

Campus Carry

TASB Community College Services

The Texas Legislature enacted campus carry through the passage of [Senate Bill 11](#). The chief executive officer (CEO) of the community college district must take action, following procedures mandated by the bill, to adopt regulations addressing campus carry by the bill's August 1, 2017 effective date.

These changes will be made in the context of existing weapons laws. For more information about the existing firearms laws, see the FAQ [Firearms on Community College Campuses](#).

Senate Bill 11

Senate Bill 11 permits handgun license holders to carry a concealed handgun on a community college district campus, frequently referred to as campus carry. *Campus* is defined to include all land and buildings owned or leased by the college district.

Rules and Regulations: The college district CEO, as applicable, must establish reasonable rules or regulations to take effect August 1, 2017 addressing handgun license holders' carrying of concealed handguns on campus or in a building or portion of a building on campus. The restrictions may be established only after first consulting with students, faculty, and staff regarding specific safety considerations, the nature of the student body, and the uniqueness of the campus environment. The regulations may also address the storage of handguns in on-campus residential facilities owned or leased and operated by the college district. The established rules and regulations may not generally prohibit or have the effect of generally prohibiting handgun license holders from carrying concealed handguns on campus. Once adopted, the college district CEO may amend the rules when necessary to address campus safety.

Within 90 days after the rules and regulations are established, the college district board of trustees must review the provisions and may, if approved by at least two-thirds of the board, amend the provisions in whole or in part. Outside of the rules and regulations, the college district is not permitted to prohibit handgun license holders from carrying handguns on campus.

The rules and regulations must be distributed widely to faculty, staff, and students, including by placing them in a prominent location on the college district's website. In addition, if the college district opts to prohibit concealed weapons in campus buildings, the college district must provide the written notice described by Texas Government Code section 30.06, a provision specifying the language and format of a card, document, or posted sign that reflects the prohibition.

Report Regarding Rules and Regulations: The college district must report to the legislature and the relevant standing legislative committees by September 1 of each even-numbered year a description of the college district's rules and regulations addressing campus carry and explain the reasons for those provisions.

Civil and Criminal Liability: The bill clarifies that the college district is immune from damages claims deriving from actions taken as permitted, or duties required but not fulfilled, by Texas Government Code chapter 411, subchapter H, which includes the new provisions addressed in the bill as well as other concealed weapons provisions. The bill grants similar immunity to college district officials and employees. However, the immunity does not extend to situations where the action or failure to act is capricious or arbitrary or to a college district officer or employee who possesses a handgun on campus and engages in conduct related to the handgun that serves as the basis of a personal injury or property damage claim.

The bill provides that it is an exception the Texas Government Code section 46.03 offense of possessing or carrying a weapon on college district premises, on the grounds on which or in a building in which a college district sponsored activity is taking place, or in a college district vehicle for a handgun license holder to possess or carry a concealed handgun at those locations.

A handgun license holder commits an offense under Texas Government Code section 46.035 if that person carries a partially or wholly visible handgun and intentionally or knowingly displays the handgun in the view of another person in college district buildings, public or private driveways, streets, sidewalks, walkways, parking lots, parking garages, or other parking areas. The offense is a Class A misdemeanor. Prior to the Senate Bill 11 effective date, this offense applies only to intentional display.

The bill provides that a handgun license holder commits an offense under Section 46.035 if that person intentionally carries a concealed handgun in a building or portion of a building on the college district campus in violation of the rules and regulations adopted by the college district as described above provided that the college district provides the written notice described by Section 30.06 to the handgun license holder. The offense is a Class A misdemeanor.

Existing Section 46.035 language provides that a handgun license holder commits an offense if the person intentionally, knowingly, or recklessly carries a handgun in the building or portion of a building where a collegiate sporting event is taking place. The bill provides that the offense only applies if the person is given the written notice described by Section 30.06.

