

**JACKSON STATE COMMUNITY COLLEGE
POLICY**

Subject: Firearms and Other Weapons Policy

JSCC Policy Number: 7.01.00.01

TBR Policy Reference: 7.01.00.01

Approved By: President's Cabinet

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Last Modified Date: 8/23/2023; 6/12/2023

Office Responsible: Chief of Police

PURPOSE

In accordance with State of Tennessee law T.C.A. § 39-17-1309(e)(9), state employees are allowed to carry handguns at state colleges/institutions within guidelines. 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 TBR institution property. This law goes into effect July 1, 2016. While this permits some individuals to go armed, it also has criteria that must be met and followed by the employee to maintain the privilege.

DEFINITIONS

“Carry” means to physically transport a firearm or other weapon on or about the body.

“Concealed” means not visible to ordinary observation.

“Eligible Retired Law Enforcement Employee” includes all faculty, executive, administrative, professional and support staff who are retired federal, state, or local law enforcement officers; served as a federal, state, or local law enforcement officer for at least twenty (20) years prior to retirement; retired in good standing as certified by the chief law enforcement officer of the organization from which the officer retired; is employed on a part-time basis by a TBR institution; and is not enrolled as a student at the institution.

“Employee” means all faculty, executive, administrative, professional and support staff employed in the service of and whose compensation is paid by Jackson State Community

College. “Employee” does not include independent contractors who provide goods or services to the institution or student workers as defined in TBR Policy 5:01:01:00.

“Full-time Employee” includes all faculty, executive, administrative, professional and support staff who are employed on a full-time basis by Jackson State Community College, but does NOT include a person who is enrolled as a student at the institution, 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 the 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.

“Enrolled as a Student” as used in the definition of “Full-time Employee” and “Eligible Retired Law Enforcement Employee,” means to be registered for an academic offering at Jackson State Community College 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 delivered solely online, with no requirement for the student to appear on campus to complete the course.

“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.

“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.

“Institution Property” means all land, ground, structures, and any other real property owned, operated or controlled by Jackson State Community College

“Motor Vehicle” means a motor vehicle as defined in T.C.A. § 55-1-103.

“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

“Parking Area” means property provided by Jackson State Community College for the purpose of permitting employees, students, or invitees to park motor vehicles.

“Possess” means either (1) 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 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.

“Student” means any person who is admitted and/or registered for study at Jackson State Community College 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 institution.

“Valid Handgun Carry Permit” or “Enhanced 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).

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

INITIAL CRITERIA

- **Must be a Full-time Employee of Jackson State Community College.**

This includes all faculty, executive, administrative, professional, and support staff employed full-time by Jackson State Community College. A full-time employee has a regular work week of at least 37.5 hours or who is scheduled to carry a full teaching load or its equivalent. Part-time employees MAY NOT carry a handgun on institution property, even with a valid permit.

- **Must possess a Valid Handgun Carry Permit/ Enhanced Handgun Carry Permit.**

Valid Handgun Carry Permit/ Enhanced 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).

- **Registration.**

The employee must register with the law enforcement agency (i.e., JSCC Campus Police Department) prior to the time they intend to carry on campus with their valid state-issued handgun carry permit.

- **Or, Must be an Eligible Retired Law Enforcement Employee**

This includes all faculty, executive, administrative, professional and support staff who are retired federal, state, or local law enforcement officers; served as a federal, state, or local law enforcement officer for at least twenty (20) years prior to retirement; retired in good standing as certified by the chief law enforcement officer of the organization from which the officer retired; is employed on a part-time basis by a TBR institution; and is not enrolled as a student at the institution.

If initial criteria are not met, then possession of firearms or other weapons on institution property is prohibited. (T.C.A. § 39-17-1309).

Policy

- A. In accordance with T.C.A. § 39-17-1309(e)(9) and subject to the limitations outlined in this policy, full-time employees and eligible retired law enforcement 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 Jackson State Community College, provided that they are not permitted 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. Employees who intend to exercise this right to carry a handgun must first register with the JSCC Campus Police Department. If carrying at a satellite location, each full-time employee must register with JSCC Campus Police and at each corresponding law enforcement agency that has jurisdiction over the location of the satellite center prior to when they intend to carry on campus.
 - 2. The registering employees' names and other identifying information shall be confidential and not open for public inspection. They shall not be disclosed except to the administrative officer of the institution responsible for the security of the institution. However, the administrative officer will not be provided with the names or other identifying information of employees under their direct supervision or for whom they evaluate job performance.

