

**POLICY ON CONCEALED HANDGUN
CARRIAGE ON MD ANDERSON'S
CAMPUS****DRAFT DATE: 03-18-2016**

PURPOSE

The purpose of this policy is to ensure compliance with Section 411.2031 of the Texas Government Code, also known as the "Campus Carry Law," which authorizes the carrying of Concealed Handguns by duly licensed holders on designated portions of the Campus of The University of Texas MD Anderson Cancer Center (MD Anderson), as defined and explained below.

POLICY STATEMENT

It is the policy of MD Anderson to respect the Federal and Texas Constitutions, both of which recognize Texas citizens' right to keep and bear arms. MD Anderson also recognizes the Texas Legislature's power to regulate the carriage of Handguns. Finally, MD Anderson recognizes its right under the Campus Carry Law to implement its own reasonable rules, regulations, and other provisions regarding the carriage on MD Anderson's Premises of Concealed Handguns by holders of Concealed Handgun Licenses ("CHL Holders"). Accordingly, in seeking to fulfill its obligations under the Campus Carry Law to determine appropriate Exclusion Zones and permitted Concealed Handgun License Zones ("CHL Zones"), MD Anderson has strived to recognize CHL Holders' rights in the context of (1) the nature of MD Anderson's faculty, student, administrator, patient, and patient family populations; (2) specific safety considerations; (3) the uniqueness of MD Anderson's Campus environment; (4) all applicable laws and contractual obligations; (5) issues of practical implementation; and (6) ease of compliance and reasonable administration and enforcement. While reasonable minds can disagree on certain specifics of this policy, MD Anderson believes that this policy respects the rights and interests of all stakeholders and achieves a balanced approach to the carrying of concealed handguns by CHL Holders on its Campus.

THIS POLICY DOES NOT AUTHORIZE THE OPEN CARRY OF A HANDGUN ON MD ANDERSON'S CAMPUS, AND THE OPEN CARRYING OF A HANDGUN IS PROHIBITED ON MD ANDERSON'S CAMPUS.

SCOPE

Compliance with this policy is the responsibility of all persons on MD Anderson's Campus.

TARGET AUDIENCE

The target audience for this policy is all persons on MD Anderson's Campus.

DEFINITIONS

All Hazards Risk Leadership Council (AHRLC): An executive-level council charged with assessing enterprise-level risks.

Campus: The sum of all land and buildings leased or owned by the Board of Regents of The University of Texas System for and on behalf of MD Anderson.

Campus Carry Law: Section 411.2031 of the Texas Government Code, permitting the carrying of Concealed Handguns by duly licensed holders on MD Anderson's Campus in accordance with this policy.

Concealed Handgun: A Handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person (see [Texas Government Code, Section 411.171](#)).

Concealed Handgun License (CHL): A valid and current Concealed Handgun license as defined by Subchapter H of the Texas Government Code ("License to Carry a Concealed Handgun").

Concealed Handgun License (CHL) Holder: Anyone appearing on MD Anderson's Campus with a valid, current CHL and a Concealed Handgun.

Concealed Handgun License (CHL) Zones: The areas on MD Anderson's Campus where CHL Holders may carry a Concealed Handgun.

Excluded Activities: Activities that form the bases of Exclusion Zones.

Exclusion Zones: The areas on MD Anderson's Campus where CHL Holders may not carry a Concealed Handgun.

Handgun: Any firearm that is designed, made, or adapted to be fired with one hand (see [Texas Penal Code, Section 46.01\(5\)](#)).

National Cancer Institute (NCI) Designation Zone: All buildings and physical facilities on MD Anderson's Campus that are physically or programmatically interconnected and interrelated and which are used to fulfill the following activities required of a NCI-designated Comprehensive Cancer Center:

- Undertaking and providing treatment, care, and services to patients, including all buildings in which there are hospital facilities, inpatient and outpatient clinics, laboratories, and pharmacies.
- Undertaking and conducting research in the following three areas:
 - Laboratory research.
 - Population science.
 - Clinical research.
- Undertaking and providing programs in cancer prevention.
- Undertaking and providing health care education to health care professionals and patients.

