



**POLICY 08:07:02
FIREARMS AND OTHER WEAPONS**

Please refer to [Tennessee Board of Regents 07:01:00:00](#).

The purpose of this policy is to maintain a safe educational and working environment for students and employees by establishing rules for possessing and carrying firearms and other weapons on Pellissippi State Community College properties.

Definitions (as used in this policy):

1. **Carry:** means to physically transport a firearm or other weapon on or about the body.
2. **Concealed:** means not visible to ordinary observation.
3. **Employee:** means all faculty, executive, administrative, professional and support staff employed in the service of and whose compensation is paid by Pellissippi State. "Employee" does not include independent contractors who provide goods or services to Pellissippi State or student workers as defined in [TBR Policy 5:01:01:00](#).
4. **Full-time Employee:** includes all faculty, executive, administrative, professional and support staff who are employed on a full-time basis by Pellissippi State, but does NOT include a person who is enrolled as a student at Pellissippi State, regardless of whether the person who is enrolled as a student at Pellissippi State is also an employee. A full-time employee is one who has a regular work week of at least 37.5 hours, or who is scheduled to carry a full teaching load or its equivalent. This includes full-time modified fiscal year (MODFY) employees, temporary employees and term appointees who have a regular work week of at least 37.5 hours or are scheduled to carry a full teaching load or equivalent. "Full-time Employee" does NOT include independent contractors who provide goods or services to Pellissippi State. For example, if Pellissippi State contracts for custodial services or food services, the contractor's employees are NOT allowed to carry a handgun on the premises, even if they work on the premise full time.
5. **Enrolled as a Student:** as used in the definition of "Full-time Employee" means to be registered for an academic offering at Pellissippi State, where one is employed, whether or not the academic offering is offered for credit or is not for credit. "Enrolled as a Student" does not include being registered for an academic offering that is delivered solely online, with no requirement for the student to appear on campus in order to complete the course.
6. **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.
7. **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.
8. **Institution Property:** means all land, ground, structures, and any other real property owned, operated or controlled by Pellissippi State.
9. **Motor Vehicle:** means a motor vehicle as defined in T.C.A. 55-1-103.
10. **On or About the Person:** means carried concealed on the person or carried concealed in a handbag, briefcase or other carrying case that remains within an arm's reach of the person at all times.
11. **Parking Area:** means property provided by Pellissippi State for the purpose of permitting employees, students or invitees to park motor vehicles.

12. **Possess:** means to either: (1) direct physical control over a firearm or other weapon at a given time; or (2) the power and intention at a given time to exercise dominion and control over a firearm or other weapon. Examples of possessing a firearm or other weapon include, without limitation, the presence of a firearm or other weapon on or about the person of the employee or in the employee's motor vehicle, desk, lunch box, locker, tool kit, bag, purse, cabinet or office.
13. **Student:** means any person who is admitted and/or registered for study at Pellissippi State for the current academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from Pellissippi State.
14. **Valid Handgun Carry Permit:** means a current handgun carry permit issued by the State of Tennessee under T.C.A. 39-17-1351 or issued by another state that has been given reciprocity under T.C.A. 39-17-1351(r).
15. **Weapon:** means firearm; explosive; explosive weapon; bowie knife; hawk bill knife; ice pick; dagger; slingshot; leaded cane; switchblade knife; blackjack; metal knuckles; razors and razor blades, except those used solely for personal shaving; any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation for food instruction and maintenance; or any other weapon of like kind, not used solely for instruction or school-sanctioned ceremonial purposes.

Policy:

- I. **General Prohibition:** Except as otherwise provided in this policy, possession of firearms or other weapons on Pellissippi State property is prohibited (T.C.A. 39-17-1309)
- II. **Exceptions for Employees with Valid Handgun Carry Permits**
 - A. In accordance with T.C.A 39-17-1309(e)(9) and subject to the limitations set forth in this policy, full-time employees who possess a valid handgun carry permit and are authorized to carry a handgun under T.C.A. 39-17-1351 may carry a handgun on property owned, operated, or controlled by Pellissippi State at which they are employed, provided that they are not allowed to carry a handgun openly or in any manner in which the handgun is visible to ordinary observation or to intentionally disclose to other employees, students or third parties that they are carrying a handgun, except for the registration required in subsection 1, below.
 1. Full-time employees who intend to exercise their right to carry a handgun must first produce a valid Pellissippi State ID card, a valid Handgun Carry Permit, and complete a Notification of Employee's Intent to Carry A Concealed Handgun form with the Pellissippi State Police Department on the Hardin Valley campus during regular business hours (Monday through Friday 8:00 am until 4:30 pm). (See Appendix A.) Pellissippi State Police Department has been designated as the law enforcement agency that will process all notifications for Pellissippi State employees who elect to carry a firearm on Pellissippi State property under this policy. Pellissippi State Police Department will notify other law enforcement agencies with jurisdiction.
 2. The registering employees' names and other identifying information shall be confidential, not open for public inspection and shall not be disclosed except to the Pellissippi State Chief of Police or Deputy Chief, who may release this information:
 - a. To other law enforcement agencies, for law enforcement purposes only.

- b. To Pellissippi State employees who are not part of a law enforcement agency for the purposes of imposing disciplinary action.

The Pellissippi State Police Department Chief of Police or Deputy Chief will not be provided with the names or other identifying information of employees electing to carry a handgun under this state law, for those individuals whom they evaluate job performance.

- 3. Pellissippi State employees who elect to carry a firearm on Pellissippi State property under this policy may not carry a firearm on any other TBR property.
- 4. Full-time employees who elect to carry a handgun under T.C.A. 39-17-1309(e)(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.
- 5. Part-time employees may not carry a handgun on Pellissippi State property, even if they have carry permits.
- 6. Employees who elect to carry a handgun under T.C.A. 39-17-1309(e)(9) are not 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, such as ball games; pep rallies; convocations; graduations; concerts; plays and other entertainment; etc. This includes such events that are sponsored by recognized college organizations.
 - b. Meetings regarding employee or student disciplinary matters.
 - c. Meetings regarding tenure issues.
 - d. An office where medical or mental health services are the primary services provided, such as a clinic, student health center or a mental health counseling center.
 - e. Any location where a provision of state or federal law prohibits the carrying of a handgun on that property, including, but not limited to:
 - i. 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, such as a campus day care center. (*Source: Rules of the Tennessee Department of Human Services, Chapter 1240-04-03, Licensure Rules for Child Care Centers*);
 - ii. In or on any public 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. This includes buildings or parts of buildings

that are dedicated to use by a campus K-12 school, middle college, etc. (*Source: T.C.A. 39-17-1309*);

- iii. In or on any building, bus, campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by a private institution of higher education that prohibits firearms on its property, a TBR employee will not be able to carry a handgun into the portion of the facility controlled by the private institution. (*Source: T.C.A. 39-17-1311*);
 - iv. 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 school-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: T.C.A. 39-17-1311*); and
 - v. A federal facility. (*Source: 18 United States Code 1930*)
- f. Property leased to Pellissippi State, if the lessor has prohibited the possession of firearms on the premises.
 - g. In any motor vehicle that is owned, operated, or controlled by Pellissippi State and that is provided to an employee for use during the course of employment. The Chancellor may grant an exception to this prohibition to the Presidents and Directors who are provided a TBR vehicle under the terms of their employment agreement.
 - h. Hardin Valley Campus – Counseling Services areas (GN127, 128, 129, 130, and MC248), Goins Building Auditorium (GN136), Clayton Performing Arts Center (CPAC), Student Recreation Center (SRC), and the proposed new stage area (by the pond).
 - i. Blount County – Auditorium (BL157), Counseling Services areas (BL113, 114), and Student Recreation Center (BL167).
 - j. Division Street – Cafeteria (when used as an area to hold school-sponsored events), and Counseling Services area (DV111).
 - k. Magnolia Avenue – Community Room (MA109), Counseling Services areas (MA104, 155), and Student Recreation Center.
 - l. Strawberry Plains Campus – Cafeteria (during hours exclusively reserved for use by students from the Career Magnet Academy and during times when the area is used by the College for school-sponsored events), areas exclusively controlled by the Magnet High School, Student Recreation Center, and

Tennessee State Offices as per TCA 39-17-1359 (offices are required to post notice of where weapon possession is prohibited).

