



# CAMPUS CARRY FAQs FOR FACULTY

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## **BACKGROUND ON CAMPUS CARRY LAWS IN TEXAS**

In 2015, the Texas Legislature approved the "campus carry" law, Senate Bill 11. The law provides that License to Carry (LTC) permit holders may carry a concealed handgun throughout university campuses, starting Aug. 1, 2016. The law gives public universities some discretion to regulate campus carry.

The University of Texas at Austin and President Gregory L. Fenves take issues surrounding guns on campus very seriously and have worked to create policies that conform to the new law, protect the rights of citizens and ensure the safety and security of the entire campus.

S.B. 11 provides that, after consulting with students, staffers and faculty members about "the nature of the student population, specific safety considerations and the uniqueness of the campus environment," the university may enact reasonable rules and regulations regarding the carrying of concealed handguns by license holders on campus.

The law stipulates, however, that these rules and regulations may not either "generally prohibit" or "have the effect of generally prohibiting" license holders from carrying concealed handguns on campus.

## **What is open carry?**

In 2015, the Texas Legislature changed a law to permit the open carry of handguns by LTC permit holders in most places beginning Jan. 1, 2016. Open carry is not allowed on the UT Austin campus or other colleges and universities.

## **What is concealed carry?**

Concealed carry is when a LTC holder carries a concealed handgun on or about their person. An LTC holder who chooses to carry a handgun must carry the handgun in a holster that meets certain university-required standards. Concealed carry means the handgun must remain fully concealed.

## **What is Campus Carry?**

"Campus Carry" is the common name for the law that authorizes a LTC holder to carry a concealed handgun at institutions of higher education in Texas.



## **How did Campus Carry become law?**

In the 2015 state legislative session, a piece of legislation was introduced with the intent to permit license holders to carry concealed handguns into university buildings in a way that already existed in many places in Texas. For the past 20 years, license holders were permitted to carry handguns on campus grounds, but not in buildings.

This new law, S.B. 11, extended those rights to reflect the state's policies in place elsewhere in the state. The legislation passed and gave university presidents some discretion after considering "the nature of the student population, specific safety considerations and the uniqueness of the campus environment" to implement policies that best suited individual campuses.

## **What did UT do to prepare for this new law?**

The final bill allowed universities to produce policies to address the unique issues on individual campuses. After the law passed, President Fences formed a 19-member Working Group led by Steve Goode, a faculty member from the School of Law, which consisted of members of the faculty, staff, students, parents and alumni alongside university leadership.

The Working Group reached out to the campus community through emails and online surveys – receiving more than 3,300 responses – and held two public forums to gather input from the greater campus community.

The Working Group delivered a report to President Fences that included 25 policy recommendations to comply with the law. President Fences accepted all 25 recommendations and submitted them to the UT System Board of Regents, along with a 26<sup>th</sup> recommendation to prohibit handguns on the observation deck of the UT Tower.

The regents ultimately allowed all of those recommendations, except for one that would have prohibited rounds in the chambers of semiautomatic handguns.

Next, the president announced a task force charged with implementing the Campus Carry Policies and Implementation Strategies. Led by Bob Harkins, the associate vice president of campus safety and security, the Implementation Task Force worked collaboratively with units across campus to develop an implementation plan to carry out the new policies. The task force consisted of members of the faculty, staff, students and university leadership.



The task force welcomes feedback from the campus to address the unique challenges and issues faced by faculty members during the implementation of this new law, as well as those faced by staffers, students and others.

## **What are the requirements to acquire a concealed carry license?**

To legally carry a concealed handgun, the applicant must have applied for and received a License to Carry. The requirements for eligibility for a LTC permit are as follows:

- At least 21 years old
- Has completed the state-mandated training (includes safety and de-escalation)
- Is a legal resident
- Has not been convicted of a felony
- Is not charged with a Class A or B misdemeanor
- Is not a fugitive for a felony, Class A or B misdemeanors, or equivalent
- Is not a chemically dependent person
- And many others. [See the full list of requirements here.](#)

