

# **Tennessee State University**

## **Policy No. 100**



*Effective Date: July 1, 2016*

**Policy No: 100**

**Policy Name: Safety Policy Governing Firearms on TSU Property**

**Policy Subject:** Possession of weapons on Tennessee State University property

## **I. Purpose**

This policy describes the prohibition of the possession of weapons on Tennessee State University (TSU) property and describes the limited exceptions to the prohibition.

## **II. Definitions**

- A. Authorized Employee – means a Full-time employee who
  - 1. Is not enrolled as a student at Tennessee State University, and
  - 2. Is in compliance with all the statutory provisions related to carrying a handgun as described in Tennessee Code Annotated Section §39-17-1351 et seq. and any other federal or state laws or regulatory requirements related to firearms.
- B. Carry – means to physically transport a firearm or other weapon on or about the body.
- C. Concealed – means not visible to ordinary observation.
- D. Controlled – under the direction of and regulated by Tennessee State University and where guns are not otherwise prohibited.
- E. Disciplinary Matter – means a matter involving any form of disciplinary action, including, but not limited to, a corrective action, reprimand, probation, suspension, demotion, or termination.
- F. Full-time Employee – means all TSU employees (faculty, executive, administrative, professional and support staff) who have a regular work week of 37.5 hours or who are scheduled to carry a full teaching load or its equivalent (to include modified fiscal year employees). “Employee” does not include independent contractors who provide goods or services to TSU or student workers as defined in [TBR Policy 5:01:01:00](#). Part-time employees are at all times excluded from the definition of Full-time Employees for purposes of this policy.
- G. Enrolled – Registered for a current or future credit or non-credit academic course/offering at Tennessee State University, including online courses/offerings.
- H. 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.

- I. 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.
- J. Motor Vehicle – The term “motor vehicle” means a motor vehicle as defined in Tennessee Code Annotated § 55-1-103. The term “motor vehicle” includes a motorcycle, but not a motorized bicycle.
- K. 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.
- L. Student – means any person enrolled at TSU to take non-credit or credit course, including online courses.
- M. Tennessee State University/TSU property – any property owned, operated, or controlled by Tennessee State University.
- N. Weapon – means firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes.

### **III. Firearms/Handguns Prohibition/Right to Search for Weapons**

- A. Prohibition Related to Weapons. TSU permits employees to carry or possess firearms on TSU property only as authorized by law and TSU policy. Unless authorized by law and under this policy, it is a Class E felony and a violation of this policy for any person, except authorized law enforcement personnel, to possess or carry, whether openly or concealed, with the intent to go armed, any weapon in any Tennessee State University building or recreation area, or on a bus, campus grounds, athletic field, or any other property owned, operated, or used by Tennessee State University or its Board.
- B. Right to Search for Weapons. Consistent with the applicable law, if TSUPD believes that a weapon is on Tennessee State University property in violation of this policy or law, TSUPD may search for that weapon in any area on Tennessee State University, including but not limited to lockers, furniture, containers, drawers, cabinets, equipment, carrying cases, personal bags, personal toolboxes or toolkits, and vehicles in parking lots on Tennessee State University property.

#### IV. Policy Governing Possession of Firearms on TSU Property

- A. Authorization to Carry. Subject to the requirements and conditions described in this policy and in federal or state law, an Authorized Employee (see section II.A – Definitions) may carry a concealed handgun on Tennessee State University property.
- B. Transport and Storage in a Motor Vehicle. Any employee who is the holder of a valid handgun carry permit recognized in Tennessee may, unless expressly prohibited by federal law, 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 an authorized location where it is permitted to be present;
  - 2. The firearm or ammunition being transported or stored in the motor vehicle, and is kept from ordinary observation if the employee is in the motor vehicle; and
  - 3. The firearm 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.
- C. Students Prohibited from Carrying or Possessing a Firearm on Campus. TSU students are prohibited at all times from carrying, storing, or otherwise possessing a firearm on TSU property, including storing or possessing a firearm in a motor vehicle.

