

UNIVERSITY OF TENNESSEE SYSTEM POLICY
SAFETY

POLICY NO. SA _____

SUBJECT: FIREARMS

EFFECTIVE: 07/1/2016

OBJECTIVE:

To create and maintain a safe educational and working environment for students and employees by establishing rules for employees for possessing and carrying firearms on University property.

POLICY:

Section 1. Definitions

Carry: The term “carry” means to have a firearm: (1) in one’s hand; (2) on one’s body; or (3) in a container (e.g., purse, handbag, brief case) that is in one’s hand, on one’s body, or in such close proximity to one’s body that the firearm is both readily accessible and under one’s exclusive control.

Disciplinary Matter: The term “disciplinary matter” means a matter covered by [HR0525 – DISCIPLINARY ACTION](#) (e.g., corrective action (oral/written), suspension without pay, demotion, or termination).

Enrolled: The term “enrolled” means to be currently registered for an academic offering at the University, whether or not the academic offering is for credit or not for credit. The term “enrolled” does not include being registered for an academic offering that is delivered exclusively online with no requirement for the student to appear on University property to complete the academic offering.

Firearm: The term “firearm” means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use. The term “firearm” does not include an “antique firearm” as defined by 18 United States Code § 921.

Full-Time Employee: The term “full-time employee” means a University employee who: (1) is classified as “full-time” under [HR0105 – EMPLOYMENT STATUS](#); and (2) is not enrolled as a student at the University.

Handgun: The term “handgun” means any firearm with a barrel length of less than twelve inches (12”) that is designed, made, or adapted to be fired with one (1) hand.

Motor Vehicle: The term “motor vehicle” means a motor vehicle as defined in Tennessee Code Annotated § 55-1-103.

Parking Area: The term “parking area” means property provided by the University, 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.

Possess: The term “possess” means either: (1) carry; or (2) the ability and intention at any given time to exercise control over a firearm. Examples of possessing a firearm include, without limitation, the presence of a firearm on or about the employee or in a motor vehicle, desk, lunch box, locker, tool kit, bag, purse, brief case, cabinet, or office.

University: The term “University” means the campuses, centers, and institutes of The University of Tennessee, and all their constituent parts, and The University of Tennessee system administration.

University Property: Except for the purposes of Section 3(b), the term “University property” means: (1) all land, grounds, structures, and any other real property owned, controlled, or while in use by the University; and (2) all motor vehicles owned, controlled, or while in use by the University.

University-Sponsored Event: The term “University-sponsored event” means an event that is funded or conducted primarily by a University unit. The following are not University-sponsored events for the purposes of this policy: (1) a regularly-scheduled part of the curriculum of a University course or program (e.g., course lecture); (2) an event conducted by a registered student organization; and (3) an event that is conducted by a person or entity to whom the University has leased or licensed University property (e.g., a concert promoted by a private entity; a high school graduation).

Valid Handgun Carry Permit: The term “valid handgun carry permit” means a current handgun carry permit issued by the State of Tennessee under Tennessee Code Annotated § 39-17-1351 or issued by another state that is current and has been given reciprocity under Tennessee Code Annotated § 39-17-1351.

Section 2. Firearms Prohibited Unless Authorized by Law.

The University permits employees to carry or possess firearms on University property only as authorized by law. Unless authorized by Section 3 of this policy, an employee shall not possess or carry a firearm on University property or while acting within the course and scope of their University employment.

Section 3. Authorized Possession and Carrying of Firearms.

This Section 3 identifies employees who are not subject to the University’s general prohibition against possessing or carrying firearms.

- (a) **Parking Areas** – In accordance with Tennessee law, Tennessee Code Annotated § 39-17-1313, and unless expressly prohibited by federal law, an employee (regardless of [employment status](#)) who is the holder of a valid handgun carry permit may transport and store a firearm or firearm ammunition in the permit holder’s motor vehicle while on or utilizing a parking area if:

1. The employee's motor vehicle is parked in a location where it is permitted to be; and
2. The firearm or ammunition being transported or stored in the motor vehicle:
 - (i) Is kept from ordinary observation if the employee is in the motor vehicle; or
 - (ii) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the employee's motor vehicle or a container securely affixed to such motor vehicle if the employee is not in the motor vehicle.

An employee transporting, storing, or both transporting and storing a firearm or firearm ammunition in accordance with this paragraph does not violate the prohibition in Section 2 of this policy if the firearm or firearm ammunition is observed by another person or security device during the ordinary course of the employee securing the firearm or firearm ammunition from observation in or on a motor vehicle. An employee transporting, storing, or both transporting and storing a firearm or firearm ammunition in their motor vehicle does not violate the prohibition in Section 2 of this policy if they are traveling in their motor vehicle on a public roadway as long as the firearm and firearm ammunition are kept from ordinary observation.

For purposes of this Section 3(a), the term "motor vehicle" does not include any motor vehicle that is owned, operated, or controlled by the University and that is provided by the University to an employee for use during the course of employment.