7. The employee shall not possess a handgun:
 - a. While under the influence of alcohol or any controlled substance or controlled substance analogue (*Source: T.C.A. 39-17-1321*); or
 - b. 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: T.C.A. 39-17-1321*)
- B. 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 a location where it is permitted to be, and
 2. The firearm or ammunition being transported or stored in the motor vehicle:
 - a. Is kept from ordinary observation if the employee is in the motor vehicle; or
 - b. 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.
 3. An employee transporting, storing or both transporting and storing a firearm or firearm ammunition in accordance with this paragraph does not violate this policy or the law 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.
- C. When on the premises of the Pellissippi State property where they are employed, employees who are registered to carry a handgun on the premises under T.C.A. 39-17-1309(e)(9) and this policy must have the handgun either:
 1. On or about their person, which means that the gun must be carried concealed on the person or it must be carried concealed in a handbag, briefcase or other carrying case that remains within an arm's reach of the person at all time; or
 2. Secured in their personal motor vehicle in accordance with T.C.A. 39-17-1313

III. **Other Exceptions to the Prohibition of Weapons**

- A. A person may possess or carry a firearm or other weapons used solely for instructional or school-sanctioned ceremonial purposes on Pellissippi State property. Prior approval must be obtained from the Pellissippi State Chief of Police or his/her designee before any firearm or other weapon is used under this exception.

- B. A non-student adult may possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person, while the vehicle is on Pellissippi State property.
- C. 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.
- D. Civil officers of the United States 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.
- E. Officers and soldiers of the militia and the National Guard, when called into actual service, may possess required weapons.
- F. POST-certified, active-duty law enforcement officers, whether on or off duty, may possess and carry their service firearm on Pellissippi State property.

IV. **Rights to Search for Weapons**

Pellissippi State has the right to search for illegally possessed weapons in any area on Pellissippi State premises, including but not limited to, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, brief cases, personal bags, personal toolboxes or tool kits, parking lots, Pellissippi State vehicles and other vehicles parked on Pellissippi State premises. **Such searches may only be conducted by law enforcement officers in accordance with state law.**

V. **Sanctions**

- A. Violation of the applicable laws regarding possession of firearms or other weapons on Pellissippi State properties shall be reported to the Pellissippi State Police Department.
- B. Violation of this policy and/or the applicable laws regarding possession of firearms or other weapons on Pellissippi State property shall result in disciplinary action, up to and including immediate termination of employment or expulsion from Pellissippi State.
- C. Pellissippi State shall not take any adverse employment or disciplinary action against an employee or student based solely on the fact that the person has carried a handgun on Pellissippi State property in compliance with T.C.A. 39-17-1309(e)(9) and this policy or stored a firearm or firearm ammunition in a motor vehicle on Pellissippi State property in compliance with T.C.A. 39-17-1313.

VI. **Limitations of Liability**

- A. Unless carrying a handgun is a requirement of the employee's job description, the carrying of a handgun as allowed by T.C.A. 39-17-1309(e)(9) is a personal choice of the employee and not a requirement of Pellissippi State. Consequently, an employee who carries a handgun on property owned, operated or controlled by the Pellissippi State property at which the employee is employed is not:

1. Acting in the course of or scope of their employment when carrying or using the handgun;
 2. Entitled to worker's compensation benefits under T.C.A. 9-8-307(a)(1)(K) for injuries arising from the carrying or use of a handgun; or
 3. Immune from personal liability with respect to use or carrying of a handgun under T.C.A. 9-8-307(h)
- B. Pellissippi State is absolutely immune from claims for monetary damages arising solely from or related to an employee's use of, or failure to use, a handgun by an employee of Pellissippi State who has elected to carry a handgun under T.C.A. 39-17-1309(e)(9).

Sources: T.C.A. 39-1-1309; T.C.A. 39-17-1313; T.C.A. 39-17-1351;
T.C.A. 39-17-1359; Public Charter 806, 2016; Public Charter 1061, 2016.

