

MIDDLE TENNESSEE STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

POLICY NO: I:12:00

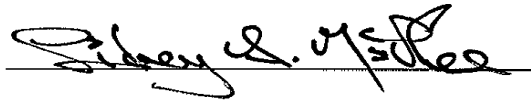
DATE: July 1, 2016

SUPERCEDES POLICY NO: I:12:00

DATED: September 27, 2010

SUBJECT: Weapons on Campus

APPROVED: Sidney A. McPhee, President



I. PURPOSE

The purpose of this policy is to enhance the safety of the MTSU campus by prohibiting the possession of weapons on campus, except where specific exceptions are noted.

II. APPLICABILITY

This policy applies to all MTSU employees, students, guests, independent contractors and non-students who come onto the campus.

III. DEFINITIONS

- A. Weapon. Includes a device, instrument, material or substance used for, or that can cause death, bodily injury, or damage to property. Weapons include, but are not limited to: any firearm, an explosive or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun, a firearm silencer, a switchblade knife or any other type of knife, or brass knuckles, or any other implement for the infliction of bodily injury, damage to property, or death which has no common lawful purpose. Pocket knives or knives used solely for eating, food preparation or distribution, are not considered "weapons" for purposes of this policy unless used to inflict bodily injury or damage to property.
- B. MTSU property. Any property owned, operated or controlled by MTSU.
- C. Operated. Managed or used by MTSU and where weapons, including handguns, are not otherwise prohibited.
- D. Controlled. Under the direction and regulated by MTSU and where weapons, including handguns, are not otherwise prohibited.
- E. Authorized Employee. For the purposes of this policy, shall mean a full-time employee of MTSU who:
 - 1. Is not enrolled as a student at MTSU; and,

2. Is in compliance with all statutory provisions related to carrying a handgun as described in TCA § 39-17-1351 et. seq. and any other federal or state law or regulatory requirements related to firearms.
- F. Enrolled. For the purposes of this policy, shall mean enrolled for a current or future academic offering at MTSU, whether or not the academic offering is offered for credit and regardless of whether it is offered online.
- G. Full-time. All benefitted MTSU employees who are employed on a continuing basis, expected to exceed one-year, and who have a regular workweek of 37.5 hours, or who are scheduled to carry a full teaching load or its equivalent (to include modified fiscal year employees.)

IV. PROHIBITED ACTIVITIES; PENALTIES

- A. Unless otherwise allowed by law and as excepted in this policy, it is a Class E felony and a violation of this policy for any person to possess or carry, whether openly or concealed, with the intent to go armed, any 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, in any MTSU building or bus, campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by MTSU.
- B. Any employee who violates the law related to weapons on MTSU property or this policy will be subject to discipline in accordance with the applicable procedures governing that employee and will be reported to the appropriate law enforcement authorities.
- C. Any student who violates the law related to weapons on MTSU property or this policy will be subject to discipline in accordance with the applicable due process procedures and will be reported to the appropriate law enforcement authorities.
- D. Any visitor, guest or independent contractor who violates the law related to weapons on MTSU property or this policy may be arrested and/or banned from the campus by the University Police and will be reported to the appropriate law enforcement authorities.

V. RIGHT TO SEARCH FOR WEAPONS

To the extent allowed by applicable law, if University Police believe that a weapon is on MTSU property in violation of this policy or law, University Police may search for that weapon in any area on MTSU property, 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 property owned, controlled or operated by MTSU.

VI. AUTHORIZED EMPLOYEES AND CONCEALED HANDGUNS

- A. Subject to the exceptions described in this policy and in federal or state law, an Authorized Employee may carry a concealed handgun on MTSU property.
- B. Prior to carrying a concealed handgun on MTSU property, an Authorized Employee must provide notice in person of his/her intent to carry a concealed handgun on MTSU property to the MTSU University Police chief law enforcement officer or his/her designee. The notice must be on the [Notification of Employee's Intent to Carry a Concealed Handgun](#) form. See the [University Police website](#) for additional information.
- C. An Authorized Employee is not permitted to carry a handgun openly or in any manner in which the handgun is visible to ordinary observation.
- D. This policy does not authorize an Authorized Employee to use a handgun in any official capacity, except as provided in Section VIII.I.
- E. Authorization to carry a concealed handgun under this policy is not authorization to carry a concealed handgun on non-MTSU property, including but not limited to other campuses, federal facilities, businesses, or other public areas even when the Authorized Employee is visiting those properties for work-related activities.
- F. Locations where and times at which an Authorized Employee is never permitted to carry a concealed handgun:
 - 1. Authorized Employees are never permitted to carry a concealed handgun at the following times and at the following locations:
 - a. In stadiums, gymnasiums, athletic fields, public parks, auditoriums or other building facilities, areas or property when university-related events are in progress;
 - b. In meetings regarding disciplinary matters;
 - c. In meetings regarding tenure matters;
 - d. Wherever medical or mental health services are the primary services provided including, but not limited to the Counseling Center and Student Health Services;

