TEXAS A&M UNIVERSITY

Campus Carry Policy Task Force

Final Report
March 2016

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EXECUTIVE SUMMARY

Introduction

The 84th Legislature passed Senate Bill 11, which expands the areas on public university campuses where those with licenses may carry concealed handguns. The president or chief executive officer of public institutions of higher education have been given authority to establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders after consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment.

While there is some discretion in establishing the rules and regulations, there are also limitations. These rules and regulations may not generally prohibit license holders from carrying concealed handguns on campus. Additionally, Government Code 411.209 established civil penalties for wrongful exclusion of concealed handgun license holders if a state agency prohibits a license holder from carrying a concealed handgun in a location not prohibited by Texas Penal Code § 46.03 or § 46.035.

S.B. 11 is not to be confused with House Bill 910, effective January 1, 2016, which permits open carry. Neither H.B. 910 nor S.B. 11 permits open carry on a university campus. A full listing of FAQs associated with S.B. 11 can be found at https://www.tamu.edu/statements/campus-carry.html.

Texas A&M University President Michael K. Young established the Campus Carry Task Force to determine recommendations for reasonable rules to govern implementation of S.B. 11 on the campuses of Texas A&M University, including Texas A&M University at Galveston, the Health Science Center, and School of Law. Texas A&M University at Qatar has been excluded from this review, as the laws of the State of Qatar govern possession of weapons at the branch campus. The task force is comprised of students, faculty, and staff and has representatives from each of these entities.

Campus Community Engagement and Feedback

S.B. 11 requires consultation with students, faculty, and staff "regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment." Committee members engaged in discussions with their peers in their area of expertise, and the task force, formed four subcommittees to explore implementation within unique areas of the campus learning and teaching environment. However, the primary means of soliciting feedback from the campus population was through an electronic survey administered to students, faculty, and staff at the main Texas A&M campus in College Station, the Health Science Center campuses located throughout Texas, the Texas A&M School of Law located in Fort Worth, and Texas A&M University at Galveston. This survey consisted of open-ended questions that closely mirrored the specific language used in S.B. 11 by asking survey respondents about the student population, specific safety concerns, and the uniqueness of the campus environment.

Responses received were indicative of our diverse campus environment. Although the survey did not specifically ask respondents if they were in favor of or against concealed carry on campus, nor is it contained within the task force's charge to form an opinion, respondents typically expressed their opinions for or against campus carry. Overall, feedback primarily concerned reasons why guns should be prohibited in residence halls, faculty offices, and research areas. A majority of faculty respondents expressed concerns about firearms on campus. Student and staff respondents were much more divided on the issue.

The chief concerns among those opposing campus carry included classroom interactions discussing controversial and emotionally charged issues such as office meetings with students under extreme duress about grades/academic probation; students who may be at vulnerable life-stages for psychological and/or emotional issues; students who have access to alcohol and drugs; and some campus groups expressed feelings of greater vulnerability and risk of heightened harassment. Some respondents expressed concern that campus carry may offer greater availability of weapons and have a detrimental impact on the overall educational environment offered at Texas A&M.

Among those who expressed favor for campus carry, respondents cited their desire for the ability to self-protect in potentially deadly situations, concern that police are unable to respond quickly enough to adequately protect individuals, and protection of Second Amendment rights.

The task force worked with the Texas A&M University System Offices of Risk Management and General Counsel to ensure that the recommendations presented in this report comply with S.B. 11. The System Offices will prepare recommendations and a rule to address campus carry at Riverside Campus, Easterwood Airport, and the Moore/Connally Building. Therefore, these recommendations will not addess those facilities.

Overview of Recommendations

The Campus Carry Task Force had many robust discussions on the issues surrounding the campus carry legislation of S.B. 11. Members debated

many different scenarios, facilities, and potential consequences of implementing the law in different ways. As guiding principles, the members relied on not only the text of S.B. 11 but also the legislative intent behind the law, the 2015 Attorney General Opinions KP-0047, KP-0049 and KP-0051 regarding the new campus carry law, and the discussions between members of the Texas Senate Committee on State Affairs and University System Chancellors that occurred on January 26, 2016. The task force was not charged with forming an opinion on the merits of S.B. 11, but to determine the best way to implement the law on the Texas A&M campus.

