



# State of Tennessee

## PUBLIC CHAPTER NO. 1061

### SENATE BILL NO. 2376

By **Bell, Stevens, Bailey, Bowling, Gardenhire, Gresham, Roberts**

Substituted for: House Bill No. 1736

By Holt, Moody, Timothy Hill, Kane, Powers, Ragan, Williams, Gravitt, Doss, Holsclaw, Goins, Littleton, Sanderson, Sparks, Zachary, Butt, Van Huss, Matthew Hill, DeBerry, Keisling, McCormick, Dunn, Carter, Casada, Eldridge, Reedy, Carr, Halford, Durham, Weaver, Windle, Kumar, Rogers, Lynn, Jerry Sexton, Byrd

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 49, relative to permitting certain persons to carry handguns on the property of certain postsecondary institutions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1309, is amended by adding the following new subdivisions to subsection (e):

(9)(A) Employees authorized to carry a handgun pursuant to § 39-17-1351 on property owned, operated, or controlled by the public institution of higher education at which the employee is employed;

(B)(i) Any authorized employee who elects to carry a handgun pursuant to this subdivision (e)(9) shall provide written notification to the law enforcement agency or agencies with jurisdiction over the property owned, operated, or controlled by the public institution of higher education that employs the employee;

(ii) The employee's name and any other information that might identify the employee as a person who has elected to carry a handgun pursuant to this subdivision (e)(9) shall be confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency with which an employee registers; except that the employee's name and other information may be disclosed to an administrative officer of the institution who is responsible for school facility security; provided, however, that the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluation of the employee. An administrative officer to whom such information is disclosed shall not disclose the information to another person. Identifying information about the employee collected pursuant to this subdivision (e)(9) shall not be disclosed to any person or entity other than another law enforcement agency and only for law enforcement purposes; and

(iii) Law enforcement agencies are authorized to develop and implement:

(a) Policies and procedures designed to implement the notification and confidentiality requirements of this subdivision (e)(9)(B); and

(b) A voluntary course or courses of special or supplemental firearm training to be offered to the employees electing to carry a handgun pursuant to this subdivision (e)(9). Firearm safety shall be a component of any firearm course;

(C) Unless carrying a handgun is a requirement of the employee's job description, the carrying of a handgun pursuant to this subdivision (e)(9) is a personal choice of the employee and not a requirement of the employer. Consequently, an employee who carries a handgun on property owned, operated, or controlled by the public institution of higher education at which the employee is employed is not:

(i) Acting in the course of or scope of their employment when carrying or using the handgun;

(ii) Entitled to workers' compensation benefits under § 9-8-307(a)(1)(K) for injuries arising from the carrying or use of a handgun;

(iii) Immune from personal liability with respect to use or carrying of a handgun under § 9-8-307(h);

(iv) Permitted to carry a handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

(v) Permitted to carry a handgun at the following times and at the following locations:

(a) Stadiums, gymnasiums, and auditoriums when school-sponsored events are in progress;

(b) In meetings regarding disciplinary matters;

(c) In meetings regarding tenure issues;

(d) A hospital, or an office where medical or mental health services are the primary services provided; and

(e) Any location where a provision of state or federal law, except the posting provisions of § 39-17-1359, prohibits the carrying of a handgun on that property;

(D) Notwithstanding any other law to the contrary, a public institution of higher education shall be absolutely immune from claims for monetary damages arising solely from or related to an employee's use of, or failure to use, a handgun; provided the employee is employed by the institution against whom the claim is filed and the employee elects to carry the handgun pursuant to this subdivision (e)(9). Nothing in this section shall expand the existing conditions under which sovereign immunity is waived pursuant to § 9-8-307; and

(E) As used in subdivisions (e)(9)-(11):

(i) "Employee" includes all faculty, staff, and other persons who are employed on a full-time basis by a public institution of higher education; and

(ii) "Employee" does not include a person who is enrolled as a student at a public institution of higher education, regardless of whether the person is also an employee;

(10)(A) Any 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 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; or

(B) Any 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 their residence under Tennessee and federal law; and

(11)(A) Any employee of the university's college or department of agriculture when in the discharge of the employee's official duties and with prior authorization from the president of a university in the board of regents system;


(B) Any employee of the university's college or department of agriculture, and any member of the employee's household, living in a residence owned, used, or operated by the university, if the employee has prior authorization from the president of a university in the board of regents system and the employee and household members are permitted to possess firearms in their residence under Tennessee and federal law; or

(C) Any employee, with prior authorization of the president of a university in the board of regents system, who is engaged in wildlife biology or ecology research and education for the purpose of capture or collection of specimens.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.