Implementation of Senate Bill 11

When preparing for Senate Bill 11 August 17, 2017 effective date, each community college district should develop the required regulations and a plan for outreach and education in a manner tailored for that particular college district. College districts may benefit from the example provided by Texas public universities as most of the universities have implemented the statutory process in anticipation of the earlier effective date of August 1, 2016 that applies to all public higher education institutions other than community colleges. However, the composition of the university communities and service offerings are often not analogous to that of the colleges. Therefore, though the college districts may consider the methods followed by the universities, ultimately, each college district should consider the needs of the college community. For examples of implementation at other institutions of higher education, see the FAQ [College & University/State College Campus Carry Websites](#).

Additionally, to avoid running afoul of the law, each college district should consult the college district's attorney throughout the implementation process.

Timeline: The first step each community college district should take is to develop a timeline that details the efforts to gather information to inform the development of the required rules and regulations and that specifies: when any recommended or draft rules will be released, when legal review of the drafted rules will occur, when the rules will go to the board for review, and when the final rules will be published. The timeline should require that the rules to be finalized well before the August 1, 2017 effective date to provide the college district time to take the steps necessary to implement the rules, including: placement of signage; amendment of the student and employee handbooks, housing contracts, and other relevant documents as well as the college district's website; and the provision of initial education and outreach to the campus community. Any information gathering should be scheduled at a time calculated to provide the maximum response from the campus community.

Direct Communication with the College Community: The college district CEO may send an e-mail, letter, or other communication to students, faculty, staff, and other interested parties providing an overview of the requirements of Senate Bill 11, the timeline the college district will follow to satisfy the bill's requirements, and where individuals may go to find out more information, like the college district's website described below. Similar forms of communication may be sent at subsequent milestones, such as when the draft rules are released and again upon the release of the final rules.

Information Gathering: The college district CEO is required to gather input from students, faculty, and staff prior to establishing the campus carry rules and regulations. Typically, this input is provided by a committee that develops recommendations for the college district CEO. The committee membership should reflect the population of the college community and may include those responsible for overseeing the implementation of the regulations. The membership may include:

- members of the administration and staff who work in the areas of risk management, legal services, student life, residence life, off-campus life, counseling, facilities, IT, communications, or athletics;
- other staff representatives, such as the staff council president;
- faculty representatives, such as the faculty senate president;
- student representatives, such as the student government president; and
- representatives of the college district police department.

The college district may also gather input through forums or town halls that are open to the entire college community or that target particular populations such as students, staff, or faculty. College district representatives may also visit meetings of organizations representing those groups. This step may occur prior to the rules and regulations being drafted but the college district may also chose to take the draft rules back to the college community prior to finalizing them.

The college district may choose to implement a survey with questions tailored to elicit the necessary responses from students, faculty, staff, and other interested parties. The college district may distribute the survey in one of a number of ways, such as by making the survey available to the general public, providing the link only to targeted populations, or granting access only to those eligible to login to the college district's system.

The college district may choose to use email and social media to gather information. For example, the college district may establish an email dedicated to responses regarding campus carry, such as campuscarry@college.edu, or a Twitter hashtag.

Website: Because people often look first online to find answers to their questions, the college district may consider creating a website addressing campus carry. The website may house information relevant to the development of the college district's rules and regulations and to the implementation of the rules once they are adopted:

- An overview of the legal requirements and relevant links, such as those to the gun laws and legislation described above, the firearms statutes, attorney general opinions addressing the laws, and the Texas Department of Public Safety handgun procedures.

- Answers to frequently asked questions regarding carry on college property.
- An explanation of the committee process and list of members.
- The timeline for the development and implementation of the new rules.
- Details regarding any town halls or other meetings plus a link to the materials distributed at the event, a live stream the event, and a recording of the event after it occurs.
- A link to a survey and to other methods of communicating opinions such as a dedicated email address or a comment box.
- A video explaining the law, and following adoption, the college's procedures.
- A link to the committee's recommendations.
- A link to the draft and final rules.
- Details regarding any education and outreach efforts regarding the new rules.