Premises: Consistent with [Section 46.035\(f\)\(3\) of the Texas Penal Code](#), "Premises" means a building or a particular portion of an MD Anderson Campus building. For purposes of this policy and MD Anderson's Campus, a Premises comprises all of the contiguous space dedicated to a particular institutional function or activity and extends to the functional or physical boundary of that function or activity. A Premises may be a floor, departmental suite, hallway, walkway, throughway, skybridge,

laboratory, cafeteria, or any other space, depending on the circumstance. The All Hazards Risk Leadership Council (AHLRC), in consult with the Vice President and Chief Facilities Officer and the Executive Director and Chief Safety Officer, determines Premises for purposes of this policy.

PROCEDURE

1.0 Policy Permissions and Violations

- 1.1 Subject to a CHL Holder's acceptance of and compliance with this policy and MD Anderson's rules and regulations, CHL Holders may carry Concealed Handguns in accordance with their CHL in CHL Zones on MD Anderson's Campus.
- 1.2 CHL Holders are prohibited from carrying, and may not carry, Concealed Handguns in Exclusion Zones on MD Anderson's Campus. Moreover, neither CHL Holders nor any other person may carry any other weapon, as described in [Texas Penal Code, Section 46.01](#), on MD Anderson's Campus.
- 1.3 CHL Holders must abide by and comply with all CHL rules in [Texas Government Code, Chapter 411](#) and all MD Anderson rules, regulations, and policies while carrying a properly licensed Concealed Handgun in a CHL Zone.
- 1.4 The mere possession of a properly licensed Concealed Handgun by a CHL Holder in CHL Zones on MD Anderson's Campus is not a violation of the [Disciplinary Action Policy \(UTMDACC Institutional Policy # ADM0256\)](#) or the [Workplace Violence Prevention Policy \(UTMDACC Institutional Policy # ADM0257\)](#). However, a violation of this policy by a faculty member, trainee/student, or other member of MD Anderson's workforce may constitute a violation of institutional policies regarding conditions of employment and standards of conduct, including the [Disciplinary Action Policy \(UTMDACC Institutional Policy # ADM0256\)](#) and the [Workplace Violence Prevention Policy \(UTMDACC Institutional Policy # ADM0257\)](#), thereby subjecting the workforce member to disciplinary action, up to and including termination.
- 1.5 CHL Holders are prohibited from engaging in, and may not engage in, Direct, Conditional, or Veiled Threats, as defined in MD Anderson's [Workplace Violence Prevention Policy \(UTMDACC Institutional Policy # ADM0257\)](#), involving the CHL Holder's Concealed Handgun. This may include, but is not limited to, overt or implicit references by a CHL Holder to the CHL Holder's Concealed Handgun in a way so as to intentionally or knowingly incite fear or concern in any other person. Such conduct may result in immediate termination per [Section 8.0](#) of this policy.
- 1.6 Except for storing a Handgun in a vehicle as permitted by Texas Law, CHL Holders must keep their Concealed Handguns on or about their persons at all times. For purposes of this policy and subject to the requirements of Texas law, "on or about one's person" means close at hand and within such distance of the CHL Holder so that, without materially changing his/her position, the CHL Holder could get his/her hand on it. Except for storing a Handgun in a vehicle as permitted by state law, CHL Holders are prohibited from leaving and must not leave the CHL Holder's Concealed Handgun unattended anywhere on MD Anderson's Campus, regardless of whether stored in a desk drawer, cabinet, purse, handbag, backpack, fanny pack, briefcase, or otherwise.
- 1.7 CHL Holders are responsible for safeguarding their Concealed Handguns at all times and must take all necessary precautions to ensure their Concealed Handguns are secured in a manner that is most likely to prevent theft, loss, damage, or misuse. CHL Holders must have their Concealed Handguns in holders or holsters that completely cover the trigger and the trigger guard area. The holster must have sufficient tension or grip on the Concealed Handgun

to retain it in the holster even when subjected to unexpected jostling. CHL Holders are liable for any and all damage, injury, liability, loss, cost, or expense, directly or indirectly resulting from or arising out of an accidental or inadvertent discharge of their Concealed Handgun or their violation of this policy.

