



January 21, 2014

## MEMORANDUM

**TO:** District Board of Trustees  
**FROM:** Jim Murdaugh, President   
**SUBJECT:** College Policy Update - 12-17 Firearms

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### Item Description

This item requests Board approval for an update to policy 12-17, listed in Chapter 12.0 Safety and Security.

### Overview and Background

A policy of the University of North Florida banned the storage of firearms in vehicles on university property. In a case challenging the policy, *Florida Carry, Inc. v University of North Florida*, the Florida First District Court of Appeal held that the statute relied upon by the university for policy authority, Sec. 790.115(2)(a)3, Fl. Stat., did not permit the university to prohibit possession of securely encased firearms in a private vehicle on university property, as generally permitted by Sec. 790.25(9), Fl. Stat. TCC Policy 12-17 is, in pertinent part, consistent with the now illegal UNF policy. TCC Policy 12-17, should be revised to permit students, employees and visitors to possess securely encased firearms in vehicles on TCC property. The remaining provisions of 12-17 and 06-14 (18,29) are consistent with Florida law and do not require revision.

### Past Actions by the Board

The Board previously revised Policy 12-17 on 12/17/08.

### Funding/Financial Implications

None.

### Staff Resource

Teresa Smith

### Recommended Action

Approve the policy as presented.

**TALLAHASSEE COMMUNITY COLLEGE  
DISTRICT BOARD OF TRUSTEES  
P O L I C Y**

<b>TITLE:</b> Firearms	<b>NUMBER:</b> 12-17
<b>AUTHORITY:</b> Florida Statute: 1013.12, 790.251 Florida Administrative Code: 6A-0247, 6A-14.0262	<b>SEE ALSO:</b>  • <a href="#">Administrative Procedure 12-17AP: Firearms</a>
<b>DATE ADOPTED:</b> 12/1/97, Revised 1/22/01, Revised 12/17/08, <u>Revised 1/21/14</u>	

The College acknowledges Florida’s “Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008.” However, in an effort to foster a safe environment for learning, the College exercises its right under law to prohibit possession of firearms in a vehicle on College property unless the firearm is securely encased as defined by F.S. 790.001 (17), in a locked vehicle. This includes possession by faculty, staff, students, and visitors even when said firearms are out of sight and the vehicles are locked.

Further, faculty, staff, students, and visitors who possess a license to carry a concealed weapon or firearm are prohibited from carrying such a weapon or firearm on College property unless that weapon is a stun gun or non-lethal electric weapon designed solely for defensive purposes and which does not fire a dart or projectile.

The President is authorized to approve exceptions to this policy for situations that serve instructional or other interests of the College.

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**TALLAHASSEE COMMUNITY COLLEGE  
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<b>TITLE:</b> Code of Conduct and Standards of Discipline	<b>NUMBER:</b> 06-14
<b>AUTHORITY:</b> Florida Statute: 240.319, 240.335 Florida Administrative Code: 6A-14.0261, 6A-14.0262	<b>SEE ALSO:</b> <ul style="list-style-type: none"> <li>• <u>Administrative Procedure 06-14AP: Code of Conduct and Standards of Discipline</u></li> <li>• <u>Board Policy 06-15 and Administrative Procedure 06-15AP: Discipline</u></li> </ul>
<b>DATE ADOPTED:</b> 12/1/97; Revised 1/22/01, 11/22/10	

The College maintains the right to ensure the reasonable conduct and efficient performance of its employees. Employees are expected to perform their work and conduct themselves in such a manner as to bring credit to the College.

It is the responsibility of each supervisor to enforce and maintain proper discipline. The supervisor should hold counseling sessions with an employee as needed as a corrective measure to prevent the necessity for possible disciplinary actions. Counseling should be constructive at all times; the purpose should be an attempt to assist the employee to correct the problem.