3. JSCC Campus Police has also implemented procedures regarding registration and confidentiality (see below).
4. Registered employees may not carry a handgun on the property of any TBR institution other than their employing institution. If two or more institutions share a property (JSCC / TCAT), properly registered employees of all sharing institutions may carry on the shared property.
5. Employees who elect to carry a handgun under T.C.A. § 39-17-1309(e)(11) 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 from any agency.
6. Except for eligible retired law enforcement employees, 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) (11) 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 recognized student organizations sponsor.
 - b. Formal meetings regarding employee or student disciplinary matters.
 - c. Formal meetings regarding tenure issues.
 - d. A hospital or 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 daycare 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 possession of firearms on its property. For example, if your institution operates in a facility shared with 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. § 39-17-1309);
- 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 the board of education, school, college or university board of trustees, regents, or directors for the administration of any public or private educational institution to conduct 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 possessing firearms on the premises.

8. The employee shall not possess a handgun:

- a. While under the influence of alcohol or any other controlled substance or controlled substance analogue (Source: T.C.A. § 39-17-1321); or
 - b. While consuming liquor, wine, beer, or other alcoholic beverages 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. When on the premises of Jackson State Community College, employees who are registered to carry a handgun on the premises under T.C.A. § 39-17-1309(e)(11) and

this policy MUST have the handgun either:

9. 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
10. Secured in their personal motor vehicle in accordance with T.C.A. § 39-17-1313.

Exceptions to the Prohibition on Weapons:

- A. A person may possess or carry a firearm or other weapon solely for instructional or school-sanctioned ceremonial purposes on institution property.
- B. 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.
- C. Civil officers of the United States, in the discharge of their official duties may possess required weapons.
- D. Officers and soldiers of the militia and the National Guard may possess required weapons when called into actual service.
- E. POST-certified, active-duty law enforcement officers, whether on or off duty, may possess and carry their service firearm on institution property.

Right to Search for Weapons:

Jackson State Community College 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, briefcases, personal bags, personal toolboxes or tool kits, parking lots, JSCC vehicles and other vehicles parked on the institution's premises. Such searches may only be conducted by law enforcement officers.

Violations and Sanctions

- A. Violation of this policy and/or the applicable laws regarding possession of firearms or other weapons on Jackson State Community College property may result in disciplinary action, up to and including immediate termination of employment or expulsion from the institution. Violating applicable laws may also result in referral to a law enforcement agency, arrest, and/or prosecution. Jackson State's response to a violation of this policy and/or applicable law will be based on the totality of the circumstances, including, but not limited to, any

threat posed by such violation, whether the violation was intentional or inadvertent, and any history of non-compliance with this policy.

- B. Jackson State Community College will 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 JSCC 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 institution property in compliance with T.C.A. §39-17-1313. T.C.A. § 49-7-163.

Limitations of Liability

- A. Unless carrying a handgun is a requirement of the employee's job description, carrying a handgun as allowed by T.C.A. §39-17-1309(e) (11) is a personal choice of the employee and not a requirement of Jackson State Community College.

Consequently, an employee 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 the use or carrying of a handgun under T.C.A. §9-8-307(h).

- C. Jackson State Community College 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 institution who has elected to carry a handgun under T.C.A. §39-17-1309(e) (11).

CARRY CONCEALED PROCEDURE

In accordance with Tennessee law TCA 39-17-1309(e)(11), which generally allows all JSCC full-time employees with a valid handgun permit or enhanced handgun carry permit and are authorized to carry it to carry a concealed handgun on JSCC property.

Full-time employees who work at Jackson State Community College and intend to carry a concealed handgun on JSCC property are required to come to the JSCC Police Department to complete the paperwork and sign the application in the presence of the Chief of Police. Applicants must bring their:

- Faculty/staff identification card
- Valid Tennessee driver's license
- Valid Tennessee handgun carry permit or enhanced handgun carry permit.
- Weapon information, including serial number

If carrying at a satellite location, this information must be presented to both JSCC Police and the law enforcement agency with jurisdiction over the property location.

Upon completion of registration, employees who choose to carry must sign a form that they have both read and understand the conditions and responsibilities of this policy. Governed by Tennessee law TCA 39-17-1309(e) (11) and TBR policy 7:01:00:00.

LOCAL LAW ENFORCEMENT CONTACT INFORMATION

Jackson State Campus Police

CELL (731) 225-5952

OFFICE ext. 52627

Jackson Police Department

234 Institute St,

Jackson, TN 38301

(731) 425-8400

Savannah Police Department

80 King St

Savannah, TN

(731) 925-4989

Trenton Police Department

309 South College St. C

Trenton, TN 38382

(731) 855-1413

Lexington Police Department

88 1st Street

Lexington, TN 38351(731) 968-6666

Henderson County Sheriff's Department

50 Natchez Trace Dr.

Lexington, TN

(731) 968-7777

Hardin County Sheriff's Department

525 Water St

Savannah, TN 38372
(731) 925-3377

Gibson County Sheriff's Department
401 N. College St.
Trenton, TN 38382
