

Campus Concealed Carry Task Force Recommendations

Spring 2022

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EXECUTIVE SUMMARY

INTRODUCTION

Texas Senate Bill 11. The "campus carry" law was passed by the Legislature and signed into law by Governor Gregg Abbott on June 13, 2015 (1). S.B. 11 takes effect August 1, 2016 for four-year institutions and **August 1 2017**, for community colleges. It provides that, a person who holds a License to Carry may carry a handgun -concealed- both on the grounds and in the buildings of an institution of higher education.

In addition, S.B. 11 provides an opportunity for the president of a public higher education institution to enact reasonable rules and regulations regarding the concealed carry of handguns on campus. Included in the law is the opportunity to identify Gun Free Zones where concealed carry will not be allowed. However, these rules and regulations may neither generally prohibit nor have the effect of generally prohibiting license holders from carrying their concealed handguns on campus.

House Bill 910, passed by the Legislature, the "open carry" law (2) explicitly exempts institutions of higher education. Thus, the open carry of handguns on campus is now and will remain a crime.

GUN FREE ZONES TASK FORCE

On March 14, 2016 the **Gun Free Zones Task Force** was formally charged by President Dr. William Serrata to develop recommendations that will uphold the integrity of the law, seek to ensure the safety and security of the entire El Paso Community College District community and develop policies and communication strategies associated with educating the campus and visitors about the new law. These recommendations were to be delivered no later than December 1, 2016, to ensure sufficient time for review and implementation. The Task Force is comprised of representatives of students, faculty and staff:

Chair:

Mr. Jose L. Ramirez Chief, EPCC Police **Department**

Co-Chair:

Mr. Jeffrey Brockhoff Assistant Professor, Criminal Justice

Secretary

Ms. Lorely Ambriz Assistant Professor, Librarian

Faculty/Administrative Representatives

Ms. Rebekah Bell Assistant Professor, Speech *Communications*

Ms. Debra Luna Professor, Accounting

Dr. Albert Burnham Professor, History

Ms. Jan Lockhart

Director, Center for Students with Disabilities

Mr. Mauricio Rodríguez

Professor, English & Chicana/o Studies

Ms. Linda Silva

Professor, Business Management

Staff Representatives

Ms. Laura Gaither

Technician, Instructional Services Center

Mr. Jim Heiney

Marketing Specialist

Ms. Lorraine Hoefner

IT Manager, Library Systems

Mr. Dan Vasquez

Special Assistant to the Vice President of Student Services

Student Representative

Ms. Christal Tucker

President, Student Government Association

BACKGROUND

The preliminary efforts of the Gun Free Zones Task Force were focused on developing factual information about the new law, its implementation dates and the process that would be followed. (See Appendix II, III, and IV for fact sheets).

Information was provided to all administrators, faculty, staff through several electronic means; such as a public Web page available in the main EPCC Web site (3), and email inquiries directed to campuscarry@epcc.edu. Through this email address the Task Force members were also able to receive input and respond directly to the EPCC constituents, which garnered 49 emails from students, faculty and staff contributing suggestions and raising concerns.

Campus Community Engagement and Feedback

S.B. 11 requires consultation with students, faculty and staff, "regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment" (1). Campus Concealed Carry Task Force members engaged in discussions at regular meetings during the Spring and Fall 2016 semesters. Moreover, the Task Force conducted twelve community forums district-wide:

