

## QUESTIONS AND ANSWERS CONCERNING PUBLIC CHAPTER 1061

### GENERAL

**1. Why has the University adopted a firearms policy?**

A new state law, Public Chapter 1061, takes effect on July 1, 2016. Public Chapter 1061 generally allows full-time employees to carry a concealed handgun on certain University property if they have a valid handgun carry permit. To implement Public Chapter 1061, the University has adopted a new safety policy concerning firearms. The new policy, along with this Q&A document, informs employees about how the University will apply Public Chapter 1061 in addition to informing employees about other firearm laws.

**2. Is University policy consistent with state law?**

Yes. The University permits employees to carry or possess firearms when allowed by state law and otherwise prohibits the carrying or possession of firearms. Because many different statutes apply, University policy has compiled these laws in an attempt to make clear when an employee may legally and may not carry or possess a firearm on University property

### ELIGIBILITY TO CARRY

**3. Can anyone carry a handgun on University property?**

No. Public Chapter 1061 allows only full-time employees with valid handgun carry permits to carry handguns, as long as they meet the other conditions set forth in the law (e.g., concealing the handgun). University students, part-time University employees, University volunteers, and visitors to University property will continue to be prohibited from carrying weapons on University property, including handguns, unless expressly permitted by Tennessee law and University policy.

**4. I am not sure whether I am a “full-time” employee. Who should I contact?**

Employees who are scheduled to work 40 hours per workweek are assigned a full-time percentage, i.e., 100%. To determine your employment percentage, you may contact the Human Resources Call Center (1-888-444-UTHR) or log-in to the IRIS portal and click on the Employee Self-Service tab.

**5. May full-time employees who are handgun carry permit holders carry other types of weapons on University property?**

No. Public Chapter 1061 allows full-time employees with valid handgun carry permits to carry handguns. Tennessee law generally continues to prohibit full-time employees with valid handgun carry permits from possessing or carrying other weapons on University property, including, without limitation: firearms other than handguns (e.g., rifle, shotgun); firearm silencers; explosives; explosive weapons (e.g., bomb, grenade, rocket,

mine, missile); hoax devices; devices principally designed, made or adapted for delivering or shooting an explosive weapon; bowie knives; hawk bill knives; ice picks; daggers; slingshots; leaded canes; switchblade knives; blackjacks; knuckles; razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance; or any other implement for infliction of serious bodily injury, damage to property, or death which has no common lawful purpose.

**6. May part-time employees who have handgun carry permits carry firearms on university property?**

No.

**7. May students carrying firearms, including handguns, on campus?**

No, unless expressly permitted by Tennessee law. For example, Tennessee law allows a student who is a handgun carry permit holder to transport and store a firearm or firearm ammunition in the student's motor vehicle while on or utilizing a parking area as long as the firearm or ammunition is kept from ordinary observation if the student is in the motor vehicle or is kept from ordinary observation and locked within the trunk, glove box, or interior of the student's motor vehicle or a container securely affixed to such motor vehicle if the student is not in the motor vehicle.

**8. May visitors, lessees, and employees of contractors carry firearms, including handguns, on campus?**

Yes, except for persons who are holders of valid handgun carry permits and who are transporting and store a firearm or firearm ammunition in their private motor vehicles in a University parking area, as allowed by Tennessee Code Annotated § 39-17-1313, and nonstudent adults who possess firearms contained within private motor vehicles and do not handle the firearms, as allowed by Tennessee Code Annotated § 39-17-1309(c)(1)(B).

**9. I am a full-time employee and also enrolled as a student at the University of Tennessee, Knoxville. May I carry a handgun on another campus (e.g., at the University of Tennessee, Chattanooga)?**

No, unless you are only registered for an academic offering that is delivered exclusively online with no requirement for you to appear on university property to complete the academic offering.

**10. I am a full-time employee and also enrolled as a student at an institution that is not part of the UT system (e.g., community college). May I carry a handgun on University property?**

Yes, if you meet all of the other requirements of Section 3(b) of the policy.

## REGISTRATION WITH LAW ENFORCEMENT

11. **I am a University employee who works on University property that does not have a University law enforcement agency assigned to it. Which law enforcement agency should I contact to indicate my intent to carry a handgun on University property?**

Prior to carrying the handgun, an employee shall provide written notification to the law enforcement agency or agencies with jurisdiction over the University property on which the employee will be carrying a handgun (e.g., a county sheriff's office or a municipal law enforcement department).

12. **Are full-time employees who are eligible to carry a handgun under Public Chapter 1061 required to complete firearm training offered by a law enforcement agency?**

No, but the University encourages employees to complete such training.

13. **Are full-time employees who are eligible to carry a handgun under Public Chapter 1061 required to notify law enforcement of changes in their employment, student, or permit holder status?**

Yes, if required by the law enforcement agency with which the employee registered.

## MANNER OF CARRYING

14. **Is there a difference between "campus carry" and "open carry"?**

Yes. Full-time employees eligible to carry a handgun under Public Chapter 1061 are prohibited from carrying a handgun openly or in any other manner in which the handgun is visible to ordinary observation by a reasonable person. In contrast, Tennessee law allows handgun carry permit holders to carry handguns openly on most other types of property.

15. **Do handguns have to be concealed?**

Yes. Public Chapter 1061 states: "The employee shall not carry a handgun openly or in any other manner in which the handgun is visible to ordinary observation by a reasonable person."

16. **What if someone gets a glimpse of my handgun?**

Full-time employees who have otherwise complied with Section 3(b) of SA \_\_\_\_ will not be found to have violated the policy if the employee inadvertently allows another person to see a handgun (e.g., an employee's coat opens in the act of raising his arm to ask a question and a handgun is seen). Purposely showing another person one's handgun violates the policy.

17. **I keep my handgun in my purse. When I leave my office, am I allowed to leave my handgun in my purse in a locked desk drawer?**

No.

#### TIMES AND LOCATIONS

18. **May a full-time UT employee with a valid handgun carry permit carry a handgun:**

**On University property at which the employee is not primarily employed (e.g., another UT campus)?**

Yes, if, prior to carrying the handgun, the employee provides written notification to the law enforcement agency or agencies with jurisdiction over the University property on which the employee will be carrying a handgun. The employee shall provide written notification to the law enforcement agency or agencies in compliance with each applicable law enforcement agency's policies and procedures concerning notification of the intent to carry a handgun on University property.

Example: A full-time employee whose primary job duties are at the University of Tennessee at Martin and who has a valid handgun carry permit may carry a handgun on the campus of the University of Tennessee, Knoxville if the employee notifies the University of Tennessee Police Department in Knoxville.

**On University property when they are *not* working for the University?**

Yes, if the employee meets all of the other requirements of Section 3(b) of the policy.

Example: A full-time University employee may carry a handgun on the campus of the University of Tennessee, Knoxville on a football game day if: (1) prior to carrying the handgun, the employee provides written notification to the University of Tennessee Police Department at Knoxville; and (2) they do not carry the handgun into Neyland Stadium.

**On property that is *not* owned, controlled, or used by the University *when they are working for the University?***

No, if the employee is acting within the course and scope of University employment, unless the employee is transporting and storing the handgun in the employee's privately-owned motor vehicle in a parking area or on public roadways. The policy defines "parking area" as property provided by a business entity, public or private employer, or the owner, manager, or legal possessor of the property for the purpose of permitting invitees, customers, clients, or employees to park privately owned motor vehicles.

Example: A UT employee, while acting within the course and scope of UT employment, attends a conference in Clarksville, Tennessee hosted by Austin Peay State University.

The UT employee shall not carry a handgun during the conference because Tennessee law prohibits the employee from carrying a handgun on property owned by APSU, but the employee may store a handgun in the employee's privately-owned motor vehicle in a parking area.

**On property that is *not* owned, controlled, or used by the University when they are *not* working for the University?**

SA \_\_\_\_ does not apply to employees when they are not working for the University and are not on University property. In that situation, employees who are handgun carry permit holders have whatever rights Tennessee law provides handgun carry permit holders.

**In a University vehicle?**

Yes, if the employee meets all of the other requirements of Section 3(b) of the policy.

**In a University laboratory?**

Yes. However, even if employees are eligible to carry a handgun under Public Chapter 1061, the University discourages employees from carrying a handgun in laboratories in which the negligent discharge of a firearm would create the risk of serious physical injury or illness because of the nature of the materials present in the facility (e.g., pathogenic materials, high-pressure/cryogenic/flammable gases) or in which the presence of strong magnets requires the prohibition of metallic objects in such facilities. Full-time employees who use the exception in Public Chapter 1061 to carry a handgun should also be mindful that they are not immune from personal liability with respect to use or carrying of the handgun.

**In a University office that is located on property that the University is leasing from another entity?**

Yes, unless the property owner has prohibited the carrying of firearms on the property.

**At a University meeting held on property that the University is renting from a private property owner (e.g., hotel conference room)?**

Yes, unless the private property owner has prohibited the carrying of firearms on the property.

Example: A UT employee, while acting within the course and scope of UT employment, attends a UT-organized meeting being held in a hotel conference room in Murfreesboro, Tennessee. The employee shall not carry a handgun if the hotel has posted a notice prohibiting firearms on its property.