Disciplinary action should be taken only to the extent necessary to obtain desired improvement and should not be taken without having all pertinent information available. Supervisors initiating disciplinary actions should consult with the Director of Human Resources for assistance and policy guidance.

Disciplinary action encompasses a system of progressive and cumulative measures; however, the nature or severity of the offense determines what initial level of discipline is required. Disciplinary actions shall include oral reprimands, written reprimands, suspension, and dismissal.

Employees who have not attained permanent status for their original appointment may be dismissed for the first occurrence of any offense or deficiency.

Employees are assured of prompt and impartial consideration to grievances which employees may have within the course of their work.

Employees may use the Grievance Procedure, the Equity Complaint Procedure, or the Probationary Employee Complaint procedure without fear of reprisal or penalty.

The following standards of conduct are applicable to all managerial/professional, classified staff, and grant employees. They are not all-inclusive, in that any activity considered counter-productive to efficient and effective operations and the delivery of services could subject an employee to disciplinary action.

1. Employees are expected to be at their work station ready to work during the regularly scheduled work hours and to observe time limits for breaks and lunch periods unless otherwise authorized by their supervisor. In addition, an employee shall make a timely request for approved leave of absence to the immediate supervisor for any anticipated absence. A violation of this standard shall result in an offense of tardiness, absenteeism, or an absence without leave. Excessive tardiness and absenteeism decreases productivity, inconveniences co-workers, and often adversely impacts delivery of services.
2. Sufficient latitude is allowed for employees to keep current with styles and trends; however, employees should maintain dress and grooming standards appropriate to the type of work performed and association with students and the public.
3. In order to achieve objectives, employees must perform work assignments within the scope of the job. Refusal to perform assignments may result in the employee being charged with insubordination. An employee is expected to carry out work assignments unless such assignments create a safety hazard. In such cases, the employee should attempt to eliminate the dangerous aspects of the job. However, since some jobs by their nature involve hazardous work, employees are expected to perform such assignments.
4. Employees are expected to conduct themselves in a manner which shall favorably reflect upon the College and themselves. If an employee's off campus or after work hours conduct subjects the College to criticism or causes the employee to be unable to perform work in the proper and usual manner, or interrupts work, then the College is justified in taking disciplinary action.
5. When employees are on College property, they are subject to College standards of conduct regardless of whether they are working. Furthermore, employees representing the College at a location other than their usual workplace are accountable for compliance with these standards of conduct.

#### **A. Standards for Disciplinary Action**

The following standards for disciplinary action have been established for use by supervisors to help ensure that all employees shall receive similar treatment in like circumstances. The offenses cited are examples and are not intended to include all offenses or circumstances.

1. Unauthorized Parking or Access Card Parking Offenses: parking in restricted areas, blocking entrances, or allowing unauthorized use of access card to park in restricted areas

1st occurrence - oral reprimand  
2nd occurrence - written reprimand  
3rd occurrence - suspension up to ten (10) days  
4th occurrence - dismissal

2. Unauthorized Disclosure of Information or Materials: the disclosure of information without proper authorization (i.e., student records, employee appraisals)

1st occurrence - oral reprimand  
2nd occurrence - written reprimand  
3rd occurrence - suspension up to ten (10) days  
4th occurrence – dismissal

3. Excessive Absence: an attendance record of recurring absences, even though some of the absences were necessary and/or excused

This also includes a pattern of absences such as consistent absences on the day preceding or following the employee's regular days off or absence on the same day of each week or month.

1st occurrence - oral reprimand  
2nd occurrence - written reprimand  
3rd occurrence - suspension up to ten (10) days  
4th occurrence – dismissal

4. Tardiness: the failure to follow established work schedules, including reporting late at the beginning of the work schedule and returning late from lunch or breaks

1st occurrence - oral reprimand  
2nd occurrence - written reprimand  
3rd occurrence - suspension up to ten (10) days  
4th occurrence – dismissal

5. Loafing: continued and deliberate idleness during work periods that results in the employee's failure to perform assigned tasks

This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip, sleeping, or conducting personal business during work periods.

