

REVISED Presidents Quarterly Meeting Agenda
Wednesday, August 17, 2022, 1:00 p.m. C.T. - Virtual Meeting

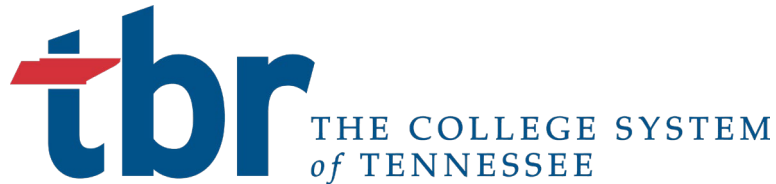
1. Opening Remarks – Chancellor Tydings
2. STRONG Act Education Benefits Program – Brigadier General Warner Ross, Assistant Adjutant General and Chief Officer Scarlett Bernier, Education and Incentives Branch Chief for the Tennessee Army National Guard

Action Items – Russ Deaton

3. TBR Policy 3.05.01.00 Classifying Students In-State & Out-of-State for Paying College Fees; Tuition & for Admission Purposes - Heidi Leming
4. TBR Policy 7.01.00.00 Firearms and Other Weapons – Brian Lapps

Informational Items– Russ Deaton

5. Little Hatch Act Memorandum - Brian Lapps
6. Graduation Prayer Memorandum - Brian Lapps
7. EPSO – Home School Associations – Brian Lapps
8. 2023 International Administrative Program - Heidi Leming
9. Legislative Priorities – Kim McCormick
10. Campus Safety & Security Update – Alisha Fox
11. Academic Affairs Updates – Jothany Blackwood
12. Other Business and Adjournment – Russ Deaton



**Presidents Quarterly Meeting
August 17, 2022**

SUBJECT: Revisions to TBR Policy 3.05.01.00

PRESENTER: Heidi Leming, Vice Chancellor for Student Success

ACTION REQUIRED: Requires Vote

Summary: During the last legislative session, PC 791 passed. This legislation “authorizes the governing board for each public institution of higher education to classify a veteran or military-affiliated individual as a Tennessee resident for tuition purposes if the veteran or military-affiliated individual is enrolled in the institution and resides outside of this state.”

Changes to TBR Policy 3.05.01.00 reflect changes to align with PC 791. The revisions have been reviewed by the academic and student affairs subcouncils prior to coming to the Presidents Quarterly Meeting for approval.

Attachments

Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes: 3.05.01.00

Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in this policy and not otherwise, in determining whether students shall be classified "in-state" or "out-of-state" for fees and tuition purposes and for admission purposes.

Definitions

- Public higher educational institution - shall mean a community college or college of applied technology supported by appropriations made by the Legislature of this State.
- Residence - shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- Domicile - shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where they intend to remain, and to which one expects to return when they leave without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.

- Emancipated person - shall mean a person who has attained the age of eighteen years and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed "emancipated person."
- Parent - shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.
- Continuous enrollment - shall mean enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such intersessions beyond the normal academic year in order that enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

Policy/Guideline

- I. **Rules for Determination of Status**
 - A. Every person having domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes.

1. For guidance regarding the Eligibility Verification for Entitlement Act (EVEA) see Exhibit #1.
 - B. Every person not having domicile in this State shall be classified "out-of-state" for said purposes.
 - C. The domicile of an unemancipated person is that of their parent, except as provided in subsection E.
 - D. Unemancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee, except as provided in subsection E.
 - E. A student is classified "in-state" for fee and tuition purposes if the student is a citizen of the United States (regardless of their parent or guardian citizenship status), has resided in Tennessee for at least one (1) year immediately prior to admission and has:
 1. Graduated from a Tennessee public secondary school;
 2. Graduated from a private secondary school that is located in this state; or
 3. Earned a Tennessee high school equivalency diploma.
 - F. The spouse of a student classified as "in-state" shall also be classified as "in-state", subject to the requirements of T.C.A. § 4-58-101 et seq.
- II. [Out-of-State Students who are Not Required to Pay Out-of-State Tuition](#)
- A. An unemancipated, currently enrolled student shall be reclassified out-of-state should their parent, having theretofore been domiciled in the State, remove from the

State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as enrollment at a public higher educational institution or institutions shall be continuous.

Commented [BL1]: I suggest moving all military-related provisions to a single subsection and have moved this to that area.

