

**POLICIES**

**Issued:** June 24, 2016

**Responsible Official:** Vice President for Business & Finance

**Responsible Office:** Police Services

**Policy Statement**

This policy details the guidelines for possessing and carrying firearms on University of Memphis (University) property in accordance with Tennessee Code Annotated, Section 39-17-1309.

**Purpose**

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.

**Definitions**

<b>Carry</b>	To have a firearm in one's hand, on one's body, or in a container that is in one's hand or 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 and continuous control.
<b>Disciplinary Matter</b>	Any meeting in which an employee's performance or conduct is being addressed, corrective action in the form of oral or written reprimands or write-ups, suspension without pay, demotion, and termination.
<b>Authorized Employee</b>	An employee, including all faculty, staff, and other persons who (1) are employed on a full-time basis by the University; and (2) are not enrolled as a student at the University, regardless of whether the person is also a full-time employee. A full-time employee is one who has a regular work week of 37.5 hours, or who carries 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 37.5 hours or are carrying a full teaching load or its equivalent.
<b>Enrolled</b>	To be registered for a current or future academic offering at the University, whether or not the academic offering is offered for credit or not for credit.

<b>Firearm</b>	Any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.
<b>Handgun</b>	A firearm with a barrel length of less than twelve inches (12”) that is designed, made or adapted to be fired with one (1) hand.
<b>Motor Vehicle</b>	A motor vehicle as defined in T.C.A. § 55-1-103, which is in the lawful possession of the employee who is the permit holder. The term “motor vehicle” does not include any motor vehicle that is owned, operated, or controlled by the University and that is provided to an employee for use during the course of employment.
<b>Parking Area</b>	Property provided by the University for the purpose of permitting employees, students, or invitees to park motor vehicles.
<b>Possess</b>	Direct physical control over a firearm at a given time; or  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 the employee’s motor vehicle, desk, lunch box, locker, tool kit, bag, purse, cabinet, or office.
<b>University Property</b>	All land, ground, structures, and any other real property owned, controlled, or used by the University, and  All motor vehicles owned, controlled, or used by the University.

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## Procedures

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<b>General Prohibition Against Possessing or Carrying Firearms on University Property</b>	Except as otherwise provided in this policy, possessing or carrying firearms on University property is prohibited. (T.C.A. § 39-17-1309).
<b>Transporting and Storing Firearms or Firearm Ammunition in an Employee's Private Motor Vehicle</b>	<p>A. Unless prohibited by law, any University employee who is the holder of a valid handgun permit recognized in Tennessee, may transport and store a firearm or firearm ammunition in the employee’s private motor vehicle while on or utilizing a University parking area if:</p> <p>B. The permit holder’s motor vehicle is parked in a location where it is permitted to be; and</p> <ol style="list-style-type: none"> <li>1. The firearm or ammunition being transported or stored in the motor vehicle: <ol style="list-style-type: none"> <li>1. Is kept from ordinary observation if the employee is in the motor vehicle, or</li> <li>2. 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 permit holder is not in the motor vehicle.</li> </ol> </li> </ol>

2. An employee transporting, storing, or both transporting and storing a firearm or firearm ammunition in accordance with this policy section does not violate 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.

C. For purposes of this section, 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.

### **Authorized Employees with a Valid Handgun Carry Permit**

In accordance with Tennessee law, T.C.A. § 39-17-109(e)(9), and subject to the limitations set up in this policy, an authorized employee who possesses a valid handgun carry permit may carry a concealed handgun on University property if the authorized employee follows each of the following requirements:

1. The authorized employee must first register with University of Memphis Police Services during business hours. Police Services will notify other law-enforcement agencies with concurrent jurisdiction of the employee’s registration.
2. The authorized employee must have the valid 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, including University Police.
3. The authorized employee shall not carry the handgun openly, or in any manner in which the handgun is visible to ordinary observation.
4. The authorized employee shall not carry a handgun at the following times and/or at the following locations:
  1. Stadiums, gymnasiums, and auditoriums when University sponsored events are in progress, such as ball games, pep rallies, convocations, graduations, concerts, etc.
  2. Meetings regarding employee or student disciplinary matters.
  3. Meetings regarding any tenure issues.
  4. An office or area on University property where medical or mental health services are the primary services provided, such as a clinic, the Student Health Center, or the Counseling Center.
  5. 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, including, but not limited to:
    1. On the premises of a child care agency such as the Barbara K. Lipman Early Childhood School and Research Institute, 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.
    2. In or on any public or private K-12 school building, bus, school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any K-12 board of education, school, or directors for the administration of any public or private K-12 educational institution, such as Campus School. (T.C.A. § 39-17-1309).
    3. 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 the University for the purpose of conducting an athletic event or other University-related activity on an athletic field for recreational purposes, whether permanent or temporary, including but not limited to, a football field or soccer field, tennis court, basketball court, track, running trail, Frisbee field, or similar multi-use field. (T.C.A. § 39-17-1311).

