



## CONCEALED CARRY PROCEDURES

Texas Southmost College is committed to providing a safe environment for students, faculty, staff, and visitors, and to respecting the individual rights of those who are licensed to carry a concealed handgun where permitted by law. Individuals who are licensed to carry may do so on campus premises except in designated exclusion zones as prohibited by law or by these procedures. For more information, see TSC Board Policies CHF (legal) and CHF (Local).

### **Application of Procedures**

These procedures apply to all individuals who may work, attend classes, conduct business, or visit the campus of Texas Southmost College (TSC), including employees, faculty, trainees, students, patients, visitors, volunteers, contractors, tenants, or vendors. As defined in article 2.12 of the Texas Code of Criminal Procedure, these procedures does not apply to commissioned peace officers.

### **Definitions**

1. Campus – means all land, buildings, and portions of the buildings owned for lease by the college.
2. Collegiate Sports – means intercollegiate, club, and intramural athletic activities occurring on campus.
3. Concealed Handgun – a handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.
4. Exclusion Zone – means the area(s) on the TSC campus where licensed holders may not carry a concealed handgun.
5. Handgun – any firearm that is designed, made, or adapted to be fired with one hand.
6. Interscholastic Event – means a function or program involving elementary or secondary schools.
7. License to Carry (LTC) Holder – a person issued a License to Carry a handgun by the Texas Department of Public Safety under Chapter 411 of the Texas Government Code.
8. Store – means to take steps that a reasonable person would take to prevent the access to the firearm, including but not limited to placing a firearm in a locked container. For the purposes of these procedures, a firearm that is temporarily rendered inoperable by use of a trigger lock or other means is not stored.



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9. Weapon – includes firearms, explosive devices, knuckles, ammunition, chemical dispensing devices (other than a small chemical dispenser sold commercially for personal protection), tire deflation devices, illegal knives, or clubs.
10. Work Area – refers to the place or places an individual performs assigned duties as an employee of TSC.

### **Procedures**

1. Weapons, Open Carry of Handguns Prohibited
  - a. All persons, including License to Carry Holders, are prohibited from openly carrying a handgun on the campus premises, including on any public driveway, street, sidewalk or walkway, parking lot, or other parking areas on the campus.
  - b. Reserve Officer Training or Color Guard firearms or weapons may be used on TSC campus in connection with ROTC/Color Guard related programs, events, or activities.
2. Carrying of Concealed Handgun by a License to Carry Holder
  - a. License to Carry Holder Right to Carry. Unless otherwise prohibited by law or these procedures, a License to Carry Holder may carry a concealed handgun while on any TSC campus (including public driveways, streets, sidewalks or walkways, parking lots and other parking areas). License to Carry Holders are expected to and must strictly comply with these procedures and applicable law. While TSC will employ all reasonable means to post notice, it is the responsibility of the License to Carry Holder to know, understand, and follow these procedures and applicable law including the delineation of any exclusion zone.
  - b. Concealed Handguns on or about Person. When carrying their concealed handguns on a TSC campus, License to Carry Holders must carry their handguns on or about their person. For the purposes of these procedures and subject to the requirements of Texas law, “on or about their person” means close at hand and within such a distance of the License to Carry Holder so that without materially changing position, the License to Carry Holder can place his or her hand on the handgun.
  - c. Intoxication. A License to Carry Holder may not carry a concealed handgun while intoxicated.
  - d. Display of a Concealed Handgun. Except as necessary to properly store a handgun, a License to Carry Holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person, even if holstered, on the campus premises, including public driveways, sidewalks or walkways, parking lots, or other parking areas on the premises of Texas Southmost College.



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- e. Carrying of Concealed Handguns by Employees. An employee who is a License to Carry Holder may carry a concealed handgun into his or her work area, unless prohibited by these procedures, but is not authorized by TSC to use the handgun in the course and scope of performing his or her duties. An employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable and is not entitled to immunity under section 411.208 of the Texas Government Code or any other immunity to which the individual may be otherwise entitled as a TSC employee.
- f. Safeguarding of Handguns. It is the responsibility of the License to Carry Holder to safeguard their handguns at all times and ensure that their handguns are secured in a manner that will prevent theft, loss, damage or misuse. License to Carry Holders that fail to properly safeguard a handgun are subject to disciplinary action, up to and including termination or expulsion. Examples of failure of License to Carry Holders to properly safeguard a handgun include without limitation:
  - i. Failing to keep or maintain backpack, purse, or other similar bag with a handgun on or about their person at all times while on the TSC campus
  - ii. Failing to carry a handgun in a holder or holster that completely covers the trigger and trigger guard area
  - iii. Failing to use a holder or holster that properly retains the handgun in its place even when subjected to unexpected jostling
  - iv. Failing to immediately report the loss or theft of their handgun to campus security and Brownsville Police

### 3. Requirement to Display License to Carry

- a. A License to Carry Holder must display his or her license 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 to Carry Holder to anyone (other than a law enforcement officer).
- b. TSC will not maintain a list of License to Carry Holders, as this information is not considered public information.