Task force members strove to identify recommendations that will support safety on campus while also complying with S.B. 11. Of considerable discussion were areas in which some, but not all parts of a building are designated as areas prohibited from campus carry. To navigate implementation in these areas, the task force agrees with the "Guiding Factors and Guiding Principles" contained with The University of Texas at Austin Campus Carry Policy Working Group Final Report issued in December 2015. These factors and principles are noted in Recommendation No. 1.

Several elements of implementation generated much discussion and deliberation which frequently revolved around whether to recommend prohibiting campus carry in specific areas, unenforceable rules and regulations, and situations and/or circumstances under which a license holder would be forced to violate the law by exposing their handgun. These rigorous discussions led us to identify several components within our campus environment that we believe campus carry should be prohibited or limited: clinical and research settings, counseling centers, administrative proceedings, faculty and staff offices, athletic events, residence halls and apartments, and when minors are present on campus. These areas are further outlined in the recommendations provided in this report along with additional concerns noted as applicable.

TASK FORCE PROCESS

Membership

Christopher Meyer
Campus Carry Task Force Chair, Assistant Vice President for Safety and Security

Michael Benedik
Vice Provost

Joseph Benigno
President, Texas A&M Student Body

Marisa Biondi
President, Graduate and Professional Student Council

Jerry Brown
Managing Counsel, The Texas A&M University System

Toni Eubanks
Chairperson, University Staff Council

Liam Guthrie
Student Representative, Texas A&M Health Science Center

Angie Hill Price
Former Speaker and Secretary, Faculty Senate

Glen Laine
Vice President for Research

Jenna McCarty/Bryan McBride
Presidents, Residential Housing Association

Deena McConnell
Associate Vice President, Office of the Provost

Darlene McLaughlin
Clinical Assistant Professor, Department of Psychiatry and Behavioral Sciences

Mary Meagher
Professor, Department of Psychology, Council of Principal Investigators

Alyssa Marie Michalke
2015-2016 Commander, Corps of Cadets

Andrew Morriss
Dean, Texas A&M School of Law

Michael O'Quinn
Vice President for Government Relations

David Parrott
Executive Vice President, Division of Student Affairs

Joseph Pettibon
Associate Vice President, Office of the Provost

Michael Ragan
Chief, University Police Department

Todd Sutherland
Assistant Vice President, Texas A&M University at Galveston

Vernon Tesh
Associate Vice President, Division of Academic Affairs, Texas A&M Health Science Center

Janice Walpert
Chair, Athletics Department Safety Committee

Charge to the Task Force

The Campus Carry Task Force was formally charged by President Young on August 13, 2015, to develop recommendations that will uphold the integrity of the law, seek to ensure the safety and security of the entire campus community, and foster a climate of mutual respect to create the most supportive learning environment possible at Texas A&M University campus locations in Texas. These recommendations were to be delivered no later than April 30, 2016, to ensure sufficient time for review and implementation.

The task force is comprised of students, faculty, and staff. The group includes representatives from the Office of the Provost, Faculty Senate, Dean of Faculties, Division of Research, University Police Department, University Staff Council, Division of Student Affairs, Human Resources, Government Relations, Health Science Center, School of Law, Student Body President, the Corps of Cadets, Residential Housing Association, graduate and professional school students and Athletics Department.

Working Process

The Campus Carry Task Force followed a deliberate and intentional process to determine how best to implement S.B. 11 safely and lawfully within the Texas A&M campus communities. The task force held its initial meeting August 13, 2015, and met bi-weekly until its charge was completed.

Throughout the process, the task force was guided by several principles:

- Compliance with the letter of the law;
- Consideration of legislative intent and the Attorney General opinions regarding the authority of a public institution of higher education to establish rules regarding the carrying of concealed handguns on campus;
- Consideration of existing state and federal prohibitions on the carrying of weapons in specific locations;
- Input and feedback from the campus

community regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment; and

- Reasonableness of the rules and the ability of the institution to provide the required effective notice with respect to any portion of a premises on which license holders may not carry.

The initial efforts of the task force were focused on developing factual information about the new law, its implementation dates and the processes that would be followed. Information was provided to all faculty, staff, and students in the university, except those located at Texas A&M University at Qatar, through several electronic means: via a web page, distribution of that web page address through an email notification sent to all students, faculty, and staff by President Young on October 15, 2015, and through email responses directed to campuscarry@tamu.edu. It is also through this address the task force was able to receive input and respond directly to the campus community.

