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**What does UT-Austin hope to accomplish with "gun-free" offices?**

**AUSTIN, TX** - Among Texas public universities, the University of Texas at Austin stands alone as the only institution to approve a campus carry policy that would allow students, faculty, and staff to designate individual on-campus offices as criminally enforceable "gun-free" zones. Two other universities—[Texas Tech](#) and [Texas A&M](#)—considered but, on the advice of legal counsel, ultimately rejected similar policies. As UT-Austin prepares for the inevitable onslaught of lawsuits from not only [pro-campus carry organizations](#) but also the [Office of the Attorney General of Texas](#), we should all step back and consider what the university's gun-free-offices policy will and won't accomplish.

**UT-Austin's gun-free-offices policy won't keep professors from having to give bad news or bad grades to lawfully armed students.**

The gun-free-offices [policy](#) approved by UT-Austin President Gregory Fennes states, "If the occupant's duties ordinarily entail meeting people who may be license holders, the occupant must make reasonable arrangements to meet them in another location at a convenient time." That means that if a licensed student wants to be armed when meeting with a professor to discuss a failing grade, an ideological disagreement, or anything else, the student must simply ask for the meeting to be held somewhere other than the professor's office, and *the professor is required to oblige*.

**UT-Austin's gun-free-offices policy will require license holders to self-identify to faculty and staff who may have significant influence over the license holder's academic or professional future.**

Although the Texas Legislature has gone to great lengths to [protect the identities](#) of concealed handgun license (CHL)/license to carry (LTC) holders and to ensure that handguns stay [out-of-sight and out-of-mind](#) on college campuses, UT-Austin's gun-free-offices policy would require lawfully armed license holders to self-identify themselves as such, to faculty and/or staff who may be responsible for such decisions as whether or not a license holder receives tenure, whether or not a license holder gets into a particular graduate program, or whether or not a license holder [receives a letter of recommendation](#).

It is not reasonable to think that if a license holder requests that a meeting happen outside of the other party's office, the other party won't ask for an explanation or, at the very least, intuit that the license holder is carrying a gun. Given the level of [animosity](#) that many UT-Austin faculty and staff have exhibited toward campus carry, this is a daunting position for license holders.

**UT-Austin's gun-free-offices policy won't, as the university's campus carry policy working group [claims](#), protect government employees' "constitutionally-protected right of privacy in their offices."**

No court of law has ruled that a "right of privacy" equals a right to complete autonomy. For example, the "right of privacy" doesn't mean that, within the confines of his or her office, a professor may violate UT-Austin's [policy](#) against engaging in a sexual relationship with a student.

Texas currently has almost [1.5 million](#) state employees, [none of whom](#) are allowed to arbitrarily criminalize licensed concealed carry in their offices. The policy adopted by UT-Austin isn't protecting some long-maintained right of government employees; it's creating a brand new (and [legally dubious](#)) right especially for a handful of university employees, including most of the members of the [campus carry policy working group](#).

**UT-Austin's gun-free-offices policy will prohibit many if not most CHL/LTC-holding faculty, staff, and graduate students from lawfully carrying concealed handguns on the UT-Austin campus.**

Because the duties of a faculty member, staff member, research assistant, or teaching assistant may require entering one or more private offices one or more times each day, the gun-free-offices policy will leave many if not most license holders unable to carry on campus at all. UT-Austin's campus carry policy [prohibits](#) leaving a gun in an unattended backpack, purse, desk, or office; therefore, any license holder whose daily routine involves even the possibility of entering a "gun-free" office will be unable to exercise the lawful right to carry that the Texas Legislature clearly intended to protect.

It's worth noting that, although the UT-Austin policy would allow a license holder to lock a handgun in a privately owned or leased motor vehicle, many faculty, staff, and students walk to campus or commute via bus or bicycle, and many of those who drive are required to park far (sometimes as far as a mile) from the building where they work. This seeming concession regarding motor vehicles—which is not actually a concession at all but, rather, a requirement of [existing law](#)—does not mitigate the university's gun-free-offices policy in any meaningful way.

**UT-Austin's gun-free-offices policy could end up being settled in criminal court, at the expense of a license holder who never intended to violate state law or school policy.**

A license holder who carries a concealed handgun into an area of a university campus where the university has given effective notice, per [Section 30.06](#) of the Texas Penal Code, that licensed concealed carry is prohibited is guilty of a [Class A misdemeanor](#), punishable by [a year in jail, a \\$4,000 fine](#), and a mandatory five-year revocation of the offender's license to carry. This is a serious crime with serious penalties.