4. A federal facility. (18 U.S.C. § 1930).

5. The employee shall not possess a handgun while:

1. Under the influence of alcohol or any controlled substance or controlled substance analogue; or
2. Consuming liquor, wine, beer, or other alcoholic beverage within the confines of an establishment open to the public where liquor, wine, and beer, or other alcoholic beverages are served for consumption on the premises.

When on the premises of the University, full-time employees who elect to carry a handgun under T.C.A. § 39-17-1313(e)(9) must have the handgun either:

1. On or about their person; or
2. Secured in their personal motor vehicle in accordance with T.C.A. § 39-17-1313.

### **Part-Time Employees**

Part-time employees shall not carry or possess a handgun on University property, even if they have a valid carry permit.

### **Exceptions to the General Prohibition to Carrying or Possessing a Firearm on University Property**

Below is an **exclusive list** of exceptions to the general prohibition to possessing or carrying firearms on University property:

1. A person may possess or carry a firearm used solely for instructional or school sanctioned ceremonial purposes on University property.
2. 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 University property.
3. 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 order.
4. A student 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, and who are required to carry a firearm or weapons in the discharge of their official class or team duties, may possess required weapons.
5. Civil officers of the United States in the discharge of their official duties may possess required weapons.
6. Officers and soldiers of the militia and the National Guard, when called into actual service, may possess required weapons.
7. POST-certified, active duty law enforcement officers, whether on or off duty, may possess and carry their service firearm on institutional property.
8. Officers of the state, or of any county, city or town, charged with the

enforcement of the laws of the state, when in the discharge of their official duties, may possess required weapons.

Any University employee, with prior authorization of the President, who is engaged in wildlife biology or ecology research and education may use required tools that may be categorized as a weapon or firearm for the purpose of capture or collection of specimens.

## **Confidentiality**

A. A registering employee's name and any other information that might identify the employee as a person who has elected to carry a handgun pursuant to T.C.A. § 39-17-1309(e)(9) shall be confidential, not open to public inspection, and shall not be disclosed by any law enforcement agency with which an employee registers, except for the following circumstances:

1. The employee's name and other information may be disclosed to an administrative officer of the University who is responsible for school facility security, but only if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. The administrative officer shall not disclose the information to another person.
2. Identifying information about a registering employee may be disclosed to another law enforcement agency, but only for law enforcement purposes.

B. In the interest of safety, an Authorized Employee who elects to carry a concealed handgun pursuant to this policy should use good judgement in sharing or publicizing such information.

C. A University Police Officer may disclose information concerning an employee's violation of this policy and/or the law to University employees who are not part of the University Police or local law enforcement agencies for the purpose of imposing disciplinary action.

## **Full-Time Employee's Personal Choice to Carry or Possess a Handgun**

Unless carrying a handgun is a requirement of the employee's job description, the carrying of a handgun is a personal choice of the full-time employee and not a requirement of the University. As a result, a full-time employee who chooses to carry a handgun on property owned, operated, or controlled by the public institution of higher education is not:

1. Acting in the course of or scope of their employment when carrying or using the handgun;
2. Entitled to workers' compensation benefits under Tennessee law or University policy for injuries arising from the carrying or use of a firearm; or

Immune from personal liability with respect to use or carrying of a handgun under Tennessee law.

## **Right to Search for Firearms**

The University has the right to search for firearms in any area on the University's 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, University vehicles and other vehicles parked on the University's premises. Such searches may only be conducted by law enforcement officers, including University Police, based on a reasonable suspicion that a firearm will be found on the premises in

violation of the law.

**Violations of the Law or Policy UM1800**

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.

Any visitor or guest who is found to have possessed or carried a firearm on University property in violation of this policy and/or Tennessee law will be banned from University property by the University Police, and will be reported to the appropriate law enforcement authorities.

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**Revision Dates**

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UM1800 - Issued: June 24 2016

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**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Research	Student Affairs
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