#### V. Procedures and Requirements for Authorized Employees to Carry a Concealed Handgun on TSU Property

- A. Prior Written Notification. Prior to carrying a concealed handgun on Tennessee State University property, an Authorized Employee must provide notice to the TSUPD of his/her intent to carry a concealed handgun on Tennessee State University property. **Written Notification of Intent to Lawfully Carry a Handgun on Property Owned or Operated by Tennessee State University**
- B. Timing of Written Notification. The notice must be submitted prior to the date on which the Authorized Employee plans to carry a handgun under this policy.
- C. Possession of Handgun Carry Permit. Authorized employees who elect to carry a handgun under T.C.A. §39-17-1309 () (9) shall have their valid handgun carry permit in their immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

**VI. Prohibitions and Limitations Governing Authorized Employees' Authority to Carry A Concealed Handgun**

A. Prohibition on Handgun Carry by Part-time employees. Part-time employees may not carry a handgun on institution property, even if they have carry permits.

B. Areas where and Circumstances under which Authorized Employees May **NOT** Carry a Handgun. Authorized Employees are *never* permitted to carry a concealed handgun at the following times and at the following locations:

1. In stadiums, gymnasiums, or auditoriums where Tennessee State University sponsored events are in progress;
2. In all employment related meetings where the Authorized Employee knows or reasonably should know that a disciplinary matter will be discussed;
3. In all employment related meetings where the Authorized employee knows or reasonably should know that a tenure matter will be discussed.
4. In all student related meetings where the Authorized Employee knows or reasonably should know that a student disciplinary matter will be discussed;
5. Wherever medical or mental health services are the primary services provided, including but not limited to the University Counseling Center and the University Health Center;
6. In any Tennessee State University childcare facility or wherever childcare activities are occurring;
7. In federal facilities;
8. In any location where state or federal law, or a private property owner, prohibits the carrying of a handgun on that property;
9. On property leased to TSU, if the lessor has prohibited the possession of handguns on the premises; and
10. While under the influence of alcohol or any controlled substance or controlled substance analogue;

- C. Storage While at the Above Locations. If an Authorized Employee who is carrying a concealed handgun must enter an area or meeting described in Section VI.B., the Authorized Employee must, prior to entering the area or meeting, secure the handgun in his/her vehicle in the manner described in Section IV.B of this policy.
- D. Storage While in a Disciplinary Action/Tenure meeting. In the event that an Authorized Employee, who is carrying a handgun in compliance with the CFS Policy, becomes aware during the course of a meeting that the subject is a disciplinary or tenure matter, the Authorized employee shall ask to be excused from the meeting to store the handgun in his/her private vehicle or ask to reschedule the meeting.

## **VII. Exceptions to the Prohibition on Weapons on TSU Property**

- A. Instructional/School Sanctioned Ceremonial Purposes. A person may possess or carry a firearm or other weapon used solely for instructional or school-sanctioned ceremonial purposes on TSU property.
- B. Military Personnel. Persons employed in the Army, Air Force, Navy, Coast Guard or Marine service of the United States or any member of the Tennessee National Guard, when in the discharge of their official duties and acting under orders requiring them to carry arms or weapons, may possess the weapons required by the orders.
- C. Civil Officers. Civil officers of the United States in the discharge of their official duties may possess required weapons.
- D. Militia. Officers and soldiers of the militia and the National Guard, when called into actual service, may possess required weapons.
- E. Law Enforcement Officers. POST-certified , active-duty law enforcement officers, whether on or off duty, may possess and carry their service firearm on institution property when discharging their duties.

## **VIII. Liability**

- A. Personal Choice. Unless carrying a handgun is a requirement of the Authorized Employee's job description or as provided in Section VI.A., carrying a concealed handgun pursuant to this policy and Tennessee Code Annotated Section § 39-17-1309(e)(9) is a personal choice of the Authorized Employee and is not a requirement of Tennessee State University.
- B. No Liability Protections. An Authorized Employee who chooses to carry a concealed handgun on Tennessee State University is:

1. Not acting in the course or scope of his/her employment when carrying or using a handgun;
2. Not entitled to workers' compensation benefits under Tennessee Code Annotated Section 9-8-307(a)(1)(K) for injuries arising from the carrying or use of a handgun; and
3. Not immune from personal liability with respect to use or carrying of a handgun under Tennessee Code Annotated Section 9-8-307(h).