1st occurrence - oral reprimand  
2nd occurrence - written reprimand  
3rd occurrence - suspension up to ten (10) days  
4th occurrence - dismissal

6. Horseplay/Disruptive Behavior: actions that, even though intended to be mischievous or prankish, disrupt or have the effect of disrupting the work of the participants or other employees or actions that may contribute to the injury of employees, students, or the public

Disruptive behavior could include speaking loudly or rudely, slamming doors or drawers, throwing objects, or other activities that would have a detrimental effect on the work environment.

- 1st occurrence - oral reprimand
- 2nd occurrence - written reprimand
- 3rd occurrence - suspension up to ten (10) days
- 4th occurrence - dismissal

7. Failure to Report a Workers Compensation Incident as Soon as Possible After Injury:

- 1st occurrence - oral reprimand
- 2nd occurrence - written reprimand
- 3rd occurrence - suspension up to ten (10) days
- 4th occurrence - dismissal

8. Solicitation: the solicitation of an employee by another employee, including the distribution of material, for any purpose not authorized by the President or designee, while either employee is on duty

Also prohibited is soliciting or accepting anything of value that would cause an employee to be influenced in the discharge of responsibilities.

- 1st occurrence - oral reprimand
- 2nd occurrence - written reprimand
- 3rd occurrence - suspension up to ten (10) days
- 4th occurrence - dismissal

9. Failure to Follow Instructions: failure to comply with written or oral instructions from supervisory personnel

- 1st occurrence - oral reprimand to written reprimand
- 2nd occurrence - written reprimand to three (3) day suspension
- 3rd occurrence - suspension up to ten (10) days
- 4th occurrence - dismissal

10. Violation of College Rules, Regulations or Policies: an unintentional act which results in the violation of a rule, regulation, or policy that has been made known to the employee

- 1st occurrence - oral reprimand to written reprimand

2nd occurrence - suspension up to ten (10) days  
3rd occurrence – dismissal

11. Violation of Safety Practices: failure to follow established safety practices, including the performance of unsafe acts or failure to wear and/or use safety equipment

1st occurrence - oral reprimand to five (5) day suspension  
2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence – dismissal

12. Gambling: gambling of any kind on College premises or at any other job-related work site during work hours

1st occurrence - written reprimand to five (5) day suspension  
2nd occurrence - suspension up to ten (10) days  
3rd occurrence - dismissal

13. Improper and/or Careless Use of College Property or Equipment: misappropriation or unauthorized use of College buildings, equipment, vehicles, tools, supplies, materials, machines, funds, keys, credit cards, telephone system, etc.

1st occurrence - written reprimand to five (5) day suspension  
2nd occurrence - suspension up to (10) ten days  
3rd occurrence – dismissal

14. Insubordination: a deliberate refusal to obey a reasonable order given by a supervisor which relates to an employee's job function

This includes both an expressed refusal to obey a proper order as well as a deliberate failure to carry out an order.

1st occurrence - written reprimand to five (5) day suspension  
2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence – dismissal

15. Leaving Work Area or Duty Assignment without Authorization: absence from the work area or duty assignment during a work period without permission of the appropriate supervisor.

This includes leaving a work area for a lunch or break or, at the end of a work schedule, leaving without proper relief where such relief or permission is a specific requirement.