- 1.8 MD Anderson does not provide storage (e.g., lockers) or holding services for CHL Holders.
- 1.9 A CHL Holder whose Concealed Handgun is lost or stolen on MD Anderson's Campus must immediately report the loss or theft to The University of Texas Police Department at Houston (UTP-H).
- 1.10 In accordance with Texas Law, CHL Holders may secure their Concealed Handguns safely in their vehicles. MD Anderson assumes no responsibility for loss or theft of Concealed Handguns from CHL Holders' vehicles on MD Anderson's Campus (see Section 12.2 of the [Parking Policy \(UTMDACC Institutional Policy # ADM0230\)](#)).

2.0 CHL Zones and Exclusion Zones

- 2.1 In accordance with the Campus Carry Law, the President must designate CHL Zones and Exclusion Zones for MD Anderson's Campus and in doing so must consider:
 - A. The nature of MD Anderson's faculty, student, administrator, patient, and patient family populations.
 - B. Specific safety considerations.
 - C. The uniqueness of MD Anderson's Campus environment.
- 2.2 In addition to considering the factors mandated by the Campus Carry Law, the President should also consider the following factors:
 - A. All applicable laws and contractual obligations pertinent to MD Anderson.
 - B. Issues of practical implementation.
 - C. Ease of compliance and reasonableness of administration and enforcement.
- 2.3 The President may not create Exclusion Zones that generally prohibit or have the effect of generally prohibiting CHL Holders from lawfully carrying Concealed Handguns on MD Anderson's Campus.
- 2.4 A CHL Zone may be coterminous with a Premises.
- 2.5 If justified using the criteria in [Section 2.1](#) and [Section 2.2](#), an Exclusion Zone may be coterminous with a Premises.
- 2.6 The President has designated the following areas on MD Anderson's Campus as Exclusion Zones:
 - A. 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.
 - B. Childcare facilities and pediatric-activity areas.
 - C. Areas analogous to state law requirements that prohibit Concealed Handguns, including:
 - MD Anderson's National Cancer Institute (NCI) Designation Zone.

- Police and correctional facilities.
 - Chapels, synagogues, prayer rooms, and other areas designated for worship, spiritual reflection, or meditation on MD Anderson's Campus.
 - Pediatric school areas and areas in which sponsored activities are conducted for persons under 18 years of age who are not enrolled at MD Anderson.
- D. Areas where discharge of a Concealed Handgun might cause widespread harm or catastrophic results, such as laboratories with extremely dangerous chemicals, biologic agents, or explosive agents, or equipment that is incompatible with metallic objects such as magnetic resonance imaging machines.
- E. Animal care areas and vivaria in which protocols increase the risk of discharge or contamination of a Concealed Handgun, or its unanticipated separation from the CHL Holder. For open-air primate enclosures, the Exclusion Zone extends at least five (5) feet from the enclosure.

2.7 Deemed Exclusion Zones:

- A. When, either within a Premises or between two Premises, an Exclusion Zone is adjacent to what otherwise might be a CHL Zone, the President may deem the adjacent CHL Zone also to be an Exclusion Zone for practicability and to ensure ease of compliance, and reasonable administration and enforcement, including those situations in which:
- Ingress and egress by CHL Holders between the Exclusion Zone and the CHL Zone is impracticable (e.g., the CHL Holder could not reasonably move to a CHL Zone without moving through an Exclusion Zone in violation of this policy and the law); and
 - Ingress and egress between the Exclusion Zone and the CHL Zone may not reasonably be clearly demarcated per [Section 2.8](#) of this policy.
- B. The President or his designee may deem CHL Zones to be Exclusion Zones for the period of time that the CHL Zone hosts Excluded Activities listed in [Section 3.0](#) of this policy. For example, an event in MD Anderson Campus CHL Zones that includes pediatric patients is an Exclusion Zone during the event. During this period, the signage required by [Section 2.8](#) of this policy will be erected in the deemed Exclusion Zone for the duration of the excluded period.
- C. If a significant fraction of the functional space of a building is excluded for reasons consistent with this policy, the President may exclude the entire building to ensure ease of compliance, reasonable administration, and enforcement.

