BACKGROUND

On June 13, 2015, Governor Greg Abbott signed into law a bill (S.B. 11) allowing license holders to carry concealed handguns on public university campuses in the state of Texas. The legislation, which goes into effect August 1, 2016, provides an opportunity for individual campuses to develop rules, policies and practices associated with the law’s implementation. Included in the law is the opportunity for campuses to identify exclusion areas where concealed carry will not be allowed.

At UTEP, a Campus Concealed Carry Task Force was convened during the fall 2015 semester. Membership on the Task Force, presented below, included a broad campus cross-section of students, faculty and staff. Compared with task forces at other UT System institutions, UTEP’s is the largest and has the largest faculty representation.

Chair:
Gary Edens, Student Affairs

Faculty/Administrative Representatives:
Vince Burke, College of Liberal Arts
Marc Cox, College of Science
Jim Holcomb, College of Business Administration
Mark Lusk, College of Health Sciences
Elias Provencio-Vasquez, School of Nursing
Bess Sirmon Taylor, Graduate School
Michael Smith, College of Liberal Arts
John Wiebe, Provost’s Office
Patricia Witherspoon, College of Liberal Arts

Student Representatives:
Roberto Dominguez
Diamond Martinez
Hector Quintero
Nadia Rivas
Sheryl Rodriguez

Parent Representative:
Isabel Sanchez, UTEP Parent Association

Ex-Officio Representatives:
Richard Adauto, President’s Office
Lee Ann Koehler, Legal Affairs
Robert Moss, Environmental Health and Safety

Staff Representatives:
Ben Carnevale, Staff Council
Ryan Holmes, Office of Student Conduct and Conflict Resolution
Catie McCorry Andalis, Office of Student Life
Greg McNicol, Facilities Services
Arizve Ochoa-Retana, Human Resources
Jorge Vazquez, Special Events
Cliff Walsh, University Police

The Task Force was charged with identifying campus spaces where concealed handguns should be excluded; developing policies and communication strategies associated with educating the campus and visitors about the new law; and recommending safety and enforcement practices that will ensure the rights of all campus constituents.
Throughout the process, the Task Force made every effort to be transparent, inclusive and diligent. A website, www.utep.edu/campuscarry, was launched in September 2015 and to date has been accessed more than 2,169 times. Feedback was also solicited through campuscarry@utep.edu which has garnered 144 emails from students, faculty and staff. Three campus forums were held at which more than 250 members of the campus community contributed suggestions and raised concerns. Additional conversations and presentations were conducted for the Administrative Forum (comprising all department chairs, directors and executive leadership), Faculty Senate, Residence Life, Student Government Association, Deans, Assistant & Associate Deans and the College of Liberal Arts. All suggestions, recommendations and concerns were compiled and shared with Task Force members on a weekly basis. Media coverage was extensive and helped promote the open forums while simultaneously informing the local community about the law’s purpose and parameters.

CONCEALED CARRY

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. This same definition will be utilized at UTEP. At all times, the handgun must be on or about the license holder’s body or secured and concealed safely.

