

University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Administration
AREA: Risk Management

Number: 01.C.20

SUBJECT: Campus Carry

I. PURPOSE AND SCOPE

The purpose of this document is to inform faculty, staff, students, and visitors of the rules regarding the carrying of handguns on campus by concealed handgun license holders and to address the health, safety, and welfare of the campus community. On August 1, 2016, Texas Senate Bill No. 11 (S.B. 11), popularly known as the “campus carry” law went into effect. S.B. 11 amended Texas Government Code §411.2031 to allow carrying of handguns by license holders on the campuses of certain institutions of higher education, including the University of Houston-Clear Lake. On September 1, 2021, Texas House Bill No. 1927 (H.B. 1927) went into effect. H.B. 1927 is titled the Firearm Carry Act of 2021, and is sometimes referred to as the “Permitless Carry” law or the “Constitutional Carry” law. H.B. 1927 amends Texas Penal Code 46.02 and 46.03 to allow persons to carry handguns without a license in certain places and under certain circumstances.

Under both laws, while on the University of Houston-Clear Lake campus only a licensed person may carry weapons designated under Subchapter H of Chapter 411 of the Government Code; any other weapons are expressly prohibited.

The primary responsibility for enforcement of this policy lies with the University of Houston-Clear Lake Police. Disputes, concerns, or reports of policy violation should be communicated immediately to the UHCL Police Department, which will enforce both Texas law and UHCL policy as appropriate.

II. POLICY

Individuals who do not possess a valid license to carry a handgun currently are and will continue to be prohibited from carrying handguns on campus. Individuals who possess a valid license to carry a handgun may carry a concealed handgun on campus as provided in this policy.

This policy is designed to be compliant with the Texas Campus Carry Law of 2015 and the Firearm Carry Act of 2021, as well as to address the health, safety, and welfare of the campus community. The policy was written after ample consideration of input from campus constituencies regarding a number of factors, including the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This policy applies to all students, faculty, staff, and visitors of the University, except for officers of the UHCL Police Department, other law enforcement officers, and other persons designated by appropriate law enforcement agencies.

III. DEFINITIONS

- A. **Open Carry:** Visible possession of a handgun in a waist belt holster or a shoulder holster. Texas Penal Code § 46.02.
- B. **Handgun:** Any firearm that is designed, made, or adapted to be fired with one hand.
- C. **Concealed handgun:** A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.

- D. **Reveal:** The act of intentionally displaying a handgun, in whole or in part, in plain view of another person in a public place. Texas Penal Code §46.035.
- E. **Exclusion Zone:** An area of campus, building, or room in which the possession of handguns is prohibited as provided in Campus Carry Appendix 1. Each area restriction requires that notice be given to license holders as specified under Texas Penal Code §30.06.
- F. **License to Carry a Handgun:** A License to Carry a Handgun issued by the Texas Department of Public Safety, under Texas Government Code Chapter 411, Subchapter H. Also includes valid Concealed Handgun Licenses issued by the Texas Department of Public Safety.
- G. **Disciplinary Action:** Sanctions by the University, up to and including removal, probation, suspension, dismissal, and termination.
- H. **Significant Risk:** A high probability of harm, not just a slightly increased, speculative, or remote risk.
- I. **Substantial harm:** A serious injury or death to a person or persons, or destruction of valuable property.
- J. **Grievances:** A hearing pursuant to official university policy for students, faculty and staff.
- K. **Retention Holster:** Holder for carrying a handgun that completely covers the trigger and entire trigger guard area and has sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.

IV. PROCEDURES

Failure to comply with any of the following procedures may result in disciplinary action up to and including termination for employees; a termination of employment relationship in the case of contractors or consultants; or suspension or expulsion in the case of a student. Additionally, individuals may be subject to loss of access privileges and criminal prosecution. Visitors found to be in violation of this policy may be subject to exclusion from all UHCL properties and criminal prosecution.

A holder of a handgun license must carry their weapon in a retention holster that completely covers the trigger and trigger guard area while on any University of Houston–Clear Lake campus and in buildings, except in Exclusion Zones. The holster must be utilized whether the license holder is carrying on or about their person. It is the responsibility of the holder to conceal any handgun so that it is not partially or wholly visible to another person. Persons who do not hold a valid handgun license are prohibited from carrying a concealed weapon on campus or in buildings.

- A. **Faculty and Staff:** Faculty and staff may not store handguns overnight on University property. Unless an employee is required to carry a firearm as part of the employee’s specific job duties, any possession or use of a firearm by the employee is not considered to be within the scope of employment with the University. As such, any employee who chooses to use a firearm is acting in the employee’s individual capacities and not as an agent of the University.
- B. **Alcohol:** Possessing a weapon on campus while intoxicated is prohibited.
- C. **Off campus travel:** University-led groups travelling off campus may exclude handguns to fulfill legal or contractual obligations or to allow a group to travel in a gun-restricted area.
- D. **Open Carry:** The carrying of an unconcealed handgun on campus is restricted to authorized members of the UHCL Police Department, other law enforcement officers, and other persons who may be designated by appropriate law enforcement agencies.
- E. **Intentional reveal:** Intentionally revealing a handgun on campus is prohibited. Any such incident may be grounds for disciplinary action, up to and including removal, probation, suspension, termination, or dismissal from the University.
- F. **Inquiry of handgun status by University employees:** Employees of the University, with the exception of UHCL Police Department, should not inquire as to the handgun status of any person.