1.	Mission del Paso (A-134)	Tuesday, April 5	10:00a.m. – 12:00p.m.
2.	Mission del Paso (A-134)	Wednesday, April 6	11:00a.m. – 1:00p.m.
3.	Northwest (Library)	Thursday, April 7	10:00a.m. – 12:00p.m.
4.	Northwest (Library)	Friday, April 8	11:00a.m. – 1:00p.m.
5.	Rio Grande (A-119)	Tuesday, April 12	10:00a.m. – 12:00p.m.
6.	Rio Grande (A-119)	Wednesday, April 13	11:00a.m. – 1:00p.m.
7.	Valle Verde (Annex)	Tuesday, April 19	10:00a.m. – 12:00p.m.
8.	Valle Verde (Annex)	Wednesday, April 20	11:00a.m. – 1:00p.m.
9.	Transmountain (1307)	Tuesday, April 26	10:00a.m. – 12:00p.m.
10	. Transmountain (1307)	Wednesday, April 27	11:00a.m. – 1:00p.m.
11	. ASC (Boardroom)	Tuesday, April 12	5:00p.m. – 7:00p.m.
12	. ASC (Boardroom)	Wednesday, April 25	11:00a.m. – 1:00p.m.

Supplementary feedback was solicited from the district-wide constituents (administrators, faculty, staff and students) through an electronic form (4). This form consisted of an open ended question and contact information asking the district-wide population for the location and to provide a reason for the specific safety concerns.

After discussing responses and taking into consideration the issues surrounding the campus carry legislation S.B. 11, members of the Task Force discussed them with their corresponding Campus Dean to determine which areas should be identified as Gun Free Zones where concealed carry will not be allowed, to be designated as **Gun Free Zones** (See below for general policy and Appendix I for specific locations).

Task Force members endeavored to identify recommendations that will support safety on campus while also complying with S.B. 11. Of considerable discussion were areas in which some, but not parts of a building, are designated as Gun Free Zones.

Leased Spaces

The EPCC definition of "leased spaces" includes leases on all campuses to external parties. Examples include; bookstores, food/cafeteria services, etc. S.B. 11 defines a campus as all land and buildings owned and leased by an institution of higher education. The Penal Code allows an entity (other than a government agency) to exclude concealed carry by giving sufficient notice.

A review of the current leases requires compliance with EPCC rules and practices, therefore these locations will follow Campus Carry rules, regulations and provisions, unless otherwise determined on lease agreements and other legal considerations.

LOCATIONS WHERE CARRYING OF CONCEALED HANDGUNS IS PROHIBITED* (S.B.11)

- Most include areas where minors will be present;
- Early college high schools;
- On campus day care centers;
- Mental health and counseling centers, where protected health information records are generated;
- Locations where disciplinary hearings will be held;
- Locations where alcohol may be served;
- Legal clinics.

AREAS PROHIBITED BY FEDERAL AND STATE STATUE**

- Polling places;
- Locations where meetings occur subject to the Open Meetings Act (6).

*Some of these areas may be designated as temporary gun free zones per event.

**The organizer of any college sponsored event involving minors is responsible for notifying the EPCC Police Department Central Dispatch no less than 48 hours prior to the event. More detailed information about this procedure for Gun Free Zones Temporary signage can be found in the EPCC Weapons on Campus Policy.

GENERAL RECOMMENDATIONS

CONCEALED HANDGUN DEFINITION

The Texas Department of Public Safety defines a concealed handgun as a handgun, the presence of which is not openly discernable to the ordinary observation of a reasonable person (5). This same definition will be utilized by EPCC. At all times, the handgun must be on or about the license holder's body or secured and concealed safely.

- **"Handgun"** means any firearm that is designed, made, or adapted to be fired with one hand, as defined in Section 46.01 of the Texas Penal Code (7).
- **"Firearm"** means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use, as defined in Section 46.01 of the Texas Penal Code. The term Firearm includes a handgun (7).
- **"Licensed Handgun Holder"** means a person who is licensed pursuant to Subchapter H, Chapter 411 of the Texas Government Code.

EXEMPTION PROCESS FOR UNIQUE SITUATIONS

S.B. 11 allows the College President to identify areas where concealed handguns are prohibited. New dynamics or changes in facility usage, a specific event, temporary circumstances, unique or unforeseen circumstances, case law, and other subtleties may pose a safety threat to students, faculty, staff or visitors. The college will develop a policy to address these situations or circumstances.

