

**Austin Peay State  
University**

## **Firearms and Other Weapons**

**Issued:** February 2, 2017

### **POLICIES**

**Responsible Official:** Vice President for Finance and Administration

**Responsible Office:** Public Safety

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#### **Policy Statement**

It is the policy of Austin Peay State University that employees may carry or possess firearms or other weapons on APSU property only as authorized by law. Employees are prohibited from possessing or carrying firearms or other weapons on APSU property unless authorized in the procedures section below. This policy is not applicable to the Austin Peay Center @ Fort Campbell, which is located on Fort Campbell, a United States Army military installation or at the Highland Crest Center, which is operated by Volunteer State Community College.

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#### **Purpose**

To maintain a safe educational and working environment by establishing rules governing the possession or carrying of firearms and other weapons by University employees on APSU property or while acting in the course and scope of their University employment.

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### **Definitions**

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<b>Carry</b>	To physically transport a firearm or other weapon on or about the body.
<b>Concealed</b>	Not visible to ordinary observation.
<b>Employee</b>	All faculty, executive, administrative, professional, and support staff employed in the service of and whose compensation is paid by APSU. "Employee" does not include independent contractors who provide goods or services to the University or student workers as defined by APSU Policy 5:011.
<b>Full-time Employee</b>	All faculty, executive, administrative, professional, and support staff who are employed on a full-time basis by the University, excluding any person who is enrolled as a student (defined below) at the University, regardless of whether the person 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 its equivalent. "Full-time Employee" does NOT include independent contractors who provide goods or services to the institution. For example, if an institution 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 premises full time.

<b>Enrolled as a Student</b>	To be registered for an academic offering at APSU, whether or not the academic offering is for credit or is not for credit. (See definition of “Full-time employee above).
<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>	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.
<b>Institution Property</b>	All land, ground, structures, and any other real property owned, operated or controlled by the University.
<b>Motor Vehicle</b>	A motor vehicle as defined in T.C.A. § 55-1-103.
<b>On or About the Person</b>	Carried concealed on the person or carried concealed in a handbag, briefcase, or other carrying case that remains within arm’s reach of the person at all times.
<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>	Either: (1) to carry or exercise direct physical control over a firearm or other weapon at a given time; or (2) the power and intention at any given time to exercise 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.
<b>Student</b>	Any person who is admitted and/or registered for study at a State institution 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 the University.

**Valid Handgun Carry Permit**

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).

**Weapon**

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 of food instruction and maintenance; or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes.

**Procedures**

**General Prohibition**

Except as otherwise provided in this policy, possession of firearms or other weapons on APSU property is prohibited (T.C.A. §39-17-1309).

**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 of APSU 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 the University, provided that they are not permitted to carry a handgun openly or in any manner in which the handgun is visible to ordinary observation, 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.
  - 1. Full-time employees who intend to exercise the right to carry a handgun on campus must first register with APSU Public Safety and Campus Police.
  - 2. The registering employees' names and other identifying information shall be confidential and not open for public inspection or disclosed except to the University Director of Public Safety and Chief of Police. However, in no case should the disclosure include the names or other identifying information of employees under the registering employees' direct supervision or for whom they evaluate job performance.

3. APSU Public Safety and Campus Police will develop and implement procedures regarding registration and confidentiality.
4. Nothing in this policy authorizes employees to carry a handgun on property outside of APSU. However, if APSU shares property with one or more other State institutions, any properly registered employees of the sharing institutions may carry on the shared property.
5. 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.
6. Part-time employees may not carry a handgun on institution property, even if they have carry permits.
7. 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 events that are sponsored by recognized student organizations.
  - b. Formal meetings regarding employee or student disciplinary matters.
  - c. Formal meetings regarding tenure issues.
  - d. All areas of Boyd Health and Student Counseling Services located in the Ard Building.
  - 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 the Sexton building, 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, including Marks building where the rooms are completely controlled by Middle College, 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 fields or any other property owned, operated, or while in use by a private institution of higher education that prohibits possession of firearms on its property. For example, if your institution operates in a facility shared with a private institution on its property, a University employee will not be able to carry a handgun into the portion of the facility controlled by the private institution. (Source: T.C.A. §39-17-1309);
  - 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 the institution, if the lessor has prohibited the possession of firearms on the premises.
  - g. In 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.
8. 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)

9. Employees who elect to carry a handgun under T.C.A. § 39-17-1309(e)(9) shall not disclose the fact that they are carrying a handgun with the intent to intimidate or threaten other employees, students or third parties.
- 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 and firearm ammunition in accordance with this paragraph do 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 University, the employees who 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 times; or
  2. Secured in their personal motor vehicle in accordance with T.C.A. §39-17-1313.
- A. A person may possess or carry a firearm or other weapon used solely for instructional or school-sanctioned ceremonial purposes on University property.

**Other Exceptions to the Prohibition of Weapons**

- 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 University 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 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 may possess required weapons.
- 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 institution property.

### **Rights to Search for Weapons**

The University has the right to search for illegally possessed weapons in any area on the institution'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, APSU vehicles and other vehicles parked on the University's premises. **Such searches may only be conducted by law enforcement officers.**

### **Sanctions**

- A. Violation of the applicable laws regarding possession of firearms or other weapons on the University's property shall be reported to Public Safety and may result in arrest and prosecution.
- B. Violation of this policy and/or the applicable laws regarding possession of firearms or other weapons on the University's property shall result in disciplinary action, up to and including immediate termination of employment or expulsion from the University.
- C. The University 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 the University's 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 the University's property in compliance with T.C.A. §39-17-1313.

### **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 the University. Consequently, an employee who carries a handgun on property owned, operated, or controlled by the University 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 workers' 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. The University 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 the University who has elected to carry a handgun under T.C.A. §39-17-1309(e)(9).

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### **Related Forms**

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<b>APSU Registration Form</b>	<a href="http://www.apsu.edu/sites/apsu.edu/files/police/APSU_Notification_of_Intent_to_Carry.pdf">http://www.apsu.edu/sites/apsu.edu/files/police/APSU_Notification_of_Intent_to_Carry.pdf</a>
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### **Links**

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<b>APSU Policy 5:011</b>	<a href="https://www.apsu.edu/policy/personnel-policy-5011">https://www.apsu.edu/policy/personnel-policy-5011</a>
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### **Revision Dates**

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APSU Policy 5:003 (previously 1:027) – Rev.: February 2, 2017  
APSU Policy 5:003 – Rev.: November 14, 2016  
APSU Policy 5:003 – Issued: July 1, 2016

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### **Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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**Approved**

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President: signature on file

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