B. A person whose domicile is in Mississippi County, Arkansas, or either Dunklin County, New Madrid County, or Pemiscot County, Missouri and who is admitted to Dyersburg State Community College shall not be required to pay out-of-state tuition.

C. A person, who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution, shall be classified out-of-state, but admitted without tuition. The two year institution may admit only up to three percent (3%) of the full-time equivalent attendance of the institution without tuition.

Commented [BL2]: Although this language tracks the Rule, it doesn't track 49-8-102. I'm thinking this should track -102(c)(1) and read: "but admitted at in-state tuition rates. The nonresidents admitted at in-state tuition rates shall not exceed three percent (3%) of the full-time equivalent attendance of the institution." Is that consistent with what we do?

(THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years.)
(See T.C.A. § 49-8-102)

1. Students originally admitted to a TBR community college authorized to grant a border county waiver of out-of-state tuition are not entitled to that waiver at any other TBR institution.

Commented [BL3]: I'm thinking the FOCUS Act rendered this language superfluous. If you agree, then the remaining language should be merged into C.

D. Part-time students who are not domiciled in this State but who are employed full-time in the State shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are

Commented [BL4]: Moved to military subsection

employed in the State by more than one employer, resulting in the equivalent of full-time employment.

- E. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition. (T.C.A. § 49-4-704)
- F. Students who participate in a study abroad program, when the course/courses in the study abroad program is/are the only course/courses for which the student is registered during that term, shall not be required to pay out-of-state tuition.
- G. Students who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs, according to established guidelines, shall not be required to pay out-of-state tuition.
- H. Military and Veterans
 - 1. An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or Fort Campbell, Kentucky pursuant to military orders shall be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which they are currently enrolled, shall not be required to pay out-of-state tuition if their parent thereafter is transferred on military orders.
 - 2. Part-time students who are stationed at Fort Campbell shall be classified out-of-state but shall not be required to pay out-of-state tuition.

Commented [BL5]: Portions of new Section II.H. that have been moved but are otherwise unaltered are not tracked.

Commented [BL6]: This is former Section II.B

Commented [BL7]: This comes from former Section II.C

3. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. This provision shall not apply to spouses who are stationed in this State primarily for educational purposes.
4. Veterans, active duty military personnel, reservists, members of the national guard, and ROTC program cadets, regardless of residence and regardless of whether using Veterans Administration benefits, will be classified as in-state when enrolled at a TBR institution.
5. A veteran or other individual eligible to receive educational benefits administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition or any out-of-state fee, when the veteran or other individual is:
 - a. Enrolled in any public institution of higher education in this state;
 - b. Utilizing such benefits at the enrolling institution; and
 - c. Living in this state, regardless of the individual's formal state of residency. (T.C.A. § 49-7-1304.)

Commented [BL8]: Deleted because active duty military personnel qualify for in-state tuition regardless of residence.

Commented [BL9]: This is former Section II.F.

I. Honors Programs

1. Each institution will establish policies regarding out-of-state tuition scholarships for students selected for admissions into formal honors programs at the institution.

II. Presumption

1. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a

full-time student at any public or private higher educational institution in this State, as such status is defined by such institution.

III. Evidence to be Considered for Establishment of Domicile

1. If a person asserts that they have established domicile in this State, they have the burden of proving that they have done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which they believe will sustain the burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.


IV. Appeal

1. The classification officer of each public higher educational institution shall be responsible for initially classifying students "in-state" or "out-of-state". Appropriate procedures shall be established by each institution by which a student may appeal the initial classification.

V. Effective Date for Reclassification

1. If a student classified out-of-state applies for in-state classification and is subsequently so classified, the in-state classification shall be effective as of the date on which reclassification was sought.
2. Out-of-state tuition will be charged for any trimester or semester during which reclassification is sought and obtained unless application for reclassification is made to the admissions officer on or before the last day of registration of that trimester or semester.

Exhibits

-  [Exhibit 1 - Guidance on Eligibility Verification for Entitlements Act \(EVEA\)](#)(pdf /1.77 MB)

Sources

Statutes

T.C.A. § 49-8-203; All Federal and State statutes, codes, rules and regulations referenced in this policy.

