

NORTHEAST TEXAS COMMUNITY COLLEGE CONCEALED CARRY POLICY

Statutory Basis for Local Policy

Pursuant to Texas Government Code, Section 411.2031(c), and except as provided by certain exceptions under the subsections of the law, Northeast Texas Community College may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution. Under Section 411.2031(d) of the Government Code, the College may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution. Pursuant to Section 411.2031(d-1), after consulting with students, staff and faculty of the College, the College President 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. The President may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution.

Scope of Policy

The following policy pertains to handguns and license holders on College premises and at College related activities. This policy applies to all students, employees, affiliates of the College and visitors of the College while on the campus.

Definitions

Definitions of terms used in or applicable to this policy are set forth below.

"Campus" means all land and buildings owned or leased by the College.

"Concealed handgun" is a handgun not openly discernable to the ordinary observation of a reasonable person.

"Handgun" refers to any firearm that is designed, made, or adapted to be fired with one hand, as per Texas Penal Code, Section 46.01(5); "firearm" is defined at Section 46.01(3) of the Penal Code.

"License holder" is a person licensed to carry a handgun under Chapter 411 of the Texas Government Code.

"On or about their person" means a person licensed to carry a handgun must carry a handgun in a manner that the handgun is close enough to the license holder that he or she can reach it without materially changing position.

General Policy

Persons licensed by the State of Texas to carry a handgun may carry a concealed handgun on the College campus except in locations and at activities prohibited by law or this policy.

The open carrying of handguns is prohibited everywhere on the College campuses, except that this this provision does not apply to commissioned peace officers as defined in the Texas Code of Criminal Procedure, Article 2.12.

The use, possession, display or storage of all other weapons, simulated weapons, explosives, or fireworks at the College is prohibited and subject to appropriate disciplinary and/or criminal penalties.

Individuals who observe a violation of this policy are required to report the incident to a campus security officer. To report a crime, emergency or if you are in need of assistance call the Titus County Sheriff or NTCC Campus Security. There are also emergency phones stationed around campus.

General Safety Requirements

License holders who carry a handgun on campus must carry it concealed and on or about their person at all times or secure their handgun in a locked, privately-owned, or leased motor vehicle. The only exception to this policy is for license holders who reside in college-provided housing. Those license holders may store their handgun in a gun safe that meets the requirements set forth in this policy.

A license holder who carries a handgun on campus must carry it in a holster that completely covers the trigger and entire trigger guard area. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.

At all times, the responsibility of maintaining ownership and control of a concealed handgun rests with the license holder. Persons are responsible for knowing where their handguns are at all times, where or when concealed handguns are not permitted, and which areas on the College campus are exclusion zones.

The Texas Penal Code, Section 46.035(a-1)(1), provides that a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person and intentionally or knowingly displays the handgun in plain view of another person on the premises of an institution of higher education.

Storage

The College will not provide storage for handguns on the College campus. When not in the direct possession of the license holder, handguns must be concealed and locked in the owner's private automobile or safely and securely stored by other means consistent with law and College

policy. License holders living in college dorms will be subject to the NTCC Residential Life Handbook provided to all residential life students.

With regard to persons residing in college-provided housing, a gun safe used by a license holder must:

- a. be large enough to fully contain all firearms placed in it and provide for secure storage;
- b. have exterior walls constructed of a minimum 16-gauge steel;
- c. have a high-strength locking system consisting of a mechanical or electronic combination or biometric lock, and not a key lock; and
- d. be physically secured inside the license holder's residence in a manner which conforms to College policy.

Exceptions to Concealed Carry

A license holder is responsible for knowing and complying with all applicable state and federal law prohibitions relating to the carrying of a concealed handgun on campus. *Some* of the most important restrictions on or prohibitions against the carrying of concealed handguns on the College campus include the following:

- **Sporting and interscholastic events.** License holders are prohibited under Texas Penal Code 46.035(b)(2) from carrying handguns 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.
- **Governmental body meeting areas.** License holders may not carry handguns into any rooms in which a formal meeting of a governmental body, including but not limited to, the College Board of Trustees, is being conducted pursuant to the Texas Open Meetings Act, provided that the license holder was given notice that handguns were prohibited. *See* Tex. Penal Code § 46.035(c).

- **Presence of School Children.** Texas Penal Code § 46.03(a)(1) generally prohibits the carry of firearms on the physical premises of any pre-K-12 schools and on any grounds or in any buildings where any pre-K-12 school-sponsored activity is being conducted. Accordingly, where any such activity is occurring on the College campus, the carrying of firearms is prohibited. Tex. Penal Code 46.035(a-3). Because of the unique challenges of notification regarding this exclusionary zone, the College may place notice of such events occurring on campus immediately adjacent to the entrance to the particular building in use. If the presence of schoolchildren participating in a single event is so widely distributed across campus as to make the task of posting notices an impracticality then the campus may be declared a temporary exclusion zone, at the discretion of the President. In such a case, notification will be posted at all public entrances to the campus.

Exclusion Zones

The essential core facilities of the College, including classrooms, multi-person administrative offices, multi-person faculty and staff offices, and libraries will be accessible to individuals carrying concealed weapons in accord with their licenses and state and federal law. As noted above, all license holders are expected to know and respect the various restrictions and limitations imposed upon the carrying of concealed weapons across various situations. While not seeking to identify all places or circumstances in which concealed weapons are or would not be allowed, the College designates the following as “exclusion zones,” in accord with its discretion to identify particular venues on campus where the presence of concealed handguns would be particularly inappropriate either on a permanent or temporary basis.

- **Formal hearings pursuant to College policy, including but not limited to student discipline, employee grievances, or mediation session.**

Notice will be posted in applicable areas.

- **Selected laboratories and similar places**

Concealed carry may be prohibited in laboratories subject to compliance with National Fire Protection Association Standard/Code 45 or otherwise containing extremely dangerous chemicals (reactive, flammable, and explosive chemicals), compressed gas cylinders, biologic agents, or any such places in which accidental or incidental discharge of the weapon might have catastrophic or dangerous consequences, including also areas with equipment that is incompatible with metallic objects, such as magnetic resonance imaging machines and nuclear magnetic resonance spectrometers. Appropriate signage will be posted in the areas of all laboratories that are designated as exclusionary zones.

- **Testing Centers.**

The carrying of a firearm is prohibited at student assessment areas and testing centers on campus when nationally sanctioned tests, such as ACT, SAT, TOEFL, etc., are being administered. As students (including high school students and minors) are using the Testing Center year-round, the Testing Center is designated an Exclusion Zone.

- **Temporary Exclusion Zones as Designated.**

Other areas (rooms or buildings) will be designated as “temporary exclusion zones” when, in the judgment of the President, the activities conducted within are such that legal or safety considerations warrant such exclusion. When an area is designated a “temporary exclusion zone” appropriate signs will be posted in advance of the event.

Any requests for exclusions zones not expressly addressed by this policy may be submitted to the College President for consideration.

COMMUNICATION AND TRAINING

The College will make available and post in prominent locations on both physical campus and the College website, information, including FAQs, relating to the campus concealed carry policy;

VIOLATION OF COLLEGE POLICY

Persons who violate this policy may be subject to criminal penalties and administrative action under College policy.

Employees who violate this policy may be subject to discipline, up to and including termination of employment under College policy and procedure; criminal penalties may be applicable.

Students who violate this policy may be subject to discipline, up to and including suspension or expulsion; criminal penalties may also be applicable.