To gather input and gauge feedback from Texas A&M students, faculty, and staff, an online survey instrument was prepared by the task force and launched on October 27, 2015. All students, faculty, and staff were encouraged to share their thoughts and opinions through this vehicle, which contained multiple questions and opportunities for open-ended responses. Two emailed reminders were sent after the survey was announced. The survey was closed after approximately two weeks.

Furthermore, the task force sought to inform the campus community throughout this process by providing consultation and/or presentations to various individuals and small groups by request, in conjunction with Texas A&M University Police officials.

Several subcommittees were established within the task force to explore implementation within unique areas of the campus learning and teaching environment. These sub-committees were tasked with identifying various facilities and environments that warranted exploration of how to safely and lawfully implement S.B. 11 in these areas.

Remaining Process

After the president establishes reasonable rules for the Texas A&M campus, they will be reviewed for legal sufficiency by The Texas A&M University System Office of General Counsel. They will then go to the Board of Regents for review and possible amendment (requires not less than two-thirds vote). On September 1, 2016, a month after the new university rules become effective, the university will be required to submit the rule to the legislature for review, including an explanation of why the university adopted the provisions.

CAMPUS COMMUNITY ENGAGEMENT AND FEEDBACK

A survey addressed to students, faculty, and staff, respectively, comprising six, identical open-ended questions and a single location-specific question was administered online on October 27, 2015, and remained available for feedback approximately two weeks following electronic distribution. Electronic distribution of the survey was deemed necessary to administer it to a large and diverse geographical population and to efficiently manage the data collected. Subsequent electronic reminders were sent to students, faculty, and staff reminding them to participate in the survey. The questions and order in which they appeared were identical across each group. Any surveys still in progress at 11:59 p.m. November 9, when the survey closed, were anonymized and closed.

Analysis of Survey Responses

Of the 78,389 survey recipients, 21.3 percent began the survey and 10.6 percent completed the survey by clicking "Submit" following the last question. The faculty completion rate was 27.2 percent, compared to 17.6 percent for staff and 8.4 percent for students. However, 36 percent of faculty, 26 percent of staff and 17 percent of students responded to at least one of the questions.

The responses received were coded into categories that covered specific safety concerns; unique features of physical spaces; the handgun carrier's capacity in terms of mental or physical state; Texas A&M's unique culture, climate and institutional features; cultural diversity and diversity of thought; logistics and implementation; and societal influences.

Comments associated with physical space concerns were primarily related to the size of the campus, physical features of the campus and buildings, the number of individuals on campus, proximity to drinking establishments, public accessibility, and limited or restricted access to related emergency responder services.

Specific safety concerns expressed regarding the potential capacity of license holders spanned issues of mental health, particularly among students; levels of stress and distress often present on a university campus, particularly during finals; ill effects of sleep deprivation; potential consequences of access to guns in combination with the use of alcohol and drugs; and the overall maturity of the student population. However, while anxiety and stress may be high in a college setting, there is insufficient data from the relatively small number of campuses that permit concealed carry to conclude whether or not allowing concealed carry on university campuses results in an increase in recorded incidences of violence.

Conversely, respondents also stated that prohibiting license holders from lawfully carrying a concealed handgun in any building or area of a building would remove a possible means of protection if students, faculty, and/or staff are confronted with a violent criminal, particularly in regards to clinics that service individuals with extreme psychological stress and anxiety.

Faculty respondents were the least likely to indicate that guns should not be prohibited anywhere on the Texas A&M campus and were the most likely to indicate guns should be prohibited in all buildings across campus. Faculty most often cited classrooms and offices as locations where campus carry should not be allowed; for staff, the most commonly cited locations were sporting arenas. Among student respondents, the most commonly cited locations for consideration were sporting arenas and the Memorial Student Center (MSC). It is noteworthy that the most common reason among students for prohibiting campus carry in the MSC is related to its status as a "sacred place of honor" and the presence of handguns would be regarded as disrespectful.

There was considerable concern for allowing campus carry in residence halls and faculty offices. Some respondents believed guns should be prohibited from residence halls due to ease of access to firearms or theft by unlicensed and underage students, and indicated they would feel less safe living with handgun license holders. Some respondents also noted handguns should not be allowed in residence halls due to the proximity to or prevalence of alcohol consumption, the likely increase of gun-related injuries and deaths due to negligent discharge in a densely populated area, and an increase of gun-related suicides due to mental health issues and ease of access to guns.

