

Concealed Handguns on Campus Policy

Policy Statement. The College is committed to providing a safe environment for students, faculty, staff, and visitors, and to respecting the right of individuals who are licensed to carry a handgun where permitted by law. Individuals who are licensed to carry may do so on campus premises or in a college owned vehicle except in locations and at activities prohibited by law or by this policy. Individuals who observe a violation of this policy are required to report the incident immediately to the Campus Police Department, so it can be documented and properly investigated. Campus Police can be contacted at 903 510-2222 for emergencies and 903 510-2258 for non-emergencies.

Reason for Rule. This policy establishes requirements for carrying handguns at Tyler Junior College (TJC) pursuant to Texas Government Code 411.2031.

Application of Policy. This policy applies to all faculty, staff, students, guests, visitors, and individuals and organizations doing business on behalf of the College on the campus premises. This policy does not apply to licensed peace officers as defined in article 2.12 of the Texas Code of Criminal Procedures.

Definitions.

1. Activities. “Activities” means all functions, events, and programs on the TJC campus premises.
2. About the person. “About the person” mean a license holder may carry a handgun in a manner such that it must be sufficiently close to the license holder, so he or she can grasp it without materially changing position.
3. Campus Premises. “Campus premises” means all land, buildings and portions of buildings owned or leased by Tyler Junior College.
4. Campus Housing. “Campus housing” means a residential facility owned or leased and operated by the College and located on the campus premises.
5. Collegiate Sports. “Collegiate sports” means intercollegiate, club, and intramural athletic activities occurring on the campus premises.
6. Concealed Handgun. “Concealed handgun” means a handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.
7. Days. “Days” means business days.
8. Employee. “Employee” means an individual who is hired in a full-time, part-time, or temporary capacity in a faculty or staff position or in a position for which the individual is required to be a student, i.e. Work Study or student worker, as a condition of employment.
9. Exclusion Zones. “Exclusion zones” means places and events where concealed handguns are prohibited (gun-free zones).
10. Handgun. “Handgun” means any firearm that is designed, made, or adapted to be fired with one hand.
11. Holster. “Holster” means a device specifically designed and manufactured to be worn on the body or about the person and have sufficient tension or grip to retain a handgun securely while being jostled. It must be designed to completely cover the trigger and the entire trigger guard area.
12. Interscholastic Event. “Interscholastic event” means a function or program involving elementary or secondary schools.

13. Large-scale Event. “Large-scale event” means a function or event, other than a classroom or academic program, where attendance is reasonably anticipated to exceed 200 individuals.
14. License Holder. “License holder” means a person issued a currently valid License to Carry a handgun by the Texas Department of Public Safety under Chapter 411 of the Texas Government Code.
15. Reviewing Official. “Reviewing official” means the College official designated by the President to review a decision to temporarily restrict the carrying of concealed handguns on the campus premises.
16. Store. “Store” means to take steps that a reasonable person would take to prevent the access to a firearm, including but not limited to placing 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”.
17. Work Area. “Work area” means the place or places an individual performs assigned duties as an employee of TJC.

Procedures and Responsibilities.

- I. Open Carry Prohibited. All persons, including license holders, are prohibited from openly carrying a handgun on the campus premises, including on any public driveway, street, sidewalk or walkway, parking lot, parking garage or other parking area on the campus premises.
- II. Carrying of Concealed Handgun by a License Holder.
 - A. Right to Carry. A license holder may carry a concealed handgun while on the campus premises (including public driveways, streets, sidewalks or walkways, parking lots, parking garages and other parking areas) and in College passenger transportation vehicles, unless prohibited by state or federal law, or by this policy. License holders are responsible for knowing areas where carrying a concealed handgun is prohibited where notice is not required to be posted. The concealed handgun must be in a holster as defined in this policy.
 - B. Intoxication. A license holder may not carry a concealed handgun while intoxicated.
 - C. Display of Concealed 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 in a holster, on the campus premises, including public driveways, streets, sidewalks or walkways, parking lots, parking garages or other parking areas on the premises of TJC. 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. A license holder may not intentionally or knowingly display a handgun in plain view of another person except as necessary to properly store the weapon.
 - D. Requirement to Display License. A license holder must display his or her License to Carry when directed by a law enforcement officer in accordance with section 11.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he or she is a license holder in order to participate in any program or service offered by the TJC, except as required by law.
- III. Carrying of Concealed Handgun by Employees. Any 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 to use the weapon in the course and scope of performing his or her duties. An 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 Government Code or any other immunity the individual may otherwise be entitled to as a College employee.