EXCLUSION ZONES

A large part of the Task Force’s work involved the identification of concealed carry exclusion zones on the UTEP campus. Whenever applicable, existing legislative requirements, penal code or accreditation standards were utilized to identify exclusion 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 exclusion zone 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 exclusion 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 exclusion 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 university 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 Greg McNicol, Associate Vice President for Business Affairs, the Facilities and Security sub-committee followed these guidelines and reviewed all likely candidates for exclusion areas in developing the following recommendations.
<table>
<thead>
<tr>
<th>EXCLUSION ZONE RECOMMENDATION</th>
<th>UTEP LOCATION</th>
</tr>
</thead>
</table>
| Areas for which federal law requires exclusion or in which weapons are prohibited by an accrediting authority. | • University Heights Early Learning Center, 315 W. Schuster  
• On-campus voting locations organized by governmental agencies |
| Patient care areas, including those where mental health care services are provided. Texas Penal Code 46.035(b)(2) excludes hospitals licensed under Chapter 241 – by analogy and extension; it is recommended that all patient care areas be excluded. | • Student Health Center, Union East Building  
• University Counseling Center, Union West Building  
• College of Health Sciences Clinics  
  - Speech, Language and Hearing Clinics (lab and waiting room)  
  - Community Rehabilitation Program Clinics (lab and waiting room) |
| Premises where a high school, collegiate, professional sporting event or interscholastic event is taking place. Effective notice will be given as described in Section 30.06. | Facilities impacted while an event is taking place include, but are not limited to the following:  
• Sun Bowl Stadium  
• Don Haskins Center  
• Kidd Field  
• Memorial Gym  
• University Field  
• Helen of Troy Softball Complex |
| Animal-care areas where protocols regulating ingress and egress create a risk that a concealed handgun will accidentally discharge, contaminate or separate from a license holder. | • Biosciences Building Vivarium  
• Psychology Building, Animal Holding Area  
• Biology Building, Animal Holding Area |
| Laboratories required to comply with NFPA 45 (National Fire Protection Association, Code 45) regulations that are hazard risk classification 2 or higher. Other areas to be excluded include rooms with NMR units, rooms with natural gas lines 2 inches of diameter or greater AND with an open flame, and areas where compressed gas cylinders are used or stored in support of campus operations. |
| Laboratories within the following buildings that meet exclusion zone criteria: |
| • Biology Building |
| • Bioscience Research Building |
| • Campbell Building |
| • Chemistry and Computer Science Building |
| • Engineering Building |
| • Fox Fine Arts Center |
| • Geological Sciences Building |
| • Health Sciences and Nursing Building |
| • Physical Sciences Building |
| • Psychology Building |
| Laboratories or research facilities where interaction with the body makes it difficult for individuals to conceal a handgun or where wearing a handgun would disrupt physical exertion or the study of the body. |
| Laboratories or research facilities within the following buildings that meet exclusion zone criteria: |
| • Campbell Building |
| • Health Sciences Building |
| • Larry K. Durham Center |
| • Ross Moore Building |
| Student Assessment and Testing Centers when nationally sanctioned tests (e.g. ACT, SAT, TOEFL, CLEP, THEA IBT, TExES) are being administered that prohibit the carrying of a firearm under the rules of the testing organization. Effective notice will be given under Section 30.06 and as needed. |
| • Student Assessment and Testing examination rooms, Academic Advising Center |
| • Other rooms or facilities on campus when national testing is taking place |
| A room in which a formal hearing and/or tribunal is held in accordance with the UTEP Handbook of Operating Procedures: 1) Section II. Student Affairs, Chapter 1., Student Discipline and Conduct, 1.5 Hearing Process; 2) Section III. Academic Affairs, Chapter 4. Academic Policies and Faculty Personnel Matters, 4.15 Grade Review Process; 3) Section III. Academic Affairs, Chapter 4. Academic Policies and Faculty Personnel Matters, 4.4.2. Termination. Allowed under Texas Penal Code 46.03 as a conflict resolution area. |
| Room would be identified in writing in official summons and/or correspondence with impacted parties and would only be in effect during the time of the hearing. |
| Special events produced by external agents, whose contracts specifically ban handguns or weapons in the arena during a performance. |
| Facilities impacted while an event is taking place include, but are not limited to the following: |
| Notification of concealed carry limitations must be communicated during the time of ticket purchase. |
| - Sun Bowl Stadium |
| - Don Haskins Center |
| - Magoffin Auditorium |
| - Memorial Gymnasium |
| - Union Cinema |
| Properties located off campus, which have existing tenant leases prohibiting weapons. |
| • UTEP Graduate Business Center, Chase Building, |
| | |
| Student housing where individuals live in shared space. Miner Heights and Miner Canyon consist of bedroom apartments where the majority of the rooms are shared. Miner Village has private, lockable bedrooms and would not be an exclusion zone. |
| • Miner Heights Student Housing Complex |
| • Miner Canyon Student Housing Complex |
| | |
| A mixed-use residence where the authorized resident resides. The determination of the Hoover House as an exclusion zone lies with the resident, to include the Hoover House curtilage and the entire house. |
| • The Hoover House |

The president reserves the right to identify certain events throughout the year where concealed handguns are prohibited due to the unique nature of the activity. For these events, which will be limited in number, UTEP will fully comply with the reporting and notification requirements set forth in §411.2031.
Where possible and practical, signage will be displayed, in both English and Spanish, to inform the campus community of an area where concealed carry is impermissible. The law further requires that signage be displayed in a conspicuous manner clearly visible to the public, with block letters in contrasting colors and at least one inch in height. Though not specifically stated in the law, the Task Force assumes that the intent of the law is for signage to be placed at the entrances of a building for which concealed carry is not permitted, or the entrance to a room or area if excluded.