GUN FREE ZONES

A large part of the Task Force's work involved the identification of concealed carry gun free zones on the EPCC campuses. Whenever applicable, existing legislative requirements, penal code or accreditation standards were utilized to identify gun free zones. Feedback from the campus community also yielded a significant number of recommendations, all of which were considered by the Task Force.

Given the passionate arguments on both sides of the concealed carry debate, it is not surprising that strong opinions were heard from both ends of the gun free zones spectrum. Many individuals expressed heartfelt concerns related to the addition of concealed handguns in classrooms, laboratories and campus study spaces. Their recommendation was to make them gun free zones. On the other end, many individuals wanted no restrictions associated with their right to carry a concealed handgun and asked the Task Force to limit the number of gun free zones, and to allow concealed carry in classrooms. Final recommendations by the Task Force took into account community feedback and, as we interpreted them, the parameters set forth in the legislation.

As stated in the law, the EPCC President has the authorization to enact "reasonable rules and regulations" but the rules may not either "generally prohibit" or "have the effect of generally prohibiting" license holders from carrying concealed handguns on campus. Led by Chief of Police Jose L. Ramirez, the Gun Free Zones Task Force followed these guidelines and reviewed all areas at El Paso Community College for "Gun Free Zone" areas in developing the following recommendations.

POLICY RECOMMENDATIONS

Specific Location	Background	Regulations/ Laws	Population	Safety Considerations	Unique Environment
Policy awareness to students (District-wide)	Information materials to guide students in the general understanding of rules, regulations or other provisions surrounding carrying of concealed handguns on campus would be useful through a public awareness campaign by the EPCC Marketing and the Gun Free Zones Task Force.	S.B. 11 allows the College President to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on campus.	All students would be impacted by viewing information materials at least once that were developed for campus carry.	Safety tips and guidelines would be referenced in training materials. Reporting violations would also be covered in materials.	N/A
Policy awareness to faculty/staff (District-wide)	Information materials to guide faculty and staff in the general understanding of rules, regulations or other provisions surrounding carrying of concealed handguns on campus would be useful through a public awareness campaign by the EPCC Marketing and the Gun Free Zones Task Force.	S.B. 11 allows the College President to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on campus.	All faculty and staff would be impacted by viewing information materials as a function of holding a position with EPCC.	Safety tips and guidelines would be referenced in training materials. Reporting violations would also be covered in materials.	N/A

Specific	Background	Regulations/	Population	Safety	Unique
Location	Daonground	Laws	Topulation	Considerations	Environment
Existing lockers, cabinets, closets and furnishings are property of EPCC and do not meet the definition of providing safe and secure storage for firearms. (District-wide)	S.B. 11 does not require a college to provide storage for firearms. The Texas Government Code requires a handgun be stored in a manner that a child would not be at risk of accidental injury. The Texas Penal Code provides guidance on acceptable methods to secure a firearm.	S.B. 11 allows the College President to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on campus. Texas Penal Code 46.03.	All license holders must meet requirements established by the Texas Government Code to obtain their license, which includes training on how to safely store and secure their firearm. Therefore, individuals are responsible for maintaining ownership and control of their handgun and making appropriate decisions relating to gun storage when the handgun is not on or about their person.	Providing storage increases the time and frequency spent handling a firearm, thus increasing the risk of accidental discharges, ability for others to identify license holders, and possibility of theft of firearms as storage locations would be generally well-known. Storage lockers for weapons will not be provided by EPCC.	The 1995 Concealed Handgun License legislation and the new open carry legislation provide the foundation for S.B. 11. Neither one requires storage be provided for license holders.
Faculty or Staff Offices not generally open to the public that are solely occupied by a single occupant and the occupant chooses to designate their office as a Gun Free Zone. (Distric-wide)	Traditionally, the occupant of an office is vested with substantial control over his or her space if the occupant has been solely assigned to that office and the space is not generally open to the public.	S.B. 11 allows the College President to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on campus. In addition, the law has traditionally vested the occupant of an office with substantial control over his or her office space.	General public and including all students, faculty and staff.	Occupants of offices that are designated as Gun Free Zones must provide visitors verbal notice that the concealed carry of a handgun in the office is prohibited. If the occupant's duties ordinarily entail meeting people who may be license holders, the occupant will make reasonable arrangements to meet them in another location.	There is concern that permitting the carrying of handguns in offices will inhibit open dialogue especially when discussing difficult and sensitive issues. Others have expressed the belief that introducing handguns into environments where matters of performance or discipline are discussed may heighten the risk of gun violence. Permitting the occupant with sole control over an office to limit access will preserve what many consider crucial to the uniqueness of the campus environment.