- IV. Exclusion Zones. A license holder is prohibited from carrying a concealed handgun onto the campus premises where prohibited by law and where prohibited by this policy based on the nature of the student population, specific safety concerns, and uniqueness of the campus environment.
- A. Concealed handguns are prohibited:
1. 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. Therefore, the College excludes concealed handguns in the following locations during high school, collegiate, and professional sporting events:
 - a. Wagstaff Gymnasium
 - b. Pat Hartley Field
 - c. Tennis Courts
 2. 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;
 3. 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;
 4. At a location where the campus premises are used by a court unless the handgun is carried pursuant to written regulation or written authorization of the court in accordance with section 46.03(a)(3) of the Texas Penal Code;
 5. In a nonpublic, secure portion of the Tyler Junior College Police Department used to conduct official business as prohibited under section 411.207(b) of the Texas Government Code. Therefore, the College excludes concealed handguns in the following locations:
 - a. Beyond the lobby area of the main campus police department at 1020 S. Baxter
 - b. In all areas of the campus police annex building at 1019 S. Baxter
 - c. Campus police office on the West Campus
 6. 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 generally prohibiting license holders from carrying concealed handguns on the campus premises;
 7. At a location where medical, health, or clinical services are provided. Therefore, the college excludes concealed handguns in the following locations:
 - a. The Mental Health and Counseling Center in Rogers Student Center,
 - b. ETMC Clinic in Rogers Nursing and Health Science building,
 - c. Dental Hygiene Clinic in Rogers Nursing and Health Science building,
 - d. Sleep Study Lab on the 1st floor of the Rogers Nursing and Health Science building.
 - e. Diagnostic Medical Sonography Lab 2nd floor of the Rogers Nursing and Health Science building.
 - f. The Disability Services Office
 - g. TJC Jacksonville, 501 S. Ragsdale St.
 - h. TJC Rusk, 805 N. Dickinson

8. At a location where services to minors are provided. The Texas Department of Family and Protective Services prohibits the possession of firearms at licensed child care centers and at facilities with before or after school care. This location is a state-licensed child care center:
 - a. The Family Learning Center located on the campus of Douglas Elementary School.
 9. At a location with Special or Unique Uses. Therefore, the college excludes concealed handguns in the following locations:
 - a. In the room(s) used by the TJC Police Academy for the basic peace officer classes. (TCOLE rules prohibit weapons in the Academy but not in-service training)
 - b. Administrative and Disciplinary Hearings. Location to be determined by the hearing officer. Formal Hearings—student conduct, employee disciplinary, faculty and student grievance and appeals. Concealed handguns are excluded in disciplinary hearings conducted by the professional staff of Residential Life. Formal disciplinary hearings and grievance actions are not unlike those associated with court hearings, in which handguns are not allowed in accordance with the Texas Penal Code.
 - c. The various areas used by The Testing Center. Testing is available to TJC students, non-TJC students, K-12 students, and the general public. Contractual requirements of the testing companies prohibit personal items and/or specifically prohibit weapons in the Test Center. Locations include the Testing Center on the second floor of Rogers Student Center, the testing lab in Rogers Nursing Health Services building, and any other testing areas utilized.
 - d. In rooms 157 & 159 at the West Campus during times when the Tyler Independent School District’s Learning Independent New Knowledge (LINKS) class is in session.
 - e. In rooms when there is a meeting of the TJC Board of Trustees. Section 46.035 of the Texas Penal Code provides that concealed handguns are prohibited in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551 of the Government Code, and the entity provided notice as required. This policy specifically allows current members of the board of trustees and college president to carry handguns to a meeting of the board of trustees. This authorization only applies to current board members and president.
 - f. Into the classrooms solely used by the Early College High School while class is in session.
 - g. In the Veterinarian clinic area at TJC North. The clinic at TJC North is a complete veterinarian clinic including surgery, radiology, and clinical pathology lab.
- B. Concealed handguns are prohibited at the following Activities:
1. High school graduations
 2. Events where alcoholic beverages are served

3. Locations where summer camps or other events or camp for minors are being held during camp/event hours or extended care hours for minors
 4. Any other location as determined on a case by case basis for a specific time period as determined by the College President if such situation poses a threat to the safety of the campus community in his/her opinion.
- C. Leased Premises- Third parties that lease a premise from the college have the authority to determine the concealed carry rights on the portion of the premises subject to the lease. If concealed carry is prohibited by lessee, then lessee must provide effective notice under Section 30.06, Penal Code and must advise the college, as lessor, of such prohibition in writing. This provision does not apply to lessees of any dormitory or residential facilities that are bound by contract to abide by the policies and residential rules of TJC; such lessees must comply with this policy as it relates to residential dorms.
- V. Obligation to Provide Notice Where Concealed Handguns are Prohibited. The College shall provide notice at all locations and 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. Any individual who without authorization, tampers with, defaces, modifies or removes a notice provided pursuant to this policy is subject to disciplinary action, including trespass from campus, suspension, termination of employment or a business relationship, and is subject to criminal prosecution.
- A. Notice required under this policy must read:
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.
 - B. Notice must be provided in writing and on a card or other document in both English and Spanish. When notice is posted at a location, the sign must appear in contrasting colors with block letters at least one (1) inch in height, displayed in a conspicuous manner that is clearly visible to the public, and at a sufficient distance from the location or activity to inform a license holder that entry on the property or presence at the activity with a concealed handgun is prohibited.
 - C. The College shall publish this policy annually in the policy manual and student handbook, catalog, and on a webpage dedicated to the carrying of concealed handguns on campus premises.
 - D. Contracts for use of the campus premises shall include pertinent provisions of this policy.
- VI. Campus Housing. A concealed handgun may be carried or stored in campus housing as set out in this policy.
- A. Residents.
 1. A license holder who resides in campus housing may carry a concealed handgun into campus housing and may store the weapon in his or her residential room except during periods between the spring and fall semesters when the facility hosts summer camps attended by minors.
 2. A resident who brings a concealed handgun into campus housing pursuant to this policy must carry the weapon on his or her person at all times or store it in his or her residential room.

