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For Department of State Use Only

Sequence Number: 10-44-09
Rule ID(s): 4525
File Date: 10/29/2009
Effective Date: 03/3/2010

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: Austin Peay State University
Contact Person: Mickey Sheen
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Phone: 615-366-4437
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Revision Type (check all that apply):
X 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**
0240-04-01	Student Housing Rules
Rule Number	**Rule Title**
0240-04-01-.04	Visitation Policy
0240-04-01-.05	Contract Term and Conditions
0240-04-01-.07	Special Regulations Applicable to Particular Housing Facilities

Chapter 0240-04-01
Austin Peay State University Student Housing Rules

Amendments

Rule 0240-04-01-.04 Visitation Policy, paragraph (2), is amended by deleting current paragraph (2) in its entirety, and renumbering paragraph (3) as (2), to read as follows:

(2) Guidelines for Visitation

(a) In enclosed corridor-style halls, all guests of the opposite sex must be escorted to and from a resident's room.

(b) Residents are accountable for the actions of their guests. Visitation violations will result in the resident being referred for disciplinary action to the Office of Housing/Residence Life.

(c) In individual residence hall suites/annex areas, and in individual university apartments, residents may, through mutual agreement, limit, but not increase, visitation hours.

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 January 31, 1986; effective April 15, 1986. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed November 12, 2008; effective March 30, 2009.

Rule 0240-04-01-.05 Contract Term and Conditions, paragraph (2), is amended by deleting the present language and replacing it with the following:

(2) Request for cancellation of the contract must be approved by the Director of Housing/Residence Life. Failure to make a request for cancellation by July 1 for the academic year or November 1 for new applications for the spring semester will result in the forfeiture of the prepayment fee. Applications submitted after these dates will be subject to automatic forfeiture of the prepayment fee upon cancellation.

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 29, 1986; effective October 29, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed July 29, 1988; effective October 29, 1988. Amendment fled June 11, 1990; effective September 26,1990. Amendment filed May 1, 1991; effective August 28, 1991. Amendment filed October 8, 2003; effective February 27, 2004.

Rule 0240-04-01-.07 Special Regulations Applicable to Particular Housing Facilities, paragraph (1), subparagraph (b) is amended by deleting the present language and replacing it with the following:

(b) Residents must pay monthly rental on the first day of each month in advance at the Business Office.

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 29, 1986; effective October 29, 1986. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed November 12, 2008; effective March 30, 2009.

*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

MICHAEL SHEEN
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF SUMNER

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

Notary Public 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.

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
Secretary of State

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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 0240-04-01-.04(2) deletes visitation times at Harvill Hall and redundancies from paragraph (1) and renumbers paragraph (3) as (2).

Rule 0240-4-1-.05(2) amended to change deadline to request cancellation of housing lease contract without forfeiture of deposit from August 1 to July 1, for full academic year and November 1 for Spring term. Requests submitted after those dates are subject to forfeiture of deposit. Amendment conforms rules to policy and lease language.

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

Sherryl Byrd
Associate Vice President for Student Affairs
Austin Peay 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

Sherryl Byrd
Associate Vice President for Student Affairs

Austin Peay 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

Tennessee Board of Regents
1415 Murfreesboro Rd., Ste. 350
Nashville, TN 37217
615-366-4438

Austin Peay State University
PO Box 4576
Clarksville, TN 37044
931-221-7566

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

None