The University of Texas at El Paso
Concealed Handguns and Weapons Policy

Section: IX: Environmental Health and Safety
Chapter: 10
Date Updated: July 14, 2016

10.1 Policy

10.1.1 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.

10.1.2 The use, possession, display or storage of all other weapons, simulated weapons, explosives, or fireworks on the University Campus is prohibited and subject to appropriate disciplinary and/or criminal sanctions.

10.1.3 Individuals who observe a violation of this policy are required to report the incident immediately to the University Police Department (UTEPPD) at 915-747-5611 or 911. UTEPPD will investigate the incident and when applicable forward potential violations to the University’s Office of Human Resources or Office of Student Conduct and Conflict Resolution (OSCCR).

10.2 Exceptions

10.2.1 Licensed peace officers may carry authorized weapons on the University Campus.

10.2.2 License holder, as defined by Subchapter H, Chapter 411 of the Texas Government Code, may carry a concealed handgun in approved areas on the University Campus beginning August 1, 2016. The following restrictions will apply:

10.2.2.1 Exclusion Areas are set forth in Appendix A. In accordance with Subchapter H, Chapter 411 of the Texas Government Code, the University has identified exclusionary areas based on applicable laws and regulations, the general makeup of the University population in those areas, safety considerations, and any unique and material characteristics of those areas. The Texas Government Code Section 411.2031(d-1) and the Texas Penal Code Section 30.06 require notice to be given regarding the areas where license holders may not carry.

10.2.2.2 Certain events throughout the year where concealed handguns are prohibited due to the unique nature of the activity. Events must be approved by the President and must fully comply with the reporting and notification requirements set forth in Texas Government Code Section 411.2031(d-1).
10.3 Storage

10.3.1 The University will not provide storage for handguns on the University Campus.

10.3.2 At all times, the responsibility of maintaining ownership and control of a concealed handgun rests with the license holder.

10.3.3 Individuals are responsible for knowing where their handguns are at all times and which areas on campus are exclusion zones.

10.3.4 Existing lockers, cabinets, closets and furnishings are property of UTEP and shall not be used to store a handgun.

10.3.5 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.

10.3.6 To prevent tampering or theft, licensed holders with private dormitory rooms in Miner Village are required to store handguns in personally owned gun lockers or in their private automobiles.

10.4 Communication and Training

10.4.1 In order to improve general campus safety regarding weapons on campus, the University will:

   a. Provide educational materials for students, staff, and faculty regarding active shooter situations.

   b. Post in prominent locations a concise compilation of campus-carry policy information and FAQs.

   c. Provide awareness of available mental health assistance through an enhanced web presence and other types of publicity.

   d. Provide faculty and staff with additional training and professional development in the areas of conflict resolution, student conduct and classroom management.

10.5 Violations and Penalties

10.5.1 Reports of staff or faculty violating this policy will be forwarded to the Office of Human Resource for review. Employees who have violated this policy may be subject to discipline, up to and including dismissal, under the University’s applicable policies and procedures.

10.5.2 Reports of students violating this policy will be forwarded to OSCCR for review. Students who have violated this policy may be subject to discipline, up to and including suspension and/or expulsion, under the Student Code of Conduct.

10.5.3 Relevant University policies and procedures will include provisions to address these violations as necessary. Violations include but are not limited to:

   a. Carrying any weapon on the University Campus, unless specifically allowed by state or federal law or this policy;
b. Carrying a partially or wholly visible handgun on the University Campus;

c. Causing an intentional, inadvertent or the 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.

10.5.4 A person who fails to comply with the policies, rules and regulations prescribed by the University may be subject to University discipline and may also be in violation of the Texas Penal Code.

10.5.5 Alleged violations of the Texas Penal Code will be investigated by UTEPPD. Investigations of University policy violations and criminal violations may run concurrently or separately. The lack of finding of criminal activity does not preclude the University from finding a violation of University policy.

10.6 Reporting

No later than September 1 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 University Campus. The report will contain the rationale for the University’s current provisions.

10.7 Definitions

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

10.7.2 Concealed Handgun: A handgun, the presence of which is not openly discernable to the ordinary observation of a reasonable person.

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

10.7.4 University Campus: All land and buildings owned or leased by the University.

10.7.5 Weapon: Any object or substance designed to inflict a wound, cause injury, or incapacitate, including without limitation all firearms, BB guns, air guns, pellet guns, zip gun, switchblade knives, knives with a blade over five and one-half inches and other illegal knives or clubs prohibited by statute. Chemicals such as mace, tear gas, or oleoresin capsicum, but excluding normally available over-the-counter self-defense repellents. Possession of chemical repellants labeled for police use only or for law enforcement use only are restricted to law enforcement.

10.7.5 Exclusionary Areas: Areas for which policy, rule, law or regulation requires exclusion of Weapons or in which any Weapons are prohibited.
APPENDIX A

EXCLUSIONARY AREAS

Areas of the University Campus where carrying a concealed handgun is prohibited include the following:

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<th>EXCLUSION AREAS</th>
<th>UTEP LOCATION</th>
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| 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.                                | • 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)                                                                                                                                     |
| Area where a high school, collegiate, professional sporting event or interscholastic event is taking place.                                                                                                      | 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 Areas 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. | 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 following 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. Notification of concealed carry limitations must be communicated during the time of ticket purchase. | Facilities impacted while an event is taking place include, but are not limited to the following:  
- Sun Bowl Stadium  
- Don Haskins Center  
- Magoffin Auditorium  
- Memorial Gymnasium  
- Union Cinema |
| Properties owned or leased by the University which have existing tenant leases prohibiting weapons. | UTEP Graduate Business Center, Chase Building, |
| Student housing where individuals live in shared space. | Miner Heights Student Housing Complex  
- Miner Canyon Student Housing Complex |
| A mixed-use residence where the authorized resident resides. | The Hoover House |
| The occupant of an office to which the occupant |  

has been solely assigned and that is not generally open to the public is permitted, at the occupant’s discretion, to prohibit the concealed carry of a handgun in that office. An occupant who chooses to exercise this discretion must provide oral notice that the concealed carry of a handgun in the occupant’s office is prohibited. If the occupant’s duties ordinarily entail meeting people who may be license holders, the occupant must make reasonable arrangements to meet them in another location at a convenient time.