## **What are the obligations of people who have a concealed carry license?**

LTC holders who choose to carry concealed handguns on campus are obligated to know the UT Austin policies. It is their responsibility to know where they cannot carry and plan accordingly. If an activity would make concealed carrying difficult, or impossible, they must make proper arrangements to work around it. For example, some active dance classes make performing with a concealed handgun challenging. Because storage of handguns on campus is prohibited, a student who carries should consider leaving his or her handgun at home, or stored securely in his or her vehicle. Similarly, a student who will be taking an exam that requires that the backpack be left outside should consider leaving their handgun at home or in their car before entering the exam room. A LTC holder who carries on campus must carry the handgun in a holster that completely covers the trigger and the entire trigger guard area, and the holster must have sufficient tension to securely retain it even when subjected to unexpected jostling.



## **What does concealed carry on campus mean?**

Simply put, concealed carry means you should never see a license holder's handgun on campus other than those carried by law enforcement officers such as UTPD.

LTC holders who carry a concealed handgun must carry it on or about their persons at all times. This means that a person may carry a handgun in a manner that the handgun must be close enough to the license holder that he or she can grasp it without materially changing position. For example, the handgun must be concealed on their person, or in a bag they have with them at all times. If a student is in a class that would require them to be separated from their bag, it is the responsibility of the LTC holder to think through and plan their day accordingly to ensure that they store their handgun off campus or in their car.

## **GENERAL INFORMATION**

### **What do I do if I see a handgun in my classroom or on campus?**

If you see a gun, call 911.

Campus carry requires that handguns remain concealed at all times with no exceptions, and if a handgun is visible, however briefly, it may be a violation of university policy and law. Notify law enforcement via 911 and UTPD will arrive and assess the situation. Persons who violate these laws and policies are subject to penalties and fines in addition to disciplinary action imposed by the university.

If your class is in a location where your cell phone does not get reception, identify the nearest location you can make a call at the beginning of the semester so you know where to go, if needed. If you have a TA or AI, have them leave and find the best place to call 911.



## **Do faculty members have a right to know whether students are carrying a gun in class?**

No. Even if a faculty member were to ask, the LTC holder is not required to respond. Under Texas law, only law enforcement can verify whether a LTC holder is carrying and has a license to carry.

## **What areas of campus are excluded?**

In the development of the policies adopted by President Fennessey to comply with the law in a way that prioritizes the safety of everyone on the campus, the concealed carry of handguns is prohibited in these locations.

- Places where K-12 school-sponsored K-12 are held
- Polling places during elections and early voting
- Government courts or offices used by the court
- Businesses that serve alcohol and make 51%+ of revenue from alcohol sales
- High school, collegiate, professional sporting events or interscholastic events
- Areas where existing state or federal laws already require exclusions
- Areas where patient-care and mental health services are provided
- Ticketed sporting events
- Formal administrative hearings, such as those held in Student Judicial Services
- High hazard labs, i.e., those with extremely dangerous chemicals, biologic agents, explosive agents and equipment where the discharge of a firearm might cause great harm.
- Certain animal research and care facilities
- Residence halls, for students, with the exception of common areas
- Faculty and staff offices occupied by sole occupants who have exercised their right to ban guns by giving oral notice.

## **What happens to LTC holders who violate the law?**

Criminal penalties for those who violate the law and university policies can vary depending on the violation. Those punishments can include loss of license by the LTC holder, significant fines and penalties, or even time in jail. UTPD will investigate all reported cases and make the appropriate decision based on the facts provided. The university will also



investigate the violation and may impose a university sanction, up to and including termination for employees and expulsion for students.

## **CLASSROOM**

### **Can I ban the carry of concealed handguns in my classroom?**

No. Faculty members cannot ban the concealed carry of handguns in their classrooms. Excluding handguns from classrooms would have had the effect of generally prohibiting student license holders from carrying their handguns, and thus would violate S.B. 11. Language in the law specifically forbids any policies that would generally prohibit campus carry or have the effect of generally prohibiting campus carry. That is why the concealed carry of handguns in classrooms is allowed.