Additionally, faculty indicated their desire that campus carry not be allowed in offices due to concerns of possible violent responses from angry students regarding poor academic performance, and feelings of vulnerability due to office location or layout. Faculty also indicated guns should not be allowed in certain research environments, as a weapon discharge could result in explosions, exposure to hazardous materials, loss of valuable data, or violation of animal rights guidelines.

From this range of responses, several areas of emphasis emerged for consideration by the task force: unique features of the campus environment, specific safety concerns, features of the student population, and premises to be considered for where campus carry is not allowed.

CAMPUS COMMUNITY ENGAGEMENT AND FEEDBACK

Information from Other States and Higher Education Institutions

The task force reviewed information on campus carry from a broad array of more than 20 colleges and universities in the seven states that have previously passed campus carry legislation. As has been reported by other Texas institutions that have looked to gain information from colleagues in those states, it quickly became apparent that the Texas Legislature in S.B. 11 provided latitude to University presidents in this state that is unique. The campuses outside Texas had very little latitude in deciding where and when to prohibit concealed carry on their campuses. It is notable, however, that data from polled institutions indicates there have been no reported incidents in which a student has been charged with a violation of the universities' campus carry rules.

RECOMMENDATIONS

As guiding principles, the task force members relied not only on the text of S.B. 11, but also the legislative intent behind the law, the 2015 Attorney General Opinions KP-0047, KP-0049 and KP-0051 regarding the new campus carry law, and the January 26, 2016 discussions between members of the Texas Senate Committee on State Affairs and University System Chancellors.

The task force also reviewed the recommendations of several public institutions of higher education in Texas. As mentioned in the Overview of Recommendations within the Executive Summary, task force members agree with the "Guiding Factors and Guiding Principles" recommended by the Campus Carry Working Group at The University of Texas at Austin, noted below, for governing implementation of the rules in buildings in which some, but not all parts are designated as areas where concealed carry of a handgun is prohibited.

Recommendations for Implementation

RECOMMENDATION NO. 1
Adoption of Governing Factors & Principles

Premises approved by the president as areas on which license holders may not carry may comprise only a portion of a building's area or for only specific short times while some sensitive operations are conducted. As a result, it may not be feasible to prohibit concealed carry only from the designated zone or to continually post and de-post the required notice for areas where concealed carry is not allowed. The task force recommends adopting the following factors and principles to govern the implementation of the reasonable rules approved by the president:

Governing factors:

- The percentage of assignable space or rooms in a building that are designated as areas where license holders may not carry.
- The extent to which the area(s) designated as an area(s) where concealed carry is not allowed is able to be segregated from other, non-prohibited areas of the building.
- The extent to which the building, and hence its status as an area where license holders may not carry, varies temporally.

Governing principles:

- If the number of rooms or the fraction of assignable space in a building where license holders may not carry is small, the designated area(s) should be limited to these specific locations or the smallest reasonable area for the function(s).
- If license holders may not carry in a significant fraction of the total building or floor of a building in terms of number of rooms or assignable space, or if the area where license holders may not carry cannot reasonably be segregated from other space, then as a matter of practicality, the whole area or even whole building should be designated as a premises where license holders may not carry.

For temporary activities where concealed carry should not be allowed, reasonable and practical rules should be made that take into account both the duration and the frequency of the activity.

RECOMMENDATION NO. 2
Establishment of Working Groups

The task force has expended significant effort to gather data and opinions to analyze applicable laws and to apply those to all Texas A&M facilities state-wide. However, given the size and scope of Texas A&M operations and the dynamic nature of institutions of higher education, there must be ongoing consideration given to issues that were missed by the task force or operations that change over time. There are areas and instances that will require continued analysis to determine how campus carry impacts these environments, such as laboratories where high-hazard materials or operations exist; changing research programs bring into play federal or state compliance issues; or the possible presence of weapons may compromise research data.

To evaluate and respond to these situations, the task force recommends the president establish a working group to develop processes and guidelines for requests from campus to add or change portions of a premises on which license holders may not carry. This working group should meet periodically and provide recommendations for changes to the areas where license holders may not carry and/or rule changes to the president for possible adoption. In addition, this group (or subset of) should be charged with assisting campus entities with the implementation of signage placement to facilitate consistent application of the rules adopted by the president.

RECOMMENDATION NO. 3
License Holder Responsibilities

All license holders must secure their handgun when it is not on or about their person. Employees who are license holders are permitted to store a handgun in their office space so long as the gun is secured in a locked drawer or compartment.