Approvals & Revisions

TBR Meetings, December 13, 1974; February 21, 1975, March 21, 1986, September 16, 1988; June 29, 1990; June 24, 1994; March 30, 2001; December 7, 2001; December 5, 2003; June 30, 2006; June 20, 2014; Revised at TBR Board Meeting September 16, 2015. Ministerial change, January 11, 2018 by revision of T.C.A. § 49-7-1304 and Repeal of T.C.A. § 49-7-1305; Revised at Board Meeting September __, 2022.

Related Policies

- [Classification of Benefits for Fees & Tuition](#)

Presidents Quarterly Meeting
August 17, 2022

SUBJECT: Revisions to TBR Policy 7.01.00.00, Firearms and Other Weapons

PRESENTER: Brian Lapps, General Counsel

ACTION REQUIRED: Requires Vote

Summary:

The first goal of the proposed revisions is make clear that an inadvertent violation of policy does not necessary result in an arrest. Rather, a decision whether to arrest an individual should be based on the totality of the circumstances, including whether a threat exists, whether the violation was intentional, and any history of non-compliance with policy. The revisions clarify that campus law enforcement agencies have the authority either to arrest a violator or to take other action. For example, an inadvertent violation by someone who does not pose a threat does not require an arrest. At institutions without campus law enforcement, the president or designee has discretion whether to contact local law enforcement—doing so is not mandatory. The goal of these revisions is to maintain campus safety while allowing for the exercise of good judgment.

The second set of revisions clarifies who legally may transport and store a firearm in a personal vehicle on campus. The TBR Guide to Gun Laws On Campus, which is Exhibit 1 to the policy, reflects the revisions and the current state of the law. It is attached.

The revised policy and exhibit were reviewed and approved by the community college police chiefs.

Attachments

Firearms and Other Weapons: 7.01.00.00

Policy/Guideline Area

Safety and Security

Applicable Divisions

TCATs, Community Colleges, System Office, Board Members

Purpose

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.

Definitions

As used in this policy:

- “Carry” means to physically transport a firearm or other weapon on or about the body.
- “Concealed” means not visible to ordinary observation.
- “Employee” means all faculty, executive, administrative, professional and support staff employed in the service of and whose compensation is paid by a TBR institution. “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 a TBR institution, 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 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.

- "Enrolled as a Student" as used in the definition of "Full-time Employee" means to be registered for an academic offering at the TBR institution 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 that is delivered solely online, with no requirement for the student to appear on campus in order 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 a TBR institution.
- "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 the TBR institution 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 a TBR 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 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 preparation of food instruction and maintenance; or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes.

Policy/Guideline

I. General Prohibition.

A. Except as otherwise provided in this policy, possession of firearms or other weapons on institution property is prohibited. (T.C.A. § 39-17-1309). (See Exhibit 1, Guide to Gun Laws on Campus). The permitless/constitutional carry legislation enacted in by T.C.A. § 39-17-1307(g) (-PC-108 effective July 1, 2021) does NOT allow permitless/constitutional carry on ~~apply to~~ TBR property. The requirements of T.C.A. § 39-17-1309 and this policy remain in effect.

II. Exceptions for Employees with Valid Handgun Carry Permits/Enhanced Handgun Carry Permits.

A. In accordance with T.C.A. § 39-17-1309(e)(11) and subject to the limitations set forth in this policy, full-time employees who possess a valid handgun carry permit/enhanced 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 TBR institution at which they are employed, 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 other person defended was a victim.

1. Full-time employees who intend to exercise this right to carry a handgun must first register with the law enforcement agencies that have jurisdiction over the institution, which may be identified ~~the law~~

~~enforcement agency or agencies designated~~ by their employing institution ~~to receive that registration~~. If an institution has locations in more than one jurisdiction, the employee must register with the law enforcement agency in each jurisdiction where they intend to carry on campus. (See Exhibit 2, Handgun Carry Notification & Summary of Campus Concealed Carry Rights & Responsibilities).

2. The registering employees' names and other identifying information shall be confidential, not open for public inspection and shall not be disclosed except to the administrative officer of the institution responsible for security of the institution. However, that 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. The institution's designated law enforcement agency shall develop and implement policies and procedures regarding the registration and confidentiality.
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, properly registered employees of all 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)(11) shall have their valid handgun carry permit/enhanced 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. The institution's designated law enforcement agency may develop and implement a course or courses to be offered to employees electing to carry a handgun under T.C.A. § 39-17-1309(e)(11). Firearm safety shall be a component of any such course offered. Institutions are not required to offer such courses. Employees are not required to participate in such courses if they are offered.
8. 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 are sponsored by recognized student organizations.
 - 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:
 - (1) 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 day care center. (Source: Rules of the Tennessee Department of Human Services, Chapter 1240-04-03, Licensure Rules for Child Care Centers);
 - (2) 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);

- (3) 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 a TBR 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);
- (4) 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

(5) 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.