The creation of a website early in the process has an added benefit. As the college district is required to distribute the finalized regulations on its website, the website used during the regulation development process may serve as a familiar hub for distributing information in compliance with the legal requirement.

Implementation of and Education Regarding the New Rules: After the rules are finalized, the college district should enact an implementation plan to prepare the college district facilities and the college community for the effective date of the new rules. These actions can be coordinated by individuals assigned to particular tasks or may go through a committee tasked with the implementation.

The community college district should prepare the facilities as necessary prior to the effective date. For example, the college district should post any desired signs warning individuals where guns are prohibited. The college district may also develop forms for reporting college activities in the event the college wants to inform the college community of activities during which guns are prohibited.

The college district should also act to educate the college community about the new rules. The college may provide forums for the entire community or targeting specific groups. The college should take advantage of gatherings, like regularly scheduled faculty and staff trainings and student orientations. The college district should update the college's website and student and employee handbooks and other documents distributed to the campus community with the new provisions. The college district may also develop an informational video.

Rules and Regulations

Several issues that the college district CEO may consider when developing the campus carry rules and regulations are discussed below. To comply with the Senate Bill 11, these and any other relevant concerns should be deliberated with students, faculty, and staff. The deliberations should focus on specific safety considerations, the nature of the student body, and the uniqueness of the campus environment. The college district's attorney should also be involved in the development and final review of the regulations. The established rules and regulations may not generally prohibit or have the effect of generally prohibiting handgun license holders from carrying concealed handguns on campus. For examples of rules and regulations adopted by other institutions of higher education, see the FAQ [College & University/State College Campus Carry Websites](#).

General Provisions: In addition to provisions in the regulations listing specific campus carry exclusions, the college district CEO may choose to establish general parameters for campus carry and address the application of the regulations. The regulations may:

- Recognize the right of a license holder to carry a concealed handgun on campus unless prohibited by state or federal law or by the exceptions described by the regulations.
- State that the license holder will not be subject to prejudice for lawfully expressing the right to carry.
- State that open carry is prohibited on campus.
- Describe the college district's expectations for the license holder, including that the license holder follow state and federal law and college district policy and procedures and that the license holder either keep the handgun nearby and properly secured or properly store the handgun in accordance with law and the regulations.
- Acknowledge that the license holder may be asked to show proof of license to a college district police officer but that no other employee may ask to see the license.
- Include a disclaimer addressing the activities of employees who carry a concealed handgun outside of their duties as employees.
- Describe how the regulations will be enforced, such as through the involvement of police in criminal infractions and discipline for violation of the regulations.
- Address whether the college district will provide general storage, such as storage at the college district's police department facilities, or will expect individuals to lawfully store the handgun when going to a place on campus where concealed carry is prohibited.

- Reinforce the legal prohibitions on carry by repeating those prohibitions in the regulations. For example, the regulations may state that a license holder is prohibited from carrying a handgun when intoxicated, while at the meeting of a governmental body, while the college premise is used as a polling place, during religious worship, or while a facility is used by a court.
- Acknowledge that the regulations will be distributed widely to faculty, staff, and students and describe the methods of distribution.
- Address any training regarding the regulations, such as at employee orientations and before students register.
- Reinforce the placement of required signage as described by Texas Government Code section 30.06.
- Address the review of the regulations, a process that may include the use of a special committee to provide recommendations to the college district CEO based on requests filed by college units.
- Define terminology used in the regulation.