## **IX. Confidentiality**

- A. Confidentiality. An Authorized Employee's name and any other information that might identify the Authorized Employee are confidential and not open for public inspection.
- B. Authorized Disclosures. The TSUPD shall not disclose any information related to the Authorized Employee except to:
  1. Tennessee State University administrative officer who is responsible for Tennessee State University facility security, provided that the administrative officer is not the Authorized Employee's immediate supervisor or a supervisor responsible for the evaluation of the Authorized Employee, and
  2. Another law enforcement agency and only for law enforcement purposes.

## **X. Weapons Policy Related to College of Agriculture Employees and Employees Engaged in Wildlife, Biology, or Ecology Research and Education**

- A. An employee of Tennessee State University's College of Agriculture, Human, and Natural Sciences, who receives prior written authorization from the President, may, when in the discharge of his/her official duties, possess a weapon.
- B. An employee of Tennessee State University's College of Agriculture, Human, and Natural Sciences and any member of that employee's household, all of whom live in a residence owned, used, or operated by Tennessee State University and who receive prior written authorization from the President, may possess weapons on the residential property if the employee and house hold members are permitted to possess firearms under Tennessee and federal law. This policy does not authorize a person covered by this section to use a weapon in any official capacity.
- C. An employee who is engaged in wildlife biology or ecology research and education, who receives prior written authorization from the President, may possess weapons for

the purpose of capture or collection of specimens. This policy does not authorize an employee covered by this section to use a weapon in any official capacity.

**XI. Engaging in Intimidation in Connection with Carrying a Handgun on TSU Property**

- A. Prohibition on Intimidation. Authorized Employees who carry a handgun on TSU property shall not engage in conduct that other individuals would reasonably construe as creating an intimidating environment related to the carrying of a handgun.
- B. Intimidation Defined. For purposes of this policy, intimidating conduct includes, but is not limited to, intentionally or recklessly displaying your handgun in a non-concealed manner, informing other persons on TSU property, including co-workers, supervisors, and students, that you are carrying a handgun when said individuals did not solicit such information, and acting in any other manner that a reasonable person would find intimidating or threatening. The mere carrying of a handgun by an Authorized Employee shall not constitute intimidation.

**XII. Reporting Violations**

- A. Any individual who has reason to believe that a person is in violation of this policy may contact the TSUPD.

**XIII. Training**

- A. TSUPD is authorized to offer a voluntary course of special or supplemental firearms training to Authorized Employees who elect to carry a handgun.

**XIV. Consequences/Disciplinary Action for Violation of the Law or This Policy**

- A. Any employee who violates the law or this policy related to weapons on Tennessee State University property will be subject to arrest and shall be referred to the Office of Human Resources for disciplinary action.
- B. Any student who violates the law or this policy related to weapons on Tennessee State University property will be subject to arrest and shall be referred to the Judicial Affairs Office for disciplinary action in accordance with the applicable disciplinary procedures.
- C. Any visitor or guest who violates the law or this policy related to weapons on Tennessee State University property may be banned from Tennessee State University by the TSUPD and will be reported to the appropriate law enforcement authorities.

**XV. Interpretation**

The President or her/his designee has the final authority to interpret the terms of this policy.

**XVI. Questions and Answers**

Questions and Answers regarding this policy can be found at:

[Questions and Answers about TSU's Policy Governing Firearms on University Property.](#)

**XVI. Citation of Authority**

TCA § 39-7-1309 (b) & (e) (9) & (11), [TBR Policy: 7:01:00:00](#)

Approved by: Cabinet

Adopted: June 20, 2016. Effective Date: July 1, 2016.