SENATE BILL NO. 2376

PASSED: April 20, 2016

  
\_\_\_\_\_  
RON RAMSEY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 2<sup>nd</sup> day of May 2016

\_\_\_\_\_  
BILL HASLAM, GOVERNOR

# Questions and Answers About UT Safety Policy 0875 – Firearms

## Background

### 1. Why has the University of Tennessee adopted a firearms policy?

UT adopted [SA0875](#) in response to state law [Public Chapter 1061](#), which generally allows full-time employees to carry a concealed handgun on certain University property if they have a valid handgun carry permit.

### 2. Is UT's policy consistent with state law?

**Yes.** The policy informs employees about how UT applies [Public Chapter 1061](#) and other firearm laws. Because multiple laws apply, UT policy clarifies when an employee may and must not legally carry or possess a firearm on University property.

## Eligibility to Carry

### 3. Who is eligible to carry a handgun on UT property?

Under Public Chapter 1061, only full-time UT employees with valid handgun carry permits may carry only handguns and only on certain UT property, assuming:

- They are not enrolled as students ([refer to question 6](#)); and
- They notify the law enforcement agency with jurisdiction over the UT property on which they will be carrying a handgun ([refer to question 7](#)).

NOTE: These employees are called “eligible employees” in these questions and answers.

Full-time employees are those scheduled to work 40 hours in a workweek.

### 4. Who may not carry a handgun on UT property?

The following individuals are not permitted to carry handguns on UT property, unless expressly permitted by Tennessee law:

- Part-time UT employees (those scheduled to work less than 40 hours in a workweek)
- UT students
- UT volunteers
- Visitors to UT property
- Lessees of UT property
- Employees of contractors working on UT property

Tennessee law prohibits the individuals listed above from carrying a handgun on UT property but allows individuals with handgun carry permits to transport and store a firearm or firearm ammunition in their private motor vehicle while on or utilizing a parking area as long as:

- the firearm or ammunition is kept from ordinary observation if the individual is in the motor vehicle; or
- the firearm or ammunition is kept from ordinary observation and locked within the trunk, glove box, or interior of the individual's motor vehicle or a container securely affixed to such motor vehicle if he/she is not in the motor vehicle.

### 5. What types of weapons may eligible employees carry?

Only handguns.

### 6. I am a full-time employee with a valid handgun-carry permit and also enrolled as a student. . . .

- **at the UT campus where I work. May I carry a handgun on another UT campus, such as UT Chattanooga?**

No.

- **at an institution that is not part of the UT System (e.g., a TN community college). May I carry a handgun on UT property?**

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

- **in an online course/degree/certificate program offered through UT. May I carry a handgun on UT property?**

Yes, if the academic offering is delivered exclusively online with no requirement for you to appear on UT property to complete the course and you meet all of the other requirements of [Section 3\(b\)](#) of the policy.

- **in a non-credit course offered through UT's Non-Credit Program. May I carry a handgun on UT property?**

No.

## Registration with Law Enforcement

- 7. Which law enforcement agency should eligible employees contact to indicate their intent to carry a handgun on UT property?**

Prior to carrying a handgun on UT property, eligible employees must provide written notification to the law enforcement agency or agencies with jurisdiction over the UT property on which they will be carrying a handgun (e.g., a UT campus law enforcement unit, a county sheriff's office, or a municipal law enforcement department).

- 8. Are eligible employees required to complete firearm training offered by a law enforcement agency?**

No, but UT encourages employees to complete such training.

- 9. Are eligible employees 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

- 10. Do handguns have to be concealed when carried on UT property?**

Yes. Eligible employees shall not carry a handgun openly or in any other manner in which the handgun is visible to ordinary observation by a reasonable person.

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

Eligible employees who have otherwise complied with [Section 3\(b\) of SA0875](#) generally will not be found to have violated the policy if they inadvertently allow another person to see their handgun (e.g., an employee's coat opens in the act of raising their arm to ask a question and a handgun is seen). Purposely showing another person one's handgun violates the policy.

- 12. 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. You are required to keep it with you at all times, unless you are entering a location on University property where carrying it is prohibited. In that case, you should secure the handgun in your motor vehicle and store it in compliance with [Section 3\(a\)](#) of the policy.

## Times and Locations

- 13. May eligible employees carry a handgun. . . .**

- **on all UT campuses, institutes and other UT properties across the state, including UT 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 UT property on which the employee will be carrying a handgun. The employee must 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 UT property.

Example: An eligible employee whose primary job duties are on the UT Martin campus and who has a valid handgun carry permit may carry a handgun on the UT Knoxville campus if the employee notifies the UT Police Department in Knoxville.

- **on UT 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: An eligible UT employee may carry a handgun on the UT Knoxville campus on a football game day if: (1) prior to carrying the handgun, the employee provides written notification to the UT Knoxville Police Department; (2) they are not under the influence of alcohol or any controlled substance or controlled substance analogue; and (3) they do not carry the handgun into Neyland Stadium, which is a prohibited location outlined in the law.