RECOMMENDATIONS

RECOMMENDATION NO. 4
Campus Community Outreach & Education

The responses received from the campus survey indicated, in part, a strong desire for training courses that would address various aspects of this statute and for the training to be required for one segment of the campus population or another. Many respondents even advocated for Texas A&M to institute its own licensing/permitting system for those who plan to carry concealed weapons, although such a program may violate license-holder confidentiality.

The task force recognizes that many students, faculty, and staff are concerned that other people may make poor decisions that endanger others. However, state statutes prescribe the training and qualifications needed to become a concealed handgun license holder. The university does not have the authority to require additional training or qualifications and even if it did, it does not have knowledge of who is or is not licensed. As a result, the task force prefers to address these issues through outreach to the campus community that may address the rules adopted by the president, emergency action recommendations, and best practices for safety.

Therefore, the task force recommends the president direct the University Police Department (UPD) to offer outreach to any campus entity or group to discuss the implementation of S.B. 11 and to address questions and concerns of the campus community. Additional expertise existing across campus should be available to assist UPD in providing such outreach upon request.

RECOMMENDATION NO. 5
Residence Halls

As outlined in the law, institutions of higher education may establish rules, regulations, and other provisions concerning the storage of handguns in residential facilities that meet certain requirements. After consultation with the Texas A&M Director of Residence Life and considerable input from the Texas A&M System Office of General Counsel, the determination was made to craft recommendations that follow the course outlined in the law:

> *An institution of higher education or private independent institution of higher education in this state 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.*
>
> *The president or officer 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 institution.*

The task force recommends that all license holders be allowed to carry in residence halls and university-owned or controlled apartments.

The task force recommends requiring all license holders living in either residence halls or university-owned or controlled apartments who possess a handgun, be required to rent or purchase from the Department of Residence Life an approved safe that meets the specifications published by Residence Life in which they must secure their handgun when it is in the residence hall or apartment and not on or about their person. Any violation of the storage requirement is subject to action defined in the Texas A&M Student Conduct Code.

To facilitate this recommendation, the Department of Residence Life should provide to all students and live-in staff members the opportunity to rent or purchase approved safes in which to store personal items and valuables.

Recommendations for Prohibited Premises

RECOMMENDATION NO. 6
Prohibition by Federal & State Statutes

Texas Penal Code § 46.03 Places Weapons Prohibited and Penal Code § 46.035 Unlawful Carrying of a Handgun by License Holder identify premises where handguns are not permitted by Texas statutes. Applying these to the Texas A&M campuses, the following premises are prohibited by state law:

- Places of religious worship: All Faiths Chapel;
- Polling places on the day of elections and while early voting is in progress: Polling location within the Memorial Student Center;
- Secured areas of airports defer to Texas A&M System rule/regulation;
- Any government court or offices utilized by the court: Texas A&M School of Law and temporary locations when such special events occur;
- Meetings of governmental entities that are subject to the Texas Open Meetings Act, if the entity chooses to post a notice under Penal Code § 30.06;
- Intercollegiate Athletic Events: see section on Athletic Events in Recommendation No. 13; and
- On the premises of a business required to post a Texas Alcohol and Beverage

Commission 51% sign.

Facilities or operations under the jurisdiction of federal law that must follow protocol of a governing higher authority. These include, but are not limited to:

- George Bush Presidential Library and Museum – Title 36 of the Code of Federal Regulations contains prohibitions on weapons being carried into federal facilities including those of the National Archives and Records Administration (NARA). Reference: 36 CFR § 1280.18.
- Nuclear Reactor Facilities – Title 10 of the Code of Federal Regulations contains prohibitions on weapons being carried onto the site of a federally licensed facility such as the nuclear reactor at the Nuclear Science Center. Reference: 10 CFR § 73.81.
- Multi-Program Research and Education Facility – Facility Technical Specifications and Title 10 of the Code of Federal Regulations prohibit the unauthorized introduction of weapons or dangerous materials in these facilities.

RECOMMENDATION NO. 7
Private Offices

Narrative feedback from the campus community that supported prohibiting carrying concealed handguns in private offices cited concerns for potential problems that may arise during emotionally charged meetings regarding student grades, academic performance, allegations of cheating and other matters with similar emotional charge. Such meetings may often be life-changing, or perceived in such a manner, and hence are of a very different nature than a normal business transaction. These comments were most prevalent among faculty respondents in their narratives. A smaller number of the narrative comments expressed opposition to universally prohibiting carrying concealed handguns in offices specifically citing their right to concealed carry in private offices for self-protection. The task force sought to develop a recommendation that respects both viewpoints.

