (LTC) issued by the Texas Department of Public Safety (TXDPS), under Texas Government Code 411, Subchapter H. Includes a valid conceal carry license issued by TXDPS.

g) *Disciplinary Action* – Sanctions by the College, up to and including removal, probation, suspension, expulsion, or termination of employment.

h) *Temporary Storage* – Storage period not to exceed 24 consecutive hours and one 24 hour period in a 7 day week.

i) *Private Office* – An office space provided by the college to be used by a single (one person) faculty or staff member only.

j) *Shared Office* – Office space used by more than one person. This would include office space that may have only one occupant, but is designed or intended to be used by more than one person.

k) *Campus Police* – Any police department either operated by Galveston College or contracted by Galveston College providing services in the capacity defined by the State of Texas.

l) *Laboratory* - A classroom or facility where experiments or assignments can be worked on using any hazardous or non-hazardous chemicals, materials or equipment such as magnets, oxygen tanks and the like are used.

m) *Governmental Meeting* – A “Open Meeting” with deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another

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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. Defined under chapter 551 of the Texas Government Code 551. (Example" Board of Regent Meetings)
n) Short Term – A period of no more than 24 hours.

RESPONSIBILITIES

A License to Carry (LTC) holder 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 controlled by Galveston College, except in areas identified as Gun Free Zones (GFZ).

Failure to comply with any of the following procedures may result in either disciplinary action, criminal prosecution, or both.

1. Concealment - It is the responsibility of the LTC holder to conceal the handgun. In addition, handguns must be carried in a manner that would prevent accidental discharges. When not carried on or about their person, a handgun must be secured in a vehicle or, if an employee, in a manner specified below in section #2 Storage.

2. Storage - Employees of the college who are LTC holders are permitted to store a handgun in their office as long as the handgun is secured in a gun safe that meets or exceeds the specifications found at CHFA (Regulation). It will be the responsibility of each student who is a LTC holder to secure and store their weapon when it is not on or about their person in a gun safe that meets or exceeds the following specifications as outlined at CHFA (Regulation).

3. Gun Free Zones (GFZ) - Employees may submit a request to the President or designee to have their office, classroom/laboratory, and/or area designated as a GFZ. These requests will be reviewed and approved on a case-by-case basis. Offices located in any area determined to be vital

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infrastructure to the operation of the college community are considered GFZ's.

4. Safety and Security – The licensed carrier is responsible for maintaining complete practical control of their handgun at all times, so that it is either on the licensee's person or is immediately accessible from a purse or other analogous personal accessory that is continually under the direct control of the licensee. The only alternative to these conditions is that a gun be stored appropriately, as required in section #2 Storage.

5. Employment Duties – Unless required as part of their employment duties as a Campus Police Officer, the carrying of a firearm by a Galveston College employee is considered to be beyond the scope of an employee's duties. Employees who carry a concealed weapon or use a concealed firearm are acting of their own accord and not as an agent or representative of the College.

PROHIBITED OR
ILLEGAL
CIRCUMSTANCES

The following circumstances are prohibited or illegal:

1. The possession of a weapon on campus while intoxicated. (Note: Being intoxicated on campus with or without a weapon is a violation of College policy.)
2. Off-campus travel by college led/sponsored individuals or groups traveling to areas that may exclude handguns to fulfill legal or contractual obligations or to allow a group/individual to travel to an area or place where a gun would be restricted, such as a prison, hospital, polling place, child care facility, etc.
3. Open Carry of a handgun on the Galveston College campus is prohibited. Authorized members of the Campus Police, other law enforcement officers, and other persons designated appropriate by law enforcement authorities are exempt.
4. Recklessly revealing a handgun on campus is prohibited and subject to disciplinary action and criminal prosecution.

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5. With the exception of authorized Campus Police personnel, no College employee should inquire whether or not a person is carrying a concealed weapon or whether the person possesses an LTC.
6. Any person unless they have been threatened, who openly states that they possess a handgun and/or a license to carry may be charged with terroristic threat, assault by threat, or other charges deemed appropriate by law enforcement.
7. Any person who accidentally discharges a weapon on campus may be subject to disciplinary action, criminal prosecution, or both. In situations where a weapon is intentionally discharged, the case will be investigated and judged on its merits. If the intentional discharge of a weapon is found not to be justified then the person discharging the weapon may be subject to disciplinary action, criminal prosecution, or both.
8. Any weapons prohibited prior to S.B. 11 under Sections 46.00 through 46.05 of the Texas Penal Code are still prohibited. This includes, but is not limited to, long guns, shotguns, knives with a blade longer than 5.5", brass knuckles, clubs, explosives, etc. (See Policy CHF: Weapons)