19. **If there is an auditorium or gymnasium within a University facility (e.g., a university center; a university student recreation center), may a full-time employee carry a handgun in other parts of the facility when a University-sponsored event is taking place in the auditorium or gymnasium?**

Yes, if the employee meets all of the other requirements of Section 3(b) of the policy.

20. **May a full-time faculty member carry a handgun while they are teaching a course?**

Yes, if the faculty member meets all of the other requirements of Section 3(b) of the policy.

21. **Are student intramural and club sport games “University-sponsored events”?**

Yes, which means that employees may not carry handguns at those events.

22. **Which employees are eligible to carry handguns in University vehicles?**

Only full-time employees who have handgun carry permits are eligible to carry handguns in University vehicles.

23. **What should I do if I am unsure whether I can carry a handgun at a certain time or location?**

By issuing SA \_\_\_\_\_, the University is using its best efforts to inform employees about where they can carry handguns. In addition, University law enforcement agencies will be publishing campus maps indicating locations on University campuses where even full-time employees with handgun carry permits shall not carry handguns. Because Tennessee’s criminal law generally prohibits possessing and carrying firearms on University property, employees should direct questions not answered by University publications to a personal attorney.

24. **Employees are prohibited from carrying a handgun in a meeting about a disciplinary matter. What meetings does that cover? Which employees are covered?**

The University expects employees to refrain from carrying a handgun to a meeting at during which the employee knows or reasonably should know that an employee or student disciplinary matter will be discussed. The prohibition applies to employees who are initiating the discussion (e.g., supervisors) and to employees concerning whom discipline is being discussed.

25. **If an employee eligible is asked to attend a disciplinary meeting, what should the employee do with his/her handgun?**

If an employee is carrying a handgun pursuant to Public Chapter 1061, and the employee is asked to attend a meeting during which the employee knows or reasonably should know that the discipline of an employee (including him/herself) will be discussed, then the employee may either: (1) take the handgun to his/her motor vehicle and store it in

compliance with Section 3(a) of the policy; or (2) contact the appropriate law enforcement agency so that the handgun may be safely stored during the disciplinary meeting.

**26. What should I do if I am asked to attend a meeting and an unanticipated disciplinary matter arises during the meeting?**

A full-time employee who is carrying a handgun may ask to excuse themselves from the meeting so that they may take their handgun and store it in their private vehicle. The employee is not required to announce the reason that they need to be excused from the meeting.

**INTERACTIONS WITH OTHER EMPLOYEES**

**27. What should I do if I am concerned that someone is violating the University's policy on firearms?**

Please contact a law enforcement agency with jurisdiction over the property. The law enforcement agency will review whether the employee is eligible to carry a handgun on University property, and if not, take appropriate action. Emergencies should be reported to law enforcement by calling 911.

**28. What should I do if another University employee tells me that they are carrying a handgun?**

It does not violate University policy for one employee to tell another employee that they are carrying a handgun. If you are concerned that the employee is violating the University's policy on firearms, then you may contact a law enforcement agency with jurisdiction over University property. The law enforcement agency will review whether that the employee is eligible to carry a handgun on University property, and if not, take appropriate action.

**29. May I ask another employee if they are carrying a handgun?**

Supervisors may not ask employees they supervise (i.e., in their line of supervision) whether they carry a handgun. Otherwise, University policy does not prohibit employees from asking other employees if they are carrying a handgun. However, University policy does not require an employee to answer the question unless they are asked by a law enforcement officer. No adverse employment action shall be taken against any employee because that employee carries a handgun or who chooses not to disclose to another University administrative employee whether they are carrying a handgun.

**30. May an employee disclose to another employee that they are carrying a handgun?**

In the interests of the safety, an employee (other than law enforcement officers and others authorized by this policy to carry or use firearms openly) who elects to possess a firearm or carry a handgun under SA \_\_\_\_\_ should use good judgment and discretion in sharing

or publicizing such information. Also, employees should be mindful that threatening another employee may be a violation of the University's [Code of Conduct for employees](#).

- 31. Under what circumstances may a supervisor tell or ask employees eligible to carry a handgun under PC 1061 that they cannot bring a handgun into the office?**

A supervisor should not issue this kind of directive or request unless a supervisor merely is advising employees on situations in which SA \_\_\_\_ prohibits the carrying of handguns (e.g., in a disciplinary meeting).

- 32. May a supervisor request a list of employees who have notified law enforcement that they intend to carry a handgun?**

No. The identity of employees who have notified law enforcement that they intend to carry a handgun is confidential under Tennessee law.

- 33. May individual faculty or staff members post signage that prohibits handguns in their offices or classrooms?**

No.

#### **OTHER QUESTIONS**

- 34. How do I obtain a handgun carry permit?**

The Tennessee Department of Safety and Homeland Security administers the handgun carry permit program. Visit <https://www.tn.gov/safety/article/handgunmain> for more information.