2.8 Exclusion Zones will be demarcated with legally-sufficient signage, per [Texas Penal Code, Section 30.06](#).

2.9 The Vice President and Chief Facilities Officer and the Executive Director and Chief Safety Officer each shall maintain a complete and up-to-date listing of CHL Zones and Exclusion Zones.

- A. The listing will include the President's justification(s) for each Exclusion Zone.
- B. The Vice President and Chief Facilities Officer and the Executive Director and Chief Safety Officer will make the listing available to the public upon reasonable request.

3.0 Excluded Activities (Not Premises-Specific)

Irrespective of where they are on MD Anderson's Campus, CHL Holders may not carry Concealed Handguns while engaged in the following Excluded Activities:

- 3.1 Providing institutional care or services to MD Anderson patients.
- 3.2 Handling extremely dangerous chemicals, biologic agents, flammable or explosive agents, or equipment that is incompatible with metallic objects.
- 3.3 Handling laboratory animals.
- 3.4 Attending events on MD Anderson's Campus at which alcoholic beverages are served.
- 3.5 Attending any meeting related to proceedings made necessary by or in connection with MD Anderson's Grievance Policy (UTMDACC Institutional Policy # ADM0266), Appeal Policy (UTMDACC Institutional Policy # ADM0268), or any institutional policy related to a formal conflict resolution processes as well as a Hearing Tribunal or related meeting scheduled as part of a formal dispute resolution process.
- 3.6 Attending or participating in a ticketed sporting event on MD Anderson's Campus
- 3.7 Providing care or services to minor children.

4.0 Institutional Vehicles

- 4.1 Subject to [Section 4.2](#) below, vehicles owned or leased by MD Anderson that are used for passenger transportation are considered CHL Zones.
- 4.2 Vehicles owned or leased by MD Anderson that are being utilized for the following purposes are considered Exclusion Zones for the duration of time that the vehicle is being used for such purposes:
 - A. The vehicle is being used to transport extremely dangerous chemicals, biologic agents, flammable or explosive agents, or equipment that is incompatible with metallic objects.
 - B. The vehicle is being used for health care-related activities, such as mobile mammography, blood donations, or to provide health screenings.
 - C. The vehicle is being used for childcare, school, or pediatric activities or purposes.

5.0 MD Anderson Campus Land (External to Buildings)

Areas outside MD Anderson buildings but still on MD Anderson's Campus are deemed Exclusion Zones when the areas are utilized for activities that are Excluded Activities listed in [Section 3.0](#) of this policy. For example, an area on MD Anderson's Campus used for a picnic or event involving pediatric patients is an Exclusion Zone for the duration of the picnic or event.

6.0 Communication

- 6.1 MD Anderson shall widely distribute this policy and all related rules, regulations, and procedures to its faculty, trainees/students, and other members of MD Anderson's workforce, and shall prominently publish this policy and all related rules, regulations, and procedures on MD Anderson's internet and intranet sites.

- 6.2 MD Anderson's Departments of Communications, Human Resources, Patient Advocacy, Patient Care & Prevention Facilities, Patient Education, Patient Experience, Patient Safety, Physicians Referral Service, Academic and Visa Administration, and Institutional Compliance shall be responsible for ensuring communication of this policy and all related rules, regulations, and procedures, as required by the Campus Carry Law.

7.0 Campus Carry Reporting

7.1 Incident Reports to the All Hazards Risk Leadership Council (AHRLC):

The Institutional Safety Committee will collect and report to the AHRLC incidents implicating this policy as soon as practicable, but in no event later than 60 days from the discovery of the date of the incident.