(b) **Full-Time Employees with Handgun Carry Permits** – In accordance with Tennessee law, Tennessee Code Annotated § 39-17-1309(e)(9), a full-time employee who is the holder of a valid handgun carry permit may carry a concealed handgun on University property if the employee satisfies all of the following requirements:

1. The employee shall have the handgun carry permit in the employee's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.
2. Prior to carrying the handgun, the employee shall provide written notification to the law enforcement agency or agencies with jurisdiction over the 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. If a campus or institute has locations in more than one jurisdiction, the employee must register with the law enforcement agency in each jurisdiction in which they intend to carry a handgun.

Employees of the University system administration may carry a handgun on the University property at which they perform the majority of their employment duties to the University.

3. 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 unless the employee is carrying, displaying, or employing the handgun in justifiable self-defense or in justifiable defense of another during the commission of a crime in which the employee or the other person defended was a victim.
4. The employee shall not carry a handgun at the following times or at the following locations:
 - (i) Stadiums, gymnasiums, and auditoriums where University-sponsored events are in progress (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(a)*);
 - (ii) In meetings regarding student disciplinary matters (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(b)*);
 - (iii) In meetings regarding employee disciplinary matters (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(b)*);
 - (iv) In meetings regarding tenure issues (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(c)*);
 - (v) A hospital, a student health or counseling center, or an office where medical or mental health services are the primary services provided (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(d)*);
 - (vi) On property not owned by the University, if the property owner has prohibited the carrying of firearms on the property; or
 - (vii) Any location where a provision of state or federal law, except the posting provisions of Tennessee Code Annotated § 39-17-1359, prohibits the carrying of a handgun on that property (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(e)*), such as the following locations:
 - (1) On the premises of a child care agency, in any vehicle used by a child care agency to transport children, or in the presence of a child being cared for by a child care agency (*Source: Rules of the Tennessee Department of Human Services, Chapter 1240-04-03, Licensure Rules for Child Care Centers*);

- (2) In or on any public or private K-12 school building, bus, school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any K-12 board of education, school, or directors for the administration of any public or private K-12 educational institution, unless the employee is permitted to carry a handgun pursuant to a policy adopted by a private K-12 school in accordance with Tennessee Code Annotated § 49-50-803, and the employee is carrying a handgun in compliance with the private institution's policy (*Source: Tennessee Code Annotated § 39-17-1309*);
- (3) In or on any building, bus, campus, grounds, recreation area, athletic field or any other University property owned, operated, or while in use by private institution of higher education, unless the employee is permitted to carry a handgun pursuant to a policy adopted by a private institution of higher education in accordance with Tennessee Code Annotated § 49-7-161, and the employee is carrying a handgun in compliance with the private institution's policy (*Source: Tennessee Code Annotated § 39-17-1309*);
- (4) A public park, playground, civic center or other building facility, area or property which, at the time of the employee's possession of a handgun, the employee knows or should know is being used by board of education, school, college or University board of trustees, regents, or directors for the administration of any public or private educational institution for the purpose of conducting an athletic event or other University-related activity on an athletic field, permanent or temporary, including but not limited to, a football or soccer field, tennis court, basketball court, track, running trail, Frisbee field, or similar multi-use field (*Source: Tennessee Code Annotated § 39-17-1311*);
- (5) Inside any room in which judicial proceedings are in progress (*Source: Tennessee Code Annotated § 39-17-1306*); and
- (6) A federal facility. (*Source: 18 United States Code § 1930*)

5. The employee shall not possess a handgun:

- (i) While under the influence of alcohol or any controlled substance or controlled substance analogue (*Source: Tennessee Code Annotated § 39-17-1321*); or

- (ii) While consuming liquor, wine, beer, or other alcoholic beverage within the confines of an establishment open to the public where liquor, wine, beer, or other alcoholic beverages are served for consumption on the premises. (Source: *Tennessee Code Annotated* § 39-17-1321)

Questions about whether an employee is eligible to carry a handgun under this Section 3(b) shall be referred to a law enforcement agency with jurisdiction over the University property at issue.

- (c) **Instructional and Ceremonial Purposes** – An employee may possess or carry a firearm for a University-approved instructional or ceremonial purpose. (Source: *Tennessee Code Annotated* § 39-17-1309)
- (d) **Armed Forces, National Guard, Militia** – An employee who is also employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee National Guard may possess or carry a firearm on University property when in discharge of their official duties and acting under orders requiring them to carry a firearm. In addition, an employee who is an officer or soldier of the militia or the National Guard may possess or carry a firearm on University property when called into actual service. (Source: *Tennessee Code Annotated* § 39-17-1309(e))
- (e) **Law Enforcement Officers** – An employee who is an officer of the state, or of any county, city or town, charged with the enforcement of the laws of the state, may possess or carry a firearm on University property when discharging the employee’s official duties (Source: *Tennessee Code Annotated* § 39-17-1309(e)). Any law enforcement officer may carry firearms, on-duty or off-duty, regardless of the officer’s regular duty hours or assignments, except as provided by Tennessee Code Annotated § 39-17-1350, federal law, or the written directives of the executive supervisor of the officer’s employing agency. (Source: *Tennessee Code Annotated* § 39-17-1350)
- (f) **ROTC, Course, Club or Team Duties** – An employee who is a member of the reserve officers training corps (ROTC), is enrolled in a University course of instruction, or is a member of a University club or team may possess or carry a firearm on University property when required to do so while discharging the employee’s official duties for the ROTC, course, club, or team. (Source: *Tennessee Code Annotated* § 39-17-1309(e))
- (g) **Private Police** – Any private police employed by the University may possess or carry a firearm on University property when discharging their duties. (Source: *Tennessee Code Annotated* § 39-17-1309(e))
- (h) **Registered Security Guards** – An employee who is a registered security guard/officer who meets the requirements of title 62, chapter 35 of the Tennessee Code, may possess or