Classrooms: As instruction is a fundamental function of the college district, it is natural that the classroom is one of the first locations a college district may consider for a concealed carry ban. The Texas attorney general was asked the extent of the authority of institutions of higher education to place restrictions on campus carry under the provisions of the bill. The attorney general concluded that, because the primary reason most individuals come to campus is to attend or teach classes, a prohibition on bringing handguns into all or a significant number of classrooms would result in the college district generally prohibiting handgun license holders from bringing their guns to campus in violation of the bill's provisions. Similarly, delegating to instructors the power to determine if guns may be brought into their individual classrooms would violate the bill's requirement that the college district CEO establish the rules and regulations regarding campus carry. Therefore, the college district risks a legal challenge if it opts to prohibit concealed handguns in its classrooms, whether through regulations adopted by the college district CEO or by delegating the choice to individual instructors. Op. Tex. Att'y Gen. No. KP-51 (2015).

Subsequently, the attorney general was asked if community college districts may restrict the carry of concealed handguns in classrooms as community colleges regularly have a significant number of minors on campus. The attorney general determined that a college district may not use the presence of minors as a basis to categorically prohibit concealed handguns from classrooms. However, college districts are permitted to adopt reasonable rules to accommodate the particular nature of the campus and student population if those rules do not have the effect of generally prohibiting concealed carry by license holders on campus. A restriction on carry in a specific classroom during a time when a group of minors will congregate may therefore qualify. Op. Tex. Att'y Gen. No. KP-120 (2016).

Staff Offices: The college district may choose to consider whether to prohibit concealed handguns in employee offices, such as through provisions in the regulations themselves or through the delegation of the choice to individual staff members regarding their personal offices. When considering such provisions, the college district should keep in mind the attorney general's conclusions in a similar situation described above—that of classrooms. For example, the college district should consider whether delegation to individual staff members of the option to exclude handguns in their individual offices would violate the bill's requirement that the college district CEO establish the regulations regarding campus carry or if the college district is best served by allowing an employee to request that the college district CEO grant an exclusion applicable to the employee's office. The college district should also consider whether accessibility to instructors would be hindered by such a prohibition, especially if the college district does not provide areas outside of individual staff offices for the students to meet with faculty and staff to further their education.

Dorms: As mentioned above, the regulations may address the storage of handguns in on-campus residential facilities owned or leased and operated by the college. If the college district has dorms, apartments, or other residential facilities, the college district CEO should decide whether students will be required to store their handguns in a gun safe or other secure container. If so, the college district CEO should decide whether to offer approved safes for rental or to require the students to provide their own safes. If the latter, the college may choose to approve the safe and the safe's installation or may install the student's safe. The regulations may also address carry by visitors, and storage of their handguns, in the residence halls as well as carry in common areas of the residence hall. The college district CEO may choose to acknowledge that, though the handgun must remain concealed even in the student's residence, the handgun may be visible when transferring the handgun into the safe.

The college district CEO may choose to offer roommates of those students who possess a handgun the option of transferring to another room or leaving the college residences. If these options are provided, the regulations should either state a process for requesting and approving the move or state that the process is described in materials provided to residents, such as a residence life handbook. The contract signed by residents should address the option.

Note, the Texas attorney general concluded that to prohibit guns in residence facilities would effectively prevent the residents who are handgun license holders from bringing their guns on campus in violation of the law as the bill addresses handgun storage in dorms assuming that carry in those locations will be allowed. Op. Tex. Att'y Gen. No. KP-51 (2015). However, the college district may choose to impose restrictions in special circumstances when safety or other relevant concerns are determined to apply. For example, the college district CEO may consider whether to prohibit handguns in dorms during special programs like while the residents are minors attending a summer camp or

other special program. Additionally, the college district may have leased buildings to a third party so that that party may operate a residential facility. The regulations may choose to acknowledge that the facility is not under the college district's possession or control and that the third party will provide annual notice to the college district as to whether handguns are prohibited in the facility.

