

Kilgore College Concealed Handgun Policy

Approved By and Date:

Board of Trustees

4/10/2017

Executive Leadership Team

3/22/17

Kilgore College is committed to providing a safe and secure living, learning and working environment for all students, faculty, staff, and community visitors in a diverse campus community setting. As provided by law, handgun license holders may carry concealed weapons on Kilgore College campuses, except for a limited number of exclusion zones and certain necessary restrictions as outlined in the accompanying procedures.

The open carrying of handguns is prohibited on campus.

Licensed peace officers are authorized by law to carry firearms at all times both open carry and concealed carry. Licensed peace officers who are open carrying must have law enforcement identification easily visible to the public.

In compliance with Texas S.B. 11, the Kilgore College Board of Trustees established this policy upon recommendation of the college administration and the concealed carry committee. This committee developed and presented recommendations after consulting with Kilgore College students, staff, and faculty about the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This policy was reviewed by the Kilgore College Board of Trustees as required by law.

Kilgore College Concealed Handgun Procedures

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Definitions

Campus: All land and buildings owned or leased by an institution of higher education.

Concealed Carry: The handgun's presence is not openly discernable to the ordinary observation of a reasonable person.

Exclusion Zones: Areas where the carrying of a handgun by a license holder is prohibited. These areas are to be indicated by signage in compliance with Penal Code 30.06(c)(3).

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

Handgun License: A license issued by the State of Texas or another U.S. state recognized under the Texas Government Code 411, Subchapter H allowing an individual to carry a handgun on or about their person.

Holster: A device specifically designed and manufactured to be worn on the body and have sufficient tension or grip to retain a handgun securely while being jostled. It must be designed to completely cover the trigger and the entire trigger guard area.

Residential Facilities: Dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

Testing Center: Any facility owned or utilized by Kilgore College in which the administration or proctoring of exams by a Kilgore College Testing Center is actually occurring or imminently about to occur.

Exclusion Zones

Handgun license holders are responsible for obeying all properly posted exclusion zones. Exclusion zones will have signage that prohibits handguns and is compliant with Penal Code 30.06(c)(3). Kilgore College excludes concealed handguns in the following areas.

1. Exclusions Required by Other Entities. Areas for which state or federal law, licensing requirements, or contracts require exclusion exclusively at the discretion of the state or federal government, or in which handguns are prohibited by an accrediting authority. Refer to Appendix A for a list of exclusion zones.
2. Patient Care Areas. Section 46.035(b)(4) of the Penal Code excludes hospitals licensed under Chapter 241 of the Health and Safety Code. By analogy and extension, patient care areas will be excluded, including hospitals, clinics, and mental health treatment areas. A “patient care area” is restricted to patient care areas for which a formal record of treatment is maintained. Refer to Appendix A for a list of exclusion zones.
3. Areas Where Discharge of a Handgun Might Cause Widespread Harm. Laboratories and instructional areas with extremely dangerous chemicals, biologic agents, explosive agents, compressed gases, or equipment that is incompatible with metallic objects, such as magnetic resonance imaging machines, are exclusion zones. Refer to Appendix A for a list of exclusion zones.
4. Premises in or on which a Sporting Event is Taking Place. Section 46.035(b)(2) of the Penal Code prohibits concealed handguns at high school, collegiate, and professional sporting events. By analogy and extension, any sporting event is excluded on Kilgore College campuses, whether an intercollegiate event or not. Refer to Appendix A for a list of exclusion zones.

The Athletic Department will be responsible for the placement and removal of the exclusion signs for these sporting events.

5. Formal Hearing Areas. Section 46.03(a)(3) of the Penal Code excludes “any government court or offices utilized by the court.” Any facility used as a hearing room that operates similar to a court, i.e., where an individual or panel is designated under institutional policy to adjudicate the rights or privileges of a student or an employee of the institution, may be excluded. Refer to Appendix A for a list of exclusion zones.
6. Areas where K-12 School Sponsored Activities Are Conducted. Section 46.03(a)(1) of the Penal Code prohibits the carrying of handguns on “any grounds or building on which an activity sponsored by a school ... is being conducted.”
7. Open Meetings Area. Section 46.035(c) of the Penal Code prohibits a licensee from carrying handgun regardless of whether the handgun is concealed in the room or rooms where any meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

8. Presidential Directive to Maintain Public Safety. Any premises where the college, as directed or approved by the President as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06, Penal Code. For this rule, the term “owner of the property” in Section 30.06(b), Penal Code, means the President of the college. No college employee is “someone with apparent authority to act for the owner” for purposes of Section 30.06(b), Penal Code. All notices under Section 30.06, Penal Code, will be institutional notice, conform to Sections 46.03 and 46.035, Penal Code, and apply equally to all handgun license holders;

Review of Exclusion Zones

Future proposals and recommendations for exclusion zones will be reviewed by the Kilgore College Campus Police; Environmental Safety, Construction & Facilities Manager; and the President. Each person proposing an exclusion zone is responsible for providing the justification for the exclusion zone based on a provision of this policy. Exclusion zone recommendations should be presented to the President by the end of each academic year. Campus Police will maintain signs available for temporary exclusion zones.

Training

Additional training will be provided by the college for those interested in more in-depth information about campus carry and related issues. Responsibility for campus carry training rests with Campus Police, Vice President of Student Development, and Human Resources.

Residential Facilities

Senate Bill 11 provides that, “An institution of higher education ... may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.”