RECOMMENDED PERMANENT GUN FREE ZONES

Specific	Background	Regulations/	Population	Safety	Unique
Location		Laws	-	Considerations	Environment
_	Identification of laboratories with combustible, flammable or other dangerous materials or equipment as well as those used in animal research facilities for research.		General student, faculty, staff and visitors will be occupants of buildings where laboratories are located, considered mixed use containing these Gun Free Zones.	_	-

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Specific	Background	Regulations/	Population	Safety	Unique
Location		Laws		Considerations	Environment
Intercollegiate outdoor playing fields. Baseball Softball Cross Country Half Marathon (District-wide)	EPCC is a member of the National Junior College Athletic Association competing in Region V and the Western Junior College Athletic Conference; therefore will occasionally host other county/city sporting events.	The Texas Penal Code prohibits a firearm on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.	EPCC students, faculty and staff attend or participate in events and practices, as does the general public.	For safety purposes, the Texas Penal Code prohibits the possession of weapons at facilities hosting designated events.	Large capacity events are hosted at these venues. These events require safety and security plans to be in place to provide a safe environment. EPCC Police are on-site for most events.
EPCC Police Distpatch Offices (Distric-wide)	Police Distpatch Offices within EPCC have restricted access for entering the offices as well as the investigative rooms.	S.B. 11 allows the College President to identify areas where concealed handguns may be prohibited.	EPCC Police Department require that access to their spaces be restricted due to the nature of the work performed. No restrictions would be placed on the lobby area serving the general public and students, faculty and staff.	EPCC Police Department detains suspects that could become violent and seize opportunities to remove handguns from those that are legitimate licensed handgun carriers. Additionally, during investigative matters it would be disruptive to the police processing to have others within their confined space with handguns.	EPCC Police Department seeks to minimize unnecessary harmful events from occurring. No storage facility will be available for license holders if they arrive at the Police Department with a firearm.

TEMPORARY GUN FREE ZONES PER EVENT**

**The organizer of any college sponsored event involving minors is responsible for notifying the EPCC Police Department Central Distpach no less than 48 hours prior to the event, more detailed information about this procedure for Gun Free Zones Temporary signage can be found in the EPCC Weapons on Campus Policy.

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Specific	Background	Regulations/	Population	Safety	Unique
	GD 11 11 11		D (C 11)		
College sponsored events with minors The college provides minors with various learning activities and tours on a daily basis. (District-wide)	S.B. 11 allows the College President to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by licensed holders on campus. Texas Penal Code 46.03. (All early college high school, daycares, YMCA Child Development Centers are permanent Gun Free Zones)	The Texas Penal Code prohibits weapons in pre-K- 12 schools and on grounds/buildings where school- sponsored activities are being conducted. By analogy and extension, on- campus official activities whose participants are children under the age of 18 should be Gun Free Zones.	Event or facility that serves todlers, K-12 school-aged children and EPCC students during school sponsored activities. Given the population served, there are significant concerns about a child having the ability to access a firearm.	It might be impractical to place temporary signage for certain Gun Free Zones given the numerous activities in some locations at multiple times during the day, such as the Jenna Welch & Laura Bush Community Library. Consideration should be given when assigning meeting rooms or classroms for an activity or course where minors will be present. If more than one room, identify an area/classrooms that are close by facilitating the designation as a Gun Free Zone.	Activities, courses and tours should take into consideration the posting of temporary signs when progamming school sponsered activities that involve minors. The Jenna Welch & Laura Bush Community Library location is in a unique setting to serve children and their families.
Meeting rooms in which a governmental entity is holding an open meeting subject to the Texas Open Meetings Act. (District-wide)	Occasionally the campus may hold for the benefit of a governmental entity an "open meeting" subject to Chapter 551, Governmental Code.	S.B. 273	General public	N/A	This includes temporary signage to designate as a Gun Free Zone, such as, the Boardroom Executive Suite when the EPCC Board is in session.
Polling locations (District-wide)	Areas for which federal and/or state law requires exclusion or in which weapons are prohibited by an accrediting authority.	Penal code - Section 46.03	General public and including all students, faculty and staff.	N/A	