Sporting and Interscholastic Events: Prohibitions on carry in a building or portion of a building where a collegiate sporting event or interscholastic event is taking place is addressed by law. However, as this is an issue of particular interest, the regulations may specifically mention the prohibition in the regulations and list the facilities at which the activities may occur. The college district CEO may choose to specifically reference club and intramural sports. The regulation may also address Section 30.06 signage as this is a temporary prohibition. The mention of notice will also serve as reminder that the notice is required for the Section 46.035 prohibition to apply to collegiate sporting events.

Disciplinary Hearings: The college district CEO may consider whether concealed carry at employee and student disciplinary and grievance hearings creates a safety risk due to the nature of the subject matter. If the college district CEO chooses to prohibit concealed handguns at the hearings, the regulations should address if the prohibition applies permanently to a particular location that regularly houses the hearings or if the prohibition should be implemented temporarily while a hearing is conducted.

Classes and Programs for Minors: College districts often serve minors, whether through an established day care, an early college high school, summer camps, or other educational programs. The state legislature has historically expressed a desire to prohibit handguns from places where groups of minors are present through the passage of law and in debate regarding campus carry. With this in mind, the college district CEO may consider prohibiting concealed weapons at locations where such educational programs are conducted.

The attorney general was asked if community college districts may restrict the carry of concealed handguns in programs where minors will be present and where they are expected to appear; in locations where minors may gather as part of multi-week programs specifically targeting minors; and on campuses that maintain day care programs. After reviewing the relevant statutes, the attorney general could not conclude that the legislature intended a general prohibition on concealed carry, including categorically prohibiting carry in those locations subject to the request, simply because minors are present. However, college districts are permitted to adopt reasonable rules to accommodate the particular nature of the campus and student population as long as the rules do not have the effect of generally prohibiting concealed carry by license holders on campus. The attorney general used as examples places where minors will congregate at the times those minors congregate and the rooms housing a day care center. Op. Tex. Att'y Gen. No. KP-120 (2016).

Laboratories: The college district CEO should consider whether the discharge of a handgun in certain locations on campus, such as laboratories, will pose a safety concern due to the presence of hazardous chemicals, biohazards, and equipment that is not compatible with metallic objects. Additionally, research activities in the laboratories, such as animal research, may be conducted under contracts that prohibit the presence of weapons or may otherwise be incompatible with the presence of handguns.

Patient-Care Facilities: The college district CEO may choose to consider the exclusion of concealed handguns at locations where health and counseling services are provided due to the nature of the services.

Temporary Prohibition: When applying state law, like the prohibition on concealed carry at school district activities that may occur on a college district campus, the college may find a need to apply a temporary prohibition on concealed handguns at those events. The college district CEO may also choose to prohibit concealed carry for purposes of safety in limited instances, like at an event where alcohol will be served. The Texas attorney general concluded that occasional, reasonable, temporary restrictions in locations on campus where guns would otherwise be allowed and that are published prominently on the college's website are permitted under bill provisions allowing for amendments to the rules to be issued for the purpose of campus safety. Op. Tex. Att'y Gen. No. KP-51 (2015).

The regulations should address the temporary prohibitions, including the description of a process for requesting and approving the prohibition, such as review by a special committee that provides recommendations to the college district CEO, and the application of temporary signage.

Other Areas: The college district CEO may determine after consulting with students, faculty, and staff regarding specific safety considerations, the nature of the student body, and the uniqueness of the campus environment that concealed carry should be prohibited in other areas on campus. For example, facilities may be leased to a third party that prohibits concealed carry on property. The college district CEO may choose to require the third party to provide annual notice to the college district as to whether handguns are prohibited in the facility. The college district may also find a safety concern for handguns to be allowed in nonpublic, secured areas of the college district police building.

Harmony with Existing Policy and Procedures: The college district should review existing policy, regulations, handbooks, and other materials for any conflicts with the final regulations and adjust the text accordingly.

For more information on this and other community college law topics,
visit TASB Legal and Policy Services for Community Colleges online at colleges.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the college district's own attorney in order to apply these legal principles to specific fact situations.

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