9. 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)

- 10. Employees who elect to carry a handgun under T.C.A. § 39-17-1309(e)(11) 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 legally permitted to possess a firearm under Tennessee law 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.~~

~~An employee transporting, storing or both transporting and storing a firearm or firearm ammunition in accordance with this paragraph does 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.B. When on the premises of the TBR institution where they are employed, 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:

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 Section III.A of this policy and T.C.A. § 39--17-1313.

III. Other Exceptions to the Prohibition on Weapons

A. Any adult with an enhanced handgun carry permit, concealed handgun carry permit, or who lawfully carries a handgun pursuant to T.C.A. § 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm

ammunition in the person's motor vehicle while on or utilizing a parking area if:

1. The person'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 person is in the motor vehicle; or
 - b. Is kept from ordinary observation and locked within the trunk, glove box, or interior of the motor vehicle or a container securely affixed to such motor vehicle if the person is not in the motor vehicle.
3. A person transporting, storing or both transporting and storing a firearm or firearm ammunition in accordance with this policy does 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 securing the firearm or firearm ammunition from observation in or on a motor vehicle.

A.B. A person may possess or carry a firearm or other weapon used solely for instructional or school-sanctioned ceremonial purposes on institution property.

B.C. ~~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 institution property.~~

~~C.D.~~ 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.

~~D.E.~~ Civil officers of the United States in the discharge of their official duties may possess required weapons.

~~E.F.~~ Officers and soldiers of the militia and the National Guard, when called into actual service, may possess required weapons.

~~F.G.~~ POST-certified, active-duty law enforcement officers, whether on or off duty, may possess and carry their service firearm on institution property.

IV. Right to Search for Weapons

A. Any TBR institution 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, TBR vehicles and other vehicles parked on the institution's premises.

1. **Such searches may only be conducted by law enforcement officers.**

V. Violations and Sanctions

~~A. Violation of the applicable laws regarding possession of firearms or other weapons on TBR institution property shall be reported to the law enforcement agency or agencies having jurisdiction and may result in arrest and prosecution.~~

A. Violation of this policy and/or the applicable laws regarding possession of firearms or other weapons on TBR institution

property ~~may shall~~ result in disciplinary action, up to and including immediate termination of employment or expulsion from the institution. Violation of applicable laws may also result in referral to a law enforcement agency, arrest, and/or prosecution. An institution'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. No TBR institution shall 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 TBR institution property in compliance with T.C.A. § 39-17-1309(e)(11) 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.

VI. 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)(11) is a personal choice of the employee and not a requirement of the employing institution. Consequently, an employee ~~who carries a handgun on property owned, operated or controlled by the TBR institution 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. A TBR institution 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 that institution who has elected to carry a handgun under T.C.A. § 39-17-1309(e)(11).

Exhibits

-  [Exhibit 1 - Guide to Gun Laws on Campus](#)(pdf /75.89 KB)
-  [Exhibit 2 - Handgun Notification Form & Summary](#)(pdf /146.28 KB)

Sources

Authority

T.C.A. § 49-8-203; All State and Federal Statutes, Acts, Codes, Rules and Regulations referenced in this policy; Tennessee Department of Human Services Rule, Chapter 1240-04-03.

History

NEW Policy Adoption; TBR Board Meeting, June 23, 2016, effective July 1, 2016.
Revision approved by Board September 15, 2016; October 29, 2020 Updated Exhibit 1; Revision approved by Board June 18, 2021 effective July 1, 2021.

