

Proposed Rules
of
The Tennessee Board of Regents
State University and Community College System of Tennessee
Systemwide Student Rules

Chapter 0240-02-06
Student Residence Regulations and Agreement

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park Building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, 8th Floor, Tennessee Tower, William R. Snodgrass Building, 312 Eighth Avenue North, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary M. Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4437.

The text of the proposed amendments is as follows:

Amendments

Paragraph (1) of Rule 0240-02-06-.02 General Provisions Applicable to All Student Residence Agreements and Leases is amended by deleting the text of the paragraph and substituting the following language so that as amended the paragraph shall read:

(1) All student residence facilities, including dormitories and apartments, shall be limited to occupancy by full-time students and housing staff of the institution, provided that apartments may be occupied by spouses and children of full-time students if so designated by the institution; and provided further that part-time students may be approved for occupancy of student residence facility at the discretion of the institution. In addition, residence facilities may be leased to other persons in connection with programs and activities on campus when such facilities are not occupied or needed by students. All 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 residence facilities regardless of race, sex, marital status, creed, national origin, or handicap, provided that separate units may be provided on the basis of sex.

Rule 0240-02-06-.02 General Provisions Applicable to All Student Residence Agreements and Leases is amended by adding a new paragraph (2) and renumbering the subsequent paragraphs accordingly so that as amended the paragraph shall read:

(2) 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 if (a) the campus includes a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public; or (b) the campus is within one thousand feet (1,000') of a public school, private or parochial school,

licensed day care center, other child care facility, public athletic field available for use by the general public.

Paragraph (10) of Rule 0240-02-06-.02 General Provisions Applicable to All Student Residence Agreements and Leases is amended by adding a new subparagraph (c) and relettering the subsequent subparagraphs so that as amended the subparagraph shall read:

(c) The occupant thereof ceases to remain eligible to reside in student residence facilities pursuant to federal or state law.

Paragraphs (11) and (12) of Rule 0240-02-06-.02 General Provisions Applicable to All Student Residence Agreements and Leases are amended by deleting the text of the paragraphs and substituting the following language so that as amended the paragraphs shall read:

(11) Refunds of rent paid in advance will be prorated on a weekday calendar basis when the student is forced to withdraw from the premises: (a) because of personal medical reasons confirmed in writing by a licensed physician; or (b) at the request of the institution pursuant to subsections (10) (a) and (10) (e) of this policy. A full refund will be made in the event of the death of the student.

(12) No pets or animals of any nature with the exception of approved and authorized official service animals, provided that if authorized in writing by the institution, fish in aquariums of a designated size may be allowed.

Authority: T.C.A. § 49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 12th day of November, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 30th day of March, 2009. (FS 11-07-08; DBID 3612)