3. A handgun may be stored only in a residential room as defined in this policy, and in a locked container specifically designed and professionally manufactured to store a handgun.
4. A resident may not intentionally or knowingly display a handgun in plain view of another person in campus housing except as necessary to properly store the weapon in his or her residential room.

B. Non-Residents.

1. A license holder who does not reside in campus housing may carry a concealed handgun into campus housing except during periods between the spring and fall semesters when the facility host summer camps attended by minors.
 2. The handgun must be carried on the non-resident's person at all time and may not be stored in a campus housing room.
- C. Responsibility for Personal Injury or Damage. A resident or non-resident whose possession, use, or storage of a handgun results in personal injury or property damage is personally liable for the injury or damage.

VII. Temporarily Prohibiting Concealed Handguns on Campus Premises.

- A. The President or President's designee may prohibit the carrying of concealed handguns for up to seven (7) days in order to promote safety on the campus premise under these circumstances:
 1. When the activity has a history of violence;
 2. Or where a large-scale activity, due to the presence of alcohol, uniqueness of the campus environment, specific threat of violence, or other safety considerations present a reasonable threat to health or safety;
 3. And if effective notice is provided pursuant to Section 30.06 of the Texas Penal Code.
- B. The Director/Chief Campus Police may prohibit the carrying of concealed handguns on the campus premises:
 1. When it reasonably appears that there is threat of injury to human life, destruction to College property, or a threat of willful disruption of orderly operation of the College as defined in section 51.231 of the Education Code;
 2. Upon receipt of credible information of imminent injury to human life or destruction to College property.
- C. Review of Decision to Temporarily Restrict Carrying of Concealed Handgun:
 1. A license holder may request review of the decision to temporarily prohibit the carrying of a concealed handgun.
 2. The request must be submitted in writing to the Reviewing Official and describe why allowing concealed handguns at the location or activity does not present a safety concern.
 3. The reviewing official may request additional information and must notify the license holder of the decision no later than two (2) days after receiving the request for review. The notice must provide the reason(s) for the decision.
 4. The decision of the reviewing official is final.

- VIII. Sanctions for Violating this Policy. Any individual who violates this policy is subject to disciplinary action to include trespass from campus, suspension, or termination of employment or a business relationship, and is subject to criminal prosecution.
- IX. Report to Legislature. TJC shall 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, 2017 and every even-numbered year thereafter. The report will be submitted to the President prior to submission to the Legislature.
- X. Amending Policy.
- A. The policy may be amended as necessary for campus safety, to include:
Permanently designating new or additional locations where the carrying of concealed handguns on campus premises is prohibited;
 - a. Any prohibition must be based on specific safety considerations, the nature of the student population, and/or the uniqueness of the campus environment;
 - b. May not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on campus premises;
 - c. Requests to amend this policy to permanently prohibit the carrying of a concealed handgun must be submitted, in writing, to the Executive Director Human Resources.
 - d. The request to amend will be referred to the Campus Carry Committee for review. The Campus Carry Committee will consider the proposed changes and make any amending recommendations to the Executive Director of Human Resources.
 - B. The request must describe the specific factual reasons for the permanent designation, including safety concern(s), the nature of the student population, and/or any unique features or circumstances related to the building, part of a building, or activity that regularly takes place in the building.
 - C. The request and proposed amendment will be posted on the College's webpage dedicated to the carrying of concealed handguns. Interested individuals must be given a reasonable time and opportunity to comment on the request before the proposed amendment is submitted to the President for approval.
 - D. Any amendment to this policy that has the effect of restricting the lawful carrying of a concealed handgun by a license holder must be submitted for the President's approval.

Effective Date: August 1, 2017

References and Cross-references.

Tex. Gov't Code, Chapter 411

Tex. Penal Code, Chapter 30

Tex. Penal Code, Chapter 46

Tex. Educ. Code, section 51.231



Tex. Code. Crim. Proc., article 2.12

Forms and Tools.

campuscarry.tjc.edu

www.tjc.edu/campuscarry