GUN FREE ZONES

There are areas of the Galveston College Campus, and properties owned, leased or rented by Galveston College, which were identified as locations deemed Gun Free Zones (GFZ), therefore prohibiting Concealed Carrying of a handgun at these locations. There are two types of GFZ's. One is permanent, and the second is temporary. The permanent GFZ is one that meets the requirements of a GFZ daily. A temporary GFZ is a building, room, or area used for a short period, which meets the requirements of a GFZ on a short-term basis. The requirements are dictated by law and policy.

If an individual or group requests an area be declared a permanent GFZ, a written request must be completed and submitted to the President or designee.

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There are two types of permanent GFZs. One includes areas mandated by current state and/or federal law. The second are those deemed gun-free by Galveston College

1. State and/or Federal Designated Gun Free Zones:

- a) Sporting and Interscholastic Events. The carrying of concealed weapons is prohibited at sporting and/or interscholastic events held on the College's premises, whether held under the sponsorship of the Galveston College District or of some external organization, and whether the event is ticketed or not. This prohibition is in accordance with the Texas Penal Code §46.035(b)(2).
- b) Healthcare Facilities. Various rooms and areas of the College District's buildings functioning as nursing or health care facilities licensed under Chapter 242 of the Health and Safety Code consistent with Texas Penal Code §46.035(b)(4), these areas will be marked clearly to designate their functions, and individuals carrying concealed weapons will be excluded from them.
- c) Hearing Facilities. Various rooms and areas of the College District buildings that function from time to time as facilities for disciplinary hearings or for mediation sessions. When so used, these areas will be marked clearly to designate a temporary GFZ. It will be incumbent upon the individuals carrying concealed weapons not to enter these areas when so designated.
- d) Polling places. Texas Penal Code 46.03(a)(2).
- e) Established places of religions worship. Texas Penal Code 46.035(b)(6)
- f) Open Meetings – Any room or rooms used by a Government entity for open meetings as defined under Chapter 551 and notice was given as required by Chapter 46.035.
- g) Campus daycare facilities or areas of the

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campus that may be used as a public school facility.

2. College District Designated Permanent Gun Free Zones:

Hermes Fitness Center

First Floor Lobby of the Hermes Fitness Center

H-100 Gymnasium
H-101 Ground Floor Stairs
H-102 Men's Locker Room
H-102A Men's Locker Room Storage
H-103 Women's Locker Room
H-103A Women's Locker Room Storage
H-104 Office*
H-104A Office Storage*
H-106 Fitness Center

Hermes Second Floor Vending
Hermes Second Floor Stairs
H-200 Aerobics
H-201 Office*
H-202 Office*
H-202A Storage*

**These areas are inaccessible except that one enters through the Hermes Fitness Center; therefore, they are included as GFZs.*

Northen Building

N-100 Physical Plant
N-222 – EMT Lab

Regents Building

R-117 – Testing Center
R-378 – Chemistry Lab Prep/Storage
R-373A – Biology Storage/Preparation

Charlie Thomas Family Applied Technology Center

ATC 215 – HVAC Shop
ATC 214 – Welding Shop

City Owned Athletic Fields
(When Used by the College)

Lassie League Fields (Softball Field)
Bernard Davis Field (Baseball Field)

3. Temporary Gun Free Zones: Only the President or designee may establish a temporary gun free zone (GFZ) and/or the procedures for the establishment of a temporary gun free zone (GFZ), as necessary and reasonable. Reasons for the establishment of a temporary GFZ may include, but are not limited to: a) areas used for discussions of a grievance or disciplinary hearing; b) a room or rooms used for an open meetings of a public entity; or, c) an area where minor children may be present on a short term basis.

4. Signage for Gun Free Zones:

- a) All areas deemed GFZ's (permanent or temporary) must have written notice placed at the entrance and must be clearly visible giving notice that the premise or area is a designated GFZ. Written notice must be given as to where LTC licensees may not carry. Notice given on a card, document or sign must be the designated size and contain the language (in English and Spanish) exactly as specified in Section 30.06 of the Texas Penal Code.

AMENDMENT OF
PROVISIONS

As provided by law, the President may, at his/her discretion, amend the provisions of this policy as necessary for campus safety, which shall take effect as determined by the President, unless subsequently amended by the Board of Regents.