

PURPOSE &
SCOPE

The purpose of this policy is to inform staff, faculty, students, and visitors of the rules and regulations regarding the carrying of concealed handguns on campus by those individuals licensed to carry a handgun. In June of 2015, Governor Abbott signed into law Texas Senate Bill No.11 (S.B.11), also referenced as the “campus carry” law. S.B. 11 amends §411.2031 of the Texas Government Code to allow carrying of handguns by license holders on the campuses of certain institutions of higher learning, including College of the Mainland (COM). Only a licensed person may carry weapons designated under Subchapter H of Chapter 411 of the Government Code; any other weapons are expressly prohibited. Individuals who do not possess a valid License to Carry (LTC) handgun currently are and will continue to be prohibited from carrying handguns on campus. S.B. 11 went into effect for four year colleges on August 1, 2016 and goes into effect for two-year colleges on August 1, 2017.

This Policy will establish rules, regulations and provisions pertaining to the carry of concealed handguns by LTC holders on the campus of COM as well as any properties owned, leased or rented by COM including any campuses that may be established in the future.

- a. In accordance with Government Code Section 411.2031 and Texas Penal Code 46.035, COM recognizes the right of individuals who possess a LTC to carry a concealed handgun on campus property and in buildings whether owned, leased or rented by COM, unless otherwise prohibited by law or this policy.
- b. This policy applies to all faculty, staff, students and visitors of COM, except for the officers of College of the Mainland’s Police Department, any law enforcement officers who are working for COM through a contract, other law enforcement officers as allowed by law, as well as persons authorized to carry firearms related to activities at The Lemuel B. Powell Memorial Firearms Training Center and those other individuals described within this policy that may be exempt.
- c. It is the primary responsibility of College of the Mainland’s Police Department to enforce this policy established by the Board of Trustees and State Law as appropriate.

Faculty, staff, students, visitors, individuals, and organizations doing business on behalf of COM on the campus premises or properties owned, leased or rented by College of the Mainland will be required to adhere to this policy. This policy does not apply to commissioned peace officers as defined in article 2.12 of the Texas Code of Criminal Procedures.

DEFINITIONS

Concealed Handgun – A handgun that is not openly discernible to the ordinary observation of a reasonable person.

Governmental Meeting – An “Open Meeting” with deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another 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 as defined under chapter 551 of the Texas Government Code and the governmental entity provided notice as required by that chapter (example: Board of Trustees meetings).

Gun Free Zone – An area of the campus which may be all or part of a building or a room in which the possession of handguns are prohibited as covered in section “Buildings, Areas and Spaces of Gun Free Zones” below. Each restricted area requires that notice be given to LTC holders as specified under Texas Penal Code 30.06.

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

Holsters - Holsters include backpacks, purses, body worn holsters, concealed shoulder holsters, and other items.

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

On or about – Actual care, custody control or management of a firearm under Texas Penal Code 1.07 (A) (39).

Open Carry – Visible possession of a handgun in public.

Reveal – To intentionally or knowingly display a handgun, in whole or part, in plain view of another person in a public place.

FIREARMS

The College District prohibits the use, possession, or display of a firearm on College District property or at a College District sponsored or related activity in violation of law and College District regulations.

GUN FREE
ZONES

This portion of the policy clarifies the areas on COM’s campus or properties owned, leased or rented by COM, which are deemed Gun Free Zones and thus the carrying of a concealed handgun inside the defined locations is prohibited by this policy. Any further mention of properties owned, leased or rented by COM in this policy/procedure will be referred to as “campus” unless otherwise stated.

There are two types of Gun Free Zones under this policy. One is of a permanent nature and the second is temporary. A permanent Gun Free Zone is one that meets the requirements of a Gun Free Zone on a constant, daily basis. A temporary Gun Free Zone is a building, room, or area used for a short period of time, which meets the requirements of a Gun Free Zone only periodically when a specific event occurs so as to make it a Gun Free Zone for that period of time.

BUILDINGS,
AREAS &
SPACES OF
GUN FREE
ZONES

Building/Location	Function	Reason for Exemption	Permanent Exclusion	Temporary Exclusion
Building #5/COM Main Campus – Lab School	Child Care	Based on Title 40 Texas Administrative Code 746.3707 this is a premises where a licensed childcare center is operated.	Yes	
Building #19/Appomattox Board of Trustees Meeting Room	Meetings conducted under the Texas Open Meetings Act	Texas Penal Code 46.035(c)		Yes
On the premises 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	Varies according to activity	Texas Penal Code 46.035(b)(2)		Yes
Premises of a polling place during early voting or on election day	Voting activities	Texas Penal Code 46.15 (a)		Yes
Building #2/Testing Center and COM Learning Center – League City East	Contractual and non-contractual testing and college course instruction.	Contractual or licensing obligations require the exclusion of firearms.	Yes	
Campus facilities used for religious services	Varies	Texas Penal Code 46.035 (b) (6)		Yes

EXCEPTION
TO ABOVE
GUN FREE
ZONES
DESIGNATION

It is an exception to the above designation of the Appomattox Board of Trustees Meeting Room as a gun free zone if pursuant to written regulations or written authorization by the Board of Trustees under Texas Penal Code 46.03(a)(1)(A) a person is or persons are permitted to carry a handgun or other firearm during meetings.

SIGNAGE FOR
GUN FREE
ZONES

All areas deemed Gun Free Zones or Temporary Gun Free Zones must have written notice conspicuously placed at the entrance and must be clearly visible giving notice that the premises is a Prohibited Conceal Carry location or Gun Free Zone. Written notice must be given as to where those with LTC may not carry handguns. Notice for the Gun Free Zone must be given on a card, document or sign that contains the language exactly as specified in Section 30.06 of the Texas Penal Code:

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.