TBR GUIDE TO GUN LAWS ON CAMPUS

PERSON IN POSSESSION***	CRIME****	POLICY VIOLATION	<u>LAW ENFORCEMENT ACTION</u>
Anyone with firearm in hand or otherwise visible to ordinary observation, in or out of vehicle, anywhere on campus.	YES TCA §39-17-1309(b)(1)	YES <u>TBR Policy 7.01.00.00</u> ; TCA §39-17-1359	ARREST POSSIBLE* . Report any action taken with respect to employee or student to appropriate campus office.
Registered, full-time employee of institution with valid handgun carry permit, carrying concealed	NO TCA §39-17-1309(e)(11)	NO TBR Policy 7.01.00.00, <u>III.A</u>	*Confirm registration of employee and possession of valid handgun carry
Anyone, except a registered, full-time employee with a handgun carry permit, carrying concealed handgun or other firearm	YES TCA §39-17-1309(b)(1)	YES TBR Policy 7.01.00.00, <u>II.A-B</u>	ARREST POSSIBLE* . Report any action taken with respect to employee or student to appropriate campus office.
<u>Any adult with a handgun carry permit or who is legally permitted to carry a handgun pursuant to TCA §39-17-1307(g); gun secured in vehicle out of sight, vehicle is properly parked or picking up/dropping off passengers.</u>	<u>NO</u> <u>TCA §39-17-1313(a)</u>	<u>NO</u> <u>TBR Policy 7.01.00.00, III.A; TCA §49-7-163; TCA §39-17-1313(a)</u>	<u>Confirm valid handgun carry permit or lawful carry in accordance with TCA §39-17-1307(g)</u>
Student without carry permit, gun in vehicle.	YES TCA §39-17-1309(b)(1)	YES TBR Policy 3.02.00.01, II.D.8.	ARREST-POSSIBLE*. Report any action taken to appropriate campus office.
Employee with carry permit, gun secured in vehicle, out of sight. Vehicle is properly using parking.	NO TCA §39-17-1313	NO TCA §49-7-163	Confirm valid handgun carry permit
Student with carry permit, gun secured in vehicle, out of sight. Vehicle is properly parked.	NO TCA §39-17-1313	NO TCA §49-7-163	Confirm valid handgun carry permit.
Non-student adult without carry permit, gun contained in private vehicle, in or out of sight. Gun may NOT be handled.	NO TCA §39-17-1309(c)(1)	NO** TBR Policy 7.01.00.00, III.B	Allow gun to remain in private vehicle without being handled.
Non-student adult picking up or dropping off passengers only. Gun may not be removed or utilized.	NO TCA §39-17-1310(4)	NO** TBR Policy 7.01.00.00, III.B	Allow to pick up and drop off passengers.
Person possessing guns or knives when conducting or attending "gun and knife shows" approved by the President/Director	NO TCA §39-17-1310(3)	NO	Confirm the approved "gun and knife show".

<p>Anyone Student or employee possessing weapon used solely for instructional or school-sanctioned ceremonial purposes</p>	<p>NO TCA §39-17-1309(b) <u>and (c)</u> (†)</p>	<p>NO <u>TBR Policy 7.01.00.00, III.B.Exception-Campus policy may prohibit such weapons in residence halls</u></p>	<p>Confirm the instructional or ceremonial purpose.</p>
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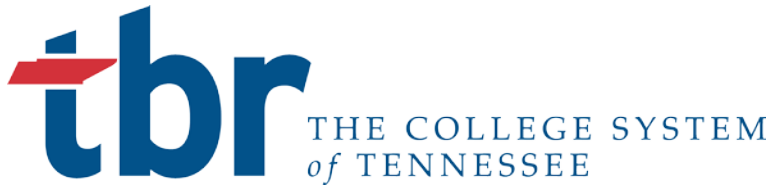
*The officer has the discretion to make an arrest consistent with their training and Standard Operating Procedures. If there is not campus law enforcement with police powers, the president or designee should determine whether to contact local law enforcement based on a totality of the circumstances, including whether a threat is posed by such violation, whether the violation was intentional or inadvertent, and any history of non-compliance with this policy may be contacted. If law enforcement action is taken with respect to an employee or student, the matter should also be reported to the appropriate campus office.

** Campus should be posted in accordance with TCA §39-17-1309 and TCA §39-17-1359.

*** Active-duty POST-certified law enforcement officers, on or off duty, may carry firearms at all times and places. Law enforcement officers include a sheriff, who is POST-certified, ~~or~~ a deputy sheriff who is employed by a county as a court officer or corrections officer, and others who qualify as law enforcement officers in accordance with as authorized in writing by the sheriff. TCA §39-17-1350.

**** Campus law enforcement officers may use this as a guide but because it is only a summary, they should review and base their decisions on the Tennessee Code and Standard Operating Procedures.