7.2 AHRLC Reports to the President:

On or about July 1 of each year, the AHRLC will prepare and deliver to the President a report on MD Anderson's compliance with the Campus Carry Law, the implementation of this policy, and all incidents during the past year involving a Concealed Handgun.

From time to time, and based upon the implementation of this policy or any incidents involving a Concealed Handgun, the AHRLC shall make recommendations to the President in regard to any changes that may be necessary, appropriate, or desirable to this policy, the Exclusion Zones, Excluded Activities, CHL Zones, or the rules and regulations hereunder.

7.3 President's Report to the Texas Legislature:

Not later than July 1 of each even-numbered year, the Institutional Compliance Office will prepare for the AHRLC's review and the President's review and approval a report on MD Anderson's compliance with the Campus Carry Law. The report will:

- A. Describe MD Anderson's rules, regulations, and policies regarding the carrying of Concealed Handguns on MD Anderson's Campus; and
- B. Explain the reasons why MD Anderson has established these rules, regulations, and policies.

7.4 Once approved by the President, the President shall send the report to The UT System's Office of General Counsel for review not later than August 1 of each even-numbered year.

7.5 The President must submit the report to the Texas Legislature not later than September 1 of each even-numbered year.

8.0 Policy Violations and Disciplinary Action

8.1 If any person believes that a CHL Holder has violated this policy, he or she should immediately report the violation by calling 2-STOP (713-792-7867). The caller should provide the following information, as applicable and available:

- A. Description of the perceived violation;
- B. Name(s) of individual(s) involved in the incident;
- C. Name(s) of any witnesses;
- D. Date, time, and location of the incident; and

E. Factual circumstances surrounding the incident.

- 8.2 A violation by a CHL Holder of this policy that involves the CHL Holder's Concealed Handgun may be considered a confirmed incident of a Policy Violation ("a confirmed incident of Violence or Threat of Violence") under the [Workplace Violence Prevention Policy \(UTMDACC Institutional Policy # ADM0257\)](#) and may result in immediate removal from MD Anderson's Campus or referral to The University of Texas Police Department at Houston (UTP-H), as appropriate, and may result in disciplinary action for such person, up to and including termination.
- 8.3 Loss of a CHL Holder's Concealed Handgun on MD Anderson's Campus will be considered a violation of [Section 1.6](#) of this policy, and if the CHL Holder is a faculty member, trainee/student, or other member of MD Anderson's workforce, may result in disciplinary action for such person, up to and including termination.

ATTACHMENTS/LINKS

[Examples of Unacceptable Conduct and Work Performance \(Attachment # ATT1800\).](#)

[Texas Government Code, Chapter 411.](#)

[Texas Government Code, Section 411.171.](#)

[Texas Penal Code, Section 30.06.](#)

[Texas Penal Code, Section 46.01.](#)

[Texas Penal Code, Section 46.01\(5\).](#)

[Texas Penal Code, Section 46.035\(f\)\(3\).](#)

RELATED POLICIES

[Appeal Policy \(UTMDACC Institutional Policy # ADM0268\).](#)

[Disciplinary Action Policy \(UTMDACC Institutional Policy # ADM0256\).](#)

[Grievance Policy \(UTMDACC Institutional Policy # ADM0266\).](#)

[Infection Control for Patient Care Areas Policy UTMDACC Institutional Policy # CLN0436\).](#)

[Parking Policy \(UTMDACC Institutional Policy # ADM0230\).](#)

[Termination of Employment of a Faculty Member Policy \(UTMDACC Institutional Policy # ACA0059\).](#)

[Workplace Violence Prevention Policy \(UTMDACC Institutional Policy # ADM0257\).](#)

JOINT COMMISSION STANDARDS / NATIONAL PATIENT SAFETY GOALS

None.

OTHER RELATED ACCREDITATION / REGULATORY STANDARDS

None.

REFERENCES

TEX. GOV'T CODE Title 4, Subtitle B, §411 *et seq.*,
<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm>

TEX. PEN. CODE Title 7, §30.06 *et seq.*, <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm>