

## Policy 12-500 CO-CS-PO2

### Concealed Carry and Weapons On Campus

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#### **I. Title**

Concealed Carry and Weapons on Campus

#### **II. Policy**

- A. The University of Texas at Arlington is committed to providing a safe and secure learning, working, and living environment. To this end, the University prohibits the use, possession, display or storage of any firearms, other lethal or non-lethal weapons, simulated weapons, explosives, or fireworks on the University campus. Individuals who observe a violation of this policy are required to report the incident immediately to the University of Texas at Arlington Police Department (“UTAPD”) so that it can be documented and properly investigated. UTAPD can be contacted at (817) 272-3003 for emergencies and (817) 272-3381 for non-emergencies. UTAPD will forward potential violations of this policy to the Office of Human Resources or Office of Student Conduct as applicable.
- B. Exceptions:
  - 1. Licensed peace officers may carry authorized weapons on the University Campus.
  - 2. Within Scope of University Employment or Work. This Policy permits lawful possession, use and storage of Other Lethal and Non-Lethal Weapons, and Fireworks to the extent such possession falls within the scope of a person’s employment at the University. For example, this Policy does not prohibit the authorized possession, use and storage of radioactive materials or rockets in connection with laboratory research, or the authorized possession, use and storage of knives in connection with food preparation or consumption; or the authorized use, possession

and storage of saws or shearing devices by Facilities Management employees or contractors.

3. Public Ceremonies, Parades and Theatrical Performances. This Policy permits the lawful possession, use and storage of Simulated Firearms or Other Lethal or Non-lethal Weapons by participants in any University-sponsored public ceremony, parade, athletic program, ROTC training, Color Guard Ceremonies or theatrical performance (e.g., stage props), provided that previous permission has been obtained from University Police.
4. Pursuant to Subchapter H, Chapter 411 of the Texas Government Code, individuals licensed by the state to carry a concealed handgun (License Holder) may carry a concealed handgun in approved areas on the University Campus beginning August 1, 2016. The following restrictions will apply:
  - a. This exception applies only to handguns; therefore, rifles and other weapons are still prohibited on the University Campus with the exception of weapons permitted under Section B.1.
  - b. The University will not provide storage for handguns on the University Campus.
  - c. At all times, the responsibility of maintaining ownership and control of a concealed handgun rests with the holder.
  - d. Individuals are responsible for knowing where their handguns are at all times and which areas on campus are exclusion zones.
  - e. Existing lockers, cabinets, closets and furnishings are property of the University and shall not be used to store a handgun.
  - f. When not in 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.
  - g. License Holders in University housing must safely secure or store their firearms to prevent tampering or theft in accordance with University housing requirements. Roommates in University Housing may select a preference for a roommate who agrees not to possess a firearm on the University Campus; however, the University will make no guarantee to fulfill any request.
5. Exclusionary areas are set forth in Appendix A. Subchapter H, Chapter 411 of the Texas Government Code gives the presidents of public universities the ability to designate gun-free zones on their campuses. The University has identified exclusionary areas based on applicable laws and regulations, the general makeup of the campus population in those areas, safety considerations, and unique and material characteristics of those areas. The Texas Government Code 411.2031(d-1) and the Texas Penal code 30.06 require notice to be

given regarding areas where license holders may not carry. Signage will be provided for these areas, using required wording and format.

C. Training and Awareness

1. In order to improve general campus safety regarding weapons on campus, the University will:
  - a. Maintain a website providing information on the use and prohibition of weapons on campus, including concealed carrying of handguns.
  - b. Provide educational materials for students, staff, and faculty regarding active shooter situations.
  - c. Post in a number of prominent locations a concise compilation of campus-carry information and FAQs.

D. Violations and Penalties

1. Suspected violations of law are required to be reported to the UTAPD or other law enforcement agencies and may result in criminal penalties. A license holder is bound by state and federal law and may face criminal or civil penalties for violation of those statutes. Violations of law will be investigated by the UTAPD.
2. Reports of staff or faculty violating this policy will be investigated by the Office of Human Resources and individuals subject to discipline, which may include disciplinary actions up to and including termination of employment for employees under the University's Human Resources policies and procedures.
3. Reports of students violating this policy will be investigated by the Office of Student Conduct and individuals subject to discipline under the Code of Student Conduct which may include disciplinary actions up to and including expulsion.
4. Violations include, but are not limited to:
  - a. Carrying any weapon on the University Campus, unless specifically allowed by state or federal law or under this policy.
  - b. In compliance with Texas Penal Code 46.035(a-1), a license holder may not carry a partially or wholly visible handgun on the University Campus. Handguns must be carried on the person. Handguns must be in holsters that completely cover the trigger guard area and that can withstand any unexpected movement from jostling, falling, etc.
  - c. Causing an intentional, inadvertent or accidental discharge of a firearm that is not justified in the use of force or deadly force.

