

**Department of State
Division of Publications**

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Sequence Number: 10-43-09
Rule ID(s): 4524
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 State University
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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
0240-04-05	Student Housing Rules
Rule Number	Rule Title
0240-04-05-.01	Eligibility
0240-04-05-.02	Residence Hall Conduct and Disciplinary Sanctions
0240-04-05-.04	Visitation Policy
0240-04-05-.06	Reservations (Deposits, Cancellation, and Refund Policies)
0240-04-05-.07	Miscellaneous

Chapter 0240-04-05
Tennessee State University Student Housing Rules
Amendments

Rule 0240-04-05-.01 Eligibility, paragraph (4), is amended by deleting the present language and replacing it with the following:

- (4) All eligible students, with the exception of students who are prohibited by federal or state law from residing in student residence facilities for any reason, shall have an equal opportunity to reside in student resident facilities regardless of race, sex, marital status, creed, color, national origin or physical disabilities, provided that separate units may be provided on the basis of sex.

Rule 0240-04-05-.01 Eligibility, paragraph (5), is amended by deleting the present language and replacing it with the following:

- (5) No student who is registered as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 and whose victim was a minor shall be eligible to reside in any on-campus student residence facilities, including dormitories and apartments because the University's Main Campus includes a child care facility and is within one thousand feet (1,000') of a public athletic field available for use by the general public.

Rule 0240-04-05-.01 Eligibility, paragraph (6), is added, to read as follows:

- (6) Students who meet the April 1 housing deadline but do not preregister for classes must claim their rooms within twenty-four (24) hours of the opening of residence halls and apartments.

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 February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000.

Rule 0240-04-05-.02 Residence Hall Conduct and Disciplinary Sanctions, paragraph (1), is amended by deleting the present language and replacing it with the following:

- (1) Students residing in University residence facilities or any form of University housing will be subject to all rules and regulations of the University and the Tennessee Board of Regents including, but not limited to, the Board of Regents Rules of Student Conduct (Chapter 0240-2-3), and all rules and regulations included herein. Violation of University or Tennessee Board of Regents rules and regulations may subject the resident to disciplinary action and the imposition of sanctions related to the resident's status as a student as well as a resident. Alleged violations of the University or Tennessee Board of Regents student disciplinary and/or housing rules and regulations will be heard by the Office of Student Conduct and Mediation Services.

Rule 0240-04-05-.02 Residence Hall Conduct and Disciplinary Sanctions, paragraph (2), subparagraph (j), is amended by deleting the present language and replacing it with the following:

- (j) Keeping pets of any kind in University housing, with the exception of goldfish and previously authorized official service animals;

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 July 14, 1992; effective October 28, 1992. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed February 18, 1999; effective June 28, 1999.

Rule 0240-04-05-.04 Visitation Policy, paragraph (5), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) A parent of the opposite sex is permitted to visit a resident's room at times other than visitation periods provided that other residents on the floor are notified and permission is granted by a residence hall staff member. Room visitation by persons of the opposite sex in conjunction with check-in and check-out must be approved by a member of the residence hall staff.

Rule 0240-04-05-.04 Visitation Policy, paragraph (5), subparagraphs (e) through (o), is amended by deleting them in their entirety, and replacing them with subparagraphs (e) through (i), to read as follows:

- (e) Roommates must consent in writing to visitation in their room.

All guests must leave their Tennessee State University ID Card, driver's license or other satisfactory photo identification at the appropriate residence facility office desk prior to leaving the lobby area. Guests must be escorted from the lobby to the room to be visited and from the room visited back to the lobby by the host or hostess. Non-residents are prohibited from being in the residence halls unescorted by their host or hostess.

Non-resident students in violation of visitation regulations may be subject to disciplinary action by the student affairs deans.

Residents and guests must be in proper attire suitable for class or street wear during visitation.

Non-students found in the residence halls in violation of visitation policy shall be subject to arrest.

Residents shall be responsible for the conduct and behavior of their guests.

A resident found in repeated or gross violation of residence facility visitation regulations which would threaten the health, safety and welfare of others is subject, in the discretion of the appropriate residence life officials, to immediate suspension or termination of his/her privilege of living in University residence facilities. Such action shall be followed by the initiation of appropriate disciplinary procedures.

- (f) Room checks may be made at any time during visitation.
- (g) Overnight guests of the same sex as the resident student are permitted if the following conditions are met:
 - 1. The guest is registered with the residence facility director prior to staying overnight.
 - 2. The residence host informs the guest of residence facility regulations and accepts responsibility for the guest's conduct.
 - 3. Permission for a guest to stay more than two (2) consecutive nights must be obtained from the appropriate residence life official.
- (h) Children are not allowed to wander in residence facilities unsupervised at any time.
- (i) Guests shall be defined as those persons not residing in the residence facility of the host student.

Rule 0240-04-05-.04 Visitation Policy, paragraph (6), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Non-resident students in violation of visitation regulations may be subject to disciplinary action by the student affairs deans

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 July 14, 1992; effective October 28, 1992. Amendment filed February 18, 1999; effective June 28, 1999.