(Revised _____ ~~October 2021~~)



MEMORANDUM

To: Presidents

From: Brian Lapps, General Counsel

Date: August 17, 2022

RE: Restriction on the Use of State-Owned Property and Resources for Campaign Advertising or Activities

This is a reminder that the Little Hatch Act, T.C.A. §§ 2-19-201, *et seq.*, governs the participation of state employees and the utilization of state resources in political activities. Please assure that all employees are aware of the following:

- T.C.A. § 2-19-206 prohibits all college and TBR employees from displaying campaign literature, banners, placards, streamers, stickers, signs or other items of campaign or political advertising on the premises of any building or land owned by the state, or using the facilities of the state, including equipment and vehicles, for such purposes. This prohibition applies to lapel buttons or stickers, hats, t-shirts or other items worn advocating for or against a candidate, party or position. However, there is a specific statutory exception permitting an employee to display a campaign decal or bumper sticker on the employee's personally-owned vehicle while parked on state property.
- TBR employees may not actively engage in a political campaign, attend political meetings or rallies, or perform political duties or functions of any kind during their working hours. Employees may not use the institution's email system (including username) to send messages in support of or against any candidate, party or position. Messages of a political nature should be sent using personal email addresses and equipment during non-work hours.

- TBR faculty are permitted to engage their students in an academic exercise/discussion pertaining to campaigns and elections germane to the course curriculum.
- Students and visitors may wear campaign lapel buttons, stickers, t-shirts, etc. on campus.
- TBR buildings or facilities may only be used for meetings or preparation of campaign activity in support of or against any candidate or party if reasonably equal opportunity is available for presentation of all sides or views, or reasonably equal access to the buildings or facilities is provided all sides and without regard to political affiliation or viewpoint. An institution should follow TBR's Access to and Use of Campus Property and Facilities Use Policy (1.03.02.50) and the applicable college facilities use policy regarding all requests from individuals or organizations to use its facilities for campaign activities, which will provide the required reasonably equal access.
- A violation of the Little Hatch Act constitutes a Class C misdemeanor, punishable by a sentence of not more than thirty (30) days in jail and/or a fifty dollar (\$50.00) fine. A violation may also subject an employee to discipline, up to and including termination of employment.

If you have any questions regarding this subject please contact the Office of General Counsel.

MEMORANDUM

TO: Presidents

FROM: Brian Lapps, General Counsel

DATE: August 17, 2022

SUBJECT: Graduation Ceremonies

This memorandum provides guidance for colleges that choose to permit a prayer or invocation at graduation ceremonies. In lieu of a prayer, colleges may want to consider a moment of silence to solemnize the occasion. Each college may choose whether to have a prayer, invocation, or moment of silence. Please note that this memorandum only applies to graduation ceremonies.

Courts have generally found a graduation prayer to be lawful if the prayer (1) is intended for a secular purpose, such as to encourage reflection, to solemnize an occasion, and/or to afford dignity and formality to an event, and (2) does not proselytize, advance any one faith, or disparage any other faith. The Sixth Circuit Court of Appeals, in *Chaudhuri v. State of Tennessee*, issued one such ruling involving Tennessee State University.

Colleges should not designate employees to lead graduation prayers. A college that decides to invite a student or local religious leader to deliver a prayer, invocation, and/or benediction at graduation:

1. *Should not*
 - a. review or approve the prayer in advance;
 - b. contribute to or edit the prayer;
 - c. issue content guidelines (other than to make the requests set out in Item 2).

2. *Should request that a prayer*
 - a. be nonsectarian; and
 - b. not disparage any faith or belief.

The U.S. Supreme Court ruled on June 27, 2022, in *Kennedy v. Bremerton School District*, that prayer by a high school football coach after high school football games was protected by both the Free Speech and Free Exercise clauses of the First Amendment and did not violate the First Amendment's

Establishment Clause. *Kennedy* is a significant decision whose effects will become more clear as lower courts interpret and apply it in different contexts. Whether courts will interpret *Kennedy* to change the law relating to prayer at college graduation ceremonies remains to be seen. Because *Kennedy* involved an employee whose prayer/speech was in a non-work capacity and not ordinarily within the scope of his job, who prayed during non-work time, and who did not pressure, encourage, or coerce students to join the prayer, the facts are different from those at graduation ceremonies.

If you need legal advice about this matter, please contact the associate general counsel with whom you regularly consult.