When signage is posted to declare an area or room a Gun Free Zone, the sign must meet the minimum statutory requirements:

- Must include the above listed language in both English and Spanish;
- Constructed in contrasting colors with at 1" block lettering; and
- Be displayed in a conspicuous manner clearly visible to the public.

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.

OTHER
WEAPONS
PROHIBITED

The College District prohibits the use, possession, or display of any illegal knife, club, or prohibited weapon, as defined by law, on College District property or at a College District-sponsored or related activity, unless written authorization is granted in advance by the College President or designee.

The possession or use of articles not generally considered to be weapons may be prohibited when the College President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.

PROCEDURES

- I. Failure to comply with any of the following procedures may result in disciplinary action and/or criminal prosecution. The concealed handgun policies of College of the Mainland must be adhered to by students, faculty, staff, and visitors.
 - a. A holder of a LTC may carry a concealed handgun on or about their person while on COM property or in any buildings or properties owned, leased or rented by College of the Mainland except in areas that have been deemed Gun Free Zones under this policy.

- b. Handguns must be carried in a manner that would prevent accidental discharges. It is the responsibility of the LTC holder to conceal the handgun and to carry the handgun in a manner that does not allow it to be visible to another person in whole or part.
 - c. Any person who does not have a valid LTC is prohibited from carrying a handgun on any portion of the college campus, its properties, or buildings whether it is concealed or not except for individuals legally storing a handgun in their personal vehicle located in the college's parking lots.
 - d. S.B. 11 does not require colleges to provide handgun storage for LTC holders. No handgun storage will be provided by College of the Mainland. Lockers, cabinets, closets and furnishings are property of College of the Mainland and shall not be used to store a handgun. LTC holders have sole responsibility to secure their firearms in a manner compliant with the law.
 - e. Any employee who is not required to carry a firearm as part of their specific assigned duties with the College, but who carries a concealed weapon as a LTC holder, does so outside the scope of the duties and responsibilities of their employment with the College. Therefore, any employee who chooses to carry or use a firearm is acting in the employee's own accord and not as an agent or representative of the College.
 - f. The following circumstances are prohibited and/or illegal:
 - 1. The possession of a weapon on campus while intoxicated.
 - 2. The possession of a weapon on campus in a designated Gun Free Zone under this policy.
 - 3. The carrying of a handgun on campus in an unconcealed manner is prohibited. Authorized members of the College Police Department, other law enforcement officers and other persons designated appropriate by law enforcement authorities are exempt.
 - 4. Intentionally displaying a handgun in a manner calculated to alarm another on campus.
 - 5. With the exception of authorized College of the Mainland Police Department personnel, no College employee should inquire whether or not a person is carrying a concealed weapon or whether the person possesses a LTC.
 - 6. It may be considered a threat under some circumstances if a person states they possess a LTC in an attempt to intimidate another.
 - 7. Discharging a weapon on campus whether intentional or unintentional is grounds for Disciplinary Action, except for discharges related to activities at The Lemuel B. Powell Memorial Firearms Training Center. -
 - 8. Violating the illegal weapon and other weapons prohibitions of Chapter 46.05 of the Texas Penal Code.
- II. Application to establish or modify gun free zone
- a. The President or designee will review applications to establish or modify gun free zones. The application must contain the exact zone to be added or modified, a rationale for the request based on the gun free zone criteria, and a plan for where required signage is to be placed.
 - b. These recommendations will be submitted to the President of the College, who will determine if the gun free zone request should be forwarded to the Board of Trustees.

- III. Request to review decision to restrict carrying of concealed handgun
- a. A license holder may request review of the decision to prohibit the carrying of a concealed handgun.
 - b. The request must be submitted in writing to the President or designee and describe why allowing concealed handguns at the location or activity does not present a safety concern. Additional information may be requested.
 - c. The license holder making the request will be informed of the decision no later than fifteen (15) business days upon receipt of the request. The notice must provide the reason(s) for the decision to not move the request forward to the Board of Trustees.

The President or designee will suggest amendments to the list of gun free zones. The decision of the President to move the request forward is final. The President and the Board will determine whether a building or area should be established, modified or removed.

ENFORCEMENT	<p>The primary responsibility for enforcement of this policy lies with law enforcement. Disputes, concerns or reports of policy violation should be communicated immediately to law enforcement which will enforce Texas laws.</p> <ul style="list-style-type: none">• <u>Requirement to Display License.</u> A license holder must display his or her LTC when directed by a law enforcement officer in accordance with section 411.205 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 College, except as required by law.• <u>Carrying of Concealed Handgun by Employees.</u> An employee who lawfully holds a LTC may carry a concealed handgun into his or her work area, unless prohibited under this policy. 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 Texas Government Code or any other immunity the individual may otherwise be entitled to as a College employee.
VIOLATIONS	<p>Employees and students found to be in violation of this policy shall be subject to disciplinary action. [See DH, FM, and FMA]</p>
REPORT TO TEXAS LEGISLATURE	<p>In accordance with SB 11, not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of section 411.2031 that describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and explains the reasons the institution has established those provisions.</p>
PUBLICATION OF POLICY	<p>The College shall publish this policy annually in the policy manual, employee and student handbooks, and on a webpage dedicated to the carrying of concealed handguns on campus premises. In addition, contracts for use of the campus premises shall include pertinent provisions of this policy.</p>