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EAST TENNESSEE STATE  
UNIVERSITY

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## **Firearms Policy**

# **Policy Name: Firearms Policy**

## **Policy Purpose**

This policy specifies the university's adherence to state and federal law related to the possession of Firearms on University Property and the requirements for Authorized Individuals who may wish to Possess or Carry Firearms on University Property.

## **Applicability**

Unless explicitly stated otherwise, this policy is applicable to all East Tennessee State University employees, students, volunteers, contractors, guests, and third-party licensees.

## **Responsible Official, Office, and Interpretation**

The Chief of Police is responsible for the review and revision of this policy. For questions about this policy, please contact Public Safety. The Chief Operating Officer in consultation with the Office of University Counsel has the final authority to interpret this policy.

## **Defined Terms**

***A defined term has a specific meaning within the context of this policy.***

### Authorized Individual

Any employee who has complied with all registration procedures of this policy, who is not Enrolled as a student, and who is eligible to Carry under all state and federal laws.

An employee or student who is also enlisted in the armed services—Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force—may Possess or Carry a Firearm on University Property when in discharge of his or her official duties and acting under orders requiring them to Carry a Firearm.

An employee or student who is enlisted in the militia, National Guard, Army Reserves, Marine Corps Reserves, Navy Reserves, Air Force Reserves, or the National Guard may Possess or Carry a Firearm on University Property when called into actual service in discharge of his or her official duties and acting under orders requiring them to Carry a Firearm (TCA § 39-17-1309(e)).

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Any state and federal law enforcement officers who are authorized by state and federal law to carry firearms may Possess or Carry a Firearm on University Property when in discharge of his or her official duties and acting under orders requiring them to Carry a Firearm.

A Private Contracted Security Guard, after notification to the university's public safety department and receipt of express authorization, may Possess or Carry a Firearm on University Property when discharging their official duties (TCA § 62-35-125).

Any person carrying a firearm for educational purposes.

## Carry

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.

## Firearm

Any weapon designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

## Motor Vehicle

As defined in TCA § 55-1-103. For purposes of this policy 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 employment.

## Parking Area

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

To 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, but are not limited to, the presence of a Firearm on or about the employee or in a Motor Vehicle, desk, lunch box, locker, tool kit, bag, purse, briefcase, cabinet, or office.

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## Prohibited Location

Stadiums, gymnasiums, or auditoriums where University-Sponsored Events are in progress (TCA § 39-17- 1309(e)(11)(C)(v)(a)). If a gymnasium or auditorium is contained within a university building or facility, then the employee may Carry a Firearm in other parts of the building or facility in which University-Sponsored Events are not in progress.

In meetings regarding employee disciplinary matters, student disciplinary matters, or tenure issues (TCA § 39-17-1309(e)(11)(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 Firearm-carry location due to a disciplinary or tenure meeting.

A hospital, a student health or counseling center, or an office where medical or mental health services are the primary services provided (§ 39-17- 1309(e)(11)(C)(v)(d)).

On property not owned by the university if the property owner has prohibited the carrying of Firearms on the property.

Any location where a provision of state or federal law, except the posting provisions of TCA § 39-17- 1359, prohibits the carrying of a Firearm on that property (TCA § 39-17-1309(e)(11)(C)(v)(e)), such as the following locations: On the premises of a childcare agency, in any vehicle used by a childcare agency to transport children, or in the presence of a child being cared for by a childcare agency (Rules of the Tennessee Department of Human Services, Chapter 1240- 04-03, Licensure Rules for Childcare 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 Firearm pursuant to a policy adopted by a private K-12 school in accordance with TCA § 49- 50-803, and the employee is carrying a Firearm in compliance with the private institution's policy (TCA § 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 Firearm pursuant to a policy adopted by a private institution of higher education in accordance with TCA § 49-7-161,

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and the employee is carrying a Firearm in compliance with the private institution's policy (TCA § 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 Firearm, 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 (TCA § 39-17-1311);

Inside any room in which judicial proceedings are in progress (TCA § 39-17-1306);

A federal facility (including Mountain Home VA Campus). (18 United States Code § 1930)

### University Property

All campuses, centers, and institutes of East Tennessee State University and all their constituent parts, and the East Tennessee State University system administration.

### Valid Handgun Carry Permit

A current handgun carry permit issued by the State of Tennessee or issued by another state that is current and has been given reciprocity under TCA § 39-17-1351.