The task force recommends that an occupant of a private office, defined as one assigned solely for the use of the individual and not generally open to the public, may request designation of his/her office as a portion of a premises where license holders may not carry if reasonable alternate space is available or if alternate means is possible for the fulfillment of the individual's required duties, including holding office hours or meeting with students, faculty, or staff. Effective notice must be provided by a posted sign and specified on a course syllabus where relevant. In addition, electronic notice while scheduling office appointments is recommended. Faculty offices, for example, differ from classrooms in that students are not required to come to faculty offices in order to participate in a class, and alternate means of meetings are used widely already.

The unit head or supervisor may be required to determine if appropriate alternate space is available or if alternate means is appropriate, such as in the case of staff whose primary duties involve frequent interaction with the public. Unit heads are encouraged to support the alternate space or means option. A request to have an office designated as a portion of a premises where a license holder may not carry must be initiated by the office occupant and be routed through the unit head to the president for approval to meet the requirements of S.B. 11.

RECOMMENDATION NO. 8
Child Care Facilities and Youth Camps

In the same spirit that firearms are prohibited on the physical premises of a school under Penal Code § 46.03, the task force recommends that childcare facilities located on campus be designated as premises where license holders may not carry.

Additionally, youth camps involving minors are frequently held on campus and may last from one day to two weeks. Many use campus grounds and facilities, including housing, dining, athletic, classrooms, and/or others.

The task force recommends that all counselors, staff, and volunteers who work in a campus program for minors, as defined by System Regulation 24.01.06, Programs for Minors, be required as a condition of their participation, to agree not to carry a concealed handgun on the grounds or premises where the program is conducted.

RECOMMENDATION NO. 9
Counseling Centers

Mental/Behavioral Health Clinics

Counseling centers are venues where the intake of clients by licensed psychiatrists, psychologists, and/or counselors occurs and where protected health information is generated and stored. The primary purpose for utilizing a counseling center is for the client to attend to a mental or behavioral health issue. Counseling centers play a critical role for faculty, staff, and students; for many, this is a place of last resort and their feelings of safety affect their willingness to present and attend to critical mental and/or behavioral health issues. Counseling centers

are places where clients are allowed to dysregulate emotions as a part of the therapeutic process during therapeutic sessions.

The task force recommends that all counseling centers be designated as areas where license holders are not allowed to carry concealed handguns. Each of these centers should have Penal Code § 30.06 signs posted to provide effective notice to license holders and the general public that the concealed carry of handguns is not allowed. In instances where counseling centers are the sole occupant(s) of a building, the entire building should be designated as premises where the concealed carry of weapons is not allowed. The task force was guided in this recommendation by Governing Factors and Governing Principals referenced in Recommendation No. 1.

Legal Clinics

Law students, faculty, and staff in the Family Law and Benefits Clinic, one of the Law School's legal clinics housed in a leased location several blocks from the Law School building, represent adult and adolescent clients in various proceedings, including divorce, child custody, child support, visitation, domestic violence, and protective order cases. Emotional confrontations are not uncommon in this type of legal work. These clients often suffer from extreme psychological stress and anxiety, and sometimes, mental disorders, all of which can significantly affect judgements, decision-making, and behavior. Introducing concealed handguns into this already sensitive and volatile setting would needlessly increase the risk of violence against students, faculty, staff, and clients. The Family Law and Benefits Clinic shares common space, offices, and meeting rooms with all of the Law School's other legal clinics.

The task force recommends that all law clinics associated with the Texas A&M University School of Law be designated as areas where license holders are not allowed to carry. Each of these clinics should prominently display Penal Code § 30.06 signs to provide effective notice to license holders and the general public that the concealed carry of handguns is not allowed. In instances where a law clinic is the sole occupant of a building, the building should be identified as premises where the concealed carry of weapons is not allowed.

A clear concern expressed by some committee members and expressed through solicited campus community feedback is that this recommendation would preclude faculty, staff, and students with a license from lawfully carrying a handgun in these environments and would leave them without a weapon for self-defense. In discussing this recommendation, the task force noted a lack of available data to support the assertion that the risk of violence increases in an environment when license holders are allowed to carry a concealed handgun. The task force noted a similar lack of available data to support the competing assertion that allowing license holders to carry a concealed handgun in an environment decreases the risk of violence. The president should take these perspectives into consideration when making his final decision.