APPENDIX 1

GUN FREE ZONES SPECIFIC LOCATIONS

GUN FREE ZONES SPECIFIC LOCATIONS				
CAMPUS	BUILDING/ROOM/AREA			
Administrative Services	Building 6010 (A)			
Building	A200 Boardroom when in session			
	A201 Board Executive Suite when in session			
	•			
	Building 6020 (B)			
	B230 Culinary Department			
	Building 6030			
	Auto Shop			
Mission del Paso	Building 8030 (B)			
	B115 Biology Lab			
	B119 Biology Prep Area			
	B122 Chemistry Lab			
	Building 8010 (D)			
	D103 Health Storage			
	Building 8070 (L)			
	• L151 Paramedics			
	• L151 Paramedics			
	Building (R)			
	No Gun Free Zones			
Northwest	Building 7030 (C)			
	C223 Biology/Chemistry			
	C224 Biology			
	• C227 Biology			
	C229 Biology			
	New Building (A)			
	• A165 Biology			
	• A163 Biology			
	A166 Biology Storage and Prep RoomA164 Biology			
	- Mor Diology			
Rio Grande	Building 4010 (A)			
	A004 Radiology laboratory			
	A011 Physical Plant			

	 A013 Physical Plant A236 Nursing assistant laboratory A004 Radiology Tech (rooms below are located inside A004) A003 A004 A005 A006 A007A A007B Building 4010 (B) B301 Medical assisting B301Respiratory laboratory B302B Respiratory Lab B308 Pharmacy tech laboratories B309 Pharmacy tech laboratories B414 Medical laboratory technology Building H (Whole Building) SSC Building D204 Testing Center Building J (New Parking Garage) J727 J731 J743 J708 J708 J712
	• J714
CAMPUS	BUILDING/ROOM/AREA
Transmountain	Building (3010-3070) 1500 Bio Lab 1503 RISE Program Science Center 1505 A/B Bio Lab (Gas lines on tables) 1510 Art Prep Lab 1538 Chemistry Storage and Prep Room 1539 Lab (High Voltage, Combustible Chemicals) 1540 Chemistry Lab (Gas lines on tables) 1541 Bio Storage and Prep Room 1543 Student Research Lab 1807 Electrical Containment Room 1914 Closet for Electrical Panels for Theatre Physical Plant Gasoline Storage Unit 1510 Biology

	1510A Bio Storage and Prep Room
	• 1535 Biology
Valle Verde	Building 2010 (A)
	A1607 Automotive Technology
	A1701 Automotive Technology
	A1702 Automotive Technology
	A2732 Biology
	A2727 Chemistry
	A2721 Chemistry
	A2724 Chemistry
	A1318 Print Making
	A1325 Art Area
	A1326 Art Area
	A1327 Art Area
	Building 2090 (M)
	Mechanical 1
	Building 2019 (ATC 1)
	121 Industrial Maintenance Lab
	(Northern half of the building)
	, S,
	TTC Building
	TTC122 Diesel Shop
	TTC149 Auto Shop
	AST (Arts Science Technology)
	AST240A
	• AST242
	• AST244
	• AST246A
	• AST248
	• AST340
	• AST342
	• AST344
	• AST346
	• AST348
	1.01010