### **What if the inherent nature or requirements of the class (swimming, dancing, etc.) make concealment difficult or impossible?**

If the inherent nature or requirements of the class would make the concealed carry of a handgun difficult, clearly communicate to your students the requirements of the class. For example, some active dance classes require the free movement and physical interaction that could inadvertently reveal someone who is trying to carry a concealed handgun. Encourage your students who are licensed to carry and choose to carry a handgun to think through their day and plan accordingly, which may mean leaving their handgun at home or secured in a private vehicle. It is the responsibility of the LTC permit holder to know and understand the university policies regarding campus carry.



## OFFICE

### **Can I ban the concealed carry of guns in my office?**

Yes, **only if you are the sole occupant** of your office (in other words, you are the only faculty member assigned to your office) may you ban concealed carry in your office by oral notification. This is the only legally effective way to do so.

You may orally notify students in your class or learning environment in a variety of ways. For example, you can make an announcement on the first day of class. If any students are not present for that class, or if you have students who join the class later, you must provide the same notice to them.

Given the movement of students in and out of classes during the first few weeks, you may wish to have your students sign a statement that acknowledges that they have received oral notification of your desire to ban guns in your office. We realize each class and faculty member presents a different situation, so implement oral notification in the way that works best for you. If you are having trouble deciding how to best implement in a legally effective way, we encourage you to contact the Implementation Task Force to receive guidance.

### **What is oral notice? How is it defined?**

Oral notice is spoken communication that makes clear to the listener that concealed carry of handguns is not permitted in that faculty member's office. No particular words are required; it can be as simple as "I prohibit the concealed carry of handguns in my office."

### **Can I put a sign on my office door?**

We respect the First Amendment rights of all our faculty members, staffers and students, which includes posting signs in their personal space. However, signs are not a legally effective way to provide notice that you have banned guns in your sole occupant office.

If you are the sole occupant of an office and want to exercise your right to ban the conceal carry of handguns from your office, we remind you that oral notification is the only legally effective way to provide that notice. A sign, not accompanied by oral notification, might be



considered “wrongful exclusion” and thus a violation of the law subject to fines and penalties associated with the law.

You are not authorized, however, to put up a 30.06 sign (the statutorily required sign that gives notice to a LTC holder that the area where the sign is posted is an exclusion area). Only designated university personnel are allowed to post these signs, as required by university policy.

### **May I include information about campus carry in my syllabus?**

We respect the First Amendment rights of all our faculty. However, please remember that notification in your syllabus is not a legally effective way to provide notice that you have banned guns in your sole occupant office.

### **If I am the sole occupant of my office and I choose to exercise my right to prohibit guns, does that only apply when I am present? Would the prohibition still apply if my TA was in the office meeting with students while I am away?**

The prohibition applies to the office, so it would still be effective if the assigned sole office occupant is not present. In this example, a faculty member’s TA would be able to meet with students in an office where guns are prohibited.

It is still the responsibility of the sole office occupant to provide effective oral notice for the prohibition. The TA, or anyone else, cannot provide legally effective notice.

### **I have visitors that come to my sole occupant office for meetings. How should I provide effective notice that I have exercised my right to ban guns in my office?**

Many times, faculty and staff have visitors, colleagues or students from other classes who come to their office. These are circumstances that faculty have not been able to provide notice in the same way they might with students in a classroom setting.

- There are many ways to provide effective oral notice to those you might visit your office outside of normal class routines. Remember, you only have to provide this





notice once to an individual, so for any following visits you do not have to repeat this process.

- If someone calls to make an appointment, you can provide notice over the phone. You can post information about your office policy on your webpage, but you must also provide the oral notice when they arrive.
- If a staff member or colleague makes an appointment for you, they can inform the visitor of your office policy, however, you must also provide the oral notice when they arrive.
- If someone shows up unannounced, oral notice must be given at that time.

### **I do not have my own office, but I would like to conduct meetings in a gun-free exclusion zone. What should I do?**

Many graduate students and some faculty do not have their own office, and have expressed their desire to be able to meet with students in a gun-free exclusion zone.

Rooms are available for meetings with students the in Student Services Building (SSB). They are: G1.104, G1.106, G1.116, G1.402, G1.406, G1.410, 3.406 and 4.212.

To schedule a meeting in one of these rooms, [visit this webpage](#).