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Sequence Number: 10-42-09  
 Rule ID(s): 4523  
 File Date: 10/29/2009  
 Effective Date: 03/31/2010

# Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.*

**Agency/Board/Commission:** Tennessee Board of Regents  
**Division:** Tennessee Technological University  
**Contact Person:** Mickey Sheen  
**Address:** 1415 Murfreesboro Rd. Ste. 350 Nashville, Tennessee  
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0240-04-06	Student Housing Rules
Rule Number	Rule Title
0240-04-06-.04	Visitation
0240-04-06-.05	Contract Term and Conditions
0240-04-06-.06	Reservations (Deposit, Cancellation and Refund Policies)
0240-04-06-.07	Miscellaneous

Chapter 0240-04-06  
Tennessee Technological University Student Housing Rules

Amendments

Rule 0240-04-06-.04 Visitation, paragraph (1), is amended by deleting the present language and replacing it with the following:

- (1) Unless otherwise designated, Residence Hall visitation will be 11:00 am - Midnight Sunday - Thursday, and 11:00 am - 1:00 am Friday and Saturday.

Authority: T.C.A. §§4-5-226 and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261 effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Stay of effective date filed February 26, 2004 by The House and Senate Government Operations Committee for paragraphs (1) through (6). The new effective date for these paragraphs is April 27, 2004. Expired by Acts of 2004, Public Chapter 838, §1(c) enacted June 7, 2004; effective June 30, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Repeal and new rule filed June 28, 2005; effective October 28, 2005.

Rule 0240-04-06-.05 Contract Term and Conditions, paragraph (4), is amended by deleting the present language and replacing it with the following:

- (4) The term of any student residence license/rental agreement for an apartment unit may be for the fall or spring semester and/or summer term/period, or all of a calendar year, subject to such renewal as may be provided by the University.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261 effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed October 8, 2003; effective February 27, 2004.

Rule 0240-04-06-.06 Reservations (Deposit, Cancellation and Refund Policies), paragraph (1), and subparagraph (c) is amended by deleting the present language and replacing it with the following:

- (c) A student may be released from this residence hall agreement and receive a refund of his/her prepayment before the effective date of the contract by submitting written notification of cancellation to the Office of Residential Life by July 1<sup>st</sup> for the fall semester and/or academic year agreements, December 1<sup>st</sup> for the spring semester only agreements, and by May 1<sup>st</sup> for the summer semester agreements for the initial semester the residence hall agreement becomes effective. Additionally, a student may be granted a release from this residence hall agreement by submitting written notification of cancellation to the Office of Residential Life prior to the first official day of hall opening for the initial semester the agreement becomes effective, or by withdrawal from the University or graduation. Releases granted after the established cancellation dates and prior to the first official day of hall opening for the initial semester the agreement becomes effective will result in a forfeiture of your prepayment. Students are advised to review current University policy requiring students to live in University housing to determine eligibility to live off-campus.

Rule 0240-04-06-.06 Reservations (Deposit, Cancellation and Refund Policies), paragraph (2), subparagraph (e), part 1, is amended by deleting the present language and replacing it with the following:

1. Written cancellation is received in the Office of Residential Life by July 1<sup>st</sup> for the fall semester

and or academic year agreements, December 1<sup>st</sup> for the spring semester only agreements and by May 1<sup>st</sup> for either summer semester for the initial semester/session the residence hall license agreement becomes effective;

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261 effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed September 20, 2007; effective January 28, 2008.

Rule 0240-04-06-.07 Miscellaneous, paragraph (4), is amended by deleting the present language and replacing it with the following:

- (4) All overnight guests of the same gender in residence halls must be registered with the residence hall staff. Length of stay is limited to one (1) day within a seven (7) day period. The roommate must be absent from the room during the guest's stay, and the roommate's consent must be obtained prior to the period of stay.

Rule 0240-04-06-.07 Miscellaneous, paragraph (10), is amended by deleting the present language and replacing it with the following:

- (10) The construction or renting of loft beds is permitted, but must follow guidelines noted under Guidelines for Successful Living – Residential Life Policies and Procedures.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261 effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed September 20, 2007; effective January 28, 2008.

\*If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jacques G. Carr	X				
Agenia W. Clark	X				
Gregory M. Duckett				X	
Pamela Fansler	X				
John M. Farris	X				
Ken Givens				X	
Judy Gooch	X				
Jonas Kisber	X				
Fran F. Marcum				X	
Paul Montgomery	X				
Millard Oakley			X		
Howard W. Roddy	X				
J. Stanley Rogers				X	
Stanley E. Stevens, Jr.			X		
Robert P. Thomas	X				
Tim Webb				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/26/2009, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 8-3-09

Signature: Christine Medisher

Name of Officer: Christine Medisher

Title of Officer: General Counsel



Subscribed and sworn to before me on: 8-3-09

Notary Public Signature: [Signature]

My commission expires on: 2-26-13

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Signature]  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
10-1-09  
 Date

Department of State Use Only

Filed with the Department of State on: \_\_\_\_\_

*10/29/09*

Effective on: \_\_\_\_\_

*3/31/10*

*Tre Hargett*

Tre Hargett  
Secretary of State

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**Regulatory Flexibility Addendum**

Pursuant to Public Chapter 464 of the 105<sup>th</sup> General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 02040-4-6-.04(1) deletes current language establishing broad parameters for visiting hours at student residence facilities and replace with new provision establishing specific hours from 11:00 a.m. to Sun –Thurs, 11:00 a.m. to 1:00 a.m. Fri – Sat. Reflects hours established through vote by Residence Hall Assoc.

Rule 02040-4-6-.06(1)(c) and 040-4-6-.06(2)(e) adjusts the deadline to apply for release from residence contracts and refund of advance payments. Currently August 1, December 15, and May 5. New dates are July 1, December 1, and May1. New dates facilitate maximum occupancy of residence hall facilities.

All other amendments are non-substantive grammatical, spelling, or structural changes.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §49-8-203

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

University administration, faculty, students, and visitors

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Donald R. Ungurait  
Assistant General Counsel  
Tennessee Board of Regents

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Donald R. Ungurait  
Assistant General Counsel  
Tennessee Board of Regents

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None