Rule 0240-04-05-.06 Reservations (Deposits, Cancellation, and Refund Policies), paragraph (1), is amended by deleting the present language and replacing it with the following:

- (1) Reservation Fee. A one hundred dollar (\$100) reservation fee is required of all students who apply for University housing. The fee is paid only once and remains on File as long as the student matriculates at the University. This deposit serves as a reservation only. All charges for damages defacement, missing fixtures and/or furnishings will be charged directly to the student's account as they occur and must be paid during the semester of incident. This deposit reserves the living area until the last day of regular registration. The deposit will be refunded when a student graduates, transfers or no longer maintains an active status, provided the following conditions are met:
 - (a) All residence facility fines are paid;
 - (b) The student officially checks out with the residence facility director at the end of each appropriate semester or upon withdrawal; and
 - (c) The student turns in his/her key to the residence facility director.

Rule 0240-04-05-.06 Reservations (Deposits, Cancellation, and Refund Policies), paragraph (3), is amended by deleting the present language and replacing it with the following:

- (3) Cancellation. The one hundred dollar (\$100) reservation fee will be forfeited if the resident fails to cancel the contract in writing with the Office of Residence Life fourteen (14) days prior to the first official day of registration. The deposit is also forfeited if the resident fails to fulfill the housing agreement (i.e., assigned space is not occupied by the last day of regular registration unless the Office of Residence Life is notified by the resident of the late arrival; does not register for classes, etc.)

Rule 0240-04-05-.06 Reservations (Deposits, Cancellation, and Refund Policies), paragraph (4), is amended by deleting the present language and replacing it with the following:

- (4) Refund of Reservation Fee. Except as provided in paragraph (1) above, the one hundred dollar (\$100) deposit will be refunded only if one (1) or more of the following conditions exist:
 - (a) Residence facility space is not available.
 - (b) The student is prevented from entering the University because of medical reasons, confirmed in writing by a licensed physician.
 - (c) If cancellation is made in writing to the Director of Residence Life fourteen (14) days prior to the first official day of registration.
 - (d) In case of death of the student.
 - (e) No refund shall be made if the resident is withdrawn from the University or the residence facility for disciplinary reasons.

Rule 0240-04-05-.06 Reservations (Deposits, Cancellation, and Refund Policies), paragraph (5), subparagraph (d) is amended by re-lettering the last of the existing subparagraphs (d) to subparagraph (e), so it reads as follows:

- (e) No refund shall be made if the resident vacates the residence facility prior to the end of the term of the "Student Housing Agreement" without the authorization of the residence facility director and Director of Residence Life.

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 February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000.

Rule 0240-04-05-.07 Miscellaneous, paragraph (2), is amended by deleting the present language and replacing it with the following:

- (2) With the exception of university owned apartments, all residence facilities will be closed during Christmas holidays, spring recess, and at the end of the spring and summer semesters. On these occasions students are expected to vacate the residence facilities by twelve (12) o'clock noon the following day after their last examination or class. Students who are not returning to the University in the spring semester should officially check out of the residence facility at the close of the fall semester. The University will not be liable for belongings left in the student's room/apartment during official breaks except as provided by the Tennessee Claims Commission Act, T.C.A. §9-8-301, et seq.

Rule 0240-04-05-.07 Miscellaneous, paragraph (16), is amended by deleting the present language and replacing it with the following:

- (16) Residence hall common areas, such as lobbies and halls, are cleaned by janitorial staff each morning. Residents should leave these areas as clean as possible during this time. Apartment porches and steps are cleaned by janitorial staff. During check out residents will be required to bag trash and take to trash dumpster.

Rule 0240-04-05-.07 Miscellaneous, paragraph (18), is amended by deleting the present language and replacing it with the following:

- (18) Keys and fiber optic access devices ("FOB") are assigned to each resident when checking into his/her assigned residence facility. When a key or FOB is lost, a Lost Key Report is to be filed with the residence facility director within twenty-four (24) hours. Depending on circumstances filed in the report, a decision will be made to issue a duplicate key or FOB, ten dollars (\$10), or re-core the lock, fifty-eight dollars (\$58), at the student's expense. Residence facility keys or FOBs may not be duplicated under any circumstance or be transferred to others. Students should not loan their keys or FOBs to others.

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 February 18, 1999; effective June 28, 1999.

*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 Modisher

Name of Officer: Christine Modisher

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
10-5-09

Date

Department of State Use Only

Filed with the Department of State on: _____

10/29/09

Effective on: _____

2/3/10

Tre Hargett

Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th 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 0240-4-5-.01(4) provides that students prohibited by any provision of state or federal law, may be excluded from student residence facilities.

Rule 0240-4-5-.01(5) new sub-section. Causes re-numbering of former sub-section as (6). Provides that Registered Sex offenders whose victims were minor children are prohibited from residing in student residence facilities pursuant to state law due to presence of day care center and athletic facility open to the public.

Rule 0240-4-5-.02(1) provides that violations of University or TBR Disciplinary or housing rules for alleged violations occurring in student residence facilities will be heard by the Office of Student Conduct and Mediation Services. Previously no such designation existed.

Rule 0240-4-5-.02(2)(j) provision prohibiting pets amended to permit previously approved service animals to reside in student residence facilities.

Rule 0240-4-5-.06 amended to reflect increase in reservation fee for student housing from \$50 to \$100. Conditions for refund remain unchanged.

Rule 0240-4-5-.07(2) amended to except University owned apartments from closure of student residence facilities during holidays and breaks.

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, 9-8-301

- (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

Nancy Washington-Vaughn

Assistant University Counsel
Tennessee State University

- (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

Nancy Washington-Vaughn
Assistant University Counsel
Tennessee State University

- (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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615-963-7923

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

None