Related: [Guideline P-085, Workplace Violence Prevention](#)
[General Policy on Student Conduct & Disciplinary Sanctions 3:02:00:01](#)
[TBR Policy 07:01:00:00](#)

Appendix A: Notification of Employee's Intent to Carry A Concealed Handgun
Appendix B: Summary of Campus Concealed Carry Rights and Responsibilities

Reviewed/Recommended: President's Council, June 30, 2016
Approved: L. Anthony Wise, Jr., President, June 30, 2016

Appendix A
PELLISSIPPI STATE COMMUNITY COLLEGE
NOTIFICATION OF EMPLOYEE'S INTENT TO CARRY A CONCEALED HANDGUN

Registrant's Name: (Last) _____ (First) _____ (M/I) _____

DOB: _____ Employee ID# (P#) _____

Registrant's Office Address (at which you teach or work)

Campus Location(s) or Offices(s) (at which you teach or work): _____

Cell Phone: _____ Office Phone: _____

Email: _____

Carry Permit#: _____ State: _____ Expiration Date: _____

By signing below and initialing each item, I certify all of the following to law enforcement:

_____ I am a full-time employee of Pellissippi State Community College who is eligible to carry a handgun under Tennessee law. I am not enrolled as a student at any Pellissippi State campus.

_____ I will notify the Pellissippi State Police Department of any changes in my employment, student status, or handgun carry permit status. I acknowledge that changes in my status may affect my right to carry a handgun on Pellissippi State property.

_____ I am making a personal choice to carry a handgun on Pellissippi State property. I am not carrying the handgun in the course and scope of my Pellissippi State employment. I acknowledge that I may be personally liable for injuries caused by my carrying of a handgun.

_____ I will comply with Tennessee law and Pellissippi State policies when carrying a handgun, including, without limitation, complying with the Pellissippi State Policy #08:07:02. Specifically, I will comply with the responsibilities summarized in Summary of Campus Concealed Carry Rights and Responsibilities, of which I have received a copy.

_____ I agree that my failure to comply with Tennessee law or Pellissippi State policy may result in criminal charges and discipline against me up to and including termination of employment.

Registrant's Signature

Date

I, the Witnessing Police Officer, have provided the Registrant with a copy of Summary of Campus Concealed Carry Rights and Responsibilities, verified the registrant's current eligibility to carry a handgun on Pellissippi State Community College property, and witnessed his or her signature.

Witnessing Police Officer

Date

Appendix B

PELLISSIPPI STATE COMMUNITY COLLEGE

SUMMARY OF CAMPUS CONCEALED CARRY RIGHTS AND RESPONSIBILITIES

Effective July 1, 2016, Tennessee Code Annotated 39-17-1309 has been amended to allow full-time employees of public institutions of higher education to carry concealed handguns if they have a valid handgun permit recognized by TCA 39-17-1351 and they meet specific requirements.

The right to carry concealed handguns is subject to but not limited to the following conditions:

1. 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 (concealed).
2. Employees shall have their handgun carry permit in their immediate possession at all times when carrying a handgun and display the permit at the request of a law enforcement officer.
3. Employees shall not carry a weapon other than a handgun.
4. Employees shall not carry a handgun at the following times or at the following locations:
 - Stadiums, gymnasiums, or auditoriums where institution-sponsored events are in progress;
 - In meetings regarding student or employee disciplinary matters;
 - In meetings regarding tenure issues;
 - A hospital, a student health or counseling center, or an office where medical or mental health services are the primary services provided; or
 - Any location where a provision of state or federal law, except the posting of provisions of Tennessee Code Annotated 39-17-1359, prohibits the carrying of a handgun on that property, such as on the premises of a child care agency or K-12 school, etc.
5. Pellissippi State Community College may provide additional guidelines and requirements to carry on campus. It is the employee's responsibility to be familiar and comply with additional policies.
6. Failure to comply with Tennessee law or Pellissippi State policies may result in criminal charges and disciplining the employee up to and including termination of employment.

This document summarizes rights and responsibilities associated with employees carrying a concealed handgun on Pellissippi State property. Pellissippi State has additional rules and guidelines for employees to carry on Pellissippi State property. Employees should review Pellissippi State Policy #08:07:02 for a more complete description of the rights and responsibilities of carrying a handgun on Pellissippi State property.