- d. Using, or threatening to use, a weapon in a threatening or hostile manner.
- 5. Penalties: A person who fails to comply with the rules and the regulations prescribed by the University may be subject to University discipline and may also be in violation of the Texas Penal Code. Alleged violations of the Texas Penal Code will be investigated by UTAPD. Investigations of policy violations and criminal violations may run concurrently or separately. The lack of any finding of criminal activity does not preclude the University from finding a violation of policy. Persons in violation of any lawful order to remove a weapon or to leave the University Campus are subject to arrest by UTAPD.
- E. Reporting: Not later than September 1st of each even-numbered year, the University shall submit a report to the legislature and appropriate committees that describes all provisions regarding the carrying of concealed handguns on the campus of the institution. The report will contain the rationale for the University's current provisions.

### III. Definitions

**Firearm:** Any device, regardless of its name, that is designed to expel a projectile by the action of an explosion, expansion of gas or escape of gas; any imitation, facsimile, or replica firearm; and any firearm that has been rendered inoperative.

**Fireworks:** Include, but are not limited to, firecrackers, skyrocket, rockets, roman candles, cherry bombs, sparklers, toy cannons or toy guns in which explosive materials are used, fire balloons, or other devices containing any combustible or explosive substance used to propel another object.

**Handgun:** Any firearm that is designed, made or adapted to be fired with one hand.

**License Holder:** An individual in possession of a current license issued or recognized by the State of Texas to carry a concealed handgun.

**Simulated Weapon:** Any object made in resemblance of, or as a substitute for a Handgun, Firearm, or Other Lethal or Non-Lethal Weapon. Easily identifiable toys, such as brightly colored or clear water guns, are excepted from this Policy. Possession of imitation or replica Firearms on University premises or at University activities or events are prohibited except as specifically authorized by University Police.

**Summer Camp:** A university sanctioned program with specific objectives designated for middle school and/or high school students and which utilizes university facilities that may include housing, dining, classroom, meeting and recreation space.

**University Campus:** All land and buildings owned or leased by the University. **Other Lethal or Non-Lethal Weapon:** Any object or substance that ordinarily could result in or are readily capable of inflicting a wound, causing injury or incapacitation, including without limitation all firearms, BB guns, air guns, pellet guns, zip guns, paint guns, flare guns, stun guns, clubs, slingshots, blackjacks, artificial knuckles, swords, sabers, daggers, machetes, hatchets, crossbows, longbows, knives of all types (except for knives used as common eating utensils and knives with a blade five and one-half inches or less and designed for personal use) ice picks, nun chucks, throwing stars,

batons, nightsticks, billy clubs, and imitations, facsimiles or replicas of all of the above, chemicals such as mace, tear gas, or oleoresin capsicum, but excluding normally available over-the-counter self-defense repellents.

**IV. Relevant Federal and State Statutes**

Texas Government Code Chapter 411.2031(d-1)

Texas Penal Code 46.035(a-1) and 30.06

Senate Bill 11

House Bill 910

Senate Bill 1907

**V. Relevant UT System Policies, Procedures and Forms**

HOP Policy 9 Student Conduct and Discipline

University Procedure 3-27 Discipline and Discharge Policy

<http://www.uta.edu/news/info/campus-carry/>

**VI. Who Should Know**

All members of the campus community, including students, staff, faculty, visitors, contractors, prospective students, and the parents of students and prospective students.

**VII. UT Arlington Office(s) Responsible for Policy**

The Office of University Compliance and Legal Affairs

**VIII. Dates Approved or Amended**

July 14, 2016

**IX. Contact Information**

All questions regarding this policy should be directed to The Office of University Compliance and Legal Affairs.

**A. APPENDIX A**

Areas of the UTA where carrying a concealed handgun is prohibited include the following exclusion zones:

1. Locations providing counseling and health services, which include the Social Work Building B, Counseling and Psychological Services on the

third floor of Ransom Hall, and the Student Health Services Building.

2. Locations providing childcare for minor children, which includes the Transforming Lives Child Development Center.
3. Locations primarily used for NCAA, UIL or professional sports events, which include the College Park Center, Maverick Stadium, Allan Saxe Field, and Clay Gould Ballpark.
4. The Testing Services Office located in University Hall and in Davis Hall.
5. The Maverick Activities Center (MAC).
6. The Physical Education Building (PEB)
7. University-owned residence halls when being used for summer camps.
8. Designated locations where formal disciplinary and grievance actions are conducted. Specific locations will be identified and designated for these disciplinary and grievance hearings.
9. Other exclusionary areas may include leased spaces on the University Campus as determined by the lessee, including Centennial Court Apartments, Follett Bookstore, and restaurants/shops/office space in the College Park District.
10. When a polling place for public elections is located on University premises, the area will be restricted during Election Day and while early voting is in progress.
11. On a case-by-case basis, any location, or specific time period the University President determines creates a unique situation that poses a threat to the safety of the campus community.