RECOMMENDATION NO. 10
University Clinical Facilities & Affiliate Agreements

University Facilities

Several pragmatic circumstances unique to healthcare facilities increase the probability that a license holder will violate the law regarding concealment. These circumstances include, but are not limited to, situations in which a license holder is a) at greater risk of exposing a concealed handgun, or b) undergoing a procedure(s) that may influence his or her ability to maintain control of his or her weapon. Such situations include:

- Physical examinations that routinely require patients to disrobe or partially disrobe as part of the examination process;
- Student, faculty, and/or staff exposure to infectious hazards that require disrobing; and
- Use of sedation or anesthesia.

The task force recommends that the premises of clinical care facilities, (e.g., medical or dental clinics owned or operated by the university, and defined as a facility that generates patient medical records, including protected health information) be designated as locations where license holders are not permitted to carry and that effective notice under Penal Code § 30.06 be provided.

Some of these concerns may be mitigated with prior notification of anticipated circumstances. Of particular note is the nature of clinical facilities that may be sites of extreme psychological stress, such as rooms designated for the notification of the death of a loved one or other adverse outcome.

Affiliates

There are hundreds of agreements throughout Texas A&M that provide education and clinical training of professional healthcare students. The primary education and clinical facilities necessary for training Texas A&M students are: Baylor University Medical Center, Dallas; Scott & White Hospital, Temple; CHI St. Joseph's Hospital, Bryan; and Houston Methodist Hospital, Houston. These locations will have their own rules and regulations governing the carrying of concealed handguns. Under § 411.2031(d-1), the

president cannot make rules regarding the carrying of concealed handguns on premises the university does not own or lease.

RECOMMENDATION NO. 11
Research Facilities and Participants

Laboratories and other premises used for research and teaching many contain high-hazard materials and/or operations where there exists a significant risk of catastrophic harm due to a negligent discharge such as in laboratories containing or involving high magnetics fields, select agents and toxins, or extremely dangerous chemicals. As used in this section, significant risk is defined as a high probability of substantial harm, not a slightly increased, speculative, or remote risk. In addition, consideration for prohibition of concealed carry is warranted when research or its participants are at risk as identified in this section.

High Magnetic Fields

High magnetic fields, such as those found in the vicinity of magnetic resonance imaging (MRI) devices and portions of the Cyclotron Institute, are capable of attracting items containing ferromagnetic materials with great force. As a result, such items must be prohibited from those facilities in order to avoid risks of creating dangerous and destructive projectiles from such ordinary items. In fact, standard rules for entrance to such facilities requires removal and temporary storage of personal items. Concealed weapons should be treated as any other potentially ferrous materials and prohibited from facilities where high magnetic fields produce such risks.

The task force recommends facilities in which research, teaching, and health care areas contain high magnetic fields, such as MRI equipment in which any metal object (firearms included) in its vicinity would be detrimental to the safety of University personnel and potential subjects/users, be designated as areas in which license holders may not carry.

BSL-3 Laboratories

Texas A&M is home to three biosafety containment level-3 (BSL-3) laboratories, which utilize infectious agents or toxins categorized as "select agents" by the U.S. Department of Agriculture and the Centers for Disease Control and Prevention's Select Agent Program (see: www.selectagents.gov).

This program oversees the possession, use, and transfer of biological agents and toxins that have the potential to pose a severe threat to the health of humans, animals, or plants. Rules pertaining to the security of the agents, and risk assessment of individuals working with the agents, mandate the prohibition of concealed handguns within BSL-3 laboratories. A negligent discharge of a handgun that pierces, breaks, or in any way weakens any type of receptacle containing select agents could present catastrophic harm to not only the lab inhabitants but the general public as well. In addition, exposure of lab inhabitants to infectious hazards may require rapid disrobing and decontamination. Decontamination of a handgun is not feasible without breaking concealment, which is a direct violation of S.B. 11.

The task force recommends all university controlled and operated BSL-3 laboratories be designated as areas in which license holders may not carry.

Research Participants

The task force acknowledges that some research areas and/or laboratories potentially place research participants at high-risk. In the same spirit as described under Recommendation No. 8, prohibiting the carrying of handguns is recommended in research areas/laboratories conducting studies on high-risk participants' behavioral or mental issues whose access to firearms could be a danger to themselves or others.