Any resident of campus housing who is a handgun license holder and wants to store a handgun in his/her assigned room must request a gun safe that will be provided by the student housing department. Residents may not provide their own personally owned safe for the purpose of handgun storage. The resident may not provide access to his/her handgun safe to any other individual. Failure to comply with this rule may result in removal from campus housing and subject the student to the college student conduct process.

The Residential Life department will develop roommate selection clauses for students who do not wish to room with licensees. The residential housing application will be revised to provide an opportunity for residents to self-select a non-license holder as a roommate. For example, applicants could be asked to indicate on the residential application form, “I voluntarily disclose that I am not licensed to carry a concealed handgun, and I request a roommate who has made this same voluntary disclosure.”

Requirement for Holster

A license holder who carries a handgun on campus must carry it in a holster or other secure weapon case that completely covers the trigger and the entire trigger guard area. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.

Inclusion in Syllabi

The following statement shall be included in all syllabi:

- “We respect the right and privacy of those who are duly licensed to carry concealed weapons in this class. License holders are expected to behave responsibly and keep a handgun secure and concealed. Open carry is not allowed. More information is available at <http://www.kilgorecollege.edu/campuscarry>.”

Enforcement

If a person is believed to have improperly displayed a handgun or carried a handgun into a location where concealed carry is not permitted, the campus police should be contacted.

Any violation of state law on the campuses may lead to the filing of criminal charges. The college will consider any violation of state law regulating firearms to be a violation of this policy. Accordingly, such a violation is subject to disciplinary action under the student code of conduct or personnel policies.

The licensing statute, Chapter 411, Government Code, effectively requires that the handgun be "concealed," meaning that the handgun's presence is "not openly discernable to the ordinary observation of a reasonable person." Similarly, Section 46.035, Penal Code, on unlawful carry by a licensed holder, prohibits intentional display of the handgun in plain view of another person in a public place as well as possession, whether or not concealed, in specific areas. The open carrying of handguns is prohibited on campus.

Student and employee policies will be modified to provide for disciplinary action for violating the Kilgore College Campus Carry Policy and shall include the following language:

- "License holders bear the responsibility for safeguarding their handguns at all times and must take all necessary precautions to ensure their handguns are secured in a manner that is most likely to prevent theft, loss, damage or misuse. Failure to secure a handgun at all times on the Kilgore College campus will be considered a failure to use reasonable care. License holders affiliated with Kilgore College who fail to use reasonable care in securing their handguns or act negligently are subject to disciplinary action, up to and including suspension, termination or non-renewal of appointment, or dismissal."

APPENDIX A

FACILITY/PROGRAM/OFFICE	AREA EXCLUDED	TIMEFRAME
1. Health Science Center	Entire Health Science Center – all floors.	PERMANENT
2. Kilgore College Police Department	Entire KCPD office suite on the Kilgore Campus.	PERMANENT
3. Testing	Testing Centers on the Kilgore and Longview campuses and/or anywhere else on campus utilized as a temporary testing center.	PERMANENT: Full-time Testing Centers. TEMPORARY: During the operation of temporary testing centers.
4. East Texas Police Academy	Participants of the Basic Peace Officer Course will be prohibited from carrying while participating in the course.	TEMPORARY: During participation in the course.
5. Fire Academy	Participants of the Basic Firefighter Course will be prohibited from carrying while participating in the course.	TEMPORARY: During participation in the course.
6. Human Resources	Entire Human Resources office suite in the McLaurin Administration Building and/or anywhere else on campus that a personnel hearing or action takes place.	TEMPORARY: During personnel hearings and actions.
7. Vice President of Student Development	Entire VPSD office suite in the Devall Student Center and/or anywhere else on campus that a student hearing or action takes place.	TEMPORARY: During student hearings and actions.
8. McLaurin Administration Building	Entire Administration Building when open meetings are held there.	TEMPORARY: During open meetings.
9. Turner Physical Education Building/Parks Fitness Center	Entire or portion of the PE/Fitness Center when 1) a sporting event is taking place or 2) a K-12 school sponsored activity is conducted. Private renters of the facility may exclude handguns.	TEMPORARY: During sporting, K-12 events, or a private rental.
10. Masters Gym	Entire Masters Gym when 1) a sporting event is taking place or 2) a K-12 school sponsored activity is conducted. Private renters of the facility may exclude handguns.	TEMPORARY: During sporting, K-12 events, or a private rental.
11. R.E. St. John Memorial Stadium	Entire St. John Stadium when 1) a sporting event is taking place or 2) a K-12 school sponsored activity is	TEMPORARY: During sporting, K-12 events, or a private rental.

	conducted. Private renters of the facility may exclude handguns.	
12. The Ballpark at KC Commons/Softball Complex	Entire Softball Field Complex when 1) a sporting event is taking place or 2) a K-12 school sponsored activity is conducted. Private renters of the facility may exclude handguns.	TEMPORARY: During sporting, K-12 events, or a private rental.
13. Devall Student Center Ballroom	During a K-12 school sponsored activity. Private renters of the facility may exclude handguns.	TEMPORARY: During K-12 events or a private rental.
14. Dodson Auditorium	During a K-12 school sponsored activity. Private renters of the facility may exclude handguns.	TEMPORARY: During K-12 events or a private rental.
15. Kilgore College—Longview	Entire Administration office suite in the Hendrix Building and/or anywhere else on campus that a student hearing or action takes place.	TEMPORARY: During personnel or student hearings and actions.
16. Any area assigned by the President	Any specified temporary area that the President designates to maintain public safety	TEMPORARY

All exclusion zones must be clearly marked by the required signage for the exclusion to be in effect.