1st occurrence - written reprimand to five (5) day suspension  
2nd occurrence - ten day (10) suspension to dismissal  
3rd occurrence - dismissal

16. Absence without Authorized Leave: unauthorized absence from duty without satisfactory explanation and prior approval from the appropriate supervisor
- 1st occurrence - written reprimand to five (5) day suspension
  - 2nd occurrence - ten (10) day suspension to dismissal
  - 3rd occurrence - dismissal
17. Reporting to Work Under the Influence of Alcoholic Beverages or Controlled Substances
- 1st occurrence - written reprimand to five (5) day suspension
  - 2nd occurrence - ten (10) day suspension to dismissal
  - 3rd occurrence - dismissal
18. Unauthorized Possession of Weapons: the unauthorized possession of weapons or firearms on College property or at any other location while on duty
- 1st occurrence - written reprimand to dismissal
  - 2nd occurrence - ten day (10) suspension to dismissal
  - 3rd occurrence - dismissal
19. Giving False Information: knowingly giving false information to employees, students, or the public; also, making false, frivolous, or malicious allegations of sexual harassment
- 1st occurrence - written reprimand to dismissal
  - 2nd occurrence - ten (10) day suspension to dismissal
  - 3rd occurrence - dismissal
20. Falsification of Records: knowingly omitting information or submitting inaccurate or false information for or on any College record, report, or document
- 1st occurrence - written reprimand to dismissal
  - 2nd occurrence - ten (10) day suspension to dismissal
  - 3rd occurrence – dismissal
21. Computer Crimes: unauthorized use of computer facilities, introduction of fraudulent records into a computer system, alteration or destruction of computerized information, and stealing of data from computer files
- 1st occurrence - written reprimand to dismissal
  - 2nd occurrence - ten (10) day suspension to dismissal
  - 3rd occurrence - dismissal
22. Threatening or Abusive Language: the use of threatening, malicious, or abusive language towards employees, students, or the public, regardless of intent
- 1st occurrence - written reprimand to dismissal

2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence - dismissal

23. Negligence: failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities

Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.

1st occurrence - written reprimand to dismissal  
2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence - dismissal

24. Violence, Fighting, or Sexual Battery/Assault: violence, fighting, or threatening or intimidating behavior towards or involving employees, students, or the public

This also includes sexual assault by a person of either gender against a person of the same or opposite gender.

1st occurrence - written reprimand to dismissal  
2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence - dismissal

25. Conviction of a Crime: conviction of a felony or repeated convictions of misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment

1st occurrence - written reprimand to dismissal  
2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence - dismissal

26. Willful Violation of College Rules, Regulations or Policies: an intentional violation of a College rule, regulation, or policy that has been made known to the employee

1st occurrence - written reprimand to dismissal  
2nd occurrence - ten (10) day suspension to dismissal  
3rd occurrence - dismissal

27. Conduct Unbecoming an Employee: conduct, whether on or off the job, that adversely affects the employee's ability to either appear at work or to perform assigned responsibilities in a proper and usual manner; also, conduct that subjects the College to criticism or that adversely affects the ability of the College to carry out its assigned mission

1st occurrence - written reprimand to dismissal  
2nd occurrence - ten (10) day suspension to dismissal

3rd occurrence - dismissal

28. Sexual Harassment: any act defined in College policy as sexual harassment towards an employee or a student

1st occurrence - written reprimand to dismissal  
2nd occurrence - ten day suspension to dismissal  
3rd occurrence - dismissal

29. Use or Threatening Use of Weapons

1st occurrence - written reprimand to dismissal  
2nd occurrence - dismissal

30. Unauthorized Taking: the unauthorized taking of any property or financial instruments of the College, employees, or students

1st occurrence - written reprimand to dismissal  
2nd occurrence - dismissal

31. Violation of the Controlled Substances and Alcohol Policy

1st occurrence - ten day suspension to dismissal  
2nd occurrence - dismissal

32. Unauthorized Alteration of Timesheets

1st occurrence - ten day suspension to dismissal  
2nd occurrence - dismissal

33. Concerted Activity: instigating or supporting in any manner the concerted failure of employees to report for duty

This includes activity such as the slow-down of work; abstinence, in whole or in part, by an employee or group of employees from performance of their duties; mass call-in alleging sickness; and work stoppage.

1st occurrence: dismissal without right to grieve the action