Prohibition of the carrying of concealed handguns is also recommended when the integrity of psychological research could be compromised if the subject believes that either a researcher or another subject could possess a handgun.

Additionally, as firearms are prohibited on the physical premises of a school under Penal Code § 46.03, the task force recommends that campus carry be prohibited in research areas/laboratories in which minors (17 and under, and not enrolled at Texas A&M) are participants in a study. These laboratories should be identified as areas where license holders would not be allowed to carry concealed handguns.

Certain Laboratories Containing or Utilizing High-Hazard Materials

The task force recommends that the working group identified in Recommendation No. 2 be charged to develop a process and guidelines for campus entities to identify premises or portions of premises where the presence of high-hazard materials or operations creates a significant risk of catastrophic harm due to a negligent discharge. The working group should use campus resources to evaluate such requests and, when the working group agrees that such safety risks are present, submit such recommendation to the president for approval to give effective notice under Penal Code § 30.06.

RECOMMENDATIONS

RECOMMENDATION NO. 12
Administrative Investigations

Administrative investigations are proceedings such as disciplinary, conduct, or grievance processes wherein extreme psychological or emotional stress may temporarily impair the judgement of a participant during the hearing or interviews conducted prior to the hearing. The task force recommends license holders be prohibited from carrying a concealed handgun into the specific portion of a premises in which formal administrative proceedings are being conducted pursuant to university rules for faculty and staff disciplinary proceedings, student conduct proceedings, and academic grievances. Appropriate notice must be given under § 30.06, Penal Code.

RECOMMENDATION NO. 13
Sporting Venues and Events

Current law, and the law after the August 1, 2016, effective date, prohibits a license holder from carrying on the premises of a collegiate sporting event or interscholastic, high school, or professional sporting event. Penal Code § 46.035. "Premises" means a building or a portion of a building. (The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.)

While this prohibition still exists after the passage of S.B. 11, S.B. 11 added the requirement of effective notice under Penal Code § 30.06 in order for this prohibition to apply. In the Penal Code, this provision appears at § 46.035(l). Beginning August 1, handgun license holders can lawfully carry a concealed handgun on the premises of a collegiate sporting event if they were not provided effective notice under Texas Penal Code § 30.06.

Because the legislature prohibited concealed carry at sporting events in the original law and with stipulations in S.B. 11, the task force recommends prohibiting the carrying of concealed handguns on the premises where a collegiate sporting event is taking place. The posting of a Penal Code §30.06 notice sign on the premises, or on a ticket for admission, is required where the sporting event is taking place (unless the license holder is a participant in the event and a handgun is used in the event). Because athletic venues change and are sometimes modified, the task force recommends that the athletic director provide annually to the president the methods utilized for providing notice under Texas Penal Code § 30.06 for premises where a collegiate sporting event is taking place.

RECOMMENDATION NO. 14
Maritime Vessels

As a maritime academy, Texas A&M University at Galveston provides access to vessels located on Federally Regulated Waterways as defined in 33 CFR Chapter 1. Persons aboard any vessels that might travel internationally must be aware of the laws and customs of the destination country. Handguns located on vessels entering foreign countries could create significant risk for the university.

Possession of firearms by students, faculty, or staff while in a maritime security zone would be against federal requirements and pose a risk for the individual, the vessel, and University. Vessels operating in national waters must often traverse various ports and waterways managed by the Department of Homeland Security U.S. Coast Guard Maritime Security requirements that prohibit the carrying of firearms. Even though these locations may not be the intended or ultimate destination of a vessel, entering the federally established security zone subjects the vessel to the Maritime Security Act of 2002, specifically 33 CFR Subchapter D § 101.405 Maritime Security Directives. These directives are security sensitive and not available to the public.

Therefore, the task force recommends that the carrying of a concealed handgun continue to be prohibited from any maritime vessels owned, operated, and/or accessed via the campus of Texas A&M University at Galveston.

CONCLUSIONS

While there are no means to predict or determine every instance in which our community will be impacted by implementation of S.B. 11, the Campus Carry Task Force is confident that we have fulfilled our charge to provide recommendations that uphold the law and address the safety and security of our students, faculty, staff, and campus visitors. We hope this report will be viewed as the product of the task force's due diligence to ensure that Texas A&M is complying with the law while factoring in the concerns and feedback of the campus community. As we have seen through our solicitation of feedback, there are a number of opinions and concerns with the implementation of this law on campus; we fully anticipate further robust discussion to take place within the unique environment of Texas A&M University.