- G. **Verbal reference to firearms or other weapons:** The declaration of handgun possession or status may be considered a threat under some circumstances.
- H. **Weapon discharge:** The discharge of a weapon intentionally or unintentionally anywhere on campus by any person may be grounds for disciplinary action, up to and including removal, probation, suspension, termination, or dismissal.
- I. **Other weapons:** All other weapons are strictly prohibited for students, faculty, staff, and visitors, including long guns, knives with blades longer than 5.5 inches, brass knuckles, clubs, and explosives. Their possession on campus is grounds for immediate Disciplinary Action.
- J. **Storage Facilities:** Secure storage areas will not be provided by the university. Handguns may be stored in privately owned or leased vehicles if the vehicle is under the sole control of the driver and the handgun is in a locked compartment.
- K. **University Vehicles:** Individuals with a LTC must maintain control of their weapon consistent with state law at all times.
- L. **Establishment of Exclusion Zones:** The UHCL Police Department will review applications to establish, modify or eliminate gun exclusion zones based on an application by a University unit. The application must contain the exact zone to be excluded, a rationale for the exclusion based on the exclusion zone criteria, and a plan for where required signs are to be placed. If an exclusion is sought based on the language in criteria 7 below, the application must include a complete description of the “significant risk of substantial harm due to a negligent discharge” in accordance with the definitions and the alternate location where meetings may take place that are not subject to an exclusion. The UHCL Police Department will suggest amendments to the list of exclusion zones, including recommendations to add or remove areas from the exclusion list. These recommendations will be taken to the Vice President for Administration and Finance, who will recommend whether a building or area should be added to or removed from an exclusion zone. The President or designee will have final approval of all requests. These exclusions will be maintained separately in the Campus Carry Appendix 1.

Criteria for establishment of exclusion zones:

1. Existing state and federal laws prohibiting weapons in certain areas.
 - a. Campus areas used for day care and school activities, including areas frequently used by minor children. Texas Penal Code §46.03(a)(1).
 - b. Health care facilities similar to hospitals used for patient care, counseling and mental health services. Texas Penal code §46.035(b)(4).
 - c. Areas used for sporting or interscholastic events. Texas Penal Code §46.035(b)(2).
 - d. Established places of religious worship. Texas Penal Code § 46.035(b)(6).
 - e. Polling places. Texas Penal Code §46.03(a)(2).
2. Laboratory areas where dangerous materials and equipment are present.
3. University-owned or rented vehicles used to transport students other than University shuttles.
4. Spaces used for discussions of grievances or disciplinary hearings. (These exclusions may be permanent or temporary based on usage of the spaces).
5. Areas containing critical university infrastructure.
6. Areas where contractual or licensing obligations require the exclusion of firearms.
7. Assigned employee offices for which the employee has demonstrated that the carrying of a concealed handgun by a license holder in the office presents a significant risk of substantial harm due to a negligent discharge of the handgun, and the president or designee has approved the employee’s request that the office be designated as an area where licensed concealed carry of a handgun is not permitted.
8. Other areas prohibited by state or federal law.

M. **Reporting violations of this policy:** Any violations of this policy should be reported to the UHCL Police Department which shall maintain a list of all handgun-related incidents and provide an annual report to the President.

N. **Reporting to Texas Legislature:** In even numbered years by September 1, the University will submit a copy of their policy along with the justification used for development of the policy.

V. REVIEW AND RESPONSIBILITY

Responsible Party: Chief of Police

Review schedule: Every two years on or before May 1

VI. APPROVAL

/Mark Denney/

Vice President Administration and Finance

/Richard Walker/

President

Date: _____ May 12, 2023

VII. REFERENCES

Texas Penal Code §30.06

Texas Penal Code §46.03

Texas Government Code Chapter 411, Subchapter H

[S.B. 11 \(84th Texas Legislative Session – 2015\) – “Campus Carry” Act](#)

[H.B. 1927 \(87th Texas Legislative Session – 2021\) – Firearm Carry Act of 2021](#)

APPENDICES

[Appendix 1: Buildings, Areas, and Spaces Meeting the Criteria for Establishment of Exclusion Zones](#)

[Appendix 2: Handgun Exclusion Zone Request Form](#)

REVISION LOG

Revision Number	Approved Date	Description of Changes
1	July 10, 2019	Revised by Chief of Police: Changed last sentence in Section I regarding Senate Bill Number 11 to past tense. Added other law enforcement officers to Section II Policy. Retention Holster definition updated. Clarified disciplinary actions and the use of holsters in Section V Procedures. Added Responsible Party and Review schedule in Section VI. Policy inserted into the new format and revision log added to policy.
2	08/20/2021	Legal Updates by OGC reflecting HB1927 in effect September 1, 2021
3	February 28, 2023	Chief of Police - Word tense change in opening paragraph. Formatting changes per new compliance standards. Previous section IV: "Supporting Policy Information" content moved to section I. No substance changes.
4	March 22, 2023	Chief of Police – Fixed broken links to Appendix 1 and Appendix 2