APPENDIX II

FACT SHEET



EL PASO COMMUNTY COLLEGE

Campus Concealed Carry Information and FAQs

Creating and maintaining a welcoming environment for the campus community and all visitors is our top priority at El Paso Community College (EPCC). Beginning August 1, 2017, individuals with a Texas concealed handgun license (CHL) will be allowed to carry concealed handguns on the EPCC campus. As a public college in Texas, EPCC has an obligation to follow any and all state laws and will continue to do so unless changes are mandated through the legislative process of the State of Texas.

What is concealed carry?

The Texas Department of Public Safety defines a concealed handgun as a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person. This same definition is utilized at El Paso Community College (EPCC). At all times, the handgun must be on or about the license holder's body or secured and concealed safely. An individual's right to carry a concealed handgun is governed by specific legislative and institutional requirements.

Is concealed carry allowed throughout campus?

The EPCC President has been given the authority to enact "reasonable rules and regulations" pertaining to campus carry but the rules may not either "generally prohibit" or "have the effect of generally prohibiting" license holders from carrying concealed handguns on campus. EPCC has identified a number of Gun Free Zones where handguns will not be permitted, including but not limited to:

- College Child Care Centers
- Patient Care Facilities
- Select Research Labs
- Intercollegiate Athletic Events
- Individual Assigned Offices

FREQUENTLY ASKED QUESTIONS

What Do I do if I see a handgun or other type of weapon at EPCC?

Call the EPCC Police at 831-2200 or dial 911 if you see any individual on campus with a handgun or other type of weapon. EPCC Police will respond and resolve the situation appropriately. Violations of the concealed carry policy will be adjudicated through the campus conduct process and/or the legal system.

FOR FACULTY/STAFF

Can I ban handguns in my private office?

Individual occupants assigned to an office that is generally not open to the public should be allowed, at the individual occupant's discretion, to prohibit the carrying of a concealed handgun in that office. Oral notice (not written) must be provided that concealed carry of a handgun is prohibited in the occupant's office. Further, in the disposition of official duties, reasonable arrangements must be made to meet at another location if occupant prohibits the concealed carry of a handgun.

Individual office occupants, who have been solely assigned a space generally not open to the public, have been granted responsibility and substantial control over their office space. The maintenance of office security rests solely on the individual office occupant, as is recognized through the issuing of office keys. Traditionally, individual office occupants have exercised, at their discretion, who may or may not enter their office.

Since signage conforming to Texas Penal Code § 30.06 may create confusion and present challenges to the law, it is recommended that verbal notification be the sole requirement restricting the carry of concealed weapons in individual assigned offices.

FOR CONCEALED HANDGUN LICENSE (CHL) HOLDERS

What are my responsibilities as a CHL holder while at EPCC?

Individuals who are licensed and desire to carry a concealed handgun on campus are responsible for knowing where their handguns are at all times and which locations on campus are Gun Free Zones. Individuals must also make appropriate decisions relating to make appropriate decisions relating to gun storage when the handgun is not "on or about their body" and in their direct control.

The Concealed carry law does not require institutions to provide storage units or other similar accommodations to license holders. Existing lockers, cabinets, closets and furnishings are property of EPCC and do not meet the definition of providing safe storage and cannot be used to safely store a handgun. At all times, the responsibility for maintaining ownership and control of a concealed handgun rests with the holder. When not the direct possession of the license holder, handguns must be concealed and locked in the owner's private automobile or safely and securely stored by other means.

Additional information is available at:

 $\underline{https://www.epcc.edu/Services/Police/Documents/Gun_Free_Zones_Repo}\\ \underline{rt.pdf}$

REFERENCES

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