Given that UT-Austin's gun-free-offices policy prohibits office occupants from posting signs identifying their offices as "gun-free" zones, even the most well-intentioned license holder will have difficulty keeping up with which offices are "gun-free" and which are not. A license holder may forget which office occupants have provided oral notice that their offices are "gun-free," or an office occupant may forget whom he or she has informed of the "gun-free" status of his or her office. In short, the odds of a license holder inadvertently carrying a concealed handgun into a "gun-free" office are extremely high.

If a license holder is caught inadvertently carrying a concealed handgun in a "gun-free" office, the legitimacy of UT-Austin's gun-free-offices policy could end up being settled in criminal—rather than civil—court, at the expense of someone who never intended to break any law or challenge any university policy.

**UT-Austin's gun-free-offices policy will embroil the university in expensive court cases that the university is widely predicted to lose.**

There is a reason that legal counsel at Texas Tech and Texas A&M recommended against adopting similar policies and that no other university publicly considered such a policy. Texas Attorney General Ken Paxton has already issued an [opinion](#) stating, "No provisions within [the campus carry law] authorize a president or chief executive officer to delegate this authority [to create gun-free zones] to individual professors, and reading S.B. 11 as a whole suggests that the Legislature did not intend to allow such piecemeal regulation of handguns on campus." As SCC previously [pointed out](#), a court decision confirming this opinion could leave UT-Austin open to claims of "[wrongful exclusion](#)," to the tune of millions of dollars in civil penalties.

Attorney General Paxton also opined that "attending or teaching class is the primary reason most individuals are on campus. If an institution prohibited the carrying of concealed handguns in a substantial number of classrooms, a court would likely conclude that the effect would be to 'generally prohibit' license holders from carrying concealed handguns on campus, contrary to the Legislature's express requirements." Given that the general age limit to obtain a CHL/LTC is [21](#) and that most persons over that age on the UT-Austin campus are faculty, staff, or graduate students—the vast majority of whom are required to enter private offices as part of their daily activities—it stands to reason that if UT-

Austin prohibits the carrying of concealed handguns in a substantial number of private offices, a court will likely conclude that the effect is to "generally prohibit" license holders from carrying concealed handguns on campus, contrary to the Legislature's express requirements.

## **CONCLUSION**

Antonia Okafor, Southwest regional director for SCC, summed up the issue, declaring, "The people who approved this untenable policy know they won't be the ones paying the legal fees and civil penalties when the policy is challenged and ultimately struck down in a court of law. They're more concerned with facing their anti-campus carry colleagues in the university's hallowed halls than with abiding by state law or protecting the university's bottom line. So, because of them, the turmoil over campus carry at UT-Austin will continue a while longer."

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ABOUT STUDENTS FOR CONCEALED CARRY — [Students for Concealed Carry](#) (SCC) is a national, non-partisan, grassroots organization comprising college students, faculty, staff, and concerned citizens who believe that holders of state-issued concealed handgun licenses should be allowed the same measure of personal protection on college campuses that current laws afford them virtually everywhere else. SCC is not affiliated with the NRA or any other organization. For more information on SCC, visit [ConcealedCampus.org](#) or [Facebook.com/ConcealedCampus](#). For more information on the debate over campus carry in Texas, visit [WhyCampusCarry.com](#).

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- [Further Analysis of UT-Austin's Campus Carry Recommendations](#)
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- [Testimony of SCC Southwest Director Antonia Okafor, Before the Texas Senate Committee on State Affairs](#)
- [The University of Texas System Should Take a Lesson from Texas Tech](#)
- [Students for Concealed Carry's Statement on the Murder at UT-Austin](#)
- [Texas Tribune: "Few Major Restrictions in Texas A&M's Campus Carry Rules"](#)
- [Another Pitfall of "Gun-Free" University Offices](#)
- [Campus Carry Policy Could Cost UT-Austin \\$17 Million per Day](#)
- [UT-Austin Thinks University Employees Are Above All Other State Employees](#)
- [What the Experts Say About UT-Austin's Empty-Chamber Requirement for Campus Carry](#)