carry a firearm on University property when discharging the employee's official duties to the University. (Source: *Tennessee Code Annotated* § 39-17-1309(e))

(i) **Hunting** – An employee may possess or carry a firearm while hunting during the lawful hunting season on University property designated as open to hunting by the Chancellor responsible for oversight of the University property. An employee also may possess or carry unloaded hunting weapons while transversing University property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless University property is posted prohibiting entry. (Source: *Tennessee Code Annotated* § 39-17-1310)

(j) **Institute of Agriculture**

1. An employee of the University of Tennessee Institute of Agriculture or a college or department of agriculture at a campus in the University of Tennessee system may possess or carry a firearm when in the discharge of the employee's official duties and with prior authorization from the Chancellor of the University of Tennessee Institute of Agriculture. (Source: *Tennessee Code Annotated* § 39-17-1309(10))

2. An employee of the University of Tennessee Institute of Agriculture or a college or department of agriculture at a campus in the University of Tennessee system, and any member of the employee's household, living in a residence owned, used, or operated by the University of Tennessee, if the employee has prior authorization from the Chancellor of the University of Tennessee Institute of Agriculture and the employee and household members are permitted to possess firearms in a privately-owned residence under Tennessee and federal law. (Source: *Tennessee Code Annotated* § 39-17-1309(10))

Section 4. Confidentiality.

(a) Information received by a University law enforcement agency pursuant to Section 3(b)(2) about an employee's election to carry a handgun:

1. Shall be kept confidential and shall not be open for public inspection; and

2. Shall not be disclosed to any person or entity other than to:

(i) Another law enforcement agency, but only for law enforcement purposes;
or

- (ii) An administrative officer who is responsible for emergency management for the campus or institute, but only if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. An administrative officer who receives confidential information about an employee's election to carry a handgun shall not disclose the information to another person.
- (b) Information that shall be kept confidential under Section 4(a) includes the employee's name and any other information that might identify the employee as a person who has elected to exercise the right under Tennessee law to carry a handgun.
- (c) 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 should use good judgment in sharing or publicizing such information.
- (d) Supervisors shall not ask employees in their line of supervision whether they carry a handgun. No adverse employment action shall be taken against any employee because that employee carries a handgun or because the employee chooses not to disclose to another University administrative employee whether they are carrying a handgun.

Section 5. Policies and Procedures of University Law Enforcement Agencies.

- (a) University law enforcement agencies shall develop and implement policies and procedures designed to implement the notification requirements of Section 3(b)(2) and the confidentiality requirements of Section 4.
- (b) University law enforcement agencies are authorized to develop and implement a course or courses of special or supplemental firearm training to be offered to the employees electing to carry a handgun pursuant to Section 3(b). Such courses shall include information about firearm safety. Such courses shall be voluntary, i.e., an employee's right to carry a handgun pursuant to Section 3(b) is not contingent on the employee completing a course(s) offered by a University law enforcement agency. University law enforcement agencies are authorized to charge employees a reasonable fee for enrollment in a firearm training course.

Section 6. Personal Choice to Possess or Carry a Firearm.

- (a) Unless possessing or carrying a handgun is a requirement of an employee's job, possessing or carrying a firearm is a personal choice of the employee and is not a requirement of the University.

- (b) Consequently, unless possessing or carrying a firearm is a requirement of an employee's job, an employee who possesses or carries a firearm on University property is not:
1. Acting in the course of or scope of their employment when carrying or using the firearm;
 2. Entitled to workers' compensation benefits under Tennessee law or University policy for injuries arising from the carrying or use of a firearm;
 3. Immune from personal liability with respect to using or carrying a firearm under Tennessee law; or
 4. Permitted to carry a firearm openly, or in any other manner in which the firearm is visible to ordinary observation.

Section 7. Consequences for Policy Violations

- (a) An employee who is found to have possessed or carried a firearm in violation of this policy will be subject to arrest and/or disciplinary action up to and including termination of employment.
- (b) No department or unit head or other management official, employee exercising supervisory authority, or other employee or contractor shall discharge or take any adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in a parking area in compliance with Section 3(a) or for carrying a handgun in compliance with Section 3(b).