**STORAGE LOCKERS**

The concealed carry law does not require institutions, nor does it make funds available, to provide storage units or other similar accommodations to license holders. Existing lockers, cabinets, closets and furnishings are property of UTEP and do not meet the definition of providing safe storage and cannot therefore 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 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. Concealed carriers with private dormitory rooms in Miner Village are required to store handguns in personally owned gun lockers or in their private automobiles. Individuals are responsible for knowing where their handguns are at all times and which areas on campus are exclusion zones. Individuals must also make appropriate decisions relating to gun storage when the handgun is not “on or about their body” and in their direct control.

**COMMUNICATION, TRAINING AND EDUCATIONAL OPPORTUNITIES**

Knowledge of the campus concealed carry law’s pending implementation among campus constituents is high. Media coverage has been extensive and faculty, staff and student groups have been considering the implications of the law for most of the fall 2015 semester. The specifics of the law, however, can be easily misunderstood and are often misrepresented or factually incorrect.

The Task Force recommends that by the end of the Spring 2016 semester a comprehensive communication plan be in place which outlines specific efforts to educate individuals on the law, identifies approved exclusion areas, and provides resources associated with the law’s implementation. Different campus constituents will require targeted information and resources that take into consideration their unique circumstances and responsibilities. A recommendation that was consistently expressed at the campus open forums was that faculty and staff members be provided with additional training and professional development in the areas of conflict management, student conduct and classroom management.

Members of the staff also raised concerns regarding safety precautions and have asked for additional training on how to manage difficult customer service situations. Students are worried about handguns in student housing and at organizational events, and they are confused as to what will and will not be allowed on campus. Many of these issues cut across all campus populations and therefore must be addressed directly and in a manner that is accurate, consistent, and easily accessible.

A good start would be an expansion of the current campus carry website. Launched in September 2015, the [www.utep.edu/campuscarry](http://www.utep.edu/campuscarry) website has served as a centralized location for information dissemination and constituent feedback. The website’s focus can easily be expanded to include additional and existing resources.
and is an excellent repository for the latest information on exclusion areas and policy changes. We recommend that it remain in operation and be institutionalized as the go-to location for campus carry information. The Communication and Training sub-committee, led by Catie McCorry Andalis, Associate Vice President and Dean of Students, will continue to meet throughout the spring 2016 semester to develop training opportunities for the campus community. A number of faculty and staff members have expressed a strong interest in supporting educational workshops and symposia relating to campus carry and related topics. Where appropriate and feasible, the sub-committee will work to facilitate this on-going dialogue on campus.

SAFETY AND ENFORCEMENT

The University of Texas at El Paso is committed to ensure the safety of everyone on our campus. Any violations of the new concealed carry law will be adjudicated through the campus conduct process and/or the legal system. University Police already receive extensive training in the use of force, de-escalation, problem solving, cultural diversity and sensitivity and community-oriented policing. This training is being reviewed within the new campus-carry context and will be adjusted and enhanced over the next several months as a lead-up to the law's enactment in August. Members of the university's police force will be actively involved in the development and presentation of training and educational programs for faculty and staff. An information card will be designed and distributed to all campus employees outlining emergency response protocol and contact information.

POLICY RULES AND REGULATIONS

Although it is anticipated that the UT System will develop model policies relating to concealed carry, members of the UTEP Task Force wanted to get an early start on drafting internal recommendations that could inform the policy discussion. Working from UTEP’s current Handbook of Operating Procedures (HoOP), Ryan Holmes, Assistant Vice President for Student Support, and his Legal and Conduct sub-committee identified areas where the addition of new language would be required. The policy language recommendations outlined in Appendix A reflect the overall campus mindset and support the criteria outlined in the law.
APPENDIX A
Recommended Changes to UTEP’s Handbook of Operating Procedures (HoOP)
STUDENT AFFAIRS

Student Affairs Policy Addition(s):

Section II. Student Affairs. Chapter 1. Student Conduct and Discipline
add:
1.2.2.13 Unauthorized Carrying/Possession or Display of Concealed Handgun
Carrying or possession of a concealed handgun, as defined in Section 46.01 Texas Penal Code, in an excluded area where specifically prohibited on campus or where specifically prohibited on any property or in a building or facility owned or controlled by the University and/or intentionally or knowingly displaying a handgun in plain view of another person(s) while on campus or any property or in any building or facility owned or controlled by the University is subject to discipline.

