The University of Texas at Dallas
SB 11 – Campus Carry Draft Recommendations

Background

Senate Bill 11 (SB 11) permits individuals holding concealed handgun licenses to carry their weapons onto the campus and into the general buildings of the publicly governed institutions of higher education in Texas. Passed by the 84th Texas Legislature and signed into law by Governor Abbott, SB 11 takes effect on August 1, 2016. Recognizing the complex nature of the operations of institutions of higher education and the extensive network of other laws pertaining to handguns, SB 11 also permits presidents of these publically governed institutions to propose to their governing boards policies that would implement SB 11 while complying with the many other laws and public policies that pertain to carrying handguns in Texas.

This document presents the recommendation of the president of The University of Texas at Dallas to The Board of Regents of The University of Texas System for the policy under which the University (UT Dallas) will comply with SB 11. The details of this policy are based on an intensive process of consultation and discussion carried out during the autumn of 2015 under the leadership of Dr. Alex Piquero, Ashbel Smith Professor of Criminology at UT Dallas. That process included weekly meetings of a campus working group representing students, staff, faculty, security personnel, and administrators, as well as a large campus-wide town hall meeting and inputs through a campus carry email address.

The policy recommendations that emerged from this process have two fundamental goals. One goal is to ensure compliance with the spirit and letter of SB 11 in a manner consistent with other relevant laws. The second goal, equally important, is to ensure the continuation of the current calm, constructive and positive social and intellectual environment that characterizes UT Dallas.

Our studies and deliberations on this issue provided very considerable evidence that the fundamental material facts regarding the presence of handguns on campus will not change markedly as a result of implementing policies in compliance with SB 11. Only a fraction of the general population currently is licensed to carry concealed handguns (approximately 4%), and large contingents of the university community are not eligible, because of age or national origin, to be so licensed. In addition, given the substantial practical difficulties of participating in university activities while adhering to the rigorous constraints governing the carrying of a concealed handgun, it is quite plausible that many licensed carriers will not choose to carry handguns to campus.

Since our analysis is that the substantive changes in the material facts regarding the presence of handguns in the normal functioning of UT Dallas activities will be minor, our policy is formulated so as to minimize those elements of compliance that would create perceptions to the contrary. University life can and will continue in its traditional free and open spirit of inquiry and debate, and the policy developed to comply with SB 11 has been formulated to maintain this environment.
Fundamental Policy Elements

1. Responsibilities of individuals carrying concealed handguns in and on university premises

   a. Concealment: The relevant law, consistent with avoiding the intimidation, incitement, and harassment that can result from the open carrying of handguns, stipulates that the licensed carrier of a handgun must ensure that a casual observer be unable to notice or detect that a handgun is being carried. This is a fundamental aspect of the law and of our recommended policy. Individuals who violate the condition of concealment at any time, either by deliberately or inadvertently allowing their handgun to be seen or by letting its presence be noticeable by inadequate concealment, aka “printing,” is in violation of our recommended policy and will be subject to university discipline.

   b. Security: The licensed carrier is responsible for maintaining complete practical control of the handgun at all times, so that it is either on the licensee’s person or is immediately accessible from a purse or other analogous personal accessory that is continually under the direct control of the licensee. This stipulation is a fundamental aspect of our recommendations and is, of course, intended to preclude the danger of the licensee losing control of the weapon. The only alternative to these conditions is that a gun be stored appropriately. There are two storage options. Individuals driving to campus may store their guns out of sight in their locked vehicles. Residents of university apartments can store their guns in personally provided, legally approved, storage lockers in their rooms, conditional upon adherence to the concealment requirements.

   c. Safety: The handgun must be carried in a holster that completely covers the trigger and trigger guard area and provides sufficient adhesion on the gun so that the gun will not fall out of the holster when the gun or the carrier is subject to abrupt motions or impacts. As with the security condition, this condition is obviously intended to minimize the threat of the licensee losing control of the gun because of it being dislodged.

   d. Storage: The university will make no provisions for storage of handguns. Licensed carriers must have their weapons on their persons constantly or have them stored in a securely locked personal vehicle or, if they are resident in a university-owned apartment, stored in an approved storage locker. The concept of university-provided common storage facilities on campus is contradictory to the principle of concealed carry, given that it is impossible to transfer a weapon from one’s person to a storage facility without revealing the presence of the weapon.

2. Consistency with other pertinent laws

   Our interpretation of the spirit and letter of SB 11 is that the members of the university community who desire to exercise their rights as conveyed in this law should be able to do so with minimal constraints while they pursue the essentials of their education or their employment. As such, our recommendations are formulated to ensure that the typical university citizen who wishes to exercise the right of carrying a concealed handgun on campus be able to do so while
also being able to function fully in the role of employee or student, or, in appropriate circumstances, visitor. Hence, the essential core facilities of the university, including classrooms, multi-person administrative offices, individual faculty offices, libraries, and advisement and testing facilities, will all be accessible to individuals carrying concealed weapons in accord with their licenses and the law.