### 4. Handgun Storage

- a. TSC will not provide handgun storage for License to Carry Holders. Except for storing a handgun in a vehicle as permitted under Texas law, a License to Carry Holder must not leave a handgun unattended anywhere on campus, regardless of whether it is stored in a locked container, desk drawer, cabinet, office, backpack, purse, or other similar bag.



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- b. License to Carry Holders who otherwise lawfully possess a handgun or ammunition will not violate these procedures if the License to Carry Holder transports or stores their handgun or ammunition in a locked, privately owned motor vehicle on any driveway, street, parking lot, or other parking area. A License to Carry Holder may not intentionally or knowingly display a handgun in plain view of another person except as necessary to properly store the handgun.

### 5. Authority to Designate Exclusion Zones

Only the President of TSC has the authority to declare additional, specific premises or area as exclusion zones. Except as provided in these procedures, without express written consent of the President, no employee, or student may declare a specific premise or area as an exclusion zone.

### 6. Violations of these procedures

Any individual who violates these procedures may be subject to disciplinary action, up to and including termination of employment or non-renewal of appointment, dismissal from an educational program, or termination of a business relationship, and may also be subject to criminal prosecution.

### **Exclusion Zones**

1. *Exclusion Zones.* A License to Carry Holder is prohibited from carrying a concealed handgun into certain areas on the TSC campus known as an “exclusion zone” or other areas that are prohibited by law. Concealed handguns are prohibited at the following designated locations:
  - a. Child-Care Facilities – locations where services to minors are provided, including the Raul Guerra Early Child Center and the Center for Early Childhood Studies.
  - b. Patient Care Areas – locations where healthcare, counseling, or mental health services are provided including areas in the Health Professions Nursing Labs and the Lightner Center.
  - c. Laboratories – locations where discharge of a handgun might cause significant harm, such as laboratories with dangerous chemicals, biologic, or explosive agents, and in areas with equipment incompatible with metallic objects.
  - d. Watercrafts – concealed handguns are prohibited onboard all vessels and watercrafts owned, leased, or operated by TSC including any paddle boats or kayaks.



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- e. By Contract – where contract, at the sole discretion of the organization with whom the contract is entered, requires the exclusion of a handgun in a specific location and the exclusion does not generally prohibit or have the effect of prohibiting License to Carry Holders from carrying a concealed handgun on the TSC campus. Examples include tenants that are currently located in portions of the ITECC building.
  - f. Polling Place – at a location designated as a polling place on the day of federal, state, or local elections, including early voting in progress as set out in Section 46.03 (a)(2) of the Texas Penal Code.
  - g. Security Office – in a non-public, secure portion of the Security Office contracted by the college and used to conduct official business as prohibited under Section 411.207 (b) of the Texas Government Code.
  - h. Collegiate Sporting Events – locations where a high school, collegiate, or professional sporting event or interscholastic event is taking place as prohibited under Section 46.035(b)(2) of the Texas Penal Code, or where a sports club or intramural athletic competition is taking place.
  - i. Programs or Camps for Minors – locations where programs or camps for children under the age of 18 are sponsored, facilitated, or coordinated by TSC.
  - j. Disciplinary, Grievance, or Similar Hearings – locations in which a formal hearing is being conducted in accordance with established procedures. Written notice conforming to Texas Penal Code Section 30.06 must be provided in letters or emails notifying individuals of the hearing.
2. *Additional Designation of Exclusion Zones.* In order to promote the safety of the campus, the President may prohibit the carrying of concealed handguns at other locations from time to time. Any prohibition will be based on specific safety considerations, the nature of the student population, and the uniqueness of the campus environment.

### **Communication**

1. TSC will provide notice at all locations and activities where concealed handguns are prohibited under these procedures and may post notice where handguns are expressly prohibited but where notice is not required to be posted by law. The language of the notice, which is set out in section 30.06 of the Texas Penal Code, shall not be altered in any way unless revised by state law.
2. TSC shall publish these procedures on a web page dedicated to the carrying of concealed handguns on campus premises.



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### **Report to Texas Legislature**

Texas Southmost College shall prepare a report for the Texas Legislature describing the campus rules adopted to regulate the carrying of a concealed handgun on campus and the reasons for the rules no later than September 1, 2017 and every even-numbered year thereafter.

The report will be submitted to the Office of the President and the Board of Trustees prior to submission to the Texas Legislature.

### **References**

Texas Government Code, Chapter 411  
Texas Penal Code, Chapter 30  
Texas Penal Code, Chapter 46  
Texas Code of Criminal Procedure, Article 2.12