Section II. Student Affairs. Chapter 4. Student Organizations
add:
4.8.3.14 Unauthorized Carrying/Possession or Display of Concealed Handgun
Carrying or possession of a concealed handgun in an excluded area where specifically prohibited on campus or where specifically prohibited on any property or in a building or facility owned or controlled by the University and/or intentionally or knowingly displaying a handgun in plain view of another person(s) while on campus or any property or in any building or facility owned or controlled by the University.

Additional Student Affairs Recommendation(s):

In Section II: Student Affairs, Chapter 1, 1.2.2.2. Drugs, it is stated that “the minimum sanction assessed shall be suspension from the university for a specified period of time and/or suspension of rights and privileges.” It is believed that such language should also be suggested for violations of the concealed carry law and added to the recommended 1.2.2.13 above.

In Section II, Student Affairs, Chapter 1, 1.9.1 it states that “Pursuant to the federal law, alleged victims of violent crime are entitled to know the results of campus student disciplinary proceedings concerning the alleged perpetrators.” After consulting with UTEP PD it is believed that “violent crime” refers to any kind of assault to include simple assault.

ACADEMIC AFFAIRS

In Section III, Academic Affairs, Chapter 4, 4.4.2. Termination. As this section and chapter of the HoOP includes hearing procedures, it is suggested that the following language be taken under consideration to be referenced in this portion or any other portion regarding formal hearings and tribunals:

Concealed Handgun Exclusion Areas for The University of Texas at El Paso
The room in which a formal hearing and/or tribunal is held in accordance with the UTEP Handbook of Operating Procedures: 1) Section II. Student Affairs, Chapter 1., Student Discipline and Conduct, 1.5 Hearing Process; 2) Section III. Academic Affairs, Chapter 4. Academic Policies and Faculty Personnel Matters, 4.15 Grade Review Process; 3) Section III. Academic Affairs, Chapter 4. Academic Policies and Faculty Personnel Matters, 4.4.2 Termination.
Justification: Allowed under state law (Texas Penal Code 46.03(3)) as a conflict resolution area.
HUMAN RESOURCES

Section V. Human Resources. Chapter 6. Discipline and Dismissal of Staff Employees
6.3.2 Conduct Subject to Disciplinary Action.
b. Unacceptable Conduct
add:
19. Carrying or possession of a concealed handgun in an excluded area where specifically prohibited on campus or where specifically prohibited on any property or in a building or facility owned or controlled by the University and/or intentionally or knowingly displaying a handgun in plain view of another person(s) while on campus or any property or in any building or facility owned or controlled by the University; or

In Section V: Human Resources, Chapter 6.3.3. Discipline Procedures, it is recommended that there be an addition created stating that firearms are prohibited in settings of formal or informal dispute resolution.

In Section V: Human Resources, Chapter 8.3. Protection from Retaliation, it is recommended that there be an addition created that states if an act of retaliation occurs and a firearm is in plain view during such a situation that increased penalties may occur.

OTHER HoOP SECTIONS

In Section VI: Equal Opportunity, Chapter 1, 1.4.3, it is recommended that there be an addition created stating that firearms are prohibited in settings of formal complaint investigation.

In Section IX: Environmental Health and Safety, Chapter 5, it is recommended that there be an addition created stating that concealed weapons are prohibited in exclusion zones identified in UTEP’s HoOP.

In a Section to be determined: The Campus Carry Policy may be amended from time to time after consulting with students, staff and faculty of the institution establishing reasonable rules, regulations or other provisions regarding the carrying of concealed handguns by license holders on the campus of The University of Texas at El Paso. The President or officers may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of The University of Texas at El Paso.

x.3.1. Not later than the 90th day after the date that the rules, regulations or provisions are established, The University of Texas Board of Regents shall review the provisions

x.3.2. By September 1 of each even numbered year, a report to the legislature and to the standing committee of the legislature with jurisdiction over the implementation and continuation of this section that:
x.3.2.1 Describes its rules, regulations and other provisions regarding the carrying of concealed handguns on the campus
x.3.2.2. Presents the reasons the institution has established those provisions

x.3.3. The University of Texas at El Paso shall distribute the rules, regulations or other provisions

x.3.3.1. This regulation is contained and posted on the UTEP website in the Handbook of Operating Procedures