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East Tennessee State University recognizes the right of Authorized Individuals to possess and carry a Firearm on University Property consistent with university policies, state law, and federal law. Unless permitted by state law, Authorized Individuals are not permitted to open carry on any University Property. If an Authorized Individual is employed at a location not on University Property (e.g. VA, clinical settings, leased facilities), the Authorized Individual is also subject to the policies and rules of those locations.

An Authorized Individual must follow the applicable procedures for carrying based on their status and the regulations related to the location the person is physically located when carrying. No Authorized Individual may Carry in a Prohibited Location. Unless permitted otherwise in this policy, guests, students, and contractors are not permitted to Carry on University Property; however, individuals who lawfully Possess a Firearm may store it in their Motor Vehicle subject to the procedures outlined in this policy.

### 1. Personal Choice to Possess or Carry a Firearm.

Except for individuals who Possess or Carry a Firearm as a requirement of their job description, the possession or carrying of a Firearm is a personal choice of the employee and is not a requirement of the university. 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 during scope of their employment when carrying or using the Firearm; (2) Entitled to workers' compensation benefits under Tennessee law for injuries arising from the carrying or use of a Firearm; or (3) Immune from personal liability with respect to using or carrying a Firearm under Tennessee law.

### 2. Confidentiality.

Except as otherwise stated in this policy, information received by a university law enforcement agency about a full-time employee's election to Carry:

2.1 Shall be kept confidential, including the employee's name and other identifying information and shall not be open for public inspection.

2.2 Shall not be disclosed to any person or entity other than to the following, in the law enforcement agency's discretion except to:

2.2.1 Another law enforcement agency, but only for law enforcement purposes; or

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- 2.2.2 An administrative officer 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 Firearm shall not disclose the information to another person or entity.
- 2.2.3 Supervisors shall not ask employees in their line of supervision whether they Carry a Firearm.

### **3. Violation of this Policy.**

Any individual, including but not limited to students, employees, guests, contractors, or law enforcement who violate this policy are subject to discipline, including and up to loss of Carrying privileges on University Property, suspension or expulsion from enrollment, and/or termination. A university law enforcement agency may disclose information concerning an employee's violation of this policy and/or the law to the Office of Human Resources for the purposes of imposing disciplinary action, including and up to termination.

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## Procedures

### 1. Parking Areas.

In accordance with Tennessee law and unless expressly prohibited by federal law, an employee who is the holder of a Valid Handgun Carry Permit or is a person authorized to Carry without a 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:

- 1.1. The employee's Motor Vehicle is parked in a location where the Motor Vehicle is permitted to be; and
- 1.2. The Firearm or ammunition being transported or stored in the Motor Vehicle:
  - 1.2.1. Is kept from ordinary observation if the employee is in the Motor Vehicle; or
  - 1.2.2. 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 employee is not in the Motor Vehicle
- 1.3. 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 1.2 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.
- 1.4. 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 2.1.2 of this policy if they are traveling in their Motor Vehicle on a public roadway if the Firearm and firearm ammunition are kept from ordinary observation.
- 1.5. For purposes of section 2.1.2, 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 employment.

### 2. Authorized Individual Registration Procedures.

- 2.1. Prior to carrying a Firearm, the Authorized Individual submits a notification form and of valid carrying permit to ETSU Public Safety for each ETSU campus on which the Authorized Individual plans to carry; and
- 2.2. The employee has a Valid Handgun Carry Permit in their immediate possession at



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all times when carrying a Firearm and presents it at the request of a law enforcement officer.

### 3. Carrying.

An individual may not Carry a Firearm in a Prohibited Location under state law.

## Applicable Forms and Websites

[Notification Form](#)

## Authority and Revisions

**Authority:** TCA § 49-8-203 et seq.; TCA § 39- 17-1309.

**Previous Policy:** PPP-81 Safety and Security

The ETSU Board of Trustees is charged with policy making pursuant to TCA § 49-8-203, et seq. On March 24, 2017, the Board delegated its authority to ETSU's President to establish certain policies and procedures for educational program and other operations of the university, including this policy. The delegation of authority and required process for revision to this policy can be found on the [Policy Development and Rule Making Policy webpage](#).

To suggest a revision to this policy, please contact the responsible official indicated in this policy. Before a substantive change to the policy section may take effect, the requested changes must be: (1) approved by the responsible office; (2) reviewed by the Office of University Counsel for legal sufficiency; (3) posted for public comment; (4) approved by either Academic Council or University Council; and (5) approved by ETSU's President.