At the same time, the recommended UT Dallas policy imposes serious obligations upon these individuals. Our policy is based on the assumption that licensed handgun carriers are informed and cognizant about the many restrictions and limitations that various laws impose upon the unrestricted carrying of concealed weapons in various situations, that they rigorously adhere to these conditions, and that they be subject to university disciplinary procedures when violations occur.

The operations of the university are dynamic and fluid. In most instances, buildings and rooms have different utilizations at different hours, days, weeks and semesters. Hence, our policy makes it incumbent upon licensed carriers to avoid violating these restrictions without being guided constantly by impractical or intrusive warnings. Some of the most important of these restrictions include:

a. Presence of school children: The nature of our type of university is that school children can and will appear at unscheduled times in almost any location, whether in groups of escorted tours, as subjects of study or treatment, in transit to childcare areas, or as visitors, alone or with families. There is no practical way to warn about or to demark areas of campus where such occurrences will or will not happen. Hence, it is incumbent upon the individual carrying a concealed weapon to avoid areas in which school children are present.

b. Sporting events: The carrying of concealed weapons is prohibited at intermural, intramural, and club sporting events held on UT Dallas premises, whether held under the sponsorship of UT Dallas or of some external organization. This prohibition is in accord with the Texas Penal Code §46.035(b)(2). This prohibition will be noted on the tickets for ticketed events, and university policy will state clearly that the prohibition extends to non-ticketed events as well. The law and our policy are based on the general recognition that competitive sporting events can generate volatile emotions and antagonisms.

c. Patient care facilities: Various rooms and areas of university buildings function as facilities for consulting with and treating patients. Consistent with Texas Penal Code §46.035(b)(4), these areas will be marked clearly to designate their functions, and individuals carrying concealed weapons will be excluded from them.

d. Hearing facilities: Various rooms and areas of university buildings function from time to time as facilities for disciplinary hearings or for mediation sessions. When so used, these areas will be marked clearly to designate their functions, and it is incumbent upon the individuals carrying concealed weapons not to enter these areas.
3. Exclusion Zones

Various laws pertaining to concealed handguns make their presence in some university facilities intrinsically inappropriate or illegal. These facilities shall be designated as “exclusion zones.” For these buildings, entry will be forbidden to students, employees, and visitors who are carrying concealed handguns.

a. Callier Center-Dallas and Callier Center-Richardson: The predominant mission of the Callier Center is to assist and improve the functioning of pre-school and school-age children with challenges of speech, hearing and behavior. Since licensed concealed handguns are not permitted in the vicinity of school children, and also in treatment facilities, the buildings and enclosed grounds of both facilities are to be designated as exclusion zones.

b. Center for BrainHealth: Along with research activities in neuroscience and psychology, the staff of the center also treat patients, from school children to military veterans to the elderly. Entry into the building is by card access and is monitored by security personnel during working hours. Accordingly, the Center for BrainHealth building is to be designated as an exclusion zone.

c. Natural Science and Engineering Research Laboratory/Bioengineering and Sciences Building: A variety of regulations restrict the presence of firearms in the vicinities of biological agents, research animals, volatile and/or explosive agents, and elaborate, highly sensitive, large equipment installations. UT Dallas operates a large science and engineering research complex, the individual components of which are known as the Natural Sciences and Engineering Research Laboratory (NSERL) and the Bioengineering and Sciences Building (BSB). These buildings are contiguous and interconnected and feature badge-only access monitored by security personnel. The activities that are carried out in this complex involve one or more of the above features that are acknowledged as inimical to the discharge of a firearm. Hence, the entire, integrated, secure facility known as NSERL and BSB is to be designated as an exclusion zone.

d. UT Dallas operates two types of housing facilities for its students:

Dormitories: Approximately 2,200 beds are available in five dormitory buildings. These buildings house freshman students, whose ages range almost exclusively from 17 to 19. Other than military veterans, individuals under the age of 21 cannot be licensed handgun carriers. In keeping with this law, and to maintain equity between our under-age students and visitors, the five freshman dormitory buildings and the contiguous dining and recreational facilities are to be designated as exclusion zones.

Apartments: Approximately 2,800 beds are available in apartment units that provide housing from one to several individuals and are occupied by upper-level undergraduate students and graduate students. Licensed handgun carriers living in these apartments are permitted to possess their handguns in the premises of their individual housing units, subject to the general restrictions on concealed carry in public areas and subject to the
condition that the handguns be stored in an approved safe, personally provided by the owner, when not carried on the person of the owner.

e. The President of The University of Texas at Dallas may amend the university’s policy as necessary for campus safety so as to include specific times and/or other locations where the carrying of concealed handguns is prohibited.