- e. In any MTSU childcare facility to include the MTSU Child Care Lab, the MTSU Child Development Center, and the Ann Campbell Early Learning Center; or, wherever childcare activities are occurring;
 - f. In federal facilities;
 - g. Property leased to MTSU, if the lessor has prohibited the possession of firearms on the premises;
 - h. In any location where a provision of state or federal law prohibits the carrying of a firearm on that property.
2. If an Authorized Employee who is carrying a concealed handgun must enter an area described in Section F(1)(a)-(f), the Authorized Employee must secure the handgun in his/her personal vehicle in the manner described in TCA §39-17-1313.

G. Liability

1. Unless carrying a handgun is a requirement of the Authorized Employee's job description or as provided in Section VI., carrying a concealed handgun pursuant to this policy and TCA §39-17-1309(e)(9) is a personal choice of the Authorized Employee and is not a requirement of MTSU.
2. An Authorized Employee who chooses to carry a concealed handgun on MTSU property is:
 - a. Not acting in the course or scope of his/her employment when carrying or using a handgun,
 - b. Not entitled to workers' compensation benefits under TCA §9-8-307(a)(1)(K) for injuries arising from the carrying or use of a handgun, and
 - c. Not immune from personal liability with respect to use or carrying of a handgun under TCA §9-8-307(h).

H. Confidentiality

1. An Authorized Employee's name and any other information that might identify the Authorized Employee are confidential and not open for public inspection.
2. The University Police shall not disclose any information related to the Authorized Employee except to:

- a. An MTSU administrative officer who is responsible for MTSU 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,
- b. Another law enforcement agency and only for law enforcement purposes.

VII. SCHOOL OF AGRIBUSINESS AND AGRISCIENCE EMPLOYEES AND THEIR HOUSEHOLD, AND EMPLOYEES ENGAGED IN WILDLIFE BIOLOGY OR ECOLOGY RESEARCH AND EDUCATION

- A. An employee of MTSU's School of Agribusiness and Agriscience who receives prior written authorization from the President or his/her designee may, when in the discharge of his/her official duties, possess a weapon.
- B. An employee of MTSU's School of Agribusiness and Agriscience and any member of that employee's household, all of whom live in a residence owned, used, or operated by MTSU and who receive prior written authorization from the President or his/her designee may possess weapons on the residential property. 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 or his/her designee may possess weapons for the purpose of capture or collections of specimens. This policy does not authorize an employee covered by this section to use a weapon in any official capacity.

VIII. OTHER EXCEPTIONS

The following statutory exceptions to the possession of weapons on campus are noted:

- A. Firearms or other weapons used for instructional or school-sanctioned ceremonial purposes; or, using a firearm or weapon in a manner reasonably related to a lawful dramatic performance or scientific research;
- B. Persons employed in the Army, Navy, Marines, Coast Guard, Air Force or Merchant 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;
- C. Civil officers of the United States in the discharge of their official duties;
- D. Officers and soldiers of the militia and the national guard when called into actual service;

- E. Officers of the state, or any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties;
- F. Any students who are members of the reserve officers training corps or students enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;
- G. Any private police employed by the institution in the discharge of their duties;
- H. Any registered security officer/guard who meets licensing requirements, who is discharging such officer's official duties; and
- I. Any law enforcement officer as defined by TCA 39-17-1350(d) may carry handguns at all times and in all places within Tennessee, on-duty or off-duty, regardless of the officer's regular duty hours or assignments.

Revisions: September 27, 2010; July 1, 2016.

Cross-references: TCA § 39-17-1309; TCA § 39-17-1313, TCA § 39-17-1351.

FORM: [Notification of Employee's Intent to Carry a Concealed Handgun](#)