- **on property that is *not* owned, controlled or used by UT when they are working for UT?**

No, if the employee is acting within the course and scope of UT 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 a UT 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 UT when they are *not* working for the University?**

SA0875 does not apply to employees when they are not working for UT and are not on UT property. In that situation, employees who are handgun carry permit holders have the same rights Tennessee law provides handgun carry permit holders.

- **in a UT vehicle?**

Yes, if the eligible employee meets all of the other requirements of Section 3(b) of the policy. However, eligible employees should keep in mind that they are not allowed to leave a handgun in a UT vehicle. As a result, eligible employees who are using a UT vehicle to travel to a location at which firearms are prohibited (e.g., a K-12 school) should not carry a handgun with them in the vehicle unless they have a plan to store the firearm outside the UT vehicle (e.g., with law enforcement).

- **in a UT classroom?**

Yes, if the eligible employee is not enrolled as a student and meets all of the other requirements of Section 3(b) of the policy.

- **in a UT laboratory?**

Yes. However, UT discourages eligible 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. Eligible 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.

- o **in a UT office that is located on property that UT is leasing from another entity?**

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

- o **at a UT meeting held on property that UT 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.

- 14. If there is an auditorium or gymnasium within a UT facility (e.g., university center; student recreation center), may an eligible employee carry a handgun in other parts of the facility when a UT-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.

- 15. 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.

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

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

- 17. What if I’m unsure whether I can carry a handgun at a certain time or location?**

Eligible employees should seek clarification by:

- o Referring to SA0875;
- o Referring to the maps provided by UT’s law enforcement agencies; or
- o Contacting the law enforcement agency with jurisdiction over the UT property and/or event in question.

By issuing SA0875, UT is using its best efforts to inform employees about where they can carry handguns. However, because Tennessee’s criminal law generally prohibits possessing and carrying firearms on UT property, employees should direct questions not answered by UT publications or personnel to a personal attorney *because it is each employee’s responsibility to know and comply with the law.*

## **Exemption Regarding Disciplinary Meetings**

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

UT 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 all employees present during the meeting, including employees who are initiating the discussion (e.g., supervisors) and employees for whom discipline is being discussed.

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

If the employee knows or reasonably should know that discipline of an employee (including him/herself) will be discussed, then the employee should either:

- o Take the handgun to his/her motor vehicle and store it in compliance with Section 3(a) of the policy; or
- o Contact the appropriate law enforcement agency so that the handgun may be safely stored during the disciplinary meeting.

- 20. If an eligible employee is asked to attend a meeting and an unanticipated disciplinary matter arises during the meeting, what should the employee do with his/her handgun?**



The employee may ask to be excused from the meeting to store the handgun in his/her private vehicle or contact the appropriate law enforcement agency so that the handgun may be safely stored during the disciplinary meeting. The employee is not required to announce the reason that they need to be excused from the meeting.

## **Interactions with Other Employees**

### **21. May a supervisor tell or ask eligible employees not to bring a handgun into the office?**

No, unless a supervisor merely is advising their employees on situations in which [SA0875](#) prohibits the carrying of handguns (e.g., in a disciplinary meeting).

### **22. 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.

### **23. May an employee disclose to another employee that he/she is carrying a handgun?**

Employees should use good judgment and discretion in sharing or publicizing such information, keeping in mind their responsibilities for concealing the weapon. Also, employees should be mindful that threatening another employee may be a violation of UT's Code of Conduct for employees and may be a crime.

### **24. May an employee ask another employee if they are carrying a handgun?**

Supervisors shall not ask employees they supervise (i.e., in their line of supervision) whether they carry a handgun.

UT policy does not prohibit employees from asking other employees if they are carrying a handgun. However, UT 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 UT administrative employee whether they are carrying a handgun.

### **25. What should I do if another UT employee tells me that they are carrying a handgun?**

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

### **26. What should I do if I am concerned that someone is violating UT'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 UT property, and if not, take appropriate action. Emergencies should be reported to law enforcement by calling 911.

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

No.

## **Other Questions**

### **28. How are handgun carry permits obtained?**

The Tennessee Department of Safety and Homeland Security administers the handgun carry permit program. Visit [tn.gov/safety/article/handgunmain](http://tn.gov/safety/article/handgunmain) for more information.

### **29. Who is eligible to obtain a handgun carry permit?**

The Tennessee Department of Safety and Homeland Security administers the handgun carry permit program. Visit [tn.gov/safety/article/hgqualifications](http://tn.gov/safety/article/hgqualifications) for more information about who is eligible to obtain a handgun carry permit.



## SA0875 – Firearms

**Effective:** July 1, 2016

### **Topics:**

1. Definitions
2. Firearms Prohibited Unless Authorized by Law
3. Authorized Possession and Carrying of Firearms
4. Confidentiality
5. Policies and Procedures of University Law Enforcement Agencies
6. Personal Choice to Possess or Carry a Firearm
7. Consequences for Policy Violations
8. Law Enforcement Agency Contact Information
9. Answers to Frequently Asked Questions

### **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 addressed in HR0525 – DISCIPLINARY ACTION (e.g., corrective action (oral/written), suspension without pay, demotion, or termination).

**Enrolled:** The term “enrolled” means to be registered for an academic offering at the University during the current academic term or period, whether or not the academic offering is for credit or not for credit. The term “enrolled” does not include being registered for: (1) an academic offering that is delivered exclusively online with no requirement for the student to appear on University property to complete the academic offering; or (2) a University employee and organizational development (EOD) course.

**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.

**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 all of the campuses, centers, and institutes of The University of Tennessee, and all their constituent parts, and The University of Tennessee system administration.

**University Property:** 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. However, 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 employee’s private 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 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.

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, or auditoriums where University-sponsored events are in progress (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(a)*). If a gymnasium or auditorium is contained within a University building or facility, then the employee may carry a handgun in other parts of the building or facility in which University-sponsored events are not in progress.
  - ii. In meetings regarding employee disciplinary matters, student disciplinary matters, or tenure issues (*Source: Tennessee Code Annotated § 39-17-1309(e)(9)(C)(v)(b)-(c)*). In advance of a meeting regarding such matters, the person organizing the meeting (e.g., supervisor) should inform all employees who will be involved in the meeting that such a matter will be discussed during the meeting. An entire building or facility does not become a prohibited handgun-carry location by virtue of a disciplinary or tenure meeting occurring within the building or facility.
  - iii. 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)*).
  - iv. On property not owned by the University, if the property owner has prohibited the carrying of firearms on the property.
  - v. 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:

- 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*);
- 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*);
- 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*);
- 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*);
- Inside any room in which judicial proceedings are in progress (*Source: Tennessee Code Annotated § 39-17-1306*); and
- A federal facility. (*Source: 18 United States Code § 1930*)

An employee's conduct will be evaluated based on whether they knew or should have known that they were violating this policy by carrying a handgun at a particular time or location.

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*)

- 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. Except as otherwise provided in this Section 4, information received by a University law enforcement agency pursuant to Section 3(b)(2) about a full-time 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 the following, in the law enforcement agency's discretion:
    - 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 or entity.
- 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 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.
- e. A University law enforcement agency may disclose information concerning an employee's violation of this policy and/or the law to University employees who are not part of the law enforcement agency for the purposes of imposing disciplinary action.

#### **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., a full-time 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. (a) 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).
- c. 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 a full-time employee solely because that employee carries a handgun in compliance with Section 3(b) of this policy or because the employee chooses not to disclose to another University employee (who is not a part of a University law enforcement agency) whether they are carrying a handgun.

## **Section 8. Law Enforcement Agency Contact Information.**

Questions about possessing or carrying firearms, including questions about registering one's intent to carry a handgun on University property, should be referred to the following law enforcement agencies:

<b>Campus/Institute</b>	<b>Contact</b>
<b>Knoxville</b> (including Knoxville-area UT system, IPS, and Institute of Agriculture employees)	UT Police Department 1101 Cumberland Ave Knoxville, TN 37996 865-974-3114 <a href="mailto:utpolice@utk.edu">utpolice@utk.edu</a>
<b>Chattanooga</b>	UTC Police Department Administration Building Department 3954 400 Palmetto St Chattanooga, TN 37403 423-425-4357
<b>Health Science Center</b>	UTHSC Police Department 740 Court Avenue Memphis, TN 38163 901-448-4444 <a href="mailto:utpolice@uthsc.edu">utpolice@uthsc.edu</a>



<b>Martin</b>	UTM Department of Public Safety 215 Hurt Street (Crisp Hall) 731-881-7777 <a href="mailto:sdrobbins@utm.edu">sdrobbins@utm.edu</a>
<b>Space Institute</b>	Franklin County Sheriff's Office 420 Wilton Circle Winchester, TN 37398 931-962-0123  or  UT Police Department 1101 Cumberland Ave Knoxville, TN 37996 865-974-3114 <a href="mailto:utpolice@utk.edu">utpolice@utk.edu</a>
University employees working on UT Property over which a UT law enforcement agency does not have jurisdiction	Please contact the law enforcement agency or agencies with jurisdiction over the University property on which the employee will be carrying a handgun.

**Section 9. Answers to Frequently Asked Questions.**

Questions about this safety policy and their answers can be found at [policy.tennessee.edu/sa0875-firearms-faq/](http://policy.tennessee.edu/sa0875-firearms-faq/)

